

JOURNAL
OF THE
House of Representatives
OF THE
REGULAR SESSION
OF THE
Eighty-Second Legislature
OF THE
STATE OF TEXAS

BEGUN AND HELD AT
THE CITY OF AUSTIN
JANUARY 11, 2011



VOLUME I

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HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIRST DAY — TUESDAY, JANUARY 11, 2011

In accordance with the laws and Constitution of the State of Texas, the members-elect of the house of representatives assembled this day in the hall of the house of representatives in the city of Austin at 12 noon. The Honorable Hope Andrade, secretary of state of the State of Texas, called the House of Representatives of the Eighty-Second Legislature of the State of Texas to order.

The invocation was offered by Archbishop Daniel Nicholas Cardinal DiNardo of Galveston-Houston, as follows:

Almighty and compassionate Lord, you have revealed your glory to all nations and have care for all. We humbly thank you for this land, our state, a land rich in resources but above all rich in its many people. May we be a people mindful of your love, justice, and kindness. Save us from violence, discord, and confusion, from pride and arrogance, and from every evil way.

God of wisdom and justice, through you authority is rightly administered, laws are enacted, and judgement is decreed. Let the light of your divine wisdom direct the deliberations of this legislature and shine forth in all its proceedings and laws, framed for our rules and governance.

May this house of representatives seek to preserve the common good and continue to bring us the blessings of liberty and equality. Assist with your spirit of council and fortitude the speaker and all the representatives, that their administration be conducted in good judgement and be eminently useful to the citizens of this state. May they encourage due respect for virtue and religion and execute laws with justice and mercy. May they have the strength and purpose to be accountable to the people and fulfill their roles with responsibility and their duties with honesty and ability. We pray for the governor, for judges, elected civil officials, and all others who are entrusted to guard our political welfare.

We also ask your mercy on those who were killed last Saturday in Tucson, and healing for those wounded. Please assist their families with your grace. We above all commend to your unfounded generosity and compassion all the citizens of this state, that we may be blessed in the knowledge and sanctified in the observance of your holy law. May we be preserved in unity within that peace the world cannot give; after enjoying the blessings of this life, may we be admitted to those that are eternal. We pray to you who are Lord and God forever and ever. Amen.

Secretary Andrade recognized the Honorable Vicki Truitt of Tarrant County who sang the national anthem.

Secretary Andrade recognized the Honorable Diane Patrick of Tarrant County who led the house in the pledges of allegiance to the United States and Texas flags.

ADDRESS BY THE SECRETARY OF STATE

The Honorable Hope Andrade, secretary of state of the State of Texas, addressed the house, speaking as follows:

Honorable members-elect, distinguished officials and guests, family and friends, and fellow Texans. Today, we welcome in the 82nd Session of the Texas Legislature, a unique session with some familiar faces and the largest number of incoming freshman members in nearly 40 years. And as we embark upon this new beginning, we pause to recognize the tradition, honor, and legacy represented within the history of this institution.

Over the weekend, the confidence of public servants and those they serve was shaken to the core as we learned of the senseless shootings at a congressional outreach event in Arizona. And as we continue to lift up in our prayers all those affected by this tragedy, our commitment to serving our fellow Texans must not be diminished. We will not alter our belief in a government of, by, and for the people.

This afternoon, we welcome the newest members of this body and applaud your commitment to serving your fellow Texans. Your energy and passion, coupled with the seasoned experience of your returning colleagues, will provide an opportunity for creative solutions, as together you take on the many issues awaiting you.

We also recognize the returning members of this body. This chamber has benefitted from your legacy of service, and we appreciate your continued commitment to the people of Texas.

In addition, we celebrate the families of the members-elect of this body for their commitment to our state's advancement. We thank you for the many sacrifices you have made, and will continue to make, as you support your loved ones in their service to the people of Texas.

It is fitting that we find ourselves in this, the people's chamber, for truly the people are the source of all political power. And through their expressed political will, much trust has been laid before you. The work ahead of you is significant; however, hard work is no stranger to this chamber. Granted, there will be no short supply of difficult decisions. But if you grow weary, you need only to draw strength from the people of Texas. For through their vote, they have manifested their belief in your ability to accomplish great things. As you prepare to address the needs of our growing state, let us pause briefly to reflect upon our progress.

Since last convening for the 81st session, Texas has been referred to in many interesting ways. We've been called a job generating machine, the poster child for the nation's recovery, and a model of governmental restraint. These praises, while flattering, are also quite fitting, as the Texas economy has outperformed the nation for the past five years, and economists predict that this will continue through 2011. And we recognize and applaud the vision of Governor Rick Perry and previous legislatures for their commitment to ensuring that Texas maintains its business-friendly environment.

In the 1800s, "GTT" was a well-known acronym nationally. Inscribed on a home or a business, it meant, quite simply, "Gone to Texas." Armed with their strong will and a spirit of adventure, people came from across the country to create a better life for their families in the Lone Star State. And centuries later, we are still welcoming a whole new wave of people who are GTT, "Going to Texas," as well. Texas is becoming a refuge for workers and companies tired of other states' high unemployment, high cost of living, and what they see as a

dysfunctional state government. Over the last decade, Texas added nearly 4.3 million residents—a 20.6 percent increase, compared to a national growth rate of only 9.7 percent. And today, 25 million people call Texas home. We do recognize that success and rapid growth often bring challenges and uncertainties, but I am confident that I would rather be in Texas with our state's economic position than in any other state in America right now. Our nation's economic downturn will not go away in a few days, or even a few weeks. But with hard work and sacrifice it will improve. And accordingly, the business of our state must go forward, for the people of Texas expect and deserve no less.

The responsibility that lies before you is considerable, but Texans have great faith in you to continue what works well for our state and to modify what you believe requires attention. As a mother and a grandmother, I would ask that you stand firm in your resolve as you ensure a Texas that is just as successful for our children and grandchildren, for they are our most precious natural resource.

Reflecting upon the tasks before you, I am reminded of an old maritime saying: "Strong ships are safe in port, but that's not what they're built for." Ladies and gentlemen of this esteemed institution, you are the strong ships that will guide our great state toward its continued prosperity. And over the course of the next 140 days, there will be times when you are sailing with the wind, and other times when you might feel as though you are working against it. But I submit to you that what matters most is the direction Texas is moving, and that direction must remain forward. As you intently chart the course of our state, I encourage you to move full speed ahead so that Texas will continue to advance, and not merely drift, or worse, become lost at sea like so many other states have during these times.

Members, as your secretary of state, it is my intent to honor your authority over this distinguished institution, proceeding with the utmost respect for this body and its established processes. May God bless the Texas House of Representatives, today's proceedings, and may he continue to bless the great State of Texas.

APPOINTMENT OF TEMPORARY OFFICERS AND EMPLOYEES

Secretary Andrade recognized the reading clerk, who announced the temporary officers and employees for the House of Representatives of the Eighty-Second Legislature.

- Parliamentarian Chris Griesel
- Chief Clerk Robert Haney
- Journal Clerk Julia Bass
- Sergeant-at-Arms Rod Welsh
- Voting Clerk Jennifer Teigen Doran
- Reading Clerk Emily Brandt
- Committee Coordinator Stacey Nicchio
- Chaplains Daniel Nicholas Cardinal DiNardo and Pastor Tyrone Gordon
- Doorkeeper Alana Gutierrez
- Honorary Pages. . . Victoria Pilar Gutierrez, Joshua David Riddle, Isabella Denise Phelps, J. M. Lozano III, Niya Marie Farias, Xzavier Gabriel Farias, Armando Pedro Walle, Cadence Joy Elkins, Kathryn Elizabeth King, Austin Noble Stockstill, Blake Daniel Stockstill, Kirby James Lehman, Cinco Demi Guillen, Cannon Barrett Creighton, Mia Simone Patrick, Molli Ann Villarreal, Nicholas Westbrook Johnson, Averie Grasmick, Judah Christopher Riedland, Mason Lance Reams, Peyton Grace Langford, Adelyn Claire Moseley, Cade Sullivan

Workman, Jadon Finis White, Lyla Hartley White, Mark Jackson DeGroot, True Solomon Rush, Olivia Rose Lucio, Caroline Grace Strama, Lucas Austin Driver, Madison Rose Martinez, Aliana Herrero, Camilla Marie Martinez Fischer, Wilder Jacob Itenberg, McKinley Ray Miller, Eloise Grace Chick, Cullen Preston Chick, Diego David Andrade, Ramiro David Andrade, and Alejandro David Andrade

**ROLL OF MEMBERS-ELECT SHOWING
DISTRICTS REPRESENTED**

Secretary Andrade directed the chief clerk to call the roll of members-elect of the House of Representatives of the State of Texas of the Eighty-Second Legislature, according to representative districts.

The roll was called as follows:

<u>DISTRICT</u>	<u>NAME</u>
District 1	George Lavender
District 2	Dan Flynn
District 3	Erwin Cain
District 4	Lance Gooden
District 5	Bryan Hughes
District 6	Leo Berman
District 7	David Simpson
District 8	Byron Cook
District 9	Wayne Christian
District 10	Jim Pitts
District 11	Chuck Hopson
District 12	James White
District 13	Lois W. Kolkhorst
District 14	Fred Brown
District 15	Rob Eissler
District 16	Brandon Creighton
District 17	Tim Kleinschmidt
District 18	John Otto
District 19	Mike Hamilton
District 20	Charles Schwertner
District 21	Allan B. Ritter
District 22	Joe Deshotel
District 23	Craig Eiland
District 24	Larry Taylor
District 25	Dennis Bonnen
District 26	Charlie Howard
District 27	Ron Reynolds
District 28	John Zerwas
District 29	Randy Weber
District 30	Geanie W. Morrison
District 31	Ryan Guillen
District 32	Todd Hunter
District 33	Raul Torres
District 34	Connie Scott

District 35	José Aliseda
District 36	Sergio Muñoz, Jr.
District 37	René O. Oliveira
District 38	Eddie Lucio III
District 39	Armando "Mando" Martinez
District 40	Aaron Peña
District 41	Veronica Gonzales
District 42	Richard Peña Raymond
District 43	J. M. Lozano
District 44	John Kuempel
District 45	Jason A. Isaac
District 46	Dawna Dukes
District 47	Paul D. Workman
District 48	Donna Howard
District 49	Elliott Naishtat
District 50	Mark Strama
District 51	Eddie Rodriguez
District 52	Larry Gonzales
District 53	Harvey Hilderbran
District 54	Jimmie Don Aycock
District 55	Ralph Sheffield
District 56	Charles "Doc" Anderson
District 57	Marva Beck
District 58	Rob Orr
District 59	Sid Miller
District 60	James L. "Jim" Keffer
District 61	Phil King
District 62	Larry Phillips
District 63	Tan Parker
District 64	Myra Crownover
District 65	Burt Solomons
District 66	Van Taylor
District 67	Jerry Madden
District 68	Richard L. "Rick" Hardcastle
District 69	Lanham Lyne
District 70	Ken Paxton
District 71	Susan L. King
District 72	Drew Darby
District 73	Doug Miller
District 74	Pete P. Gallego
District 75	Chente Quintanilla
District 76	Naomi R. Gonzalez
District 77	Marisa Marquez
District 78	Dee Margo
District 79	Joseph C. "Joe" Pickett
District 80	Tracy O. King

District 81	Tryon D. Lewis
District 82	Tom Craddick
District 83	Charles Perry
District 84	John Frullo
District 85	Jim Landtroop
District 86	John Smithee
District 87	Four Price
District 88	Warren Chisum
District 89	Jodie Laubenberg
District 90	Lon Burnam
District 91	Kelly Hancock
District 92	Todd Smith
District 93	Barbara Nash
District 94	Diane Patrick
District 95	Marc Veasey
District 96	Bill Zedler
District 97	Mark M. Shelton
District 98	Vicki Truitt
District 99	Charlie Geren
District 100	Eric Johnson
District 101	Cindy Burkett
District 102	Stefani Carter
District 103	Rafael M. Anchia
District 104	Roberto R. Alonzo
District 105	Linda Harper-Brown
District 106	Rodney E. Anderson
District 107	Kenneth Sheets
District 108	Dan Branch
District 109	Helen Giddings
District 110	Barbara Mallory Caraway
District 111	Yvonne Davis
District 112	Angie Chen Button
District 113	Joe Driver
District 114	Will Hartnett
District 115	Jim Jackson
District 116	Trey Martinez Fischer
District 117	John V. Garza
District 118	Joe Farias
District 119	Roland Gutierrez
District 120	Ruth Jones McClendon
District 121	Joe Straus
District 122	Lyle Larson
District 123	Mike Villarreal
District 124	José Menéndez
District 125	Joaquin Castro
District 126	Patricia Harless

District 127	Dan Huberty
District 128	Wayne Smith
District 129	John E. Davis
District 130	Allen Fletcher
District 131	Alma A. Allen
District 132	Bill Callegari
District 133	Jim Murphy
District 134	Sarah Davis
District 135	Gary Elkins
District 136	Beverly Woolley
District 137	Scott Hochberg
District 138	Dwayne Bohac
District 139	Sylvester Turner
District 140	Armando Lucio Walle
District 141	Senfronia Thompson
District 142	Harold V. Dutton, Jr.
District 143	Ana E. Hernandez Luna
District 144	Ken Legler
District 145	Carol Alvarado
District 146	Borris L. Miles
District 147	Garnet F. Coleman
District 148	Jessica Cristina Farrar
District 149	Hubert Vo
District 150	Debbie Riddle

A quorum was announced present.

OATH OF OFFICE ADMINISTERED

Secretary Andrade recognized the chief clerk who administered the constitutional oath of office to the members-elect of the House of Representatives of the Eighty-Second Legislature of the State of Texas, all of those present rising together and repeating the following oath, prescribed by the constitution, as it was read to them, as follows:

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of a member of the House of Representatives of the Eighty-Second Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state. So help me God."

HOUSE NOTIFIED

A committee from the senate was announced at the door of the house and, being admitted, notified the house that the senate is organized and ready to transact business.

TEMPORARY RULES ADOPTED

Representatives Solomons and Turner moved to adopt the house rules of procedure from the Eighty-First Legislature as temporary rules for the election of the speaker.

The motion prevailed.

HR 1 - ADOPTED
(by Geren)

The following resolution was laid before the house:

HR 1

BE IT RESOLVED by the House of Representatives of the 82nd Legislature of the State of Texas, That pending the election of the speaker, all persons other than members of the legislature, members of their families, the secretary of state, temporary officers and their staffs, and approved guests or press representatives be barred from the floor of the house of representatives inside the rail.

HR 1 was read and was adopted.

HR 100 - ADOPTED
(by Hughes and Hunter)

The following resolution was laid before the house:

HR 100

BE IT RESOLVED by the House of Representatives of the State of Texas, That, in accordance with Sections 9(b) and 11, Article III, Texas Constitution, the House of Representatives of the 82nd Legislature shall receive nominations to elect a speaker of the house from its own membership as follows:

SECTION 1. NOMINATIONS. (a) The secretary of state shall call for nominations from the floor for the election of speaker of the house of representatives and shall recognize every member who desires to make a nomination. The order in which members desiring to make a nomination shall proceed shall be determined by lot.

(b) Each member recognized for this purpose shall immediately advance to the front microphone and make the nomination in a nominating speech not to exceed five minutes in length.

(c) After all nominations have been made, the secretary of state shall declare nominations to be closed.

SECTION 2. SECONDS. (a) A person is not considered a nominee unless the nomination is seconded by at least one member.

(b) One seconding speech shall be allowed for each nomination in the order in which nominations were made, then other seconding speeches shall be allowed in rotation in the same order.

(c) No more than five seconding speeches shall be allowed for each nominee.

(d) A seconding speech may not exceed three minutes in length.

HR 100 was read and was adopted.

ADDRESS BY REPRESENTATIVE PAXTON
ON A MATTER OF PERSONAL PRIVILEGE

Secretary Andrade recognized Representative Paxton who addressed the house on a matter of personal privilege, speaking as follows:

Madam Speaker, honored guests, members, it is truly an honor for me to be up here today. As many of you know, we had a caucus yesterday in the Republican Party and I lost. As a result, I will not be putting my name into nomination today, but I did want to explain a couple of things.

One is why I ran, and I explained this to the members of the caucus. I grew up in California for the most part. My dad was an Air Force pilot. As a matter of fact they are here; Warren and Sally Paxton are sitting over there right now. I grew up in California, and Ronald Reagan was our governor. During that time, he ran for president, and I was inspired by his vision and what he did and what he said, and since that time I've done my involvement in politics. I've been involved in the legislature, and everything I've done has been part of that vision and continuing that vision of conservative leadership; a conservative vision, an optimistic vision for America and for Texas.

So I filed as a result of my feeling that this vision was still important in this country and this state. I filed two months ago, and there are two things that I want to comment on. One is how grateful I am to some of the members of this house, all of the members of this house. Some of my closest, best friends in the world are in this house. I've been amazed at some of their courage and their friendship, and I cannot tell you how much I appreciate that. I can also say to the members of the gallery that you've got some of the finest people in Texas that are serving in this legislature. Also, I'm extremely grateful to the people of Texas. I was amazed at the outpouring of encouragement and the support and the friendship, and I'm humbled by that experience, and I thank you. I also want to say that even though we lost this race, I am encouraged to say that we have not lost the fight, that our conservative message is important, and that this is just the beginning.

Over the last couple of months, I've talked to members, I've talked to our speaker, and I'm convinced that we are going to move forward with a conservative agenda, and I hope to be a part of it. I want to say to you, be encouraged, but also watch what we're doing, hold us accountable, and make sure that we're accomplishing your agenda. You've spoken to us. You've elected a lot of new members, and I'm grateful to have them. I just want to say, the eyes of Texas are upon us, members. Let's go out and have a good session. God bless Texas, and thank you.

ELECTION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Secretary Andrade announced that the next order of business would be the election of the speaker of the House of Representatives of the Eighty-Second Legislature of the State of Texas, and stated nominations for speaker would now be in order.

Secretary Andrade recognized the Honorable Rob Eissler of Montgomery County, who placed in nomination for speaker of the House of Representatives of the Eighty-Second Legislature of the State of Texas the name of the Honorable Joe Straus of Bexar County, speaking as follows:

First, I would like to congratulate each of you on your election to this distinguished body.

The Texas Legislature is unique. We only convene every odd-numbered year. We are only in session for 140 days. And at the end of the day, we really only have to pass one bill. Trust me, the pay reflects it.

One-hundred-and-fifty men and women, representing every square inch of this state, come to Austin to serve the people and to govern this great state. The Texas House is the people's house, a collegial body in every sense of the word, not a partisan political machine. We debate many issues and we don't always see eye to eye, but at the end of the day, we can agree to disagree. All of us—republican, democrat, and independent; urban, suburban, and rural—we share a common goal: to make Texas better. Now is the time to remember Thomas Paine's wise advice: "If we do not hang together, we shall surely hang separately."

Two years ago, Representative Joe Straus was elected speaker of the house. That was good news for the Texas House; that was good news for Texas. Many words can describe Joe: honorable, fair, trustworthy, but one word especially comes to mind and that is respectful. Joe Straus leads with respect. He respects the members, he respects the process, and he respects the house as an institution. He did not force his agenda on the membership; he allowed members to represent their constituents. He allowed the legislative process to determine the outcome, not simply one person or position. As a member of this body, that alone should resonate with you. Each one of us was elected to serve our district, and the ability to fulfill your duty is called democracy.

Today, I consider it a privilege to call Joe Straus a friend. I trust his judgment and have sought his counsel on more than one occasion. He listens, and politicians are not always known for their listening skills. But Joe is not interested in politics, he is interested in what is best for Texas.

This next session is not without its challenges. We all want economic opportunity, quality jobs, great public schools, and a cleaner environment. And I know that Joe Straus is the right man to lead us where we want to go. For those of you that know me, you know I can't resist taking a quote and putting my particular spin or flavor on it. So, to paraphrase one of our generation's great philosophers, Mick Jagger, we must remember that we can't always get what we want, but working together under the leadership of Joe Straus, we will always get what we need.

Madam Secretary, it is my great honor and privilege to respectfully place into nomination the name of the Honorable Joe Straus for speaker of the Texas House of Representatives.

Secretary Andrade recognized the Honorable Senfronia Thompson of Harris County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

Madam Secretary, Mr. Chief Justice, fellow members, and distinguished guests. It is a great honor to be standing here before you all. The opening day of the Texas legislative session has always given me a great sense of pride, honor, and renewed hope. The road here wasn't easy for some of us, and we've all seen some tough battles leading up to this day. More tough days lie ahead.

I have had the privilege of serving under six speakers. I know the type of leadership it takes to lead this house, and that leader is Joe Straus. I firmly believe that he is the right person to guide us through the difficult challenges we face ahead.

I have served in this august body for 38 years. I have never had a constituent tell me that the Texas Legislature needs to act more like the U.S. Congress in Washington, D.C. Here in Texas, we have trusted members to represent their unique constituency. We are 150 individuals elected to represent our own constituents, not just members of a two-party block. Traditionally in this chamber, we are Texans working to solve our common problems first. We do not segregate ourselves by party or labels. That has allowed our state government to run better than the federal government.

Our speaker is not a dictator. He does not rule from on high telling members to make votes that do not best reflect their constituency or their conscience. The speaker's role is to put all members in positions that allows the house to maximize its potential for making Texas an even better place to live. Last session, Joe Straus, a man of action, did just that.

I am the remaining house member of the largest freshman class in Texas history. Our class was the largest influx of republicans and minorities. There were 76 of us—a majority of the Texas House. Despite our party differences, we worked together and ushered in a new era of legislative reform. In one session, we set the standard for transparency in government, open records, open debate, true committee work, and true representation of our constituents. We addressed real issues in a true bipartisan fashion, where elected house members represented their constituents and had a real say in the process. We had meaningful debate, worked out our problems in committee, and sought input from one another. We saw past our differences, we found our common ground, and we built a Texas—and a Texas government—that gave us pride and hope. To listen and effectively work with others is the art and soul of politics.

Joe Straus as speaker will continue the traditions of a Texas Speaker by allowing each member to independently represent the unique group of people that elected them. Joe has the qualities of a great leader, and he has proven that to us time and time again. He is competent. He is fair. His word is impeccable. He is indeed a true Texan and a true statesman. In the words of Martin Luther King, Jr.: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

It is with great and distinct pleasure that I second the nomination of my colleague and my friend, Joe Straus, for speaker of the Texas House of Representatives of the 82nd Legislature.

Secretary Andrade recognized the Honorable Drew Darby of Tom Green County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

Madam Secretary, fellow members, distinguished guests, ladies and gentlemen. As I stand here, I am in awe of this hallowed chamber and of the men and women who have come before us. On the north side of the Congress Avenue bridge, there is a historical marker that describes the city of Austin during the Civil War. The citizens endured economic hardships and scarcity of resources. Hotels refused room and board unless payment was made in gold, silver, or commodities such as nails and tobacco. As a result, state legislators lived in their wagons and cooked over open fires.

Although we won't have those hardships, the challenges for this session are great and the opportunities are many, but the reality is there is not much gold or silver in the state's pockets to pay for more than essential services. The state cannot afford any extras. Therefore, there will be much negotiation and discussion among the members for the priorities of Texas. But what will we use as our nails and tobacco? What do each of us have to offer?

Members, I submit to you that there are only two commodities that have value in this house: our word and our work ethic. I am speaking of our honor and commitment to each other, this legislative body, and to the people of Texas: to work hard every day; to be committed to finding solutions to the problems facing Texas; and to conduct ourselves in a way that brings honor and respect to this house and the people of the districts we serve. There are those who want to buy your honor, but once sold, you can never buy it back.

A former speaker of this house once said, "There are no degrees of honor. You either have it or you don't." Joe Straus is an honest and honorable man and no one should question his commitment to family values, to his party, to this institution, or to our great state. Joe Straus is a proven leader who stands for fairness, honor, and integrity.

This is the day we need to put Texas first and foremost, not politics. We need to do right by those we humbly serve and not bend to pressure from those with personal agendas. We must come together as a body, for united we stand, but divided we fall, and then we would all fail Texas. We were not elected to make only the easy decisions, we were elected to honor our word and make the right decisions.

My friends and colleagues, that time is now. We need a speaker with experience, that understands the issues of Texas, that will support the legislation that Texas needs, and that will lead us during these difficult days ahead with conviction, commitment, fairness, and honor. We need Joe Straus. So today, it is my humble privilege to stand before you and second the nomination of our friend, the Honorable Joe Straus, as our speaker of the Texas House of Representatives. God bless each and every one of you, and God bless Texas.

Secretary Andrade recognized the Honorable Pete Gallego of Brewster County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

Madam Secretary, members of the house, I rise today to second the nomination of our colleague, Joe Straus, to be speaker of the Texas House during this 82nd Session of the Texas Legislature.

Those of you who know me know that my life changed dramatically some six years ago when I became a parent. Those of you who are parents or grandparents know exactly what I mean. Nicolas has become the center of my universe, the focus of all of my energy and attention.

As you watch your first—and for me only—child grow up, you struggle with a critical question: What is it I want to teach him? What core values do I want my son to learn? If we complain that modern society has lost its old-fashioned values, what are those old-fashioned values that we should try so hard to preserve?

As I pondered those values, I've come to realize that Joe Straus exemplifies many of the values we want in our kids and should look for in our leaders. Think of it this way: Stick to your principles. Do what you think is right, unless it gets too difficult or you get a lot of pressure to do something else. Then it's okay to surrender your principles and go along with the crowd. Is that what we teach? No. Convenience is not exactly the core value we want our kids to learn.

Though not many of us, except perhaps my friend Edmund Kuempel, knew Joe Straus that well when he was first elected speaker, we have all learned a lot about him over the last two years, and even more over the past few weeks. We know now that he is a man of principle and, instead of convenience, he is guided by the courage of his convictions. He handles extreme pressure gracefully and, whatever the circumstances, is unfailingly polite. Good manners—the kind our parents and grandparents tried so hard to instill in us—are extremely rare, especially in the rough-and-tumble world of politics.

Whatever the argument, whatever the debate, Joe Straus is nothing if not considerate and fair. Who among us would teach our children to be otherwise? His sense of fairness permeates all he does. Joe Straus's demeanor and sense of fairness brought this institution so many of us love back from the brink of self-destruction and restored its dignity. History will judge him kindly for that.

We all have our own views and our own opinions. We all want our views and opinions to matter. Joe Straus has empowered us all. Under his leadership, every vote counts, because you and 75 other votes can chart the course of the state. You see, Joe Straus is the conductor, but he allows us as members to choose our own music.

In my part of the world, we know the difference between work horses and show horses. With the major challenges facing this state, with the hard-core decisions that must be made, we need someone like Joe Straus. He works hard. He has a calm and steady hand. He is fair in his approach. These are qualities every Texan should admire. Who could ask for more?

Madam Secretary, I'm proud to second the nomination of Joe Straus to be speaker of the Texas House.

Secretary Andrade recognized the Honorable Beverly Woolley of Harris County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

Madam Secretary, distinguished guests, fellow members. We have achieved an incredible feat. For the first time in history, there are 101 republican members of the Texas House. When I was elected in 1994, there were 63 republican members. I am proud to see 101 republican members today. We all worked hard to get here and have many challenges ahead of us as we serve Texas. We are here, not because of one group or one incident, we are here because independents come to the republican point of view.

Do all 101 members agree on every issue? No, nor should we. We all have differences that should be respected. Each of us represent individual districts with individual needs. Each of us should be true to our constituents and our districts. While we do not all agree on every issue, we do agree on core issues. We were elected to solve Texas' problems, and we must come together to do that.

In 2005, I stood before this body and nominated my friend, Tom Craddick. I did so because I believed in his values. I still do. Today, I stand before you to nominate, Joe Straus because I believe in Joe's values. Joe Straus is a life-long republican and strong fiscal conservative. He served in both President Reagan's and President George H. W. Bush's administrations.

Did I agree with Tom Craddick 100 percent of the time? Absolutely not. Do I agree with Joe Straus 100 percent of the time? Same answer, absolutely not. Truth be told, I hope that I can get an 80 percent agreement rating with my husband of 50 years.

In 2008, the Americans for Prosperity, well known for their conservative values, awarded Speaker Straus an "A" rating—the best rating you can get, an honor shared with only 16 other legislators. Joe Straus is a fine man. He and I share the same core values: belief in limited government, low taxes, and a tight hold on spending. I am firmly convinced that Speaker Straus will lead this house forward with the dignity and respect it should have.

Madam Secretary, I second the nomination of Joe Straus for speaker of the Texas House of Representatives.

Secretary Andrade recognized the Honorable Byron Cook of Navarro County, who seconded the nomination of the Honorable Joe Straus, speaking as follows:

In closing the nomination of Speaker Joe Straus, I think it's important to note that one can tell a lot about a person by their family, their commitment to their word, and how they handle themselves under difficult circumstances. Joe Straus has shown great integrity and leadership in all these areas.

For those who have marveled at how Joe Straus, with less than two legislative terms under his belt, emerged as the republican elected choice for Texas House Speaker, must only look to the Straus family's bedrock of unwavering conservative values, with ties to the Republican Party that overlap over three centuries of our great state's existence. In 1898, Teddy Roosevelt brought his Rough Riders to San Antonio to outfit the U.S. Cavalry with saddles and other equipment made by the Straus family business. The same trust that Roosevelt placed with Joe's family back then is the same trust conservatives have overwhelmingly now placed in Texas House Speaker Joe Straus.

In the late 1950s and early 1960s, Joe's family, against incredible odds, joined with other early Republican Party pioneers and began building the foundation of our modern Texas Republican Party. Joe continued the journey to strengthen and grow the Grand Old Party through serving in the republican presidential administrations of Ronald Reagan and George Herbert Walker Bush.

In 2005, he was elected as a Republican State Representative to the Texas House of Representatives. Today, Joe is uniquely prepared to lead what will likely be a very difficult session.

In 1907, President Roosevelt offered wisdom and guidance for state legislative governance. I paraphrase: Let the public servant be extremely careful to make no promise that they cannot keep. It is not those who promise most freely who can be trusted to perform most accurately. Instead, it is the public servant who honestly and humbly faces each problem, seeking solutions with the resolute determination without being daunted or misled by foolish reactionaries.

I believe that the majority of this body and most all Texans would agree with Joe Straus, that we do not want to poison Texas with Washington-style politics. Principled and fair, Joe Straus has fought to successfully restore and protect the civility of the Texas House. His unyielding conservative leadership will prove invaluable as this body addresses the many challenges facing us this legislative session. I am confident that Joe will continue to lead with honesty, integrity, and commitment to this great state.

Representative Cook moved that nominations cease and that the Honorable Joe Straus be elected speaker of the Texas House of Representatives of the Eighty-Second Legislature by acclamation.

There being an objection, a record vote was requested.

The Honorable Joe Straus of Bexar County was elected speaker of the Texas House of Representatives of the Eighty-Second Legislature by (Record 1): 132 Yeas, 15 Nays, 2 Present, not voting.

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

Nays — Berman; Burkett; Cain; Christian; Flynn; King, P.; Landtroop; Laubenberg; Parker; Paxton; Perry; Simpson; Taylor, V.; White; Zedler.

Present, not voting — Hughes; Isaac.

Absent — Davis, Y.

COMMITTEE APPOINTED

Secretary Andrade announced the appointment of the following committee to escort Speaker-elect Straus to the speaker's rostrum: Keffer, Lucio, Larson, Johnson, Gonzalez, Beck, Menendez, Garza, S. King, Torres, Scott, Nash, Hochberg, Price, Schwertner, S. Miller, Coleman, Frullo, J. Davis, and Alvarado.

HOUSE AT EASE

At 1:17 p.m., Secretary Andrade announced that the house would stand at ease.

Secretary Andrade called the house to order at 1:26 p.m.

OATH OF OFFICE TAKEN BY THE SPEAKER OF THE HOUSE

Speaker-elect Straus and his party were escorted to the speaker's rostrum.

The Honorable Joe Straus of Bexar County took the constitutional oath of office as speaker of the House of Representatives of the Eighty-Second Legislature of the State of Texas, which was administered by the Honorable Wallace Jefferson, chief justice of the Texas Supreme Court, as follows:

"I, Joe Straus, do solemnly swear, that I will faithfully execute the duties of the office of speaker of the Texas House of Representatives of the Eighty-Second Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state. So help me God."

INTRODUCTION OF GUESTS

Secretary Andrade introduced Representative Harless who introduced the Speaker Straus and the following members of his family: Joe, Jr. and Jocelyn Straus, Julie Brink Straus, and Robyn and Sara Straus.

ADDRESS BY THE SPEAKER

Speaker Straus addressed the house, speaking as follows:

Thank you all very much. Thank you, Patricia. I have some eyeglasses here you can borrow anytime. Thank you, Chief Justice Jefferson. Thank you for being here to administer this oath, and Madam Secretary. Hope, thank you for chairing our proceedings today. Both are proud San Antonians like me and dear friends. Welcome to all state and federal officials, families, and our fellow Texans who have joined us here today. You honor the house of representatives with your presence.

Governor Perry is expected to arrive shortly. We look forward to your arrival, and thank you for your service starting in the house, then as presiding officer of the senate, and now, as the longest-tenured governor in our state's history.

The Texas House of Representatives looks forward to working with you, Lieutenant Governor Dewhurst, and the members of the Texas Senate to achieve our shared goals for the best interests of the people we all represent. Together, we will keep Texas strong, secure, and a great place to do business, live, and raise a family.

To my colleagues in the Texas House, thank you from the bottom of my heart for your friendship and trust. I am truly humbled by your overwhelming support for my re-election as your speaker. Together, we can and we will faithfully fulfill the solemn oaths of office we have all taken today. To Rob, Senfronia, Drew, Pete, Beverly, and Byron, thank you for your extraordinarily kind words. I will do my very best to live up to them, and I promise that I will once again exercise the responsibilities of this office fairly, judiciously, and with respect.

The value of respect is a lesson I learned at an early age and for that, I want to thank my parents. For my sisters and me, our mother and dad identified fundamental values of faith, respect, responsibility, honesty, and through their lives and example, an unwavering commitment of service to others. I thank them today for that and for their love and support.

My wife, Julie, is the greatest blessing in my life. When we met, she was working for Secretary James Baker as an assistant in the Reagan Administration. She outranked me then and she still outranks me now at our house, where she is the powerful chairman of all of our committees. Julie and I have been given two great gifts, our wonderful daughters. Robyn and Sara, I'm very proud of you, and I love you.

I know all the members of the house join me in thanking the people of Texas for giving us the privilege and the opportunity to serve. We thank all our families for making sacrifices that allow us to be here. We appreciate your love, support, encouragement, and counsel. Legislative spouses are often left alone to keep our households running while we serve in this house. It's not an easy task. Though I have heard from several legislative wives who shall go unnamed that sometimes more gets done when we are not around. For so many of us, our families inspire our service. We want to leave a better Texas for our children and their children.

This is a day of great purpose and meaning for each of us. To those members who have just taken the oath of office for the first time, you have become part of a great institution where ordinary Texans do extraordinary things by serving causes greater than self. You have become part of a grand tradition of public service, and we all share in the responsibility of upholding it.

I regret that one of our greatest role models and a fine servant of this institution is no longer with us. This house will not be the same without our friend, the late Representative Edmund Kuempel. To Birdie, Margaret, Michelle, and the rest of the Kuempel family, including our newest colleague, his son John, we embrace you and mourn the passing of a great man. No one did more to bring

a spirit of civility and unity and a great sense of humor to this house. He was a sterling example of how enjoying the work we do here leads us to do a better job for the people of Texas. Edmund believed the members who served with him were colleagues, not enemy combatants.

We have differences of philosophy, and party, but we are all Texans first. With that always in mind, as I promised when I first became speaker two years ago, I'll do my best to empower members so that they can do what is right for their constituents and for the people of Texas.

I know that in recent weeks members of the house have withstood threats, harassment, and attempts at intimidation because of the fair and respectful way in which you want this house to operate. Division, threats of retribution, attacks on people's religious beliefs, and distortions of people's records have no place in this house. Members, I hope you will work with me to make the Texas House a place where decent and honorable people want to come and serve our state, a place where we can learn from the differences that make up our great state without letting them divide us.

I want Texans to look at the house and see leaders who can debate the most contentious issues of the day in a spirit of respect and civility. I want our citizens to know that the rules of the people's house are not subject to the whims of the chair or the pressure of powerful special interests. This house is where truth rules and where reason prevails. The will of the house should guide this house. And the will of the house does not begin in the speaker's office. It begins in the homes and office buildings, on the farms and in the cities, in the suburbs and in the high tech centers. It begins with the 25 million people who are proud to call themselves Texans. These are the people who sent us here and if we fail to respect each other, we fail to respect them.

Every member of this house deserves to be heard and have a voice, to contribute his or her best because every member was sent here by the people of Texas. In the months ahead, we will face tough issues, from balancing the budget, to the always difficult job of redistricting. Yet we also face a challenge as great as improving education, securing our border, and creating jobs: the challenge to restore people's confidence in public service.

A recent study from the Pew Center found that "just 22 percent say they can trust the government in Washington, among the lowest measures in half a century." That same study indicated that "rising criticism was not limited to the federal government." We can rebuild trust by the way we conduct ourselves and the way we treat others. We will disagree at times, because we are passionate about the principles we hold dear, but we can choose to make our arguments constructive rather than destructive. We can rebuild trust by setting high ethical standards, by being transparent, and always making government accountable to the people it serves. We can rebuild trust by making Texas' state government live within its means. In November's election, the people of Texas made it clear: they want a more conservative government that is limited and fiscally responsible. We can rebuild trust by conducting ourselves in ways that Washington might learn from.

Our state faces many challenges, but is blessed with even more opportunities. None of us here would want to trade places with legislators in any other state. Texas continues to be the place where businesses want to locate and expand, where people want to raise their families and realize their dreams. Great challenges require great leaders. Together, we will work for a Texas that continues to be America's frontier of innovation and opportunity. My favorite Texas historian happens to also be my constituent, T. R. Fehrenbach, and he wrote in his epic book Lone Star, "Men who exist get overrun by men who act." Men and women of the Texas House, we were sent here to act and to act on behalf of the people. We may not all share the same ideology, but we share a common identity: we are all Texans. We have inherited a birthright of independence, a spirit of boldness, a vision of what is possible. The great promise of this state is inclusive. It belongs to all who work hard, respect the rules, and persevere. The men and women who are remembered beyond their years are not those who sow the seeds of discord, but those who plant for a future they may never see. May the laws we write reflect an understanding of the best that Texas can be, not only today, but tomorrow and for decades to come. I am grateful to start this new session with each of you. May God bless the great State of Texas, and always keep her brave and strong.

ADDRESS BY THE GOVERNOR

Speaker Straus recognized Representative Kolkhorst who introduced the Honorable Rick Perry, governor of the State of Texas, who addressed the house, speaking as follows:

Howdy. It's mighty good to be back in this chamber again. Mr. Speaker, congratulations to you and your beautiful family, well done. Lois, you look fabulous in that purple. Another good reason they need to get rid of the BCS, right?

It's an honor to be in this chamber, to stand in front of some of the most capable jurists in America and some of the finest men and women who serve our state in their elected capacity statewide. To be on the floor of this house with not only its great memories for me, but also, Senfronia, great legislation that you and your colleagues have crafted throughout the years.

We're commencing a historic legislative session. As we begin, I think it's fitting for us to take a moment and to reflect for a moment on the shootings Saturday in Arizona and to keep those people in our prayers and our thoughts for those forever affected by this senseless tragedy. It's incidents like that one that provide a stark reminder of the fragility of life and the importance of making one's positive mark on life every day.

As elected officials, we're called to make an even bigger mark. The decisions we make shape economies, affect employers, and they touch the lives of all Texans.

I'm really happy to get to see all these new faces. We have quite a new bunch of faces in here, Aaron. The actions we take can make the difference between success and failure for all walks of life in this place we call home. I have a bit of advice from, shall we say, a "seasoned" individual—my 24 years of being

able to serve the people of the State of Texas. And that is to simply take a deep breath, relax. It's all going to be all right. I know it's uncharted territory for a lot of you and the learning curve in this session is going to be pretty steep, but I assure you that we're going to get the job done.

Texas sent us a real loud and a real clear message on Election Day. They expect us to balance this budget without taking more money from employers and working families. They want state government to be leaner and more efficient. I'm confident we will heed that message. Many of your colleagues can attest that we've handled similar challenges before in the not too distant past. In 2003, we heard the same doom and gloom stories and pronouncements about the budget from many of the same sources—and generally it's from the same sources that we're hearing them from today—2003 was no cakewalk. But we balanced the budget and we set the stage for our state's job creation and economic success throughout the rest of the decade. That growth helped us weather the recent economic storms in better condition than almost anywhere else in the country. As we did in '03, we'll balance the budget this time, too, by setting priorities and making tough choices—not by raising taxes. Together, we can make government work leaner and smarter and set the stage for Texas to emerge even stronger in job creation and educational opportunities, in public safety, and in quality of life.

While the budget is our top priority, there are other pressing issues that have waited too long. That's why I'm declaring emergency items for the upcoming session, starting with the pressing need for tougher eminent domain laws in this state. Property ownership remains an essential freedom for Texans, and we must continue our efforts to properly protect it. I've been working with Senator Estes, Representative Geren, and other stakeholders on this issue for a number of years, and we're in agreement that their current bill will resolve the key issues of eminent domain in Texas for now and the future.

Next, we must abolish sanctuary city rules in this state and free up our peace officers to do their job of keeping our families and neighborhoods safe. Although immigration laws and their enforcement are the responsibility of the federal government, we cannot compound their failure by preventing Texas peace officers from doing their jobs. We must empower officers to apply their training, experience, and judgment in enforcing the laws and to keep municipalities from tying their hands.

These are just a few of the issues we'll address in the next 140 days, but they merit our closest attention as they relate to the safety and security of our citizens and, most of all, their liberty. I look forward to working with Speaker Straus and each of you in doing the people's business over the next 140 joyous days. Now, is the work going to be easy? Probably not. Will there be disagreements within this building? That's probably the best bet in this Capitol today. At the end of the day, though, I'm certain you'll work together in the best interest of our state and merit the faith placed in you by the millions of Texans who love and call this wonderful place home. God bless you, and, through you, may God continue to bless the great state of Texas.

COMMITTEES APPOINTED

The speaker announced the appointment of the following committee to notify the governor that the house is organized and ready to transact business: Hilderbran, chair; Fletcher, Carter, Giddings, Gooden, Hancock, and Marquez.

The speaker announced the appointment of the following committee to notify the senate that the house is organized and ready to transact business: Dutton, chair; Aliseda, Button, Martinez, Strama, Shelton, and Lavender.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Billy Collins and Beverly Young.

CAPITOL PHYSICIAN

The speaker presented Dr. Melissa Gerdes of Whitehouse, president of the Texas Academy of Family Physicians, as the "Doctor for the Day."

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

PROCLAMATIONS BY THE GOVERNOR OF THE STATE OF TEXAS

The speaker laid before the house and had read the following proclamations by the governor:

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

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

Legislation to protect private property rights and address eminent domain issues.

Respectfully submitted,

Rick Perry
Governor

Austin, Texas
January 11, 2011

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Legislation to abolish sanctuary cities in Texas.

Respectfully submitted,

Rick Perry
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Austin, Texas
January 11, 2011

The speaker recognized Representative Truitt who sang "Texas, Our Texas."

The benediction was offered by Tyrone Gordon, senior pastor, St. Luke "Community" United Methodist Church, Dallas, as follows:

O God, our creator and sustainer, we thank you for life and the opportunities you provide us to make a difference in this world you have created and in the lives of all of your children. We give you praise for who you are and your spirit which breathes new opportunities and possibilities within us. We ask your blessings on these, your public servants, that the decisions they make and the policies they set are in accordance to your will and direction. Cover them all with the power of your spirit so that they will see what you see, feel what you feel, and think what you think. Through them, may your will be done on earth, as it is in heaven.

Keep them and protect them as they dedicate themselves to public service. May your peace prevail in their lives, their debates, their deliberations, and their decisions. May we all recommit ourselves to helping others and investing in our future. Help us to know that we are all intricately intertwined with one another and that we need each other to survive. Keep us now in our going out and in our coming in; in our rising and in our waking; in our working and in our rest; until we come to that day and hear your calming and assuring voice saying, "Well done, my good and faithful servants." In your name do we pray and ask these blessings. Amen.

Representative Geren moved that staff members employed by house committees at the end of the 81st Legislature continue to be employed by the house subject to available funding until all committee assignments have been made for the 82nd Legislature.

The motion prevailed.

ADJOURNMENT

Representative Craddick moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Edmund Kuempel, the Honorable Dolph Briscoe, Jr., the Honorable Jamie H. Clements, the Honorable Elwin D. "Ed" Mayes, the Honorable Hudson Moyer, the Honorable Frank Eikenburg, the Honorable Leo Alvarado, Jr., the Honorable Leonard Edward Briscoe, Sr., the Honorable D. H. "Buck" Buchanan, the Honorable James Calvin Markgraf, the Honorable Randall George Pendleton, the Honorable Richard H. "Dick" Cory, the Honorable Walter Earl Parker, Sr., the Honorable Milton D. Wilkinson, the Honorable Charles D. Kirkham, Jr., the Honorable Ralph Eugene "Peppy" Blount, the Honorable Bob Glaze, the Honorable Lynn Nabers, the Honorable

Anita Blair, the Honorable David Graves Stubbeman, the Honorable Gene Norris Fondren, the Honorable Arthur K. Vance, the Honorable Charles H. "Charlie" Jungmichel, the Honorable Carl Calvin Conley, Thomas Welsh, and Jack Colley.

The motion prevailed.

The house accordingly, at 2:16 p.m, adjourned until 10 a.m. tomorrow.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SECOND DAY — WEDNESDAY, JANUARY 12, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 2).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Bonnen; 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; 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; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; 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.

Absent — Anchia; Beck; Carter; Coleman; Garza; Larson; Raymond; Rodriguez; Veasey.

The invocation was offered by Representative Dutton.

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

(Carter and Raymond now present)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

MOMENT OF SILENCE OBSERVED

The speaker recognized Representative Gallego who addressed the house, speaking as follows:

Mr. Walle and I would like to have a moment of silence. As many of you know, over the last few days we've all been kind of glued to our televisions watching, listening, and learning about the events in Arizona. And I want to spend a second or two to tell you a little bit about the folks who were killed and injured and ask that we have a moment of silence in their honor and in their memory.

The youngest victim, Christina Taylor Green, was nine years old, not much older than my own son. She was born on September 11th of 2001 and had been featured in a book, *Faces of Hope*, of kids that were born on that day. She was the daughter of LA Dodgers scout, John Green, and Roxanna Green, and the granddaughter of former major league baseball player and hall-of-famer, Dallas Green. She was in the third grade; she had recently been elected to the student council at Mesa Verde Elementary School, and she went to this event with a neighbor just because she wanted to learn more about politics.

Dorothy "Dot" Morris was 76; she was a retired secretary from Oro Valley. Her husband, George, survived two gunshot wounds while attempting to protect her.

John Roll, 63, was the chief judge for the U.S. District Court in Arizona; a native of Pennsylvania; and a 1969 graduate of the University of Arizona. He started his legal career as a bailiff in the Pima County Superior Court, was appointed to the Arizona appeals court in 1987, and named to the federal bench by President George H. W. Bush in 1991. He had served as presiding judge since 2006. Ironically, Congresswoman Giffords had sent a letter supporting an emergency docket in Arizona, and he went over there just simply for the purpose of saying thank you to her.

Phyllis Schneck, 79, was a homemaker from Tucson.

Dorwan Stoddard, 76, was a retired construction worker. He was shot in the head while shielding his wife, Mavy, from the gunman. He and his wife had both married before, they both had been widowed, but they dated in sixth grade. And so years afterwards they reconnected and had been married for 15 years. She was able to speak with him, though, for 10 minutes before he died.

Gabriel Zimmerman was 30 years old; he worked on Congresswoman Giffords' staff as a community outreach director and had been a member of her staff since 2006. He had just gotten engaged to be married.

The wounded, we know, were: Congresswoman Gabrielle Giffords, from Arizona. She had been in the Arizona House and in the Arizona Senate, and those of us who have been around a while and active in NCSL and other things may have had the opportunity to meet her because she was very active in several organizations.

Bill Badger was a retired colonel in the Army National Guard. His head was grazed by a bullet just moments before he was able to subdue the suspect. Ron Barber, deputy director for Congresswoman Giffords' office, he was shot in the leg and in the cheek. Eric Fuller, a military veteran and retired limousine driver, who was also hit in the leg and back by bullet fragments. Susan Hileman, 58, was shot in the leg and hip and abdomen and chest. She was the neighbor who had taken young Christina Taylor Green to see this congresswoman. George

Morris was a retired marine and former airline pilot. He survived two gunshot wounds while trying to protect his wife, Dorothy. Mary Reed attended with her family—she was shot in the back and both arms while shielding her 17-year-old daughter against a wall. Pam Simon, a congressional staffer, who had worked with Ms. Giffords for a while, and Mavy Stoddard who was shot in the leg three times. Again, she was married to Dorwan. They dated in grade school and reconnected and years later had gotten married.

All of those folks, their lives have been changed irreparably. The families, the victims—the world is a different place for them now. And so I'd ask that in their honor and in their memory we take a moment of silence, in silent prayer, to pray for the dead and pray for the living, as well.

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks by Representative Gallego.

The motion prevailed.

CAPITOL PHYSICIAN

The speaker recognized Representative Morrison who presented Dr. David Watson of Yoakum as the "Doctor for the Day."

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

(Rodriguez now present)

SCR 3 - ADOPTED (Geren - House Sponsor)

The following resolution was laid before the house:

SCR 3, Providing for procedures for the canvass of votes for the governor and lieutenant governor and the inauguration of the governor and lieutenant governor.

SCR 3 was adopted.

[In accordance with Article III, Section 12(b) of the Texas Constitution, on Thursday, January 13, 2011, Representative Gallego moved that the journal of Wednesday, January 12, 2011, be modified to show a record vote on adoption of **SCR 3** as follows: (Record 4): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; Beck; Berman; Bohac; Bonnen; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hartnett; Hernandez Luna; Morrison; Riddle.

Absent — Coleman; Garza; Madden; Paxton; Veasey.

STATEMENT OF VOTE

When Record No. 4 was taken, my vote failed to register. I would have voted yes.

Veasey

(Larson now present)

PROCLAMATION BY THE SPEAKER APPOINTMENT OF SELECT COMMITTEE ON ELECTION CONTEST

The speaker laid before the house and had read the following proclamation:

Pursuant to Rule 1, Section 16, House Rules, and Section 241.011, Election Code, I, Joe Straus, speaker of the Texas House of Representatives, create the House Select Committee on Election Contest and refer the contest initiated by Dan Neil for the election of state representative, District 48, to the committee.

The committee shall conduct its investigation of the issues raised by the contest in accordance with Chapters 221 and 241, Election Code, and report to the house of representatives in accordance with that law. For purposes of the contest, proceedings before the committee shall be considered proceedings before a tribunal under the Texas Disciplinary Rules of Professional Conduct and those rules shall govern the conduct of parties and their counsel before the committee.

The committee consists of nine members. The following members are hereby appointed to the House Select Committee on Election Contest: Hunter, chair; Eiland, vice chair; Bonnen, Giddings, Guillen, Kolkhorst, Lewis, Madden, and W. Smith.

January 12, 2011

Joe Straus
Speaker of the House

PROCLAMATION BY THE SPEAKER ORDER REAPPOINTING MASTER OF DISCOVERY

The speaker laid before the house and had read the following proclamation:

As speaker of the house, acting under the authority of Section 241.009, Election Code, I hereby reappoint Representative Will Hartnett as master of discovery in the matter of the contest of the election for state representative, District 48, that was held November 2, 2010.

In accordance with Section 241.009, Election Code, the master shall continue to supervise discovery proceedings, issue any necessary process, receive and report evidence, and perform any other assigned duties in assisting the committee to which the contest is referred and the house of representatives in disposing of the contest in accordance with Chapters 221 and 241, Election Code.

An order, ruling, finding, or other determination made by the master before January 11, 2011, is continued in effect.

January 12, 2011

Joe Straus
Speaker of the House

**HCR 26 - ADOPTED
(by Craddick)**

The following resolution was laid before the house:

HCR 26, Congratulating the Midland High School Bulldogs football team on its success during the 2010 season.

HCR 26 was adopted.

(Anchia and Beck now present)

REMARKS ORDERED PRINTED

Representative Hilderbran moved to print the text of speeches from the opening day's proceedings.

The motion prevailed.

ADJOURNMENT

Representative S. Miller moved that the house adjourn until 9:30 a.m. tomorrow in memory of Dr. W. O. "Bill" Trogdon of Stephenville.

The motion prevailed.

The house accordingly, at 10:34 a.m., adjourned until 9:30 a.m. tomorrow.

ADDENDUM

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, January 12, 2011

The Honorable Speaker of the House

House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 3 Ogden SPONSOR: Geren
Providing for procedures for the canvass of votes for the governor and lieutenant governor and the inauguration of the governor and lieutenant governor.

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRD DAY — THURSDAY, JANUARY 13, 2011

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

The roll of the house was called and a quorum was announced present (Record 3).

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

Absent, Excused — Hartnett; Hernandez Luna; Morrison; Riddle.

The invocation was offered by Representative C. Howard.

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

LEAVES OF ABSENCE GRANTED

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

Hernandez Luna on motion of Walle.

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

Hartnett on motion of Brown.

Morrison on motion of P. King.

Riddle on motion of Fletcher.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CAPITOL PHYSICIAN

The speaker recognized Representative Hardcastle who presented Dr. David Greer of Henrietta as the "Doctor for the Day."

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

HR 111 - ADOPTED

(by Giddings)

The following resolution was laid before the house:

HR 111, Congratulating the Canterbury High School volleyball team on winning the 2010 TAPPS 2A state championship.

HR 111 was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Giddings who introduced members of the Canterbury High School volleyball team.

HR 117 - ADOPTED

(by Giddings)

The following resolution was laid before the house:

HR 117, Honoring the life of Dr. Martin Luther King, Jr.

HR 117 was read and was adopted.

HR 118 - ADOPTED

(by Y. Davis)

The following resolution was laid before the house:

HR 118, In memory of Sharon Renae Watson Sternes of DeSoto.

HR 118 was unanimously adopted by a rising vote.

HR 107 - ADOPTED

(by Laubenberg)

The following resolution was laid before the house:

HR 107, Honoring former Collin County Commissioner Jerry Hoagland for his 30 years of service.

HR 107 was adopted.

On motion of Representative Laubenberg, the names of all the members of the house were added to **HR 107** as signers thereof.

JOURNAL MODIFIED

In accordance with Article III, Section 12(b) of the Texas Constitution, Representative Gallego moved that the journal of Wednesday, January 12, 2011, be modified to show a record vote on adoption of **SCR 3** and that the record vote on this motion be considered the record vote on adoption of **SCR 3**.

The motion prevailed by (Record 4): 140 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; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hartnett; Hernandez Luna; Morrison; Riddle.

Absent — Coleman; Garza; Madden; Paxton; Veasey.

STATEMENT OF VOTE

When Record No. 4 was taken, my vote failed to register. I would have voted yes.

Veasey

**SCR 6 - ADOPTED
(Smithee - House Sponsor)**

The following resolution was laid before the house:

SCR 6, Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, January 13, 2011, and ending on Tuesday, January 18th, 2011.

SCR 6 was adopted by (Record 5): 139 Yeas, 0 Nays, 1 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; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hartnett; Hernandez Luna; Morrison; Riddle.

Absent — Alonzo; Anchia; Garza; Lavender; Paxton; Reynolds.

STATEMENT OF VOTE

When Record No. 5 was taken, my vote failed to register. I would have voted yes.

Anchia

LEAVE OF ABSENCE GRANTED

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

Paxton on motion of Hancock.

HOUSE AT EASE

At 9:59 a.m., the speaker announced that the house would stand at ease pending the arrival of guests.

CANVASSING THE VOTES CAST FOR GOVERNOR AND LIEUTENANT GOVERNOR

(The House of Representatives and Senate in Joint Session)

In accordance with the provisions of **SCR 3** providing for a joint session of the house and senate for the purpose of counting the votes for the governor of Texas and the lieutenant governor of Texas cast at the general election, held on November 2, 2010, the honorable senators, at 10 a.m., were admitted to the hall of the house and occupied seats arranged for them.

Senator Huffman was escorted to a seat on the speaker's rostrum.

Senator Huffman called the senate to order. A quorum of the senate was announced present.

Speaker Straus called the house of representatives to order at 10:11 a.m. A quorum of the house was announced present.

COMMITTEE APPOINTED

The speaker announced the appointment of the following committee to canvass the votes cast for governor and lieutenant governor: Darby, chair; Frullo, Otto, Hochberg, Gonzalez, and Margo.

Speaker Straus stated that the house and senate were in joint session pursuant to **SCR 3** for the purpose of counting the votes for governor of Texas and lieutenant governor of Texas cast at the last general election, held on November 2, 2010.

The joint tellers were announced present who were appointed as follows: Senators Huffman, chair; Birdwell, Hegar, Patrick, Davis, and Rodriguez on the part of the senate; and Representatives Darby, chair; Frullo, Otto, Hochberg, Gonzalez, and Margo on the part of the house.

Speaker Straus made the following announcement:

As provided in the constitution and laws of Texas, as speaker of the house of representatives, I now officially turn over to the joint committee, heretofore appointed, the official returns of the last general election, held November 2, 2010, for the offices of governor of Texas and lieutenant governor of Texas, said returns having been turned over to me by the Honorable Hope Andrade, secretary of state of the State of Texas.

JOINT SESSION AT EASE

At 10:13 a.m., the speaker announced that the joint session would stand at ease.

(Geren in the chair)

The chair called the joint session to order at 12:32 p.m.

REPORT OF THE JOINT COMMITTEE OF TELLERS

Representative Geren stated to the joint session that the joint tellers had completed the count of the votes and the joint session was now ready to receive the result and the report of the joint tellers. The report was read as follows:

Austin, Texas
January 13, 2011

The Honorable Steve Ogden
President Pro Tempore of the Senate

The Honorable Joe Straus
Speaker of the House

Sirs:

We, the joint committee appointed by the presiding officers of the senate and house of representatives to canvass the votes cast at the last general election held in the State of Texas on November 2, 2010, for governor and lieutenant governor of the State of Texas, as shown by returns delivered to us by the secretary of state, beg leave to report that we have performed that duty and that the result of our canvass is as follows:

The votes cast for governor are as follows:

Rick Perry, Republican Party	2,737,481
Bill White, Democratic Party	2,106,395
Kathie Glass, Libertarian Party	109,211
Deb Shafro, Green Party	19,516
Andy Barron, Write-In	7,267

The votes cast for lieutenant governor are as follows:

David Dewhurst, Republican Party	3,049,109
Linda Chavez-Thompson, Democratic Party	1,719,202
Scott Jameson, Libertarian Party	122,142
Herb Gonzales, Jr., Green Party	44,903

Respectfully submitted,

Huffman, chair	Darby, chair
Birdwell	Frullo
Hegar	Otto
Patrick	Hochberg
Davis	Gonzalez
Rodriguez	Margo
On the part of the senate	On the part of the house

The report was adopted.

Representative Geren read the following announcement by the speaker:

The Honorable Rick Perry having received the highest number of votes cast, I, by virtue of the authority vested in me by the constitution and the laws of the State of Texas, declare him duly, legally, and constitutionally elected governor of the State of Texas for the ensuing term of four years.

The Honorable David Dewhurst having received the highest number of votes cast, I, by virtue of the authority vested in me by the constitution and the laws of the State of Texas, declare him duly, legally, and constitutionally elected lieutenant governor of the State of Texas for the ensuing term of four years.

Speaker Straus delivered the official returns of the election to the secretary of state.

SENATE RECESS

At 12:36 p.m., Senator Huffman stated that the purpose of the joint session was concluded and the senate would stand recessed until 11 a.m. Tuesday, January 18.

HOUSE RECESS

At 12:36 p.m., Representative Geren stated that the purpose of the joint session having been concluded, the house would stand recessed until 1 p.m. today.

AFTERNOON SESSION

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

LEAVE OF ABSENCE GRANTED

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

Brown on motion of Alvarado.

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. 1).

HR 3 - ADOPTED (by Geren)

The following resolution was laid before the house:

HR 3

BE IT RESOLVED by the House of Representatives of the State of Texas, That the following is adopted as the housekeeping resolution for the House of Representatives of the 82nd ~~[81st]~~ Legislature:

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ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. PURPOSE. This resolution is adopted by the members of the House of Representatives of the 82nd [~~81st~~] Legislature to provide for the efficient and orderly operation of the house under the supervision of the speaker and the Committee on House Administration.

SECTION 1.02. PRECEDENCE. The provisions of this resolution take precedence over the provisions of any resolution not passed in full compliance with the rules of the house and, except as otherwise noted herein, shall be in effect during the full term of the 82nd [~~81st~~] Legislature whether in session or adjournment.

ARTICLE 2. SPEAKER OF THE HOUSE

SECTION 2.01. SPEAKER'S GENERAL POWERS AND DUTIES. The speaker may make any expenditures or transfers and perform any function deemed necessary for the effective and efficient operation of the house of representatives.

SECTION 2.02. SPEAKER'S APARTMENT AND OFFICES. (a) The speaker's apartment and offices shall be set aside for the use of the speaker, the speaker's family, and house members, as the speaker may designate, throughout the speaker's term of office.

(b) The Committee on House Administration may make the necessary expenditures to operate and properly equip and service the speaker's apartment and offices and may employ such help as may be necessary to properly maintain and care for the apartment and offices.

(c) The speaker and the speaker's family may occupy the speaker's apartment during the speaker's term of office, utilizing the services of employees of the house and others on a temporary basis, if and as needed.

(d) The speaker may obtain through the Committee on House Administration the necessary supplies and services to operate the speaker's office and may also have paid through that committee necessary local and long distance telephone charges.

SECTION 2.03. INTERSTATE OR FEDERAL-STATE ASSOCIATIONS; TRAINING SEMINARS. (a) The speaker may attend any meetings of or sponsored by the Council of State Governments and any meetings on problems of federal-state relations and interstate relations and cooperation, and any other governmental meeting in or outside the state.

(b) The speaker may appoint members of the house, staff members, and other employees of the house to accompany or represent the speaker at these meetings or to attend in-service training courses sponsored by the Council of State Governments or the National Conference of State Legislatures or similar training courses, conferences, or seminars as the speaker may determine.

(c) Members of the house attending meetings under this section while the legislature is in session may be reimbursed for actual and necessary expenses. Members of the house attending meetings under this section while the legislature is not in session and staff members and other employees of the house attending meetings at any time under this section may be reimbursed for either actual and necessary expenses or receive a per diem not to exceed that provided by law for state officials or state employees. In addition, members, staff, and other employees attending meetings under this section may be reimbursed for mileage or other transportation expenses at the same rate as provided by law for state officials or state employees together with registration fees and tuition. To receive payment under this subsection, sworn expense accounts must be filed with and approved by the chair of the Committee on House Administration or an officer of the house designated in writing by the Committee on House Administration. Prior written approval of the chair of the Committee on House Administration to attend any such meetings, conferences, seminars, or training courses is a prerequisite for reimbursement for travel and other related expenses.

(d) Reimbursement for expenses incurred by a member, staff member, or employee of the house in an appointive capacity resulting from an appointment made by anyone other than the speaker shall be made only in the event that the appointment and expenses to be incurred have been previously approved in writing by the Committee on House Administration.

(e) The speaker may expend money for memberships in interstate associations of legislators considered necessary to discharge properly the duties and responsibilities of the office of speaker.

ARTICLE 3. GENERAL POWERS AND DUTIES OF THE COMMITTEE ON HOUSE ADMINISTRATION

SECTION 3.01. CONTRACTS. The Committee on House Administration shall approve all contracts necessary for the effective operation of the divisions of the house and its committees.

SECTION 3.02. HOUSE AND COMMITTEE OPERATING BUDGETS. The Committee on House Administration shall consider and adopt operating budgets that cover both session and interim periods for the divisions of the house and all committees appointed pursuant to the resolution adopting the rules of the house or appointed by the speaker pursuant to any other resolution.

SECTION 3.03. OPERATING POLICIES. The Committee on House Administration shall effectuate policies and determine guidelines for the operation of the divisions and committees of the house.

SECTION 3.04. HOUSE POLICY MANUAL. The Committee on House Administration shall prepare and distribute to all members, within 60 days after the convening of the regular session, policy statements to include, but not be limited to, policies pertaining to members as a class.

SECTION 3.05. HOUSE PROPERTY, SUPPLIES, ACCOUNTING. The Committee on House Administration shall:

(1) provide and maintain for the use of the speaker, members, employees, divisions, and committees of the house such stationery, stamps, office equipment, furniture, fixtures, supplies, and telephone and other services as may be necessary;

(2) keep an itemized account of the quantity and cost of every kind of material received, and the source from which it was received;

(3) maintain an annual operating account for each member, division, and committee authorized by the Committee on House Administration to make expenditures and charge each operating account with daily expenditures, withdrawals from inventory, and interdepartmental services;

(4) furnish a monthly statement for the expenditures of each member, division, and committee of the house; and

(5) adopt any rules, regulations, and policies necessary to effectively provide and account for the above-mentioned services.

SECTION 3.06. USE OF HOUSE CHAMBER AND FACILITIES; ASSIGNMENT OF DESKS, OFFICES, AND PARKING SPACES. (a) The Committee on House Administration shall:

(1) be in charge of and provide for the protection, maintenance, and use of the hall of the house, all committee rooms, offices of members and house departments, the speaker's office and apartment, and other space under the jurisdiction of the house;

(2) make permanent assignments of desks and offices to members of the house;

(3) adopt and enforce a plan for the parking of motor vehicles on the portion of the Capitol grounds under house jurisdiction;

(4) be in charge of and provide for the protection, maintenance, and use of the furniture, fixtures, equipment, and records of the house;

(5) purchase, remodel, repair, restore, or replace any furniture, fixtures, equipment, and other furnishings to maintain the dignity and appearance of space occupied by the house; and

(6) determine the hours the hall of the house shall be open to visitors.

(b) Any member who is not a member-elect of the 83rd ~~82nd~~ Legislature shall vacate the member's office space before December 1, 2012 ~~2010~~. If the office is not vacated on that date, the Committee on House Administration shall immediately remove the member's personal effects and store them in an appropriate place in order that the member-elect to whom the office space is assigned may move in. The Committee on House Administration shall ensure

that each member-elect of the 83rd ~~82nd~~ Legislature who was not a member of the 82nd ~~81st~~ Legislature is permitted to move into and begin using the member-elect's office space at least 72 hours before the time the 83rd ~~82nd~~ Legislature is scheduled to convene.

SECTION 3.07. RECORDS OF THE HOUSE; PRINTING; JOURNALS; COPIES OF LEGISLATIVE DOCUMENTS. (a) The Committee on House Administration shall:

- (1) have completed and preserved the official records of the house;
- (2) have charge of and approve the operation and maintenance of the printing and duplicating facilities of the house, provided, however, that the use of the house printing and duplicating facilities is restricted to agencies of the legislative branch and any other operation thereof is strictly prohibited unless previously authorized in writing by the Committee on House Administration or an officer of the house designated in writing by the speaker;
- (3) determine the number of copies of the daily House Journal to be printed and have jurisdiction over the mailing and distribution of the daily journal; and
- (4) determine the number of copies of the House Journal that will be furnished to each member for distribution by the member.

(b) The employee in charge of the printing facilities must keep at least one copy of all items printed or duplicated and a copy of the work order authorizing such printing.

(c) Copies of bills, resolutions, and attachments thereto shall be made available free of charge to members of the house who call at the bill distribution office and request them, and the cost of these copies shall be paid from funds appropriated for that purpose by the legislature. If the Committee on House Administration finds gross abuse of this privilege, it may establish a policy regarding such distribution.

SECTION 3.08. HONORARY CERTIFICATES. The Committee on House Administration shall provide for the use of members appropriate certificates to commend, congratulate, and memorialize. Such certificates shall be printed with a signature line for the name of the presenting member and adequate space for insertion of the name of the individual or organization to be honored.

SECTION 3.09. COMPOSITE PHOTOGRAPH. (a) The Committee on House Administration shall select a suitable photographer to take individual photographs of each member. The photographer shall prepare a composite photograph of the members of the house composed of the individual photographs of each member arranged on a panel, of the same size as used in previous sessions, in such manner as to approximate the location of each member's desk on the house floor. The member's name and the county of residence shall be printed under the member's photograph, and the composite shall be framed and hung in the hall of the house during the regular session.

(b) The photographs for the composite panel shall be provided without cost to the members, and the expense of the composite panel shall be paid from the expense fund of the house.

(c) The Committee on House Administration shall establish, with concurrence of the photographer, a price to charge members for any prints of photographs they wish to purchase.

SECTION 3.10. POLICIES REGARDING TEMPORARY ACTING MEMBERS. If a person is serving as a temporary acting member of the house under Section 72, Article XVI, Texas Constitution, in the place of a house member on active military duty, the Committee on House Administration, with the approval of the speaker and in consultation with the temporary acting member and, if available, the member on military duty, may adopt policies regarding a temporary acting member that the committee considers necessary for the efficient administration and performance of the duties of the house consistent with this resolution, the rules of the house, and the Texas Constitution.

SECTION 3.11. DISPLAY OF "IN GOD WE TRUST" IN HOUSE.

(a) The Committee on House Administration shall display the motto "In God We Trust" on the electronic message screen at the front of the hall of the house.

(b) The motto shall be large enough to be read throughout the hall.

(c) The motto shall be displayed at all times that the electronic message screen is not being used to conduct legislative business during a session of the house and shall be at least as prominent as any other information displayed on the electronic message screen.

(d) The Committee on House Administration shall convey to the State Preservation Board the desire [~~request~~] of the house of representatives to maintain the permanent [~~permanently~~] display of the motto on the face of [~~the white portion of~~] the portico located over the speaker's podium [~~and beneath the electronic message screen at the front of the hall of the house and provide any assistance to the State Preservation Board in this matter~~].

SECTION 3.12. HOUSE RECYCLING PROGRAM. The Committee on House Administration, in coordination with the State Preservation Board, shall implement a program for recycling paper, plastic, and other recyclable materials from house offices.

ARTICLE 4. EMPLOYEES AND EMPLOYMENT POLICIES

SECTION 4.01. DEFINITION. Unless expressly provided otherwise, in this article "employee" means any person compensated from funds appropriated to the house. The term includes persons for whom the employing authority is the speaker, the Committee on House Administration, an individual member, or a committee.

SECTION 4.02. OFFICERS AND SUPERVISORY ADMINISTRATIVE EMPLOYEES OF THE HOUSE. (a) The officers of the house and the employees of the house responsible for supervising the departments and divisions that support the operation of the house shall be appointed by and serve at the pleasure of the speaker.

(b) The speaker shall have the right to discharge any officer or supervisory administrative employee when the best interest of the house of representatives would be served by so doing.

(c) The authority to appoint and discharge officers and supervisory administrative employees may be delegated to the Committee on House Administration to the extent and for the length of time the speaker determines.

(d) In the event of the absence, resignation, or death of any officer or supervisory administrative employee the speaker may designate a person to take charge of and attend to all the duties of the office affected until the officer or employee returns or until a successor is chosen.

SECTION 4.03. OTHER CENTRAL HOUSE PERSONNEL. (a) The Committee on House Administration shall employ all personnel necessary for the operation of the house other than:

- (1) those appointed under Section 4.02; or
- (2) employees of an individual member or committee.

(b) For purposes of this article, the Committee on House Administration is the employing authority for all house employees other than those for whom the employing authority is the speaker, an individual member, or a committee.

SECTION 4.04. EMPLOYEES OF INDIVIDUAL MEMBER. A member may employ, with funds from the member's operating budget, such staff as the member deems necessary.

SECTION 4.05. COMMITTEE STAFF; AUTHORITY TO REQUEST ASSISTANCE. (a) The Committee on House Administration shall provide funds for the adequate staffing of all committees appointed by the speaker.

(b) Select committees, interim study committees, standing committees, or subcommittees appointed pursuant to the resolution adopting the rules of the house or appointed by the speaker pursuant to any other resolution may employ any person, firm, or corporation, subject to budget limitations. Those committees or subcommittees may ask for the assistance of any of the employees, agencies, departments, or branches of the state government.

SECTION 4.06. WORK SCHEDULE; HOURS OF HOUSE OPERATIONS. (a) An employee shall be on duty on the days and hours determined by the employing authority.

(b) All offices of the departments and divisions that support the operations of the house shall be open on days and hours determined by the Committee on House Administration or the speaker and other hours that the house or its committees are in session.

SECTION 4.07. COMPENSATION. (a) Officers and supervisory administrative employees of the house shall receive the compensation that the speaker or Committee on House Administration determines.

(b) The Committee on House Administration shall fix the compensation of house personnel employed under Section 4.03. A person employed under that section who is absent without leave shall not receive compensation for the time missed.

(c) The salaries of employees of individual members, committees, and the house shall begin when they are instructed to start work by their respective employing authority.

(d) Except as provided by Subsections (e) and (f) of this section, an employee of an individual member, a committee employee, or any person, firm, or corporation employed by a committee or subcommittee may not be paid a salary in excess of \$4,200 for any one month.

(e) A member may ~~additionally~~ exempt one employee of the individual member and, if the member is a chair of a standing or select committee, one employee of the standing or select committee the member chairs from the salary cap imposed by Subsection (d) of this section. Each calendar year the member shall file with the Committee on House Administration a statement designating the exempt employee or employees, as appropriate. During a calendar year after an exempt employee has been designated, the member may exempt a different employee from the salary cap only if the employee previously designated as exempt for the calendar year is no longer employed by the member or committee, as appropriate. The exempt employee may not receive compensation from the operating account of any other committee or member.

(f) The Committee on House Administration may increase the amount of the salary cap imposed by Subsection (d) of this section to account for any increase in salary provided to all state employees during the biennium that begins during the term of the legislature to which this resolution applies.

SECTION 4.08. DUTIES. An employee shall perform all duties directed by the employing authority.

SECTION 4.09. APPEARANCE BEFORE COMMITTEES. An employee may appear before a standing or select committee on a measure when granted permission by majority vote of the committee.

SECTION 4.10. CHAMBER ACCESS. (a) An employee may not enter the house chamber when the house is in session except when performing official duties and specifically authorized by the Committee on House Administration.

(b) An employee may not enter the area on the floor of the house enclosed by the railing when the house is in session except when specifically authorized by the Committee on House Administration.

SECTION 4.11. VOTING. An employee may not cast a vote for a member on the voting machine or otherwise.

SECTION 4.12. VOTING RECORDS. An employee may not compile or release any information concerning the voting record of any member of the house for any session of the legislature except when a member requests information about that member's personal voting record or when the information is for the journal or other official records.

SECTION 4.13. CAMPAIGN FOR SPEAKER. An employee may not campaign or assist in the campaign of any candidate for speaker.

SECTION 4.14. POLITICAL INFLUENCE. An employee may not attempt to, or aid anyone in an attempt to, influence any member of the house in favor of or against any measure pending before the legislature, either directly or indirectly, except when answering questions or giving information at the request of a member of the house.

SECTION 4.15. OUTSIDE EMPLOYMENT, EXTRA COMPENSATION, OR GIFTS. An employee may not receive, directly or indirectly, any compensation, by gift or otherwise, from any other source, unless specifically authorized by the employing authority.

SECTION 4.16. DISCHARGE. (a) An employee is subject to immediate discharge by the employing authority for violation of any section of this article or any other applicable rule.

(b) The Committee on House Administration shall dispense with the services of any person employed under Section 4.03 who is not needed or who is guilty of misconduct.

(c) An individual member or chair of a committee employing an employee who violates any applicable section of this article or any rule shall be advised of the violation by the Committee on House Administration, and the employing authority shall take appropriate action with regard to the employee in question.

(d) The Committee on House Administration may conduct an investigation into allegations of gross misconduct and may discharge or otherwise discipline an employee of an individual member or committee if the committee finds that the employee has engaged in gross misconduct.

SECTION 4.17. DURATION OF EMPLOYMENT. The period of employment of all employees shall be determined by the employing authority, except that employees of all committees and of individual members who are not members-elect of the next legislature shall be terminated not later than noon on the day of the convening of the next regular session.

SECTION 4.18. EMPLOYMENT BY MORE THAN ONE MEMBER OR COMMITTEE. (a) Members may join in the employment of a research assistant or assistants to be paid jointly from their operating budgets. Unless expressly authorized by the provisions of this resolution, the members who join together to sponsor such research shall not constitute a committee, task force, or group to operate in any official or quasi-official manner not specifically authorized under the Rules of the House of Representatives.

(b) No person, firm, or corporation may be employed by more than two committees or subcommittees.

SECTION 4.19. POSITION TITLES AND CLASSIFICATIONS. The job title for each position shall be determined by the employing authority. The employing authority and the house business office shall classify each job title for accounting purposes according to the following position classifications, unless otherwise determined by the Committee on House Administration:

- (a) Member Employees
 1. Chief of Staff
 2. General Counsel
 3. Legislative Director
 4. Legislative Assistant
 5. Administrative Assistant
 6. Special Project Coordinator
 7. Intern
- (b) Committee Employees

1. Committee General Counsel
2. Chief Committee Clerk
3. Committee Clerk
- (c) Research Employees
 1. Research Director
 2. Research Assistant
 3. Policy Analyst

ARTICLE 5. ACCOUNTING

SECTION 5.01. FUNDING OF OFFICE OPERATIONS. (a) Each member of the house shall be allocated funds for staff, office supplies, office equipment, postage, printing, telephone, travel, and such other reasonable and necessary office expenses as may be determined by the Committee on House Administration.

(b) The manner in which funds are allocated, and the amounts thereof, are as provided by this article.

SECTION 5.02. OPERATING ACCOUNTS. (a) Each member who served in the 81st [~~80th~~] Legislature shall have the following operating accounts for the 82nd [~~81st~~] Legislature:

(1) a Fiscal Year 11 [~~Nine~~] Operating Account (September 1, 2010 [~~2008~~], through August 31, 2011 [~~2009~~]);

(2) a Fiscal Year 12 [~~Ten~~] Operating Account (September 1, 2011 [~~2009~~], through August 31, 2012 [~~2010~~]); and

(3) a Fiscal Year 13 [~~Eleven~~] Operating Account (September 1, 2012 [~~2010~~], through January 8, 2013 [~~11, 2011~~]).

(b) Each member who did not serve in the 81st [~~80th~~] Legislature shall have the following operating accounts for the 82nd [~~81st~~] Legislature:

(1) a Fiscal Year 11 [~~Nine~~] Operating Account (January 11, 2011 [~~13, 2009~~], through August 31, 2011 [~~2009~~]);

(2) a Fiscal Year 12 [~~Ten~~] Operating Account (September 1, 2011 [~~2009~~], through August 31, 2012 [~~2010~~]); and

(3) a Fiscal Year 13 [~~Eleven~~] Operating Account (September 1, 2012 [~~2010~~], through January 8, 2013 [~~11, 2011~~]).

(c) For each member who served in the 81st [~~80th~~] Legislature, it shall not be necessary to close the member's Fiscal Year 11 [~~Nine~~] Operating Account when the 82nd [~~81st~~] Legislature convenes.

SECTION 5.03. CREDIT FOR NEWLY ELECTED MEMBERS. Each member who did not serve in the 81st [~~80th~~] Legislature may have credited to the member's Fiscal Year 11 [~~Nine~~] Operating Account the amount of \$2,000.

SECTION 5.04. MONTHLY CREDIT. (a) Each member's operating account shall be credited with \$11,925 [~~\$13,250~~] for each month that falls wholly or partly during the regular legislative session or a special legislative session. In any other month, each member's operating account shall be credited with \$11,500 [~~\$12,250~~], except that the Committee on House Administration may increase the amount credited to each member's operating account to an amount not to exceed \$11,925 [~~\$13,250~~].

(b) The Committee on House Administration may provide to the dean and the speaker pro tempore of the house additional funds as may be determined to be necessary for the duties of those offices to be fulfilled.

(c) The Committee on House Administration may increase the amount credited each month to each member's operating account in an amount to allow for an increase in:

- (1) the salary cap as provided by Section 4.07(f); or
- (2) longevity pay as authorized by legislation.

SECTION 5.045. DETERMINATION OF OPERATING ACCOUNT BALANCE. (a) On the third business day of each calendar month, the House Business Office shall determine the available, unobligated balance at the end of the preceding calendar month for each member's operating account and each committee operating account. If the House Business Office determines that a member's operating account has a negative balance at the end of the preceding calendar month, the office shall provide notice to the member and the member shall deposit funds in the account equal to the negative balance not later than the 10th business day after the date the member receives notice of the deficit from the House Business Office; provided, however, that if a member deposits funds in the member's operating account to cover a negative balance under this subsection and the member later has a positive balance in the member's operating account at the end of a calendar month, the member may use the excess money in the member's operating account at that time to reimburse the member in an amount not to exceed the amount the member earlier deposited to cover the negative balance.

(b) A committee operating account may not operate at a deficit.

(c) If a member is not a member-elect of the 83rd [~~82nd~~] Legislature, the member's operating account may not operate at a deficit after November 30, 2012 [~~2010~~].

SECTION 5.05. ACCOUNT CLOSING. (a) Each member's Fiscal Year 11 [~~Nine~~] Operating Account shall be closed as of August 31, 2011 [~~2009~~].

(b) Each member may carry forward and have credited to the member's Fiscal Year 12 [~~Ten~~] Operating Account the unexpended balance of the member's Fiscal Year 11 [~~Nine~~] Operating Account, not to exceed \$20,000 [~~\$25,000~~]. If the member is the chair of a committee, the member may transfer and have credited to that committee's operating account all or part of that \$20,000 [~~\$25,000~~] and may have the remainder of that \$20,000 [~~\$25,000~~] credited to the member's Fiscal Year 12 [~~Ten~~] Operating Account.

(c) Each member's Fiscal Year 12 [~~Ten~~] Operating Account shall be closed as of August 31, 2012 [~~2010~~].

(d) Each member may carry forward and have credited to the member's Fiscal Year 13 [~~Eleven~~] Operating Account the unexpended balance of the member's Fiscal Year 12 [~~Ten~~] Operating Account, not to exceed \$20,000 [~~\$25,000~~]. If the member is the chair of a committee, the member may transfer and have credited to that committee's operating account all or part of that \$20,000 [~~\$25,000~~] and may have the remainder of that \$20,000 [~~\$25,000~~] credited to the member's Fiscal Year 13 [~~Eleven~~] Operating Account.

SECTION 5.06. EXPENDITURES CHARGED WHEN ENCUMBERED.

All expenditures shall be charged to the period in which they are encumbered.

SECTION 5.07. TRAVEL TO AUSTIN DURING SESSION NOT CHARGED TO OPERATING ACCOUNT. While the legislature is in session, the travel expenses of members for one trip each week between Austin and their districts and return shall not be charged against the members' operating accounts but shall be paid from funds appropriated for that purpose by the legislature.

SECTION 5.08. TRAVEL OUTSIDE TEXAS. A member is entitled to be reimbursed for actual and necessary expenses incurred while traveling outside Texas in the performance of legislative duties and responsibilities. If the reimbursement is for travel inside the conterminous United States, reimbursement is limited to twice the amount that would be reimbursed to state employees for the same travel under the comptroller's guidelines and rates governing travel by state employees.

SECTION 5.09. APPROVAL OF EXPENDITURES. (a) No allowance included in this resolution shall be expended except for actual salaries or actual expenses of the house, its members, departments, committees, and employees and for such other expenses as are authorized by the Committee on House Administration.

(b) The Committee on House Administration may not authorize any expenditures of funds for personal or political campaign reasons.

(c) All expenditures authorized by this resolution shall be paid from funds appropriated for the use of the house of representatives by vouchers or other forms approved by the speaker of the house and the Committee on House Administration.

ARTICLE 6. CAUCUSES

SECTION 6.01. DEFINITION. In this article, "caucus" means an organization that is composed exclusively of members of the legislature, that elects or appoints officers and recognizes identified legislators as members of the organization, and that exists for research and other support of policy development and interests that the membership holds in common. An organization whose only nonlegislator members are the lieutenant governor or the governor remains a "caucus" for purposes of this section.

SECTION 6.02. USE OF HOUSE FUNDS, EMPLOYEES, EQUIPMENT, AND FACILITIES. (a) Except as expressly authorized by this section, funds appropriated to the house may not be expended in support of a caucus, employees compensated from funds appropriated to the house may not perform caucus activities, and state-owned equipment and facilities may not be used in the performance of caucus activities.

(b) An individual member of the house may authorize the use of state equipment assigned to the member's office and the performance of caucus activities by an employee of the member only if:

(1) the member determines that the activities support the member's official duties;

(2) the caucus does not endorse or support a candidate for public office;

and

(3) the caucus does not accept contributions from nonmembers that are required by law to be reported to the Texas Ethics Commission.

(c) A caucus may use the meeting rooms of the Capitol and Capitol extension to conduct meetings of the caucus membership or to host public forums on matters of interest to the caucus.

(d) An individual member may house, in the state office space assigned to the member, caucus employees or equipment owned by a caucus. A member may retain in the member's office a telephone, facsimile machine, or computer owned by the caucus for purposes of the member's communication with the caucus or caucus employees.

SECTION 6.03. CONTRIBUTIONS. (a) A person acting on behalf of a caucus may not knowingly accept a contribution in violation of Section 253.0341, Election Code.

(b) A person acting on behalf of a caucus may not knowingly accept a contribution, and shall refuse a contribution that is received, in the Capitol.

SECTION 6.04. MEMBERSHIP AND OFFICER LISTS. Each caucus shall provide to the chief clerk, on a regular basis, a list of its current membership and officers.

SECTION 6.05. REPORT TO ETHICS COMMISSION. Each caucus shall file a report of contributions and expenditures with the Texas Ethics Commission as required by Section 254.0311, Election Code.

ARTICLE 7. HOUSE RESEARCH ORGANIZATION

SECTION 7.01. ESTABLISHMENT. The Committee on House Administration shall provide operating funds for a house research organization that will be an administrative department of the house and may for that purpose adopt policies and procedures relating to the administrative operation of that organization.

SECTION 7.02. STEERING COMMITTEE. The functions and duties performed by the house research organization shall be governed by a 15-member steering committee composed of house members serving staggered four-year terms, who are subject to approval of the house membership.

SECTION 7.03. BUDGET. The house research organization shall have an operating account and in compliance with the terms of its establishment shall operate under a budget approved by the steering committee and the Committee on House Administration.

ARTICLE 8. SPECIAL PROVISIONS FOR INTERIM

SECTION 8.01. INTERIM COMMITTEE ACTIVITIES. (a) Pursuant to the Legislative Reorganization Act of 1961 (Subchapter B, Chapter 301, Government Code), standing committees of the house established by the rules of the house may hold meetings while the legislature is not in session.

(b) The speaker may grant authority to select committees, interim study committees, subcommittees, or standing committees of the house to hold meetings while the legislature is not in session as the speaker considers necessary and desirable to conduct the business of the house and to assist the speaker in conducting the business of the house, under a pattern of operation and restrictions determined by the rules of the house.

(c) The committee members and employees may either be reimbursed for actual and necessary expenses or receive a per diem not to exceed that provided by law for state officials or state employees, along with mileage or other transportation expenses at the same rate as provided by law for state officials or state employees when conducting such business and attending those meetings when approved by the Committee on House Administration.

SECTION 8.02. POWERS AND DUTIES OF COMMITTEE ON HOUSE ADMINISTRATION DURING INTERIM. (a) When the legislature is not in session, the Committee on House Administration may act as provided by this section.

(b) The committee may call meetings for the transaction of necessary business, and the committee members shall be reimbursed for expenses incurred by them when attending such meetings or when in performance of their duties as members of the Committee on House Administration, the reimbursement to be either actual and necessary expenses or a per diem not to exceed that provided by law for state officials or state employees, along with mileage or other transportation expenses at the same rate as provided by law for state officials or state employees.

(c) The committee may reimburse authorized members and employees for expenses incurred by them when traveling in the performance of their legislative duties and responsibilities within their respective districts or within any county in which any part of their districts lie or from their districts to the State Capitol, the reimbursement to be either actual and necessary expenses or a per diem not to exceed that provided by law for state officials or state employees, along with mileage or other transportation expenses at the same rate as provided by law for state officials or state employees.

(d) The committee may pay for all other reasonable and necessary expenses, including operation of each member's district office, incurred by the members of the house of representatives. The expenses shall be paid from funds appropriated for that purpose, or any other funds appropriated for the use of the house of representatives, on vouchers or other forms approved by the chair of the Committee on House Administration, in accordance with regulations governing such expenditures.

(e) The committee may assign or reassign parking places in the best interest of the house under such terms and conditions as the committee deems necessary.

Amendment No. 1

Representative Gallego offered the following amendment to **HR 3**:

Amend **HR 3** (Housekeeping Resolution) in SECTION 5.04 by inserting Subsection (d) to read as follows:

"(d) A member may decrease the amount credited to the member's operating account under this section by filing a written statement with the Committee on House Administration that specifies the amount of the reduction and the month the reduction takes effect. A member may revoke a statement previously filed with the Committee on House Administration only with the permission of the Committee and upon the filing of a written request with the

Committee that specifically revokes the earlier statement. A committee chairman may file a statement reducing a committee's operating budget or a revocation of a previously filed statement in the same manner as an individual member under this subsection. The Committee may not deny a request made under this subsection unless granting the request would result in the member's or committee's operating account to have a negative balance that is not permitted under Section 5.045. The amount of reduction requested by a member shall be forwarded to the comptroller to the credit of the general revenue fund.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative L. Taylor offered the following amendment to **HR 3**:

Amend **HR 3** (the Housekeeping Resolution) by striking SECTION 6.02 (page 24, line 6, through page 25, line 4) and substituting the following:

SECTION 6.02. USE OF HOUSE FUNDS, EMPLOYEES, EQUIPMENT, AND FACILITIES. (a) Except as expressly authorized by this section, funds appropriated to the house may not be expended in support of a caucus, employees compensated from funds appropriated to the house may not perform caucus activities, and state-owned equipment [~~and facilities~~] may not be used in the performance of caucus activities.

(b) An individual member of the house may authorize the use of state equipment assigned to the member's office and the performance of caucus activities by an employee of the member only if:

(1) the member determines that the activities support the member's official duties;

(2) the caucus does not endorse or support a candidate for public office; and

(3) the caucus does not accept contributions from nonmembers that are:

(A) in violation of Section 253.0341, Election Code; or

(B) required by law to be reported to the Texas Ethics Commission.

(c) A caucus may use the meeting rooms of the Capitol and Capitol extension to conduct meetings of the caucus membership, ~~[or]~~ to host public forums on matters of interest to the caucus, or to facilitate the work of the caucus or a caucus employee.

(d) An individual member may house, in the state office space assigned to the member, caucus employees or equipment owned by a caucus. A member may retain in the member's office a telephone, facsimile machine, or computer owned by the caucus for purposes of the member's communication with the caucus or caucus employees.

(e) From space under the jurisdiction of the house, the Committee on House Administration shall assign:

(1) one office space and one parking space for use by the Texas Republican Legislative Caucus; and

(2) one office space and one parking space for use by the House Democratic Caucus.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representatives L. Taylor and Farrar offered the following amendment to **HR 3**:

Amend **HR 3** (the Housekeeping Resolution) by striking SECTION 6.02 (page 24, line 6, through page 25, line 4) and substituting the following:

SECTION 6.02. USE OF HOUSE FUNDS, EMPLOYEES, EQUIPMENT, AND FACILITIES. (a) Except as expressly authorized by this section, funds appropriated to the house may not be expended in support of a caucus, employees compensated from funds appropriated to the house may not perform caucus activities, and state-owned equipment [~~and facilities~~] may not be used in the performance of caucus activities.

(b) An individual member of the house may authorize the use of state equipment assigned to the member's office and the performance of caucus activities by an employee of the member only if:

(1) the member determines that the activities support the member's official duties;

(2) the caucus does not endorse or support a candidate for public office; and

(3) the caucus does not accept contributions from nonmembers that are in violation of Section 253.0341, Election Code [~~required by law to be reported to the Texas Ethics Commission~~].

(c) A caucus may use the meeting rooms of the Capitol and Capitol extension to conduct meetings of the caucus membership, [~~or~~] to host public forums on matters of interest to the caucus, or to facilitate the work of the caucus or a caucus employee.

(d) An individual member may house, in the state office space assigned to the member, caucus employees or equipment owned by a caucus. A member may retain in the member's office a telephone, facsimile machine, or computer owned by the caucus for purposes of the member's communication with the caucus or caucus employees.

(e) From space under the jurisdiction of the house, the Committee on House Administration may assign:

(1) one office space and one parking space for use by the Texas Republican Legislative Caucus; and

(2) one office space and one parking space for use by the House Democratic Caucus.

Amendment No. 3 was adopted by (Record 6): 130 Yeas, 5 Nays, 1 Present, not voting. (The vote was reconsidered later today, and Amendment No. 3 was adopted by Record No. 7.)

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; 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; Turner; Veasey; Vo; Walle; Woolley; Workman; Zedler; Zerwas.

Nays — Howard, C.; Jackson; Simpson; Weber; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Brown; Hartnett; Hernandez Luna; Morrison; Paxton; Riddle.

Absent — Bohac; Christian; Coleman; Dukes; Garza; McClendon; Patrick; Villarreal.

STATEMENTS OF VOTE

When Record No. 6 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 6 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 6 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

Amendment No. 3 - Vote Reconsidered

Representative L. Taylor moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider prevailed.

Amendment No. 3 was adopted by (Record 7): 134 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; 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; Turner; Veasey; Vo; Walle; Woolley; Workman; Zedler; Zerwas.

Nays — Howard, C.; Jackson; Simpson; Weber; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Brown; Hartnett; Hernandez Luna; Morrison; Paxton; Riddle.

Absent — Coleman; Garza; Miller, S.; Villarreal.

HR 3, as amended, was adopted by (Record 8): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Brown; Hartnett; Hernandez Luna; Morrison; Paxton; Riddle.

Absent — Coleman; Garza; Villarreal.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Select Committee on Election Contest to meet at 3 p.m. Wednesday, January 19, in E2.010, for a formal meeting, to consider invited testimony.

Permission to meet was granted.

ADJOURNMENT

Representative Button moved that the house adjourn until 9:30 a.m. Tuesday, January 18.

The motion prevailed.

The house accordingly, at 1:53 p.m., adjourned until 9:30 a.m. Tuesday, January 18.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 1

HCR 26

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Thursday, January 13, 2011

The Honorable Speaker of the House
 House Chamber
 Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 26 Craddick SPONSOR: Seliger
Congratulating the Midland High School Bulldogs football team on its success during the 2010 season.

SCR 6 Whitmire SPONSOR: Smithee
Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, January 13, 2011, and ending on Tuesday, January 18th, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FOURTH DAY — TUESDAY, JANUARY 18, 2011

The house met at 9:30 a.m. and, at the request of the speaker, was called to order by Representative Madden.

The roll of the house was called and a quorum was announced present (Record 9).

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

Absent, Excused — Alvarado; Riddle.

Absent — Eiland.

The invocation was offered by Don Garner, pastor, Capitol Commission, Austin, as follows:

Father, I pray that these leaders might know you as their creator, sustainer, and redeemer. I thank you for their willingness to serve our state and I ask you to provide all the means necessary for them to carry out their responsibilities. I ask you to protect them and their families from the special pressures of public service. Use them as instruments of your righteousness, peace, and blessing for all the people of the State of Texas. In the name of our Lord Jesus Christ, I pray. Amen.

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

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a funeral:

Alvarado on motion of Harless.

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

Riddle on motion of Fletcher.

CAPITOL PHYSICIAN

The chair recognized Representative S. Davis who presented Dr. Stephen Spann of Houston as the "Doctor for the Day."

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

LEAVE OF ABSENCE GRANTED

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

Eiland on motion of Strama.

PROVIDING FOR ADJOURNMENT

Representative Hamilton moved that, at the conclusion of the joint session for inauguration of the governor and lieutenant governor, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

INAUGURATION OF THE GOVERNOR AND LIEUTENANT GOVERNOR

(The House of Representatives and the Senate in Joint Session)

At 11 a.m., the members of the house reconvened at the south entrance of the Capitol and were joined by the senate in a joint session for the purpose of inaugurating the governor, the Honorable Rick Perry, and the lieutenant governor, the Honorable David Dewhurst.

With the Ross Volunteers of Texas A&M University forming a sabre arch, the governor and Mrs. Perry and lieutenant governor and Mrs. Dewhurst and their party were escorted to seats on the platform. The color guard presented the colors.

The University of Texas Longhorn Band played the national anthem.

Senator Ogden called the senate to order and announced that a quorum of the senate was present.

Speaker Straus called the house of representatives to order and announced that a quorum of the house of representatives was present.

Speaker Straus stated that the house and senate were in joint session for the purpose of inaugurating the governor and lieutenant governor.

Speaker Straus presented Dr. Ed Young, senior pastor, Second Baptist Church, Houston, who offered the invocation.

Captain Daniel P. Moran (ret.) led the pledges of allegiance to the United States and Texas flags.

Speaker Straus stated that the oath of office would be administered to the lieutenant governor, the Honorable David Dewhurst, by the Honorable Wallace Jefferson, chief justice of the Supreme Court of Texas.

The Honorable David Dewhurst then took the constitutional oath of office as lieutenant governor of the State of Texas.

Senator Ogden introduced the lieutenant governor of Texas, the Honorable David Dewhurst, who addressed the joint session and assemblage, speaking as follows:

Thank you, Senator Ogden. My friends, Governor Perry, Speaker Straus, Chief Justice Jefferson, members of the legislature, my fellow Texans. I'm deeply honored to once again take the oath of office as your lieutenant governor, to serve the greatest people on this planet—the people of Texas. You have my profound gratitude.

It's very special for me to take this oath with Tricia by my side and with our little daughter, Carolyn. For me, there are no greater blessings in life than a wonderful wife and family. I learned that from a very special woman who loved her children unconditionally, who overcame great adversity, who put her children's future ahead of her own—my mom. A member of the "Greatest Generation," she was prepared to sacrifice so her boys might grow up and be half the man their dad was.

When I first told Mom that I had decided to run for public office, I'll never forget what she told me. She said, "David, have you completely lost your mind?" And then she thought about it, and with moist eyes she said, "David, you have my blessing as long as you promise me every day you are in politics, you'll push the envelope, you'll help people who have no one else to help them. And the day you don't, you'll get out of office."

I stand before you today the lieutenant governor of Texas on the shoulders of that very special woman and also with a very special wife. As long as I have the opportunity to serve the people of Texas, I will keep my solemn vow to help those who cannot help themselves, to ensure that the promise of opportunity is available to all without favoring the few. To the good people of Texas, I'm honored by the responsibility you have given me, and I promise to use the power you have loaned me humbly to help all people.

There's a lot that is special about being a Texan; we are independent, optimistic, and occasionally stubborn. Those men and women who made their way to Texas, who settled these unforgiving plains, who sought neither a handout nor a stimulus check—they simply sought freedom. What makes Texas great is not cattle, cotton, or crude oil; it's people.

We have big challenges facing us in this 2011 Legislative Session. But we will be successful because our challenges are not bigger than the sheer will and determination of the people of Texas. I know this for a fact because eight years ago when I was sworn in for the first time, we faced some of the same problems. But we didn't shrink from these challenges. We looked at the mountain in front of us and began to climb. And working together, we passed major lawsuit reform, school finance, and we balanced four state budgets without raising taxes, while protecting essential services for our most vulnerable.

Job one is to balance the budget without raising taxes. In the worst economy in 70 years with unemployment at its highest in decades, now is not the time to ask families to make do with less so government can spend more. As President Ronald Reagan once said, "There are no easy answers, but there are simple answers." Simply put, government must live within its means. This last election, Texans spoke clearly about excessive government spending when they said, "No," to the Washington way, where they spend \$5 for every \$3 they take in. In contrast to Washington, we offer limited government to create unlimited opportunity. We know people agree because they are voting with their feet and moving to Texas in larger numbers than any other state. Last year, more than 200,000 people moved to Texas from the other 49 states, and it's not because of our weather. It's because we are a fortress of economic freedom, a lone bastion of opportunity in the midst of a global economic crisis.

Let me tell you what I hear from Texans. Over the past 18 months, as I crisscrossed the state, I heard neither a clamoring for more taxes nor a call for more government. What I heard was anger over reckless spending in Washington. I listened to ranchers, lawyers, doctors, factory workers, small business owners—some of the same men and women who formed a grassroots rebellion against reckless spending: the patriots of the Tea Party. From Boston Harbor in 1773 to Austin, Texas, in 2011, the cry of everyday citizens is to be freed from a distant government which doesn't listen to us but tries to control our lives at the expense of our liberty.

Washington should listen to the people and look to the states—the laboratories of innovation and governing. The Tea Party, independents, republicans, and conservative democrats should all be proud of Texas as a shining example of limited government, low taxes, and economic growth. I'm proud of the role I played with Governor Perry, the speaker, and the legislature cutting the size of government in 2003 and in 2010 and again this year. Working together, we've held the line on spending for the last eight years.

In Texas, we will never concede our freedom to Washington because we believe government exists to empower people, not rule over them. Like many of you, I've studied the constitution, and I have a profound respect for its enduring wisdom. But as amazing as our constitution is for what it does, it's just as amazing for what it doesn't do. It does not make Washington all-powerful. Our Founding Fathers had the chance to centralize power in a government that they themselves would run; yet, they chose to give it away. They gave power to the

people enshrined in the Declaration of Independence, the constitution, and the 10th Amendment—in peace, on purpose. Theirs was an act of courage rare in the annals of history.

Our Founding Fathers knew that absolute power in the hands of a few meant lost liberty for the many. The same is true today. The only thing as outrageous as the amount of money Washington is borrowing from foreign creditors is the amount of money they withhold from states unless we comply with their edicts. Washington has run roughshod over state sovereignty.

The examples are more and more outrageous: the offshore drilling ban, misguided congressmen blocking almost \$1 billion of funding for our Texas school children, the EPA taking over 167 clean air permits, cap-and-trade which will increase your taxes, and Obamacare—the largest expansion of government in a generation.

What the Obama Administration has failed to achieve through legislation, they are instead trying to pass through regulation. And unfortunately, Texas has been forced to use our last option: litigation.

And while Washington intrudes upon the rights of states, they have yet to meet their most basic constitutional obligation: to secure our borders. Today, our borders are under siege by gangs and cartels that traffic in drugs, weapons, and human beings. Border Security is a federal job, but the states pay the price. That's why Texas has spent more than a quarter billion dollars over the last four years, putting state troopers, helicopters, and local law enforcement on the border. And you know what we've found? Manpower is the key to securing the border. Every time we do surge operations, massing personnel on our southern border, nothing moves. Criminal activity virtually shuts down in the area. Therefore, today I'm asking the federal government to triple the number of border patrol agents on our borders. If that doesn't secure our borders, then I will keep demanding additional boots on the ground until we have sufficient manpower to seal it, control it, and enforce it. When it comes to our sovereignty and security, there is no compromise.

My priorities this session are clear. In addition to securing our borders, we will pass legislation to encourage more job creation; to protect the integrity of our elections, we will again pass voter ID; we will continue to improve our public schools because a quality education gives every child a chance to realize their dreams; we will continue building a world-class transportation system because quality roads without congestion are the economic arteries of future prosperity; we will make healthcare more accessible and more affordable with better medical outcomes at a lower cost by passing reforms that will lead the nation because Texans deserve better healthcare, not more bureaucracy; and we will achieve all these goals while balancing our budget without raising taxes because I want a budget that grows the Texas economy, not the Texas government.

Can we do all these things? You bet! Eight years ago, at our inaugural prayer service, my friend Dr. Ed Young joked that Texans are accused of having an accent that causes us to mispronounce some words. We pronounce the word "c-r-i-s-i-s" as "opportunity." Our economic ascent is the result of bedrock conservative principles: limited government, low taxes, creating a level playing

field and a predictable, dependable business climate. For years, the Texas landscape has bloomed with opportunity. One of the many things I love about Texas, and which I've experienced, is that the Texas of today is a place where any day anyone from any background can climb heights as improbable as they are breathtaking. We are Texans, and we can do anything we set our minds to. But our optimism of the Texas that is and the Texas that can be cannot, and should not, cause us to lose sight of the jobless, the helpless, the hopeless.

I want everyone to have the opportunity to be all they can be. To me, the best investments are those that give Texans the tools of self-sufficiency: a world-class education; quality, affordable health care; a stable, dependable business climate so that entrepreneurs can build successful companies and workers can make better wages. These are the kinds of investments we must make in good times or bad. But government cannot solve every problem or address every ill. Centralized government that attempts too much achieves too little.

So for those of us who have been blessed, we have a special calling to serve and sacrifice to help people. Service and sacrifice are what define our "Greatest Generation"—the men and women who fought the forces of tyranny in the trenches of Europe, on the islands of the Pacific, on the high seas and at high altitudes. During World War II, 750,000 Texans—including 12,000 women—served our country. My father was one: an ordinary Texan who went to war, did his job, and became a highly decorated B-26 bomber pilot, flying 85 missions over Nazi Europe. Every time he roared down the runway, he knew it might be his last. But he did it anyway, just like your fathers and your grandfathers. I've been to the shores of Normandy where thousands and thousands of brave Americans are buried, Americans who made the ultimate sacrifice. An indescribable peace permeates such hallowed ground; where heroes rest, the silence speaks.

It was not just my father and the millions of servicemen who sacrificed; it was all of American society. It was the factory workers; it was the women who not only raised families without their husbands, but worked in plants to support the war; it was citizens who bought war bonds and prayed every night for the safe return of their loved ones. Each had a role to play, and virtually all rose to the challenge. We see that same spirit of sacrifice alive and well today in our fighting men and women in Afghanistan and Iraq. They are freedom's greatest ambassadors: warriors willing to sacrifice all, including their own safety, for a greater good. We must never become oblivious to their sacrifice or fail to remember the generations that came before them. We, too, as individual citizens and civilians must be willing to sacrifice for the good of our state and our country.

Many in America have been trained to believe we can have all we want when we want it. But at the core of being a Texan and an American is not what we get from society, but what we give back. For most of us Texans, the question is not what government can do for us, but what we can do if government doesn't stand in our way. Government cannot replace the role of parents in families,

cannot legislate personal responsibility, cannot replace the private sector in creating jobs, and cannot govern an individual's life better than his own conscience.

Texas still offers the promise of a better tomorrow, where a little boy or girl can grow up with nothing, work hard, and have the storybook ending they would never dare to imagine as a child. I know because that's my story. And it's the story of millions of Texans who have lived the American Dream in this state so abundant with opportunity—those who sacrifice, those who persevere, those who dust off their boots and get back up every time they get knocked down. They are the ones who know the meaning of the American Dream, the Texas Dream.

The promise of Texas is a light on the distant horizon piercing the darkness. It's a promise available to any and all who are willing to work hard, sacrifice, and never give up. This has never been more true than today with thousands of new pilgrims settling here each day in this modern promised land we call Texas. We who have inherited that promise must preserve and protect it. We must never allow its light to lose its luster. We must be united in our quest for a better Texas, a Texas rich in values, abundant in opportunity, wealthy in spirit. One people, one star, one destiny.

May God bless each and every one of you, and may he continue to bless the great State of Texas. Thank you.

At the conclusion of the lieutenant governor's address, Speaker Straus stated that the oath of office would be administered to the governor, the Honorable Rick Perry, by the Honorable Wallace Jefferson, chief justice of the Supreme Court of Texas.

The Honorable Rick Perry took the constitutional oath of office as governor of the State of Texas.

Following a nineteen-gun salute, Speaker Straus introduced the governor of Texas, the Honorable Rick Perry, who addressed the joint session and assemblage, speaking as follows:

Thank you, Speaker Straus. You have been a strong, conservative partner, and I look forward to working with you again this session. Governor Dewhurst, It has been a distinct honor to serve with you over the last eight years, and I look forward to the next four. My fellow statewide elected officials, members of the judiciary, members of the house and senate, friends and Texans, it is an honor to once again take the oath of office as your governor. It took 154 years to get an Aggie into the governor's office, and some of you are probably wondering if he'll ever leave.

I know this, though. If I never served a day in this office, I'd still be the most blessed man on earth because of my wife, Anita Thigpen Perry. Anita, you have served as First Lady with grace and dignity, and simply put, I love you. And like you, I thank God every day for the gift of our wonderful children: Sydney, Griffin, and his wonderful new wife, Meredith.

I am also blessed with the best parents a guy could ever ask for, Ray and Amelia Perry, and wonderful in-laws Dr. Joe and Mrs. Thigpen. With fathers who fought in World War II, Anita and I don't have to look beyond family to find true heroes.

There are many heroes here today, some the ordinary kind, who work hard, pay taxes, and teach their children values that will sustain them. There is also the extraordinary kind, those who know the enormous price of freedom because they've paid it with their own blood. I speak of the veterans of our nation's wars. Men and women who answered the call of our country, trained for the rigors of battle, then pushed their bodies, minds, and spirits to the limit. Their service required sacrifices that no man or woman should ever endure: the terror of battle, the death of friends, the lasting injuries, both seen and unseen. For these men and women, sacrifice is not a word, it's a way of life. I'm talking about Texans like R. V. Burgin from Lancaster, who fought his way across the Pacific Islands of Pelelieu and Okinawa; John Keith Wells of Abilene, a Navy Cross recipient who led a platoon of Marines through the hell of Iwo Jima; Ben Berger, who hit the Normandy beaches on D-Day with Earl Rudder and the 5th Ranger Battalion; teenage Marine Jay Kimbrough of Dallas, who was badly wounded when his assault helicopter was shot southwest of Danang; and Marine Captain Dan Moran, who was hit by an IED in Iraq's Al-Anbar province. If anyone here in the audience today defended freedom as a member of our armed forces, please stand or wave so we can recognize you. On behalf of those assembled, and more than 25 million Texans, I want to thank all of our men and women in uniform for your service and your sacrifice. Those of us fortunate enough to work in this building must always remember it is an honor and a privilege to serve. Words like "sacrifice" should be reserved for those who made that service possible. As we reflect together on all that has transpired since the icy cold of the last Texas inaugural, much has changed in our world. While conditions have improved for our troops in Iraq, they have worsened in Afghanistan.

Here at home, we've seen catastrophic events in the marketplace that have unleashed an economic recession unlike anything we've experienced in 70 years. The failure of major financial institutions led to tighter credit, massive foreclosures, and staggering layoffs. Risky practices in the private sector were compounded by poor spending decisions in the public sector. With bloated stimulus spending, record debt, and massive entitlement programs, Washington has America on a collision course with bankruptcy. While Texas has fared better than most states, we have not gone untouched by this global recession, and we cannot forget those Texans who are dealing with the fear and uncertainty of joblessness.

While much has changed in the last four years, one thing will never change: the character, resilience, and resourcefulness of our citizens. Texans just don't like the word "impossible." If something has never been done, it's because we simply haven't tried. We tamed the frontier, formed our own republic, discovered oil, pioneered space, and transformed the marketplace. The first word spoken on the moon was, "Houston," a city whose namesake was not Texan by birth but Texan by choice, like millions more who would follow.

While our budget challenges are substantial, for the good of the 25 million pioneers we call Texans, for a people who work hard to get ahead, we must balance our budget without raising their taxes. Since the last legislative session ended, I have traversed this great state, meeting with Texans from every walk of life and I have listened. I heard their belief that tough economic times require strong leadership and tough choices for everyone. I have heard their calls for government that is smarter, leaner, and more accountable. They reminded me that there is no such thing as government money; it's the people's money in government's hands. Texas families have endured this long season of economic trouble by tightening their own budgets, and making tough choices. Texas employers have streamlined operations, becoming more innovative and efficient. Making their lives harder just to make our jobs easier would be a failure of leadership.

As Texans, we always take care of the least among us: the frail, the young, the elderly on fixed incomes, those in situations of abuse and neglect, people whose needs are greater than the resources at their disposal. They can count on the people of Texas to be there for them. We will protect them, support them, and empower them, but cannot risk the future of millions of taxpayers in the process. We must cut spending to keep our economic engine on track. As legislators do the hard work of trimming agency budgets, the headlines will be dominated by impacted constituencies, but these tough times dictate government doing more with less. That's what we campaigned on, and that's what we'll deliver. We need to prioritize and justify every penny and validate every investment made. During this session, Texas will prove again that fiscal responsibility, sound policy making, and a passion for individual liberty are essential to the success of employers, institutions, and families. If we cannot exercise fiscal discipline in governing Texas, I doubt it can be achieved anywhere, least of all in Washington.

With our nation mired in more than \$14 trillion of debt, accountability and fiscal responsibility will not come from Washington, it will come from places like Texas. Texas is still the engine of America's economy, and we're proud to lead the nation in Fortune 1000 companies, international exports, and job creation. Those jobs are more than statistics. They provide wealth and opportunity for our citizens and families. The jobs aren't just going to our big cities, but also to towns like Cuero and Seguin, where employers have relocated or expanded their operations thanks to the job friendly climate we've worked so hard to create.

Texans are also creating new technologies that will save lives at companies like Falcon International in Odessa, whose new body armor technology will protect troops who go into harm's way to protect the American way. Texans are also on the leading edge of discovery in the race to find cures for various forms of cancer, a disease that has extinguished the hopes of too many, too young. Through initiatives like the Cancer Prevention and Research Institute of Texas in conjunction with our universities, medical centers, and high-tech firms, we are doing groundbreaking medical research that will save lives that would otherwise be lost.

As Texans continue to invent and innovate, and change the face of medicine, science, and business, we must apply the same creativity and commitment to creating a safe and secure border. With us today is a delegation of governors and businessmen from our neighboring states in Mexico. I am grateful for the honor of their presence today and appreciate our excellent working relationship. We not only share a common border with these leaders, but a common past, present, and future. We are not only joined together by geography and economics, but by cultural ties and family roots as well. We share great opportunity and great challenges.

On this day of celebration, the drug-related violence along our border may seem a million miles away but, in reality, it has arrived on our doorstep. While it should be addressed by our respective federal governments, we cannot stand idly by when our citizens are threatened. Our state's efforts to secure the border have made our citizens safer and must be continued to prevent the flow of cross-border violence. For all of us, a secure border means a more stable economy, safer families, and a brighter future.

Throughout history, in good times and bad, Texans have endured identifying opportunities, counting the cost, and then just outworking everyone else in the race for success. As their elected leaders, we have an obligation to govern as we promised. As elected leaders, we have sworn to uphold the constitution of this great state, in whose Bill of Rights this key phrase resides, "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit." As we do so, our vision must extend beyond the next 140 days, across this new decade, and the rest of this century. We must continue investing in our people, developing young minds, grooming and attracting the best and brightest in the fields of science and medicine, giving individuals the tools and the freedom to prosper. Given our state's economic success compared to that of other states and Washington's ongoing irresponsibility, I believe Texas will lead the way out of this turmoil. You might say historians will look back on this as the "Texas Century."

Americans once looked to the East Coast for opportunity and inspiration, then to the West Coast. Today they are looking to the Gulf Coast, they are looking to Texas. Our state is the new, best hope for entrepreneurs and small businesses, the place where Americans can redeem their promise and fulfill their potential. We have the resources to meet our challenges, and the vision to apply them for a more prosperous future. This is our time; this is our place in history. We must seize the moment. We must plant the seeds of opportunity that bloom beyond our years. We must show the world the endless possibilities of freedom and free enterprise. If I've said it once, I've said it a thousand times, and will say it a thousand more: there is still a place where opportunity looms large in this country, and that place is called Texas. Let's do all we can to keep her moving forward. May God bless you all and, through you, may he continue to bless the great State of Texas.

At the conclusion of the governor's address, Speaker Straus presented Bishop Joe S. Vásquez of Austin, who offered the inaugural blessing.

Speaker Straus presented David Robinson of San Antonio, who pronounced the benediction.

Speaker Straus presented the Texas A&M University Singing Cadets who sang "Eternal Father, Strong to Save."

The assemblage sang "Texas, Our Texas."

Speaker Straus extended an invitation, on behalf of Governor Perry and Lieutenant Governor Dewhurst, to all guests to the remaining inaugural festivities.

SENATE RECESS

Senator Ogden stated that the purpose for which the joint session was convened having been completed, the senate would stand recessed until 11 a.m. tomorrow.

ADJOURNMENT

Speaker Straus stated that the purpose for which the joint session was convened had been completed. In accordance with a previous motion, the house, at 12:14 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

ENROLLED

January 13 - HCR 26

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTH DAY — WEDNESDAY, JANUARY 19, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 10).

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; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Madden; Menendez; Smithee; Woolley.

The invocation was offered by Jim Bankhead, pastor, Westlake Hills Presbyterian Church, Austin, as follows:

Living God, our Heavenly Father, the governor of all creation, you have inspired and moved governments to do good for people when they humble themselves and seek you. So work in the hearts of these women and men so that they stay humble before you and caring for one another as they seek to make wise and caring decisions for the people of our state. I pray this in Jesus' name. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Madden on motion of Bohac.

Menendez on motion of Raymond.

Smithee on motion of Bohac.

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

Woolley on motion of Elkins.

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Dr. John Frederick of Austin as the "Doctor for the Day."

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

HR 92 - ADOPTED (by Strama)

The following resolution was laid before the house:

HR 92, Honoring the 2011 Operation Cookie program of the Girl Scouts of Central Texas.

HR 92 was read and was adopted.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 92** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Strama who introduced Catherine and Anna Wicker of the Girl Scouts of Central Texas.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Select Committee on Election Contest, 3 p.m. today, E2.010, for an organizational meeting.

ADJOURNMENT

Representative Farias moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 10:29 a.m., adjourned until 10 a.m. tomorrow.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTH DAY — THURSDAY, JANUARY 20, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 11).

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

Absent, Excused — Hilderbran; Lucio; Mallory Caraway; Pitts; Smithee; Solomons; Strama; Taylor, V.; Woolley.

Absent — Garza; Gonzales, L.; Lyne.

The invocation was offered by Jeff Young, minister of spiritual development, Prestonwood Baptist Church, Plano, as follows:

Loving Heavenly Father, near the beginning of our day we come to you in a spirit of humility and seeking mercy. In agreement with your word, we readily admit that our ways are not your ways and our thoughts are not your thoughts.

Father, we are thankful that your word is true. You really are our rock, our shelter, our ever-present help in time of need. You really have provided a lamp for our path in your word. You really are faithful and for that we say thanks.

Almighty God, I ask that you would grant wisdom to these men and women, your wisdom. The issues that they are wrestling with today affect people that you intimately care about. More than anything else, you tell us that you care about people just like me and everyone who can hear my voice. Your word promises

that when we ask for wisdom that you will provide it. So I am asking for wisdom beyond what education, intellect, and common sense could ever provide. I'm asking for your wisdom.

Sheltering God, I ask that you protect these leaders from others who are pessimistic and seeking personal gain. Give these leaders discernment. Give these leaders creativity and a passionate drive to solve the issues they are presented with in ways where you are honored, where people are valued, and where the values of cooperation, integrity, and trust are soaring more and more. This is a big request. And thankfully you are a big God. So big that you forgive people like me and give us a second chance simply by transferring faith in ourselves to faith in your Son, Jesus, in whose name we pray. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Lucio on motion of Raymond.

Mallory Caraway on motion of Raymond.

Pitts on motion of Lewis.

Smithee on motion of Chisum.

V. Taylor on motion of Chisum.

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

Hilderbran on motion of Hopson.

Solomons on motion of Hopson.

Strama on motion of Raymond.

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

Phillips on motion of Darby.

CAPITOL PHYSICIAN

The speaker recognized Representative Workman who presented Dr. Dan Freeland of Austin as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 1).

HR 141 - ADOPTED
(by Lavender)

The following resolution was laid before the house:

HR 141, Welcoming students from the National Junior Honor Society at Morris Upchurch Middle School to the State Capitol.

HR 141 was read and was adopted.

HR 51 - ADOPTED
(by V. Gonzales)

The following resolution was laid before the house:

HR 51, Commemorating the presentation of the Golden Eagle Award to the late Michael A. Allen of McAllen.

HR 51 was unanimously adopted by a rising vote.

(Harper-Brown in the chair)

HR 148 - ADOPTED
(by Y. Davis)

The following resolution was laid before the house:

HR 148, Honoring Willie Nelson for his career in music and his contributions to the Lone Star State.

HR 148 was adopted.

SCR 7 - ADOPTED
(L. Taylor - House Sponsor)

The following resolution was laid before the house:

SCR 7, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 19, 2011, and ending on Monday, January 24, 2011.

SCR 7 was adopted by (Record 12): 134 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; Geren; Giddings; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown (C); Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter;

Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Hilderbran; Lucio; Mallory Caraway; Phillips; Pitts; Smithee; Solomons; Strama; Taylor, V.; Woolley.

Absent — Garza; Gonzales, L.; Gonzales, V.; Lyne; Paxton.

(Garza and L. Gonzales now present)

STATEMENTS OF VOTE

When Record No. 12 was taken, my vote failed to register. I would have voted yes.

Garza

When Record No. 12 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

(Speaker in the chair)

ADJOURNMENT

Representative Chisum moved that the house adjourn until 1:30 p.m. Monday, January 24.

The motion prevailed.

The house accordingly, at 10:38 a.m., adjourned until 1:30 p.m. Monday, January 24.

ADDENDUM

SIGNED BY THE SPEAKER

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

Senate List No. 1

SCR 3

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, January 20, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 7 Whitmire SPONSOR: Taylor, Larry
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 19, 2011, and ending on Monday, January 24, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

SENT TO THE GOVERNOR

January 19 - HCR 26

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTH DAY — MONDAY, JANUARY 24, 2011

The house met at 1:30 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 13).

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; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman.

Absent, Excused — Madden; Miller, D.; Zerwas.

Absent — Harper-Brown; Hughes; King, P.; Landtroop; Lucio; Morrison; Zedler.

The invocation was offered by Reverend Don Long, pastor, Austin, as follows:

Almighty glorious and blessed Heavenly Father, vouchsafe thine aid to this present convocation of the Texas House of Representatives. Give each one your wisdom and courage to fulfill their duties to you and to the people of Texas. In these hard economic times, give these representatives the knowledge and patience to pass a budget that meets the true needs of all Texans and will also balance with the state income.

We thank you for the 12 wounded warriors from the Brooke Army Medical Center who are being honored today in both the senate and the house.

We ask that you bless and lay your healing hand upon U.S. Congresswoman Giffords. As we mourn the fact that she and other innocent people in Tucson were wounded, let each of us seek to be civil and tolerant to all, knowing that you have given us the answer to all our nation's problems when you said: "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land." (2 Chronicles 7:14) Amen.

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

LEAVES OF ABSENCE GRANTED

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

Madden on motion of Bohac.

Zerwas on motion of Hamilton.

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

D. Miller on motion of S. Davis.

PROCLAMATIONS BY THE GOVERNOR OF THE STATE OF TEXAS

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

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

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

Legislation that requires a voter to present proof of identification when voting.

Respectfully submitted,
Rick Perry
Governor

Austin, Texas
January 20, 2011

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

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

Legislation that will provide for a federal balanced budget amendment to the United States Constitution.

Respectfully submitted,
Rick Perry
Governor

Austin, Texas
January 20, 2011

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

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

Legislation that requires a sonogram before a woman elects to have an abortion so that she may be fully medically informed.

Respectfully submitted,
Rick Perry
Governor

Austin, Texas
January 21, 2011

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Dr. John Egerton and Dr. Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Harper-Brown, P. King, Landtroop, Lucio, and Zedler now present)

HR 174 - ADOPTED (by Raymond)

The following resolution was laid before the house:

HR 174, Recognizing January 24, 2011, as Laredo Day at the State Capitol.

HR 174 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Raymond who introduced a delegation from Laredo.

(Harper-Brown in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 2).

**HR 181 - ADOPTED
(by Thompson)**

The following resolution was laid before the house:

HR 181, Welcoming Texas motorcyclists to Austin for their Legislative Day at the State Capitol on January 24, 2011.

HR 181 was adopted.

On motion of Representative Pickett, the names of all the members of the house were added to **HR 181** as signers thereof.

(Hughes now present)

**HR 171 - ADOPTED
(by Harless)**

The following resolution was laid before the house:

HR 171, Congratulating Jack Burke, Jr., on receiving the 2011 William D. Richardson Award from the Golf Writers Association of America.

HR 171 was adopted.

(Morrison now present)

(Speaker in the chair)

**HR 159 - ADOPTED
(by Berman)**

The following resolution was laid before the house:

HR 159, Recognizing January 24, 2011, as Wounded Warrior Day at the Texas State Capitol.

HR 159 was read and was adopted.

On motion of Representative Giddings, the names of all the members of the house were added to **HR 159** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Berman who introduced wounded warriors: Major John J. Ploch, Staff Sergeant Frank Lamar, Sergeant Juan Carrion, Staff Sergeant Richard Groff, Private First Class Kevin Macari, and Sergeant Chris Goebel. Representatives Berman and Kuempel presented the veterans with state flags flown over the Capitol.

**HR 4 - ADOPTED
(by Solomons)**

The following resolution was laid before the house:

HR 4

BE IT RESOLVED by the House of Representatives of the State of Texas, That the following are adopted as the permanent rules of the House of Representatives of the 82nd [~~81st~~] Legislature:

RULES OF
THE HOUSE OF REPRESENTATIVES
OF THE TEXAS LEGISLATURE
TABLE OF CONTENTS

RULE

- 1. DUTIES AND RIGHTS OF THE SPEAKER
- 2. EMPLOYEES
- 3. STANDING COMMITTEES
- 4. ORGANIZATION, POWERS, AND DUTIES OF COMMITTEES
- 5. FLOOR PROCEDURE
- 6. ORDER OF BUSINESS AND CALENDARS
- 7. MOTIONS
- 8. BILLS
- 9. JOINT RESOLUTIONS
- 10. HOUSE RESOLUTIONS AND CONCURRENT RESOLUTIONS
- 11. AMENDMENTS
- 12. PRINTING
- 13. INTERACTIONS WITH THE GOVERNOR AND SENATE
- 14. GENERAL PROVISIONS

STATEMENT OF AUTHORIZATION AND PRECEDENCE

Pursuant to and under the authority of Section 11, Article III, Texas Constitution, and notwithstanding any provision of statute, the House of Representatives adopts the following rules to govern its operations and procedures. The provisions of these rules shall be deemed the only requirements binding on the House of Representatives under Section 11, Article III, Texas Constitution, notwithstanding any other requirements expressed in statute.

RULE 1. DUTIES AND RIGHTS OF THE SPEAKER
CHAPTER A. DUTIES AS PRESIDING OFFICER

Sec. 1. ENFORCEMENT OF THE RULES. The speaker shall enforce, apply, and interpret the rules of the house in all deliberations of the house and shall enforce the legislative rules prescribed by the statutes and the Constitution of Texas.

Sec. 2. CALL TO ORDER. The speaker shall take the chair on each calendar day precisely at the hour to which the house adjourned or recessed at its last sitting and shall immediately call the members to order.

Sec. 3. LAYING BUSINESS BEFORE THE HOUSE. The speaker shall lay before the house its business in the order indicated by the rules and shall receive propositions made by members and put them to the house.

Sec. 4. REFERRAL OF PROPOSED LEGISLATION TO COMMITTEE. All proposed legislation shall be referred by the speaker to an appropriate standing or select committee with jurisdiction, subject to correction by a majority vote of the house. A bill or resolution may not be referred simultaneously to more than one committee.

Sec. 5. PRESERVATION OF ORDER AND DECORUM. The speaker shall preserve order and decorum. In case of disturbance or disorderly conduct in the galleries or in the lobby, the speaker may order that these areas be cleared. No signs, placards, or other objects of similar nature shall be permitted in the rooms, lobby, gallery, and hall of the house. The speaker shall see that the members of the house conduct themselves in a civil manner in accordance with accepted standards of parliamentary conduct and may, when necessary, order the sergeant-at-arms to clear the aisles and seat the members of the house so that business may be conducted in an orderly manner.

Sec. 6. RECOGNITION OF GALLERY VISITORS. On written request of a member, the speaker may recognize persons in the gallery. The speaker shall afford that recognition at a convenient place in the order of business, considering the need for order and decorum and the need for continuity of debate. The request must be made on a form prescribed by the Committee on House Administration. The speaker may recognize, at a time he or she considers appropriate during floor proceedings, the person serving as physician of the day.

Sec. 7. STATING AND VOTING ON QUESTIONS. The speaker shall rise to put a question but may state it sitting. The question shall be put substantially in this form: "The question occurs on _____" (here state the question or proposition under consideration). "All in favor say 'Aye,'" and after the affirmative vote is expressed, "All opposed say 'No.'" If the speaker is in doubt as to the result, or if a division is called for, the house shall divide: those voting in the affirmative on the question shall register "Aye" on the voting machine, and those voting in the negative on the question shall register "No." The decision of the house on the question shall be printed in the journal and shall include the yeas and nays if a record of the yeas and nays is ordered in accordance with the rules.

Sec. 8. VOTING RIGHTS OF THE PRESIDING OFFICER. The speaker shall have the same right as other members to vote. If the speaker, or a member temporarily presiding, has not voted, he or she may cast the deciding vote at the time such opportunity becomes official, whether to make or break a tie. If a verification of the vote is called for and granted, the decision of the speaker, or a member temporarily presiding, to cast the deciding vote need not be made until the verification has been completed. In case of error in a vote, if the correction leaves decisive effect to the vote of the speaker, or a member temporarily presiding, the deciding vote may be cast even though the result has been announced.

Sec. 9. QUESTIONS OF ORDER. (a) The speaker shall decide on all questions of order; however, such decisions are subject to an appeal to the house made by any 10 members. Pending an appeal, the speaker shall call a member to

the chair, who shall not have the authority to entertain or decide any other matter or proposition until the appeal has first been determined by the house. The question on appeal is, "Shall the chair be sustained?"

(b) No member shall speak more than once on an appeal unless given leave by a majority of the house. No motion shall be in order, pending an appeal, except a motion to adjourn, a motion to lay on the table, a motion for the previous question, or a motion for a call of the house. Responses to parliamentary inquiries and decisions of recognition made by the chair may not be appealed, except as provided by Rule 5, Section 24.

(c) Further consideration of the matter or proposition that is the subject of a question of order is prohibited until the speaker decides the question of order and any appeal of that decision has been determined by the house. Consideration of any other matter or proposition is also prohibited while a question of order is pending, unless the question of order is temporarily withdrawn and the matter or proposition that is the subject of the question of order is postponed. Withdrawal of the question of order does not prevent any member from raising that question of order when the matter or proposition is again before the house.

Sec. 10. APPOINTMENT OF SPEAKER PRO TEMPORE AND TEMPORARY CHAIR. The speaker shall have the right to name any member to perform the duties of the chair and may name a member to serve as speaker pro tempore by delivering a written order to the chief clerk and a copy to the journal clerk. A permanent speaker pro tempore shall, in the absence or inability of the speaker, call the house to order and perform all other duties of the chair in presiding over the deliberations of the house and perform other duties and exercise other responsibilities as may be assigned by the speaker. If the house is not in session, and a permanent speaker pro tempore has not been named, or if the speaker pro tempore is not available or for any reason is not able to function, the speaker may deliver a written order to the chief clerk, with a copy to the journal clerk, naming the member who shall call the house to order and preside during the speaker's absence. The speaker pro tempore shall serve at the pleasure of the speaker.

Sec. 11. EMERGENCY ADJOURNMENT. In the event of an emergency of such compelling nature that the speaker must adjourn the house without fixing a date and hour of reconvening, the speaker shall have authority to determine the date and hour of reconvening and to notify the members of the house by any means the speaker considers adequate. Should the speaker be disabled or otherwise unable to exercise these emergency powers, the permanent speaker pro tempore, if one has been named, shall have authority to act. If there is no permanent speaker pro tempore, or if that officer is unable to act, authority shall be exercised by the chair of the Committee on State Affairs, who shall preside until the house can proceed to the selection of a temporary presiding officer to function until the speaker or the speaker pro tempore is again able to exercise the duties and responsibilities of the office.

Sec. 12. POSTPONEMENT OF RECONVENING. When the house is not in session, if the speaker determines that it would be a hazard to the safety of the members, officers, employees, and others attending the legislature to reconvene at

the time determined by the house at its last sitting, the speaker may clear the area of the capitol under the control of the house and postpone the reconvening of the house for a period of not more than 12 hours. On making that determination, the speaker shall order the sergeant-at-arms to post an assistant at each first floor entrance to the capitol and other places and advise all persons entering of the determination and the time set for the house to reconvene. The speaker shall also notify the journal clerk and the news media of the action, and the action shall be entered in the house journal.

Sec. 13. SIGNING BILLS AND RESOLUTIONS. All bills, joint resolutions, and concurrent resolutions shall be signed by the speaker in the presence of the house, as required by the constitution; and all writs, warrants, and subpoenas issued by order of the house shall be signed by the speaker and attested by the chief clerk, or the person acting as chief clerk.

CHAPTER B. ADMINISTRATIVE DUTIES

Sec. 14. CONTROL OVER HALL OF THE HOUSE. The speaker shall have general control, except as otherwise provided by law, of the hall of the house, its lobbies, galleries, corridors, and passages, and other rooms in those parts of the capitol assigned to the use of the house; except that the hall of the house shall not be used for any meeting other than legislative meetings during any regular or special session of the legislature unless specifically authorized by resolution.

Sec. 15. STANDING COMMITTEE APPOINTMENTS. (a) The speaker shall designate the chair and vice-chair of each standing substantive committee and shall also appoint membership of the committee, subject to the provisions of Rule 4, Section 2.

(b) If members of equal seniority request the same committee, the speaker shall decide which among them shall be assigned to that committee.

(c) In announcing the membership of the standing substantive committees, the speaker shall designate which are appointees and which acquire membership by seniority.

(d) The speaker shall appoint the chair and vice-chair of each standing procedural committee and the remaining membership of the committee.

Sec. 16. APPOINTMENT OF SELECT AND CONFERENCE COMMITTEES. (a) The speaker shall appoint all conference committees. The speaker shall name the chair of each conference committee, and may also name the vice-chair thereof.

(b) The speaker may at any time by proclamation create a select committee. The speaker shall name the chair and vice-chair thereof. A select committee has the jurisdiction, authority, and duties and exists for the period of time specified in the proclamation. A select committee has the powers granted by these rules to a standing committee except as limited by the proclamation. A copy of each proclamation creating a select committee shall be filed with the chief clerk.

(c) If a new speaker is elected to fill a vacancy in the office after the appointment of standing committees, the new speaker may not alter the composition of any standing committee before the end of the session, except that the new speaker may:

- (1) vacate the new speaker's membership on any committee;
- (2) make committee appointments for the member who was removed as speaker;
- (3) designate a different member of a standing committee as committee chair; and
- (4) fill vacancies that occur on a committee.

Sec. 17. INTERIM STUDIES. When the legislature is not in session, the speaker shall have the authority to direct committees to make interim studies for such purposes as the speaker may designate, and the committees shall meet as often as necessary to transact effectively the business assigned to them. The speaker shall provide to the chief clerk a copy of interim charges made to a standing or select committee.

CHAPTER C. CAMPAIGNS FOR SPEAKER

Sec. 18. PLEDGES FOR SPEAKER PROHIBITED DURING REGULAR SESSION. During a regular session of the legislature a member may not solicit written pledges from other members for their support of or promise to vote for any person for the office of speaker.

RULE 2. EMPLOYEES

CHAPTER A. DUTIES OF EMPLOYEES OF THE HOUSE

Sec. 1. CHIEF CLERK. (a) The chief clerk shall:

- (1) be the custodian of all bills, resolutions, and amendments;
- (2) number in the order of their filing, with a separate sequence for each category, all bills, joint resolutions, concurrent resolutions, and house resolutions;
- (3) provide for the keeping of a complete record of introduction and action on all bills and resolutions, including the number, author, brief description of the subject matter, committee reference, and the time sequence of action taken on all bills and resolutions to reflect at all times their status in the legislative process;
- (4) on the day of numbering a bill relating to a conservation and reclamation district created under Article XVI, Section 59, of the Texas Constitution, send two copies of the bill, with two copies of the notice of intention to introduce the bill, to the governor and notify the journal clerk of the action;
- (5) receive the recommendations of the Texas Commission on Environmental Quality on a bill forwarded to the commission under Article XVI, Section 59, of the Texas Constitution, attach them to the bill to which they apply, and notify the journal clerk that the recommendations have been filed;
- (6) forward to the committee chair a certified copy of each legislative document referred to a committee along with certified copies of all official attachments to the document;
- (7) have printed and distributed correct copies of all legislative documents, as provided in the subchapter on printing, and keep an exact record of the date and hour of transmittal to the printer, return from the printer, and distribution of the document to members of the house with that information time-stamped on the originals of the document;

(8) certify the passage of bills and resolutions, noting on them the date of passage and the vote by which passed, including the yeas and nays if a record of the yeas and nays is ordered;

(9) be responsible for engrossing all house bills and resolutions that have passed second reading and those that have passed third reading, and for enrolling all house bills and resolutions that have passed both houses.

All engrossed and enrolled documents shall be prepared without erasures, interlineations, or additions in the margin.

House concurrent resolutions passed without amendment shall not be engrossed but shall be certified and forwarded directly to the senate.

Engrossed riders may be used in lieu of full engrossment on second reading passage;

(10) be authorized to amend the caption to conform to the body of each house bill and joint resolution ordered engrossed or enrolled;

(11) be responsible for noting on each house bill or joint resolution, for certification by the speaker of the house, the lieutenant governor, the chief clerk of the house, and the secretary of the senate, the following information:

(A) date of final passage, and the vote on final passage, including the yeas and nays if a record of the yeas and nays is ordered. If the bill was amended in the senate, this fact shall also be noted;

(B) date of concurrence by the house in senate amendments, and the vote on concurrence, including the yeas and nays if a record of the yeas and nays is ordered;

(C) date of adoption by each house of a conference committee report and the vote on adoption, including the yeas and nays if a record of the yeas and nays is ordered;

(D) that a bill containing an appropriation was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution; and

(E) that a concurrent resolution was adopted by both houses directing the correction of an enrolled bill, if applicable;

(12) transmit over signature all messages from the house to the senate, including typewritten copies of amendments to senate bills;

(13) prepare copies of senate amendments to house bills for the journal before the amendments and the bill or resolution to which they relate are sent to the printer or to the speaker;

(14) notify the speaker in writing that the senate did not concur in house amendments to a bill or resolution and requests a conference committee, and include in this notice the names of the senate conferees;

(15) provide a certified copy of a house bill or resolution which may be lost showing each parliamentary step taken on the bill; and

(16) request fiscal notes on house bills and joint resolutions with senate amendments and distribute fiscal notes on house bills and joint resolutions with senate amendments and conference committee reports as required by Rule 13, Sections 5 and 10.

(b) The chief clerk shall also:

(1) attest all writs, warrants and subpoenas issued by order of the house;

(2) receive reports of select committees and forward copies to the speaker and journal clerk;

(3) not later than 30 days after the close of each session, acquire from each of the various clerks of the house, except the journal clerk, all reports, records, bills, papers, and other documents remaining in their possession and file them with the Legislative Reference Library, unless otherwise provided by law;

(4) receive and file all other documents required by law or by the rules of the house;

(5) prepare a roster of members in order of seniority showing the number of years of service of each member, as provided in Rule 4, Section 2; and

(6) have posted [~~printed and distributed~~] the list of Items Eligible for Consideration as required by the rules.

(c) The chief clerk shall also provide for the following to be made available on the electronic legislative information system [~~at the same time that the corresponding copies are placed in the members' newspaper mailboxes~~]:

(1) all house calendars and lists of items eligible for consideration and the time-stamp information for those calendars and lists; and

(2) the time-stamp information for all official printings of bills and resolutions.

(d) The chief clerk shall provide notice to a Capitol e-mail address designated by each member when a new house calendar or list of items eligible for consideration is posted on the electronic legislative information system. If a member informs the chief clerk that the member also desires to receive a paper copy of house calendars or lists of items eligible for consideration, the chief clerk shall place paper copies of those documents designated by the member in the newspaper box of the member as soon as practicable after the electronic copies are posted.

Sec. 2. JOURNAL CLERK. (a) The journal clerk shall:

(1) keep a journal of the proceedings of the house, except when the house is acting as a committee of the whole, and enter the following:

(A) the number, author, and caption of every bill introduced;

(B) descriptions of all congratulatory and memorial resolutions on committee report, motions, amendments, questions of order and decisions on them, messages from the governor, and messages from the senate;

(C) the summaries of congratulatory and memorial resolutions, as printed on the congratulatory and memorial calendar;

(D) the number of each bill, joint resolution, and concurrent resolution signed in the presence of the house;

(E) a listing of reports made by standing committees;

(F) reports of select committees, when ordered by the house;

(G) every vote where a record of the yeas and nays is ordered or registration of the house with a concise statement of the action and the result;

(H) the names of all absentees, both excused and not excused;

(I) senate amendments to house bills or resolutions, when concurred in by the house;

(J) the date each bill is transmitted to the governor;

(K) the date recommendations of the Texas Commission on Environmental Quality on each bill subject to Article XVI, Section 59, of the Texas Constitution, are filed with the chief clerk;

(L) all pairs as a part of a vote where a record of the yeas and nays is ordered;

(M) reasons for a vote;

(N) the vote of a member on any question where a record of the yeas and nays has not been ordered;

(O) the statement of a member who was absent when a vote was taken indicating how the member would have voted; and

(P) official state documents, reports, and other matters, when ordered by the house;

(2) prepare a daily journal for each calendar day that the house is in session and distribute on the succeeding calendar day or the earliest possible date copies to the members of the house who have submitted requests to the journal clerk to receive a copy; and

(3) prepare and have printed a permanent house journal of regular and special sessions in accordance with the law and the following provisions:

(A) When completed, no more than 300 copies shall be bound and distributed as follows:

(i) one copy to each member of the house of representatives who submitted a request to the journal clerk to receive a copy;

(ii) one copy to each member of the senate who submitted a request to the journal clerk to receive a copy; and

(iii) the remainder of the copies to be distributed by the Committee on House Administration.

(B) The journal clerk shall not receive or receipt for the permanent house journal until it has been correctly published.

(b) The journal clerk shall lock the voting machine of each member who is excused or who is otherwise known to be absent when the house is in session until the member personally requests that the machine be unlocked.

Sec. 3. **READING CLERKS.** The reading clerks, under the supervision of the speaker, shall:

(1) call the roll of the house in alphabetical order when ordered to do so by the speaker; and

(2) read all bills, resolutions, motions, and other matters required by the rules or directed by the speaker.

Sec. 4. **SERGEANT-AT-ARMS.** The sergeant-at-arms shall:

(1) under the direction of the speaker, have charge of and maintain order in the hall of the house, its lobbies and galleries, and all other rooms in the capitol assigned for the use of the house of representatives;

(2) attend the house and the committee of the whole during all meetings and maintain order under the direction of the speaker or other presiding officer;

(3) execute the commands of the house and serve the writs and processes issued by the authority of the house and directed by the speaker;

(4) supervise assistants to the sergeant-at-arms who shall aid in the performance of prescribed duties and have the same authority, subject to the control of the speaker;

(5) clear the floor of the house of all persons not entitled to the privileges of the floor at least 30 minutes prior to the convening of each session of the house;

(6) bring in absent members when so directed under a call of the house;

(7) not allow the distribution of any printed matter in the hall of the house, other than newspapers that have been published at least once a week for a period of one year, unless it first has been authorized in writing by at least one member of the house and the name of the member appears on the printed matter. The sergeant-at-arms shall refuse to accept for distribution any printed matter which does not bear the name of the member or members authorizing the distribution;

(8) keep a copy of written authorization and a record of the matter distributed in the permanent files of the house;

(9) enforce parking regulations applicable to areas of the capitol complex under the control of the house and supervise parking attendants;

(10) provide for issuance of an identification card to each member and employee of the house; and

(11) supervise the doorkeeper.

Sec. 5. DOORKEEPER. The doorkeeper, under the supervision of the sergeant-at-arms, shall:

(1) enforce strictly the rules of the house relating to privileges of the floor and perform other duties as directed by the speaker;

(2) close the main entrance and permit no member to leave the house without written permission from the speaker when a call of the house or a call of the committee of the whole is ordered, take up permission cards as members leave the hall, and take up permission cards of those who are admitted to the floor of the house under the rules and practice of the house;

(3) obtain recognition from the speaker and announce a messenger from the governor or the senate on arrival at the bar of the house; and

(4) obtain recognition from the speaker and announce the arrival of the governor or the senate on arrival at the bar of the house for official proceedings in the house.

Sec. 6. CHAPLAIN. The chaplain shall open the first session on each calendar day with a prayer and shall perform such other duties as directed by the Committee on House Administration.

Sec. 7. VOTING CLERK. The voting clerk, under the supervision of the speaker, shall:

(1) open and close the voting machine on registrations and record votes as ordered by the speaker;

(2) record votes from the floor as directed by the speaker;

(3) prepare official copies of all record votes for the journal; and

(4) make no additions, subtractions, or other changes in any registration or record vote unless specifically granted permission by the house or directed by the speaker prior to the announcement of the final result.

Sec. 8. COMMITTEE COORDINATOR. The committee coordinator shall:

(1) under the direction of the Committee on House Administration, prepare a schedule for regular meetings of all standing committees as provided by Rule 4, Section 8(a);

(2) post committee meeting notices, as directed by the chair of a committee, in accordance with Rule 4, Section 11(a);

(3) maintain duplicate originals of committee minutes as required by Rule 4, Sections 18(c) and (d);

(4) maintain sworn statements and, under the direction of the Committee on House Administration, prescribe the form of those statements, as required by Rule 4, Sections 20(a) and (c);

(5) receive and forward impact statements as required by Rule 4, Section 34(e);

(6) receive committee reports as required by Rule 4, Section 37, and refer them for printing as provided by Rule 6, Section 19; and

(7) receive and distribute the recommendations and final reports of interim study committees as provided by Rule 4, Section 61.

Sec. 9. PARLIAMENTARIAN. (a) The parliamentarian is an officer of the house who serves at the pleasure of the speaker. The parliamentarian shall advise and assist the presiding officer and the members of the house on matters of procedure. The parliamentarian has a duty of confidentiality to the speaker and to each member of the house and shall keep confidential all requests made by members of the house for advice or guidance regarding procedure unless the parties otherwise agree.

(b) After the initial appointment of a parliamentarian by the speaker, the appointment of a new parliamentarian to fill a vacancy must be approved by a majority of the membership of the house if the appointment is made during a regular or special session. If the appointment to fill the vacancy is made when the house is not in session, the appointment must be approved by a majority of the membership not later than the third day of the first special session that occurs after the date the appointment is made. If no special session occurs after the appointment, approval by the membership is not required.

(c) In the event of a conflict between this section and the housekeeping resolution, this section controls.

CHAPTER B. OTHER EMPLOYEES

Sec. 10. LEGISLATIVE COUNCIL EMPLOYEES: CONFIDENTIALITY.

(a) Communications between an attorney employed by the Texas Legislative Council and the speaker, another member of the house, or an employee of a member or committee of the house are confidential in accordance with the rules and laws concerning attorney-client privilege.

(b) Communications between any employee of the Texas Legislative Council and the speaker, another member of the house, or an employee of a member or committee of the house are confidential. The General Investigating and Ethics Committee of the House may investigate an alleged violation of this subsection.

(c) This section does not prohibit the speaker, member, or committee from waiving a privilege as otherwise permitted by law or from waiving confidentiality under this section.

RULE 3. STANDING COMMITTEES

Sec. 1. AGRICULTURE AND LIVESTOCK. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) agriculture, horticulture, and farm husbandry;
 - (2) livestock and stock raising, and the livestock industry;
 - (3) the development and preservation of forests, and the regulation, control, and promotion of the lumber industry;
 - (4) problems and issues particularly affecting rural areas of the state;
- and

(5) the following state agencies: the Department of Agriculture, the Texas Animal Health Commission, the State Soil and Water Conservation Board, the Texas Forest Service, the Office of South Central Interstate Forest Fire Protection Compact, the Office of Chief Apiary Inspector, Texas AgriLife Research, the Texas AgriLife Extension Service, the Food and Fibers Research Council, the State Seed and Plant Board, the State Board of Veterinary Medical Examiners, the Texas Veterinary Medical Diagnostic Laboratory, the Produce Recovery Fund Board, the board of directors of the Texas Boll Weevil Eradication Foundation, Inc., the Texas Department [Office] of Rural [Community] Affairs, and the Texas Wildlife Damage Management Service.

Sec. 2. APPROPRIATIONS. (a) The committee shall have 27 members, with jurisdiction over:

- (1) all bills and resolutions appropriating money from the state treasury;
- (2) all bills and resolutions containing provisions resulting in automatic allocation of funds from the state treasury;
- (3) all matters related to federal economic stimulus legislation[; ~~including, without limitation, the American Recovery and Reinvestment Act of 2009~~];
- (4) all bills and resolutions diverting funds from the state treasury or preventing funds from going in that otherwise would be placed in the state treasury; and
- (5) all matters pertaining to claims and accounts filed with the legislature against the state unless jurisdiction over those bills and resolutions is specifically granted by these rules to some other standing committee.

(b) The appropriations committee may comment upon any bill or resolution containing a provision resulting in an automatic allocation of funds.

Sec. 3. BORDER AND INTERGOVERNMENTAL AFFAIRS. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) the relations between the State of Texas and other nations;
- (2) the relations between the State of Texas and the federal government other than matters involving defense, emergency preparedness, and veterans issues;
- (3) the relations between the State of Texas and other states of the United States;
- (4) international commerce and trade;
- (5) international and border regions (as described in Sections 2056.002(e)(2) and (3), Government Code) economic development, public health and safety issues affecting the border, tourist development, and goodwill, and economic development, tourist development, and goodwill in other areas of the state that have experienced a significant increase in the percentage of the population that consists of immigrants from other nations, according to the last two federal decennial censuses or another reliable measure;
- (6) the provision of public services to persons residing in proximity to Texas' international border or in other areas of the state that have experienced a significant increase in the percentage of the population that consists of immigrants from other nations, according to the last two federal decennial censuses or another reliable measure; and
- (7) the following state agency: the Office of State-Federal Relations.

Sec. 4. BUSINESS AND INDUSTRY. The committee shall have nine [++] members, with jurisdiction over all matters pertaining to:

- (1) industry and manufacturing;
- (2) industrial safety and adequate and safe working conditions, and the regulation and control of those conditions;
- (3) hours, wages, collective bargaining, and the relationship between employers and employees;
- (4) the regulation of business transactions and transactions involving property interests;
- (5) the organization, incorporation, management, and regulation of private corporations and professional associations and the Uniform Commercial Code and the Texas Revised Limited Partnership Act;
- (6) the protection of consumers, governmental regulations incident thereto, the agencies of government authorized to regulate such activities, and the role of the government in consumer protection;
- (7) privacy and identity theft;
- (8) homeowners' associations;
- (9) oversight and regulation of the construction industry; and
- (10) the following state agencies: the State Office of Risk Management, the Risk Management Board, the Division of Workers' Compensation of the Texas Department of Insurance, the workers' compensation research and evaluation group in the Texas Department of Insurance, the Office of Injured Employee Counsel, including the ombudsman program of that office, the Texas Mutual Insurance Company Board of Directors, and the Texas Residential Construction Commission.

Sec. 5. CALENDARS (PROCEDURAL). The committee shall have 15 [~~13~~] members, with jurisdiction over:

- (1) the placement of bills and resolutions on appropriate calendars, except those within the jurisdiction of the Committee on Rules and Resolutions;
- (2) the determination of priorities and proposal of rules for floor consideration of such bills and resolutions; and
- (3) all other matters concerning the calendar system and the expediting of the business of the house as may be assigned by the speaker.

Sec. 6. CORRECTIONS. The committee shall have nine [~~11~~] members, with jurisdiction over all matters pertaining to:

- (1) the incarceration and rehabilitation of convicted felons;
- (2) the establishment and maintenance of programs that provide alternatives to incarceration;
- (3) the commitment and rehabilitation of youths;
- (4) the construction, operation, and management of correctional facilities of the state and facilities used for the commitment and rehabilitation of youths;
- (5) juvenile delinquency and gang violence;
- (6) criminal law, prohibitions, standards, and penalties as applied to juveniles;
- (7) criminal procedure in the courts of Texas as it relates to juveniles; and
- (8) the following state agencies: the Texas Department of Criminal Justice, the Special Prosecution Unit, the Board of Pardons and Paroles, the Texas Youth Commission, the Office of Independent Ombudsman of the Texas Youth Commission, the Council on Sex Offender Treatment, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Texas Juvenile Probation Commission, and the Advisory Council on Juvenile Services~~[- and the Private Sector Prison Industries Oversight Authority].~~

Sec. 7. COUNTY AFFAIRS. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) counties, including their organization, creation, boundaries, government, and finance and the compensation and duties of their officers and employees;
- (2) establishing districts for the election of governing bodies of counties;
- (3) regional councils of governments;
- (4) multicounty boards or commissions;
- (5) relationships or contracts between counties;
- (6) other units of local government; and
- (7) the following state agency: the Commission on Jail Standards.

Sec. 8. CRIMINAL JURISPRUDENCE. The committee shall have nine [~~11~~] members, with jurisdiction over all matters pertaining to:

- (1) criminal law, prohibitions, standards, and penalties;
- (2) probation and parole;
- (3) criminal procedure in the courts of Texas;

(4) revision or amendment of the Penal Code; and

(5) the following state agencies: the Office of State Prosecuting Attorney and the Texas State Council for Interstate Adult Offender Supervision.

Sec. 9. CULTURE, RECREATION, AND TOURISM. The committee shall have nine members, with jurisdiction over:

(1) the creation, operation, and control of state parks, including the development, maintenance, and operation of state parks in connection with the sales and use tax imposed on sporting goods, but not including any matter within the jurisdiction of the Committee on Appropriations;

(2) the regulation and control of the propagation and preservation of wildlife and fish in the state;

(3) the development and regulation of the fish and oyster industries of the state;

(4) hunting and fishing in the state, and the regulation and control thereof, including the imposition of fees, fines, and penalties relating to that regulation;

(5) the regulation of other recreational activities;

(6) cultural resources and their promotion, development, and regulation;

(7) historical resources and their promotion, development, and regulation;

(8) promotion and development of Texas' image and heritage;

(9) preservation and protection of Texas' shrines, monuments, and memorials;

(10) international and interstate tourist promotion and development;

(11) the Texas Economic Development and Tourism Office as it relates to the subject-matter jurisdiction of this committee;

(12) the Gulf States Marine Fisheries Compact; and

(13) the following state agencies: the Parks and Wildlife Department, the Texas Commission on the Arts, the State Cemetery Committee, the Texas State Library and Archives Commission, the Texas Historical Commission, the State Preservation Board, the San Jacinto Historical Advisory Board, and an office of state government to the extent the office promotes the Texas music industry.

Sec. 10. DEFENSE AND VETERANS' AFFAIRS. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) the relations between the State of Texas and the federal government involving defense, emergency preparedness, and veterans issues;

(2) the various branches of the military service of the United States;

(3) the realignment or closure of military bases;

(4) the defense of the state and nation, including terrorism response;

(5) emergency preparedness;

(6) veterans of military and related services; and

(7) the following state agencies: the Adjutant General's Department, the Texas Veterans Commission, the Veterans' Land Board, the Texas Military Preparedness Commission, the Division of Emergency Management, and the Emergency Management Council.

Sec. 11. ECONOMIC AND SMALL BUSINESS DEVELOPMENT AND WORKFORCE. The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) workforce training;
(2) commerce, trade, and manufacturing;
(3) economic and industrial development;
(4) development and support of small businesses;
(5) job creation and job-training programs;
(6) hours, wages, collective bargaining, and the relationship between employers and employees;

(7) unemployment compensation, including coverage, benefits, taxes, and eligibility;

(8) labor unions and their organization, control, management, and administration;

(9) weights and measures; and

(10) the following state agencies: the Texas Economic Development and Tourism Office, the Texas Workforce Commission, and the Texas Workforce Investment Council.

Sec. 12 [H]. ELECTIONS. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) the right of suffrage in Texas;

(2) primary, special, and general elections;

(3) revision, modification, amendment, or change of the Election Code;

(4) the secretary of state in relation to elections;

(5) campaign finance;

(6) the duties and conduct of candidates for public office and of persons with an interest in influencing public policy; and

(7) the following state agencies: the Office of the Secretary of State and the Texas Ethics Commission.

Sec. 13 [42]. ENERGY RESOURCES. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) the conservation of the energy resources of Texas;

(2) the production, regulation, transportation, and development of oil, gas, and other energy resources;

(3) mining and the development of mineral deposits within the state;

(4) the leasing and regulation of mineral rights under public lands;

(5) pipelines, pipeline companies, and all others operating as common carriers in the state;

(6) electric utility regulation as it relates to energy production and consumption;

(7) identifying, developing, and using alternative energy sources;

(8) increasing energy efficiency throughout the state; and

(9) the following state agencies: the Railroad Commission of Texas, the Office of Interstate Oil Compact Commissioner for Texas, the Office of Interstate Mining Compact Commissioner for Texas, the Texas Energy Coordination Council, the State Energy Conservation Office, and the Office of Southern States Energy Board Member for Texas.

Sec. 14 [13]. ENVIRONMENTAL REGULATION. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) air, land, and water pollution, including the environmental regulation of industrial development;

(2) the regulation of waste disposal;

(3) environmental matters that are regulated by the Department of State Health Services or the Texas Commission on Environmental Quality;

(4) oversight of the Texas Commission on Environmental Quality as it relates to environmental regulation; and

(5) the following state agency [~~agencies~~]: the Texas Low-Level Radioactive Waste Disposal Compact Commission [~~and the board of the Texas Environmental Education Partnership Fund~~].

Sec. 15 [14]. GENERAL INVESTIGATING AND ETHICS (PROCEDURAL). (a) The General Investigating and Ethics Committee shall have five members of the house appointed by the speaker. The speaker shall appoint the chair and the vice-chair of the committee.

(b) The committee has all the powers and duties of a general investigating committee and shall operate as the general investigating committee of the house according to the procedures prescribed by Subchapter B, Chapter 301, Government Code, and the rules of the house, as applicable.

(c) The committee has jurisdiction over all matters pertaining to the conduct of and ethical standards applicable to state and local government officers and employees.

Sec. 16. GOVERNMENT EFFICIENCY AND REFORM. The committee shall have seven members, with jurisdiction over all matters pertaining to:

(1) the organization, operation, powers, regulations, and management of state departments, agencies, institutions, and advisory committees;

(2) elimination of inefficiencies in the provision of state services; and

(3) the Sunset Advisory Commission.

Sec. 17 [15]. HIGHER EDUCATION. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) education beyond high school;

(2) the colleges and universities of the State of Texas; and

(3) the following state agencies: the Texas Engineering Experiment Station, the Texas Engineering Extension Service, the Texas Higher Education Coordinating Board, the Texas Guaranteed Student Loan Corporation, the State Medical Education Board, the Prepaid Higher Education Tuition Board, and the Texas Transportation Institute.

Sec. 18 [27]. HOMELAND SECURITY AND PUBLIC SAFETY. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) law enforcement;
- (2) the prevention of crime and the apprehension of criminals;
- (3) the provision of security services by private entities; ~~and~~
- (4) homeland security, including:

(A) the defense of the state and nation, including terrorism response; and

(B) disaster mitigation, preparedness, response, and recovery; and

(5) the following state agencies: the Commission on Law Enforcement Officer Standards and Education, the Department of Public Safety, the Division of Emergency Management, the Emergency Management Council, the Texas Forensic Science Commission, the Texas Military Preparedness Commission, ~~the Polygraph Examiners Board,~~ the Texas Private Security Board, the Commission on State Emergency Communications, and the Texas Crime Stoppers ~~Advisory~~ Council.

Sec. 19 ~~[46]~~. HOUSE ADMINISTRATION (PROCEDURAL). (a) The committee shall have 11 members, with jurisdiction over:

- (1) administrative operation of the house and its employees;
 - (2) the general house fund, with full control over all expenditures from the fund;
 - (3) all property, equipment, and supplies obtained by the house for its use and the use of its members;
 - (4) all office space available for the use of the house and its members;
 - (5) the assignment of vacant office space, vacant parking spaces, and vacant desks on the house floor to members with seniority based on cumulative years of service in the house, except that the committee may make these assignments based on physical disability of a member where it deems proper;
 - (6) all admissions to the floor during sessions of the house;
 - (7) all proposals to invite nonmembers to appear before or address the house or a joint session;
 - (8) all radio broadcasting and televising, live or recorded, of sessions of the house;
 - (9) the electronic recording of the proceedings of the house of representatives and the custody of the recordings of testimony before house committees, with authority to promulgate reasonable rules, regulations, and conditions concerning the safekeeping, reproducing, and transcribing of the recordings, and the defraying of costs for transcribing the recordings, subject to other provisions of these rules;
 - (10) all witnesses appearing before the house or any committee thereof in support of or in opposition to any pending legislative proposal; and
 - (11) the following state agency: the State Preservation Board.
- (b) The committee must vote to adopt the annual budget for each house department.

Sec. 20 ~~[47]~~. HUMAN SERVICES. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) welfare and rehabilitation programs and their development, administration, and control;

(2) oversight of the Health and Human Services Commission as it relates to the subject matter jurisdiction of this committee;

(3) mental retardation and the development of programs incident thereto;

(4) the prevention and treatment of mental retardation; and

(5) the following state agencies: the Department of Aging and Disability Services, the Department of Assistive and Rehabilitative Services, the Department of Family and Protective Services, the Texas State Board of Social Worker Examiners, the Texas Council on Purchasing from People with Disabilities, and the Texas State Board of Examiners of Professional Counselors.

Sec. 21 [48]. INSURANCE. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) insurance and the insurance industry;

(2) all insurance companies and other organizations of any type writing or issuing policies of insurance in the State of Texas, including their organization, incorporation, management, powers, and limitations; and

(3) the following state agencies: the Texas Department of Insurance, the Texas Health Benefits Purchasing Cooperative, and the Office of Public Insurance Counsel.

Sec. 22 [49]. JUDICIARY AND CIVIL JURISPRUDENCE. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

(1) fines and penalties arising under civil laws;

(2) civil law, including rights, duties, remedies, and procedures thereunder, and including probate and guardianship matters;

(3) civil procedure in the courts of Texas;

(4) administrative law and the adjudication of rights by administrative agencies;

(5) permission to sue the state;

(6) civil law as it relates to familial relationships, including rights, duties, remedies, and procedures thereunder;

(7) uniform state laws;

(8) creating, changing, or otherwise affecting courts of judicial districts of the state;

(9) establishing districts for the election of judicial officers;

(10) the State Commission on Judicial Conduct;

(11) the Office of the Attorney General, including its organization, powers, functions, and responsibilities;

(12) courts and court procedures except where jurisdiction is specifically granted to some other standing committee; and

(13) the following state agencies: the Supreme Court, the Courts of Appeals, the Court of Criminal Appeals, the State Commission on Judicial Conduct, the Office of Court Administration of the Texas Judicial System, the State Law Library, the Texas Judicial Council, the Guardianship Certification

Board, the Office of the Attorney General, the Court Reporters Certification Board, the Board of Law Examiners, the State Bar of Texas, and the State Office of Administrative Hearings.

Sec. 23 [20]. LAND AND RESOURCE MANAGEMENT. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) the management of public lands;
- (2) the power of eminent domain;
- (3) annexation, zoning, and other governmental regulation of land use;

and

(4) the following state agencies: the School Land Board, the Board for Lease of University Lands, the Coastal Coordination Council, and the General Land Office.

Sec. 24 [21]. LICENSING AND ADMINISTRATIVE PROCEDURES. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) the oversight of businesses, industries, general trades, and occupations regulated by this state;
- (2) the regulation of greyhound and horse racing and other gaming industries;
- (3) regulation of the sale of intoxicating beverages and local option control;

(4) the Alcoholic Beverage Code; and

(5) the following state agencies: the Texas Department of Licensing and Regulation, the State Office of Administrative Hearings, the Texas Board of Architectural Examiners, the Texas State Board of Public Accountancy, the Texas Real Estate Commission, the Texas State Board of Plumbing Examiners, the Texas Board of Professional Engineers, the Real Estate Research Center, the Texas Board of Professional Land Surveying, the Texas Racing Commission, the Texas Appraiser Licensing and Certification Board, the Texas Lottery Commission, ~~the Board of Tax Professional Examiners,~~ and the Texas Alcoholic Beverage Commission.

Sec. 25 [22]. LOCAL AND CONSENT CALENDARS (PROCEDURAL). The committee shall have 11 members, with jurisdiction over:

(1) the placement on appropriate calendars of bills and resolutions that, in the opinion of the committee, are in fact local or will be uncontested, and have been recommended as such by the standing committee of original jurisdiction; and

(2) the determination of priorities for floor consideration of bills and resolutions except those within the jurisdiction of the Committee on Calendars.

Sec. 26 [23]. NATURAL RESOURCES. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

- (1) the conservation of the natural resources of Texas;
- (2) the control and development of land and water and land and water resources, including the taking, storing, control, and use of all water in the state, and its appropriation and allocation;

(3) irrigation, irrigation companies, and irrigation districts, and their incorporation, management, and powers;

(4) the creation, modification, and regulation of water supply districts, water control and improvement districts, conservation and reclamation districts, and all similar organs of local government dealing with water and water supply;

(5) oversight of the Texas Commission on Environmental Quality as it relates to the regulation of water resources; and

(6) the following state agencies: the Office of Canadian River Compact Commissioner for Texas, the Office of Pecos River Compact Commissioner for Texas, the Office of Red River Compact Commissioner for Texas, the Office of Rio Grande Compact Commissioner for Texas, the Office of Sabine River Compact Administrator for Texas, the Multi-State Water Resources Planning Commission, and the Texas Water Development Board.

Sec. 27 [24]. PENSIONS, INVESTMENTS, AND FINANCIAL SERVICES. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) banking and the state banking system;

(2) savings and loan associations;

(3) credit unions;

(4) the regulation of state and local bonded indebtedness;

(5) the lending of money;

(6) benefits or participation in benefits of a public retirement system and the financial obligations of a public retirement system;

(7) the regulation of securities and investments;

(8) privacy and identity theft; and

(9) the following state agencies: the Finance Commission of Texas, the Credit Union Commission, the Office of Consumer Credit Commissioner, the Office of Banking Commissioner, the Texas Department of Banking, the Department of Savings and Mortgage Lending, the Texas Treasury Safekeeping Trust Company, the Texas Public Finance Authority, the Bond Review Board, the Office of Fire Fighters' Pension Commissioner, the Board of Trustees of the Teacher Retirement System of Texas, the Board of Trustees of the Employees Retirement System of Texas, the Board of Trustees of the Texas County and District Retirement System, the Board of Trustees of the Texas Municipal Retirement System, the State Pension Review Board, and the State Securities Board.

Sec. 28 [25]. PUBLIC EDUCATION. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

(1) the public schools and the public school system of Texas and the financing thereof;

(2) the state programming of elementary and secondary education for the public school system of Texas;

(3) proposals to create, change, or otherwise alter school districts of the state; and

(4) the following state agencies: the State Board of Education, the Texas Education Agency, the Office of Compact for Education Commissioner for Texas, the Office of Southern Regional Education Compact Commissioner for Texas, the Texas School for the Blind and Visually Impaired, the State Board for Educator Certification, and the Texas School for the Deaf.

Sec. 29 [~~26~~]. PUBLIC HEALTH. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

(1) the protection of public health, including supervision and control of the practice of medicine and dentistry and other allied health services;

(2) mental health and the development of programs incident thereto;

(3) the prevention and treatment of mental illness;

(4) oversight of the Health and Human Services Commission as it relates to the subject matter jurisdiction of this committee; and

(5) the following state agencies: the Department of State Health Services, the Anatomical Board of the State of Texas, the Texas Funeral Service Commission, the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, the Texas Health Services Authority, the Texas Optometry Board, the Radiation Advisory Board, the Texas State Board of Pharmacy, the Interagency Obesity Council, the Texas Board of Nursing, the Texas Board of Chiropractic Examiners, the Texas Board of Physical Therapy Examiners, the Texas State Board of Podiatric Medical Examiners, the Texas State Board of Examiners of Psychologists, the State Board of Dental Examiners, the Texas Medical Board, the Advisory Board of Athletic Trainers, the Dental Hygiene Advisory Committee, the Cancer Prevention and Research Institute of Texas, the Texas State Board of Acupuncture Examiners, the Health Professions Council, the Office of Patient Protection, and the Texas Board of Occupational Therapy Examiners.

Sec. 30 [~~28~~]. REDISTRICTING (PROCEDURAL). The committee shall have 17 [~~15~~] members, with jurisdiction over all matters pertaining to:

(1) legislative districts, both house and senate, and any changes or amendments;

(2) congressional districts, their creation, and any changes or amendments;

(3) establishing districts for the election of judicial officers or of governing bodies or representatives of political subdivisions or state agencies as required by law; and

(4) preparations for the redistricting process.

Sec. 31 [~~29~~]. RULES AND RESOLUTIONS (PROCEDURAL). The committee shall have 11 members, with jurisdiction over:

(1) Rules of Procedure of the House of Representatives, and all proposed amendments;

(2) Joint Rules of the House and Senate, and all proposed amendments;

(3) all procedures for expediting the business of the house in an orderly and efficient manner;

(4) all resolutions to congratulate, memorialize, or name mascots of the house; and

(5) other matters concerning rules, procedures, and operation of the house assigned by the speaker.

Sec. 32 [30]. STATE AFFAIRS. The committee shall have 13 [~~15~~] members, with jurisdiction over all matters pertaining to:

- (1) questions and matters of state policy;
- (2) the administration of state government;
- (3) the organization, operation, powers, regulation, and management of state departments, agencies, and institutions;
- (4) the operation and regulation of public lands and state buildings;
- (5) the duties and conduct of officers and employees of the state government;
- (6) the operation of state government and its agencies and departments; all of above except where jurisdiction is specifically granted to some other standing committee;
- (7) access of the state agencies to scientific and technological information;
- (8) the regulation and deregulation of electric utilities and the electric industry;
- (9) the regulation and deregulation of telecommunications utilities and the telecommunications industry;
- (10) electric utility regulation as it relates to energy production and consumption;
- (11) pipelines, pipeline companies, and all others operating as common carriers in the state;
- (12) the regulation and deregulation of other industries jurisdiction of which is not specifically assigned to another committee under these rules; and
- (13) the following state agencies: the Council of State Governments, the National Conference of State Legislatures, the Office of the Governor, the Texas Facilities Commission, the Department of Information Resources, the Inaugural Endowment Fund Committee, [~~the Texas Incentive and Productivity Commission,~~] the Sunset Advisory Commission, the Public Utility Commission of Texas, and the Office of Public Utility Counsel.

Sec. 33 [31]. TECHNOLOGY[~~— ECONOMIC DEVELOPMENT, AND WORKFORCE~~]. The committee shall have five [~~nine~~] members, with jurisdiction over all matters pertaining to:

- (1) advances in science and technology, including in telecommunications, electronic technology, and automated data processing;
- (2) the promotion of scientific research, technological development, and technology transfer in the state;
- (3) matters relating to cooperation of state and local governments with the scientific and technological community, including industry, institutions of higher education, and federal governmental laboratories; and
- (4) [~~workforce training;~~
- [~~(5) commerce, trade, and manufacturing;~~
- [~~(6) economic and industrial development;~~
- [~~(7) job creation and job training programs;~~

~~[(8) hours, wages, collective bargaining, and the relationship between employers and employees;~~

~~[(9) unemployment compensation, including coverage, benefits, taxes, and eligibility;~~

~~[(10) boiler inspection and safety standards and regulation;~~

~~[(11) labor unions and their organization, control, management, and administration;~~

~~[(12) weights and measures; and~~

~~[(13) the following state agencies: the Texas Economic Development and Tourism Office, the Texas Workforce Commission, the Texas Workforce Investment Council, and] the Texas Emerging Technology Advisory Committee.~~

Sec. 34 ~~[32]~~. TRANSPORTATION. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

(1) commercial motor vehicles, both bus and truck, and their control, regulation, licensing, and operation;

(2) the Texas highway system, including all roads, bridges, and ferries constituting a part of the system;

(3) the licensing of private passenger vehicles to operate on the roads and highways of the state;

(4) the regulation and control of traffic on the public highways of the State of Texas;

(5) railroads, street railway lines, interurban railway lines, steamship companies, and express companies;

(6) airports, air traffic, airlines, and other organizations engaged in transportation by means of aerial flight;

(7) water transportation in the State of Texas, and the rivers, harbors, and related facilities used in water transportation and the agencies of government exercising supervision and control thereover;

(8) the regulation of metropolitan transit; and

(9) the following state agencies: the Texas Department of Transportation and the Texas Transportation Commission.

Sec. 35 ~~[33]~~. URBAN AFFAIRS. The committee shall have nine ~~[11]~~ members, with jurisdiction over all matters pertaining to:

(1) municipalities, including their creation, organization, powers, government, and finance, and the compensation and duties of their officers and employees;

(2) home-rule municipalities, their relationship to the state, and their powers, authority, and limitations;

(3) the creation or change of metropolitan areas and the form of government under which those areas operate;

(4) problems and issues particularly affecting metropolitan areas of the state;

(5) other units of local government not otherwise assigned by these rules to other standing committees;

(6) establishing districts for the election of governing bodies of municipalities;

(7) land use regulation by municipalities; and

(8) the following state agencies: the Texas Department of Housing and Community Affairs and the Texas Commission on Fire Protection.

Sec. 36 [34]. WAYS AND MEANS. The committee shall have 11 members, with jurisdiction over:

(1) all bills and resolutions proposing to raise state revenue;

(2) all bills or resolutions proposing to levy state taxes or other fees;

(3) all proposals to modify, amend, or change any existing state tax or revenue statute;

(4) all proposals to regulate the manner of collection of state revenues and taxes;

(5) all bills and resolutions containing provisions resulting in automatic allocation of funds from the state treasury;

(6) all bills and resolutions diverting funds from the state treasury or preventing funds from going in that otherwise would be placed in the state treasury;

(7) all bills and resolutions proposing to permit a local government to raise revenue;

(8) all bills and resolutions proposing to permit a local government to levy or impose property taxes, sales and use taxes, or other taxes and fees;

(9) all proposals to modify, amend, or change any existing local government tax or revenue statute;

(10) all proposals to regulate the manner of collection of local government revenues and taxes;

(11) all bills and resolutions relating to the appraisal of property for taxation;

(12) all bills and resolutions relating to the Tax Code; and

(13) the following state agencies: the Office of Multistate Tax Compact Commissioner for Texas and the State Comptroller of Public Accounts.

RULE 4. ORGANIZATION, POWERS, AND DUTIES OF COMMITTEES

CHAPTER A. ORGANIZATION

Sec. 1. COMMITTEES, MEMBERSHIP, AND JURISDICTION. Standing committees of the house, and the number of members and general jurisdiction of each, shall be as enumerated in Rule 3.

Sec. 2. DETERMINATION OF MEMBERSHIP. (a) Membership on the standing committees shall be determined at the beginning of each regular session in the following manner:

(1) For each standing substantive committee, a maximum of one-half of the membership, exclusive of the chair and vice-chair, shall be determined by seniority. The remaining membership of the committee shall be appointed by the speaker.

(2) Each member of the house, in order of seniority, may designate three committees on which he or she desires to serve, listed in order of preference. The member is entitled to become a member of the committee of his or her highest preference on which there remains a vacant seniority position.

(3) If members of equal seniority request the same committee, the speaker shall appoint the member from among those requesting that committee. Seniority, as the term is used in this subsection, shall mean years of cumulative service as a member of the house of representatives.

(4) After each member of the house has selected one committee on the basis of seniority, the remaining membership on each standing committee shall be filled by appointment of the speaker, subject to the limitations imposed in this chapter.

(5) Seniority shall not apply to a procedural committee. For purposes of these rules, the procedural committees are the Committee on Calendars, the Committee on Local and Consent Calendars, the Committee on Rules and Resolutions, the General Investigating and Ethics Committee, the Committee on House Administration, and the Committee on Redistricting. The entire membership of these committees shall be appointed by the speaker.

(6) In announcing the membership of committees, the speaker shall designate those appointed by the speaker and those acquiring membership by seniority.

(7) The speaker shall designate the chair and vice-chair from the total membership of the committee.

(b) In the event of an election contest that is not resolved prior to the determination of the membership of standing committees, the representative of the district that is the subject of the contest is not entitled to select a committee on the basis of seniority. Committee appointments on behalf of that district shall be designated by the district number.

(c) In the event of a vacancy in a representative district that has not been filled at the time of the determination of the membership of standing committees, the representative of the district who fills that vacancy shall not be entitled to select a committee on the basis of seniority. Committee appointments on behalf of that district shall be designated by the district number.

(d) In the event that a member-elect of the current legislature has not taken the oath of office by the end of the ninth day of the regular session, the representative of that district shall not be entitled to select a committee on the basis of seniority. If the member-elect has not taken the oath of office by the time committee appointments are announced, committee appointments on behalf of that district shall be designated by district number.

Sec. 3. RANKING OF COMMITTEE MEMBERS. Except for the chair and vice-chair, members of a standing committee shall rank according to their seniority.

Sec. 4. MEMBERSHIP RESTRICTIONS. (a) No member shall serve concurrently on more than two standing substantive committees.

(b) A member serving as chair of the Committee on Appropriations or the Committee on State Affairs may not serve on any other substantive committee.

Sec. 5. VACANCIES ON COMMITTEES. Should a vacancy occur on a standing, select, or interim committee subsequent to its organization, the speaker shall appoint an eligible member to fill the vacancy.

Sec. 6. DUTIES OF THE CHAIR. The chair of each committee shall:

(1) be responsible for the effective conduct of the business of the committee;

(2) appoint all subcommittees and determine the number of members to serve on each subcommittee;

(3) in consultation with members of the committee, schedule the work of the committee and determine the order in which the committee shall consider and act on bills, resolutions, and other matters referred to the committee;

(4) have authority to employ and discharge the staff and employees authorized for the committee and have supervision and control over all the staff and employees;

(5) direct the preparation of all committee reports. No committee report shall be official until signed by the chair of the committee, or by the person acting as chair, or by a majority of the membership of the committee;

(6) determine the necessity for public hearings, schedule hearings, and be responsible for directing the posting of notice of hearings as required by the rules;

(7) preside at all meetings of the committee and control its deliberations and activities in accordance with acceptable parliamentary procedure; and

(8) have authority to direct the sergeant-at-arms to assist, where necessary, in enforcing the will of the committee.

Sec. 7. BILL ANALYSES. Except for the general appropriations bill, for each bill or joint resolution referred to the committee, the staff of the committee shall be responsible for distributing a copy of a bill analysis to each member of the committee and to the author of a house measure or sponsor of a senate measure at the earliest possible opportunity but not later than the first time the measure is laid out in a committee meeting. The author of the bill or joint resolution may request the Texas Legislative Council to prepare an analysis for purposes of this section suitable for distribution by committee staff to each member of the committee.

CHAPTER B. PROCEDURE

Sec. 8. MEETINGS. (a) As soon as practicable after standing committees are constituted and organized, the committee coordinator, under the direction of the Committee on House Administration, shall prepare a schedule for regular meetings of all standing committees. This schedule shall be published in the house journal and posted in a convenient and conspicuous place near the entrance to the house and on other posting boards for committee meeting notices, as determined necessary by the Committee on House Administration. To the extent practicable during each regular session, standing committees shall conduct regular committee meetings in accordance with the schedule of meetings prepared by the committee coordinator under the supervision of the Committee on House Administration.

(b) Standing committees shall meet at other times as may be determined by the committee, or as may be called by the chair. Subcommittees of standing committees shall likewise meet at other times as may be determined by the committee, or as may be called by the chair of the committee or subcommittee.

(c) Committees shall also meet in such places and at such times as the speaker may designate.

Sec. 9. MEETING WHILE HOUSE IN SESSION. No standing committee or subcommittee shall meet during the time the house is in session without permission being given by a majority vote of the house. No standing committee or subcommittee shall conduct its meeting on the floor of the house or in the house chamber while the house is in session, but shall, if given permission to meet while the house is in session, retire to a designated committee room for the conduct of its meeting.

Sec. 10. PURPOSES FOR MEETING. A committee or a subcommittee may be assembled for:

(1) a public hearing where testimony is to be heard, and where official action may be taken, on bills, resolutions, or other matters;

(2) a formal meeting where the committee may discuss and take official action on bills, resolutions, or other matters without testimony; and

(3) a work session where the committee may discuss bills, resolutions, or other matters but take no formal action.

Sec. 11. POSTING NOTICE. (a) No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a public hearing during a regular session unless notice of the hearing has been posted in accordance with the rules at least five calendar days in advance of the hearing. No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a public hearing during a special session unless notice of the hearing has been posted in accordance with the rules at least 24 hours in advance of the hearing. The committee minutes shall reflect the date of each posting of notice. Notice shall not be required for a public hearing on a senate bill which is substantially the same as a house bill that has previously been the subject of a duly posted public hearing by the committee.

(b) No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a formal meeting or work session during a regular or special session unless written notice has been posted and transmitted to each member of the committee two hours in advance of the meeting or an announcement has been filed with the journal clerk and read by the reading clerk while the house is in session.

(c) All committees meeting during the interim for the purpose of a formal meeting, work session, or public hearing shall post notice in accordance with the rules and notify members of the committee at least five calendar days in advance of the meeting.

Sec. 12. MEETINGS OPEN TO THE PUBLIC. All meetings of a committee or subcommittee, including a calendars committee, shall be open to other members, the press, and the public unless specifically provided otherwise by resolution adopted by the house. However, the General Investigating and Ethics Committee or a committee considering an impeachment, an address, the punishment of a member of the house, or any other matter of a quasi-judicial nature may meet in executive session for the limited purpose of examining a

witness or deliberating, considering, or debating a decision, but no decision may be made or voted on except in a meeting that is open to the public and otherwise in compliance with the rules of the house.

Sec. 13. RULES GOVERNING OPERATIONS. (a) The Rules of Procedure of the House of Representatives, and to the extent applicable, the rules of evidence and procedure in the civil courts of Texas, shall govern the hearings and operations of each committee, including a calendars committee. Subject to the foregoing, and to the extent necessary for orderly transaction of business, each committee may promulgate and adopt additional rules and procedures by which it will function.

(b) No standing committee, including a calendars committee, or any subcommittee, shall adopt any rule of procedure, including but not limited to an automatic subcommittee rule, which will have the effect of thwarting the will of the majority of the committee or subcommittee or denying the committee or subcommittee the right to ultimately dispose of any pending matter by action of a majority of the committee or subcommittee. A bill or resolution may not be laid on the table subject to call in committee without a majority vote of the committee.

Sec. 14. APPEALS FROM RULINGS OF THE CHAIR. Appeals from rulings of the chair of a committee shall be in order if seconded by three members of the committee, which may include the member making the appeal. Procedure in committee following an appeal which has been seconded shall be the same as the procedure followed in the house in a similar situation.

Sec. 15. PREVIOUS QUESTION. Before the previous question can be ordered in a committee, the motion therefor must be seconded by not less than 4 members of a committee consisting of 21 or more members, 3 members of a committee consisting of less than 21 members and more than 10 members, or 2 members of a committee consisting of 10 members or less. If the motion is properly seconded and ordered by a majority vote of the committee, further debate on the proposition under consideration shall be terminated, and the proposition shall be immediately put to a vote of the committee for its action.

Sec. 16. QUORUM. A majority of a committee shall constitute a quorum. No action or recommendation of a committee shall be valid unless taken at a meeting of the committee with a quorum actually present, and the committee minutes shall reflect the names of those members of the committee who were actually present. No committee report shall be made to the house nor shall bills or resolutions be placed on a calendar unless ordered by a majority of the membership of the committee, except as otherwise provided in the rules, and a quorum of the committee must be present when the vote is taken on reporting a bill or resolution, on placing bills or resolutions on a calendar, or on taking any other formal action within the authority of the committee. No committee report shall be made nor shall bills or resolutions be placed on a calendar except by record vote of the members of the committee, with the yeas and nays to be recorded in the minutes of the committee. Proxies cannot be used in committees.

Sec. 17. MOVING A CALL OF A COMMITTEE. (a) It shall be in order to move a call of a committee at any time to secure and maintain a quorum for any one or more of the following purposes:

- (1) for the consideration of a specific bill, resolution, or other matter;
- (2) for a definite period of time; or
- (3) for the consideration of any designated class of bills or other matters.

(b) When a call of a committee is moved for one or more of the foregoing purposes and seconded by two members, one of whom may be the chair, and is ordered by a majority of the members present, no member shall thereafter be permitted to leave the committee meeting without written permission from the chair. After the call is ordered, and in the absence of a quorum, the chair shall have the authority to authorize the sergeant-at-arms to locate absent members of the committee and to compel their attendance for the duration of the call.

Sec. 18. MINUTES OF PROCEEDINGS. (a) For each committee, including a calendars committee, the chair, or the member acting as chair, shall keep complete minutes of the proceedings in committee, which shall include:

- (1) the time and place of each meeting of the committee;
- (2) a roll call to determine the members present at each meeting of the committee, whether that meeting follows an adjournment or a recess from a previous committee meeting;
- (3) an accurate record of all votes taken, including a listing of the yeas and nays cast on a record vote;
- (4) the date of posting of notice of the meeting; and
- (5) other information that the chair shall determine.

(b) The minutes for each public hearing of a committee shall also include an attachment listing the names of the persons, other than members of the legislature, and the persons or entities represented by those persons, who were recognized by the chair to address the committee. The attachment shall also list the name of each person, other than a member of the legislature, who submitted to the committee a sworn statement indicating that the person was present in favor of, in opposition to, or without taking a position on the measure or other matter, but who because of the person's departure or other reason was not recognized by the chair to address the committee; provided that the omission of the name of such a person is not a sustainable question of order.

(c) Committee minutes shall be corrected only at the direction of the chair as authorized by a majority vote of the committee. Duplicate originals of committee minutes shall be maintained, one to remain with the committee chair and the other to be filed with the committee coordinator. The committee minutes of a meeting of the Appropriations Committee on the general appropriations bill must be filed with the committee coordinator within five days of the committee meeting. All other committee minutes must be filed with the committee coordinator within three days of the committee meeting for a substantive committee, and within one day of the committee meeting for a procedural committee. If the date on which the committee minutes are due occurs on a Saturday, Sunday, or holiday on which the house is not in session, the committee minutes shall be filed on the following working day. The time at which the minutes are filed shall be time-stamped on the duplicate originals of the minutes

that are filed with the committee coordinator. The duplicate originals shall be available at all reasonable business hours for inspection by members or the public.

(d) The committee coordinator shall maintain the minutes and records safe from loss, destruction, and alteration at all times, and may, at any time, turn them, or any portion, over to the Committee on House Administration.

Sec. 19. RECORDING OF TESTIMONY. All testimony before committees and subcommittees shall be electronically recorded under the direction of the Committee on House Administration. Copies of the testimony may be released under guidelines promulgated by the Committee on House Administration.

Sec. 20. SWORN STATEMENT OF WITNESSES. (a) The committee coordinator, under the direction of the Committee on House Administration, shall prescribe the form of a sworn statement to be executed by all persons, other than members, who wish to be recognized by the chair to address the committee. The statement shall provide for showing at least:

- (1) the committee or subcommittee;
- (2) the name, address, and telephone number of the person appearing;
- (3) the person, firm, corporation, class, or group represented;
- (4) the type of business, profession, or occupation in which the person is engaged, if the person is representing himself or herself; and
- (5) the matter before the committee on which the person wishes to be recognized to address the committee and whether for, against, or neutral on the matter.

(b) No person shall be recognized by the chair to address the committee in favor of, in opposition to, or without taking a position on a matter until the sworn statement has been filed with the chair of the committee. The chair of the committee shall indicate on the sworn statement whether the person completing the statement was recognized to address the committee.

(c) All sworn statements for those persons recognized by the chair to address the committee shall accompany the copy of the minutes of the meeting filed with the committee coordinator.

(d) All persons, other than members, recognized by the chair to address the committee shall give their testimony under oath, and each committee may avail itself of additional powers and prerogatives authorized by law.

(e) The committee shall ensure that an individual who is blind receives any necessary assistance in executing the sworn statement.

(f) The committee shall inform a witness who is blind which members of the committee are present when the witness begins to testify and shall inform the witness during the testimony of the departure and arrival of committee members.

Sec. 21. POWER TO ISSUE PROCESS AND SUMMON WITNESSES. (a) By a record vote of not less than two-thirds of those present and voting, a quorum being present, each standing committee shall have the power and authority to issue process to witnesses at any place in the State of Texas, to compel their attendance, and to compel the production of all books, records, and instruments. If necessary to obtain compliance with subpoenas or

other process, the committee shall have the power to issue writs of attachment. All process issued by the committee may be addressed to and served by an agent of the committee or a sergeant-at-arms appointed by the committee or by any peace officer of the State of Texas. The committee shall also have the power to cite and have prosecuted for contempt, in the manner provided by law, anyone disobeying the subpoenas or other process lawfully issued by the committee. The chair of the committee shall issue, in the name of the committee, the subpoenas and other process as the committee may direct.

(b) The chair may summon the governing board or other representatives of a state agency to appear and testify before the committee without issuing process under Subsection (a) of this section. The summons may be communicated in writing, orally, or electronically. If the persons summoned fail or refuse to appear, the committee may issue process under Subsection (a) of this section.

Sec. 22. MILEAGE AND PER DIEM FOR WITNESSES. Subject to prior approval by the Committee on House Administration, witnesses attending proceedings of any committee under process of the committee shall be allowed the same mileage and per diem as are allowed members of the committee when in a travel status, to be paid out of the contingent expense fund of the house of representatives on vouchers approved by the chair of the committee, the chair of the Committee on House Administration, and the speaker of the house.

Sec. 23. POWER TO REQUEST ASSISTANCE OF STATE AGENCIES. Each committee is authorized to request the assistance, when needed, of all state departments, agencies, and offices, and it shall be the duty of the departments, agencies, and offices to assist the committee when requested to do so. Each committee shall have the power and authority to inspect the records, documents, and files of every state department, agency, and office, to the extent necessary to the discharge of its duties within the area of its jurisdiction.

Sec. 23A. ASSISTANCE OF OTHER MEMBERS OF LEGISLATURE. At a meeting of a committee, the chair may recognize a member of the house who is not a member of the committee to provide information to the committee, and may recognize a member of the senate for that purpose. Recognition is solely within the discretion of the chair and is not subject to appeal by that member.

CHAPTER C. COMMITTEE FUNCTIONS

Sec. 24. INTERIM STUDIES. Standing committees, en banc or by subcommittees, are hereby authorized to conduct studies that are authorized by the speaker pursuant to Rule 1, Section 17. Studies may not be authorized by resolution. The speaker may appoint public citizens and officials of state and local governments to standing committees to augment the membership for the purpose of interim studies and shall provide a list of such appointments to the chief clerk. The chair of the standing committee shall have authority to name the subcommittees necessary and desirable for the conduct of the interim studies and shall also prepare a budget for interim studies for approval by the Committee on House Administration.

Sec. 25. MOTION PREVENTING REPORTING OR PLACEMENT ON A CALENDAR. No motion is in order in a committee considering a bill, resolution, or other matter that would prevent the committee from reporting it back to the house or placing it on a calendar in accordance with the Rules of the House.

Sec. 26. FINAL ACTION IN FORM OF REPORT. No action by a committee on bills or resolutions referred to it shall be considered as final unless it is in the form of a favorable report, an unfavorable report, or a report of inability to recommend a course of action.

Sec. 27. VOTE ON MOTION TO REPORT. Motions made in committee to report favorably or unfavorably must receive affirmative majority votes, majority negative votes to either motion being insufficient to report. If a committee is unable to agree on a recommendation for action, as in the case of a tie vote, it should submit a statement of this fact as its report, and the house shall decide, by a majority vote, the disposition of the matter by one of the following alternatives:

- (1) leave the bill in the committee for further consideration;
- (2) refer the bill to some other committee; or
- (3) order the bill printed, in which case the bill shall go to the Committee on Calendars for placement on a calendar and for proposal of an appropriate rule for house consideration.

Sec. 28. MINORITY REPORTS. The report of a minority of a committee shall be made in the same general form as a majority report. No minority report shall be recognized by the house unless it has been signed by not less than 4 members of a committee consisting of 21 or more members, 3 members of a committee consisting of less than 21 members and more than 10 members, or 2 members of a committee consisting of 10 or less members. Only members who were present when the vote was taken on the bill, resolution, or other matter being reported, and who voted on the losing side, may sign a minority report. Notice of intention to file a minority report shall be given to the assembled committee after the vote on the bill, resolution, or other matter, and before the recess or adjournment of the committee, provided ample opportunity is afforded for the giving of notice; otherwise, notice may be given in writing to the chief clerk within 24 hours after the recess or adjournment of the committee.

Sec. 29. ACTION ON BILLS REPORTED UNFAVORABLY. If the majority report on a bill is unfavorable, and a favorable minority report is not signed in accordance with Section 28 of this rule and filed with the chief clerk within two calendar days, exclusive of Sunday and the date of committee action, the chief clerk shall file the bill away as dead; except during the last 15 calendar days of a regular session, or the last 7 calendar days of a special session, when the chief clerk shall hold a bill only one calendar day, exclusive of Sunday and the date of committee action, awaiting the filing of a minority report before the bill is filed away as dead. If the favorable minority report is properly signed and filed, the chief clerk shall hold the bill for five legislative days, exclusive of the legislative day in which the minority report was filed, awaiting adoption by the house of a motion to print the bill on minority report. If the motion to print is

carried, the bill shall be printed as if it had been reported favorably, and shall then be immediately forwarded to the Committee on Calendars for placement on a calendar and for proposal of an appropriate rule for house consideration. If a motion to print a bill on minority report is not made within the five legislative days authorized above, the chief clerk shall file the bill away as dead. It shall not be in order to move to recommit a bill adversely reported with no minority report, except as provided in Section 30 of this rule. A two-thirds vote of the house shall be required to print on minority report a joint resolution proposing an amendment to the Constitution of Texas.

Sec. 30. MAKING ADVERSE REPORTS WITHOUT HEARING THE AUTHOR. No adverse report shall be made on any bill or resolution by any committee without first giving the author or sponsor of the bill an opportunity to be heard. If it becomes evident to the house that a bill has been reported adversely without the author or sponsor having had an opportunity to be heard as provided in this section, the house may, by a majority vote, order the bill recommitted even though no minority report was filed in the manner prescribed by the rules. This provision shall have precedence over Rule 7, Section 20.

Sec. 31. ADVERSE REPORTS ON LOCAL BILLS. If a local bill is reported adversely, it shall be subject to the same rules that govern other bills reported adversely.

Sec. 32. FORM OF REPORTS. (a) Reports of standing committees on bills and resolutions shall be made in duplicate, with one copy to be filed with the journal clerk for printing in the journal and the other to accompany the original bill.

(b) All committee reports must be in writing and shall:

(1) be signed by the chair, or the member acting as chair, or a majority of the membership of the committee;

(2) be addressed to the speaker;

(3) contain a statement of the recommendations of the committee with reference to the matter which is the subject of the report;

(4) contain the date the committee made its recommendation;

(5) indicate whether a copy of a bill or resolution was forwarded to the Legislative Budget Board for preparation of a fiscal note or other impact statement, if applicable;

(6) contain the record vote by which the report was adopted, including the vote of each member of the committee;

(7) contain the recommendation that the bill or resolution be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar if applicable;

(8) state the name of the primary house sponsor of all senate bills and resolutions and indicate the names of all joint sponsors or cosponsors;

(9) include a summary of the committee hearing on the bill or resolution;

(10) include a list of the names of the persons, other than members of the legislature, and persons or entities represented by those persons, who submitted to the committee sworn statements indicating that the persons were

present in favor of, in opposition to, or without taking a position on the bill or resolution. The omission from the list of the name of a person who submitted a sworn statement regarding a bill or resolution but who was not recognized by the chair to address the committee is not a sustainable question of order;

(11) for a joint resolution proposing a constitutional amendment, include the bill number of any enabling legislation for the constitutional amendment designated as such by the author or sponsor of the joint resolution; and

(12) for a bill that is designated by the author or sponsor of the bill as enabling legislation for a constitutional amendment proposed by a joint resolution, include the number of the joint resolution.

(c) Except for the general appropriations bill, each committee report on a bill or joint resolution, including a complete committee substitute, and, to the extent considered necessary by the committee, a committee report on any other resolution, must include in summary or section-by-section form a detailed analysis of the subject matter of the bill or resolution, specifically including:

(1) background information on the proposal and information on what the bill or resolution proposes to do;

(2) an analysis of the content of the bill or resolution, including a separate statement that lists each statute or constitutional provision that is expressly repealed by the bill or resolution;

(3) a statement indicating whether or not any rulemaking authority is expressly delegated to a state officer, department, agency, or institution, and, if so, identifying the sections of the measure in which that rulemaking authority is delegated;

(4) a statement of substantial differences between a complete committee substitute and the original bill; and

(5) a brief explanation of each amendment adopted by the committee.

(d) The author of a bill or resolution for which an analysis is required by Subsection (c) of this section and the committee to which the bill or resolution is referred may request the Texas Legislative Council to prepare the analysis required by Subsection (c) of this section.

(e) A committee chair shall provide to the author of a house measure or sponsor of a senate measure a copy of the analysis required by Subsection (c) of this section as soon as the analysis is complete.

(f) A point of order raised as to a violation of Subsection (c) of this section may be overruled if the analysis is not materially or substantially misleading.

(g) It shall be the duty of the committee chair, on all matters reported by the committee, to see that all provisions of Rule 12 are satisfied. The chair shall strictly construe this provision to achieve the desired purposes.

Sec. 33. FISCAL NOTES. (a) If the chair of a standing committee determines that a bill or joint resolution, other than the general appropriations bill, authorizes or requires the expenditure or diversion of state funds for any purpose, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a fiscal note outlining the fiscal implications and probable cost of the measure.

(b) If the chair of a standing committee determines that a bill or joint resolution has statewide impact on units of local government of the same type or class and authorizes or requires the expenditure or diversion of local funds, or creates or impacts a local tax, fee, license charge, or penalty, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a fiscal note outlining the fiscal implications and probable cost of the measure.

(c) In preparing a fiscal note, the director of the Legislative Budget Board may utilize information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. If the director determines that the fiscal implications of the measure cannot be ascertained, the director shall so state in the fiscal note, in which case the fiscal note shall be in full compliance with the rules. If the director of the Legislative Budget Board is unable to acquire or develop sufficient information to prepare the fiscal note within 15 days of receiving the measure from the chair of a committee, the director shall so state in the fiscal note, in which case the note shall be in full compliance with the rules.

(d) If the chair determines that a fiscal note is required, copies of the fiscal note must be distributed to the members of the committee not later than the first time the measure is laid out in a committee meeting. The fiscal note shall be attached to the measure on first printing. If the measure is amended by the committee so as to alter its fiscal implications, the chair shall obtain an updated fiscal note, which shall also be attached to the measure on first printing.

(e) All fiscal notes shall remain with the measure throughout the entire legislative process, including submission to the governor.

Sec. 34. OTHER IMPACT STATEMENTS. (a) It is the intent of this section that all members of the house are timely informed as to the impact of proposed legislation on the state or other unit of government.

(b) If the chair of a standing committee determines that a bill or joint resolution:

(1) authorizes or requires a change in the sanctions applicable to adults convicted of felony crimes, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a criminal justice policy impact statement;

(2) authorizes or requires a change in the public school finance system, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of an equalized education funding impact statement;

(3) proposes to change benefits or participation in benefits of a public retirement system or change the financial obligations of a public retirement system, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of an actuarial impact statement in cooperation with the State Pension Review Board;

(4) proposes to create a water district under the authority of Article XVI, Section 59, of the Texas Constitution, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a water development policy impact statement; or

(5) creates or impacts a state tax or fee, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a tax equity note that estimates the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

(c) In preparing an impact statement, the director of the Legislative Budget Board may utilize information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. If the director determines that the particular implications of the measure cannot be ascertained, the director shall so state in the impact statement, in which case the impact statement shall be in full compliance with the rules.

(d) An impact statement is not required to be present before a measure is laid out in a committee meeting. If timely received, the impact statement shall be attached to the measure on first printing. If the measure is amended by the committee so as to alter its particular implications, the chair shall obtain an updated impact statement. If timely received, the updated impact statement shall also be attached to the measure on first printing.

(e) An impact statement that is received after the first printing of a measure has been distributed to the members shall be forwarded by the chair of the committee to the committee coordinator. The committee coordinator shall have the impact statement printed and distributed to the members.

(f) All impact statements received shall remain with the measure throughout the entire legislative process, including submission to the governor.

Sec. 35. REPORTS ON HOUSE AND CONCURRENT RESOLUTIONS. Committee reports on house and concurrent resolutions shall be made in the same manner and shall follow the same procedure as provided for bills, subject to any differences otherwise authorized or directed by the rules.

Sec. 36. ACTION BY HOUSE ON REPORTS NOT REQUIRED. No action by the house is necessary on the report of a standing committee. The bill, resolution, or proposition recommended or reported by the committee shall automatically be before the house for its consideration after the bill or resolution has been referred to the appropriate calendars committee for placement on a calendar and for proposal of an appropriate rule for house consideration.

Sec. 37. REFERRAL OF REPORTS TO COMMITTEE COORDINATOR. All committee reports on bills or resolutions shall be immediately referred to the committee coordinator. The chair of the committee shall be responsible for delivery of the report to the committee coordinator.

Sec. 38. DELIVERY OF REPORTS TO CALENDARS COMMITTEES. After printing, the chief clerk shall be responsible for delivery of a certified copy of the committee report to the appropriate calendars committee, which committee shall immediately accept the bill or resolution for placement on a calendar and for the proposal of an appropriate rule for house consideration.

Sec. 38A. NOTIFICATION OF SUNSET BILLS. The chief clerk shall provide notice to each member at the member's designated Capitol e-mail address when the clerk delivers a report under Section 38 of this rule on a bill extending an agency, commission, or advisory committee under the Texas Sunset Act.

Sec. 39. COMMITTEE AMENDMENTS. No committee shall have the power to amend, delete, or change in any way the nature, purpose, or content of any bill or resolution referred to it, but may draft and recommend amendments to it, which shall become effective only if adopted by a majority vote of the house.

Sec. 40. SUBSTITUTES. The committee may adopt and report a complete germane committee substitute containing the title, enacting clause, and text of the bill in lieu of an original bill, in which event the complete substitute bill on committee report shall be laid before the house and shall be the matter then before the house for its consideration, instead of the original bill. If the substitute bill is defeated at any legislative stage, the bill is considered not passed.

Sec. 41. GERMANENESS OF SUBSTITUTE. If a point of order is raised that a complete committee substitute is not germane, in whole or in part, and the point of order is sustained, the committee substitute shall be returned to the Committee on Calendars, which may have the original bill printed and distributed and placed on a calendar in lieu of the substitute or may return the original bill to the committee from which it was reported for further action.

Sec. 42. AUTHOR'S RIGHT TO OFFER AMENDMENTS TO REPORT. Should the author or sponsor of the bill, resolution, or other proposal not be satisfied with the final recommendation or form of the committee report, the member shall have the privilege of offering on the floor of the house such amendments or changes as he or she considers necessary and desirable, and those amendments or changes shall be given priority during the periods of time when original amendments are in order under the provisions of Rule 11, Section 7.

CHAPTER D. SUBCOMMITTEES

Sec. 43. JURISDICTION. Each committee is authorized to conduct its activities and perform its work through the use of subcommittees as shall be determined by the chair of the committee. Subcommittees shall be created, organized, and operated in such a way that the subject matter and work area of each subcommittee shall be homogeneous and shall pertain to related governmental activities. The size and jurisdiction of each subcommittee shall be determined by the chair of the committee.

Sec. 44. MEMBERSHIP. The chair of each standing committee shall appoint from the membership of the committee the members who are to serve on each subcommittee. Any vacancy on a subcommittee shall be filled by appointment of the chair of the standing committee. The chair and vice-chair of each subcommittee shall be named by the chair of the committee.

Sec. 45. RULES GOVERNING OPERATIONS. The Rules of Procedure of the House of Representatives, to the extent applicable, shall govern the hearings and operations of each subcommittee. Subject to the foregoing, and to the extent necessary for orderly transaction of business, each subcommittee may promulgate and adopt additional rules and procedures by which it will function.

Sec. 46. QUORUM. A majority of a subcommittee shall constitute a quorum, and no action or recommendation of a subcommittee shall be valid unless taken at a meeting with a quorum actually present. All reports of a subcommittee must be approved by record vote by a majority of the membership

of the subcommittee. Minutes of the subcommittee shall be maintained in a manner similar to that required by the rules for standing committees. Proxies cannot be used in subcommittees.

Sec. 47. POWER AND AUTHORITY. Each subcommittee, within the area of its jurisdiction, shall have all of the power, authority, and rights granted by the Rules of Procedure of the House of Representatives to the standing committee, except subpoena power, to the extent necessary to discharge the duties and responsibilities of the subcommittee.

Sec. 48. REFERRAL OF PROPOSED LEGISLATION TO SUBCOMMITTEE. All bills and resolutions referred to a standing committee shall be reviewed by the chair to determine appropriate disposition of the bills and resolutions. All bills and resolutions shall be considered by the entire standing committee unless the chair of that standing committee determines to refer the bills and resolutions to subcommittee. If a bill or resolution is referred by the chair of the standing committee to a subcommittee, it shall be considered by the subcommittee in the same form in which the measure was referred to the standing committee, and any action taken by the standing committee on a proposed amendment or committee substitute before a measure is referred to subcommittee is therefore voided at the time the measure is referred to subcommittee. The subcommittee shall be charged with the duty and responsibility of conducting the hearing, doing research, and performing such other functions as the subcommittee or its parent standing committee may determine. All meetings of the subcommittee shall be scheduled by the subcommittee chair, with appropriate public notice and notification of each member of the subcommittee under the same rules of procedure as govern the conduct of the standing committee.

Sec. 49. REPORT BY SUBCOMMITTEE. At the conclusion of its deliberations on a bill, resolution, or other matter referred to it, the subcommittee may prepare a written report, comprehensive in nature, for submission to the full committee. The report shall include background material as well as recommended action and shall be accompanied by a complete draft of the bill, resolution, or other proposal in such form as the subcommittee shall determine.

Sec. 50. ACTION ON SUBCOMMITTEE REPORTS. Subcommittee reports shall be directed to the chair of the committee, who shall schedule meetings of the standing committee from time to time as necessary and appropriate for the reception of subcommittee reports and for action on reports by the standing committee. No subcommittee report shall be scheduled for action by the standing committee until at least 24 hours after a copy of the subcommittee report is provided to each member of the standing committee.

CHAPTER E. COMMITTEES OF THE WHOLE HOUSE

Sec. 51. RESOLUTION INTO A COMMITTEE OF THE WHOLE HOUSE. The house may resolve itself into a committee of the whole house to consider any matter referred to it by the house. In forming a committee of the whole house, the speaker shall vacate the chair and shall appoint a chair to preside in committee.

Sec. 52. RULES GOVERNING OPERATIONS. The rules governing the proceedings of the house and those governing committees shall be observed in committees of the whole, to the extent that they are applicable.

Sec. 53. MOTION FOR A CALL OF THE COMMITTEE OF THE WHOLE. (a) It shall be in order to move a call of the committee of the whole at any time to secure and maintain a quorum for the following purposes:

- (1) for the consideration of a certain or specific matter; or
- (2) for a definite period of time; or
- (3) for the consideration of any designated class of bills.

(b) When a call of the committee of the whole is moved and seconded by 10 members, of whom the chair may be one, and is ordered by majority vote, the main entrance of the hall and all other doors leading out of the hall shall be locked, and no member shall be permitted to leave the hall without written permission. Other proceedings under a call of the committee shall be the same as under a call of the house.

Sec. 54. HANDLING OF A BILL. A bill committed to a committee of the whole house shall be handled in the same manner as in any other committee. The body of the bill shall not be defaced or interlined, but all amendments shall be duly endorsed by the chief clerk as they are adopted by the committee, and so reported to the house. When a bill is reported by the committee of the whole house it shall be referred immediately to the appropriate calendars committee for placement on the appropriate calendar and shall follow the same procedure as any other bill on committee report.

Sec. 55. FAILURE TO COMPLETE WORK AT ANY SITTING. In the event that the committee of the whole, at any sitting, fails to complete its work on any bill or resolution under consideration for lack of time, or desires to take any action on that measure that is permitted under the rules for other committees, it may, on a motion made and adopted by majority vote, rise, report progress, and ask leave of the house to sit again generally, or at a time certain.

Sec. 56. REPORTS OF SELECT COMMITTEES. Reports of select committees made during a session shall be filed with the chief clerk and printed in the journal, unless otherwise determined by the house.

CHAPTER F. INTERIM STUDY COMMITTEES

Sec. 57. INTERIM STUDIES. Pursuant to Rule 1, Section 17, the speaker may create interim study committees to conduct studies by issuing a proclamation for each committee, which shall specify the issue to be studied, committee membership, and any additional authority and duties. A copy of each proclamation creating an interim study committee shall be filed with the chief clerk. An interim study committee expires on release of its final report or when the next legislature convenes, whichever is earlier. An interim study committee may not be created by resolution.

Sec. 58. APPOINTMENT AND MEMBERSHIP. The speaker shall appoint all members of an interim study committee, which may include public citizens and officials of state and local governments. The speaker shall also designate the chair and vice-chair and may authorize the chair to create subcommittees and appoint citizen advisory committees.

Sec. 59. RULES GOVERNING OPERATIONS. The rules governing the proceedings of the house and those governing standing committees shall be observed by an interim study committee, to the extent that they are applicable. An interim study committee shall have the power to issue process and to request assistance of state agencies as provided for a standing committee in Sections 21, 22, and 23 of this rule.

Sec. 60. FUNDING AND STAFF. An interim study committee shall use existing staff resources of its members, standing committees, house offices, and legislative service agencies. The chair of an interim study committee shall prepare a detailed budget for approval by the speaker and the Committee on House Administration. An interim study committee may accept gifts, grants, and donations for the purpose of funding its activities as provided by Sections 301.032(b) and (c), Government Code.

Sec. 61. STUDY REPORTS. (a) The final report or recommendations of an interim study committee shall be approved by a majority of the committee membership. Dissenting members may attach statements to the final report.

(b) An interim study committee shall submit the committee's final report to the committee coordinator in the manner prescribed by the committee coordinator. The committee coordinator shall:

- (1) distribute copies of the final report to the speaker, the Legislative Reference Library, and other appropriate agencies; and
- (2) make a copy of the final report available on the house's Internet website.

(c) This section shall also apply to interim study reports of standing committees.

Sec. 62. JOINT HOUSE AND SENATE INTERIM STUDIES. Procedures may be established by a concurrent resolution adopted by both houses, by which the speaker may authorize and appoint, jointly with the senate, committees to conduct interim studies. A copy of the authorization for and the appointments to a joint interim study committee shall be filed with the chief clerk. Individual joint interim study committees may not be authorized or created by resolution.

RULE 5. FLOOR PROCEDURE

CHAPTER A. QUORUM AND ATTENDANCE

Sec. 1. QUORUM. Two-thirds of the house shall constitute a quorum to do business.

Sec. 2. ROLL CALLS. On every roll call or registration, the names of the members shall be called or listed, as the case may be, alphabetically by surname, except when two or more have the same surname, in which case the initials of the members shall be added.

Sec. 3. LEAVE OF ABSENCE. (a) No member shall be absent from the sessions of the house without leave, and no member shall be excused on his or her own motion.

(b) A leave of absence may be granted by a majority vote of the house and may be revoked at any time by a similar vote.

(c) Any member granted a leave of absence due to a meeting of a committee or conference committee that has authority to meet while the house is in session shall be so designated on each roll call or registration for which that member is excused.

Sec. 4. FAILURE TO ANSWER ROLL CALL. Any member who is present and fails or refuses to record on a roll call after being requested to do so by the speaker shall be recorded as present by the speaker and shall be counted for the purpose of making a quorum.

Sec. 5. POINT OF ORDER OF "NO QUORUM." (a) The point of order of "No Quorum" shall not be accepted by the chair if the last roll call showed the presence of a quorum, provided the last roll call was taken within two hours of the time the point of order is raised.

(b) If the last roll call was taken more than two hours before the point of order is raised, it shall be in order for the member who raised the point of order to request a roll call. Such a request must be seconded by 25 members. If the request for a roll call is properly seconded, the chair shall order a roll call.

(c) Once a point of order has been made that a quorum is not present, it may not be withdrawn after the absence of a quorum has been ascertained and announced.

Sec. 6. MOTIONS IN ORDER WHEN QUORUM NOT PRESENT. If a registration or record vote reveals that a quorum is not present, only a motion to adjourn or a motion for a call of the house and the motions incidental thereto shall be in order.

Sec. 7. MOTION FOR CALL OF THE HOUSE. It shall be in order to move a call of the house at any time to secure and maintain a quorum for one of the following purposes:

(1) for the consideration of a specific bill, resolution, motion, or other measure;

(2) for the consideration of any designated class of bills; or

(3) for a definite period of time.

Motions for, and incidental to, a call of the house are not debatable.

Sec. 8. SECURING A QUORUM. When a call of the house is moved for one of the above purposes and seconded by 15 members (of whom the speaker may be one) and ordered by a majority vote, the main entrance to the hall and all other doors leading out of the hall shall be locked and no member permitted to leave the house without the written permission of the speaker. The names of members present shall be recorded. All absentees for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by the sergeant-at-arms or an officer appointed by the sergeant-at-arms for that purpose, and their attendance shall be secured and retained. The house shall determine on what conditions they shall be discharged. Members who voluntarily appear shall, unless the house otherwise directs, be immediately admitted to the hall of the house and shall report their names to the clerk to be entered in the journal as present.

Until a quorum appears, should the roll call fail to show one present, no business shall be transacted, except to compel the attendance of absent members or to adjourn. It shall not be in order to recess under a call of the house.

Sec. 9. FOLLOWING ACHIEVEMENT OF A QUORUM. When a quorum is shown to be present, the house may proceed with the matters on which the call was ordered, or may enforce the call and await the attendance of as many of the absentees as it desires. When the house proceeds to the business on which the call was ordered, it may, by a majority vote, direct the sergeant-at-arms to cease bringing in absent members.

Sec. 10. REPEATING A RECORD VOTE. When a record vote reveals the lack of a quorum, and a call is ordered to secure one, a record vote shall again be taken when the house resumes business with a quorum present.

CHAPTER B. ADMITTANCE TO HOUSE CHAMBER

Sec. 11. PRIVILEGES OF THE HOUSE FLOOR. Only the following persons shall be entitled to the privileges of the floor of the house when the house is in session: members of the house; employees of the house when performing their official duties as determined by the Committee on House Administration; members of the senate; employees of the senate when performing their official duties; the Governor of Texas and the governor's executive and administrative assistant; the lieutenant governor; the secretary of state; duly accredited reporters, photographers, correspondents, and commentators of press, radio, and television who have complied with Sections 20(a), (b), (c), and (d) of this rule; contestants in election cases pending before the house; and immediate families of the members of the legislature on such special occasions as may be determined by the Committee on House Administration.

Sec. 12. ADMITTANCE WITHIN THE RAILING. Only the following persons shall be admitted to the area on the floor of the house enclosed by the railing when the house is in session: members of the house; members of the senate; the governor; the lieutenant governor; officers and employees of the senate and house when those officers and employees are actually engaged in performing their official duties as determined by the Committee on House Administration; spouses of members of the house on such occasions as may be determined by the Committee on House Administration; and, within the area specifically designated for media representatives, duly accredited reporters, photographers, correspondents, and commentators of press, radio, and television who have complied with Sections 20(a), (b), (c), and (d) of this rule.

Sec. 13. SOLICITORS AND COLLECTORS PROHIBITED. Solicitors and collectors shall not be admitted to the floor of the house while the house is in session.

Sec. 14. INVITATION TO ADDRESS THE HOUSE. A motion to invite a person to address the house while it is in session shall be in order only if the person invited is entitled to the privileges of the floor as defined by Section 11 of this rule and if no business is pending before the house.

Sec. 15. LOBBYING ON FLOOR. No one, except the governor or a member of the legislature, who is lobbying or working for or against any pending or prospective legislative measure shall be permitted on the floor of the house or in the adjacent rooms while the house is in session.

Sec. 16. SUSPENSION OF FLOOR PRIVILEGES. If any person admitted to the floor of the house under the rules, except the governor or a member of the legislature, lobbies or works for or against any pending or prospective legislation or violates any of the other rules of the house, the privileges extended to that person under the rules shall be suspended by a majority vote of the Committee on House Administration. The action of the committee shall be reviewable by the house only if two members of the committee request an appeal from the decision of the committee. The request shall be in the form of a minority report and shall be subject to the same rules that are applicable to minority reports on bills. Suspension shall remain in force until the accused person purges himself or herself and comes within the rules, or until the house, by majority vote, reverses the action of the committee.

Sec. 17. MEMBERS LOUNGE PRIVILEGES. Only the following persons shall be admitted to the members lounge at any time: members of the house; members of the senate; and former members of the house and senate who are not engaged in any form of employment requiring them to lobby or work for or against any pending or prospective legislative measures.

Sec. 18. FLOOR DUTIES OF HOUSE OFFICERS AND EMPLOYEES. It shall be the duty of the Committee on House Administration to determine what duties are to be discharged by officers and employees of the house on the floor of the house, specifically in the area enclosed by the railing, when the house is in session. It shall be the duty of the speaker to see that the officers and employees do not violate the regulations promulgated by the Committee on House Administration.

Sec. 19. PROPER DECORUM. No person shall be admitted to, or allowed to remain in, the house chamber while the house is in session unless properly attired, and all gentlemen shall wear a coat and tie. Food or beverage shall not be permitted in the house chamber at any time, and no person carrying food or beverage shall be admitted to the chamber, whether the house is in session or in recess. Reading newspapers shall not be permitted in the house chamber while the house is in session. Smoking is not permitted in the member's lounge or bathrooms. The Committee on House Administration shall designate an area for smoking that is easily accessible to the house chamber.

Sec. 20. MEDIA ACCESS TO HOUSE CHAMBER. (a) When the house is in session, no media representative shall be admitted to the floor of the house or allowed its privileges unless the person is a salaried staff correspondent, reporter, or photographer regularly employed by a newspaper, a press association or news service serving newspapers, a publication requiring telegraphic coverage, or a duly licensed radio or television station or network.

(b) Any media representative seeking admission to the floor of the house under the provisions of Subsection (a) of this section must present to the Committee on House Administration fully accredited credentials from his or her

employer certifying that the media representative is engaged primarily in reporting the sessions of the legislature. Regularly accredited media representatives who have duly qualified under the provisions of this section may, when requested to do so, make recommendations through their professional committees to the Committee on House Administration as to the sufficiency or insufficiency of the credentials of any person seeking admission to the floor of the house under this section.

Every media representative, before being admitted to the floor of the house during its sessions, shall file with the Committee on House Administration a written statement showing the paper or papers, press association, news service, publication requiring telegraphic coverage, or radio or television station or network which he or she represents and certifying that no part of his or her salary for legislative coverage is paid by any person, firm, corporation, or association except the listed news media which he or she represents.

(c) If the Committee on House Administration determines that a person's media credentials meet the requirements of this section, the committee shall issue a pass card to the person. This pass card must be presented to the doorkeeper each time the person seeks admission to the floor of the house while the house is in session. Pass cards issued under this section shall not be transferable. Persons admitted to the floor of the house pursuant to the provisions of this section shall work in appropriate convenient seats or work stations in the house, which shall be designated for that purpose by the Committee on House Administration.

(d) Members of the house shall not engage in interviews and press conferences on the house floor while the house is in session. The Committee on House Administration is authorized to enforce this provision and to prescribe such other regulations as may be necessary and desirable to achieve these purposes. Persons governed by this subsection shall be subject to the provisions of Section 15 of this rule.

(e) Permission to make live or recorded television or radio broadcasts in or from the house chamber while the house is in session may be granted only by the Committee on House Administration. The committee shall promulgate regulations governing television or radio broadcasts, and such regulations shall be printed as an addendum to the rules of the house. When television or radio broadcasts from the floor of the house are recommended by the Committee on House Administration, the recommendation shall identify those persons in the technical crews to whom pass cards to the floor of the house and galleries are to be issued. Passes granted under this authority shall be subject to revocation on the recommendation of the Committee on House Administration. Each committee of the house shall have authority to determine whether or not to permit television or radio broadcasts of any of its proceedings.

Sec. 21. PUBLIC ADMISSION TO AND NONLEGISLATIVE USE OF THE HOUSE CHAMBER. When the house is not in session, the floor of the house shall remain open on days and hours determined by the Committee on House Administration. By resolution, the house may open the floor of the house during its sessions for the inauguration of the governor and lieutenant governor and for such other public ceremonies as may be deemed warranted.

CHAPTER C. SPEAKING AND DEBATE

Sec. 22. ADDRESSING THE HOUSE. When a member desires to speak or deliver any matter to the house, the member shall rise and respectfully address the speaker as "Mr. (or Madam) Speaker" and, on being recognized, may address the house from the microphone at the reading clerk's desk, and shall confine all remarks to the question under debate, avoiding personalities.

Sec. 23. WHEN TWO MEMBERS RISE AT ONCE. When two or more members rise at once, the speaker shall name the one who is to speak first. This decision shall be final and not open to debate or appeal.

Sec. 24. RECOGNITION. (a) Except as otherwise provided by this section, there shall be no appeal from the speaker's recognition, but the speaker shall be governed by rules and usage in priority of entertaining motions from the floor. When a member seeks recognition, the speaker may ask, "For what purpose does the member rise?" or "For what purpose does the member seek recognition?" and may then decide if recognition is to be granted, except that the speaker shall recognize a member who seeks recognition on a question of privilege.

(b) If the speaker denies recognition of a member who seeks recognition on a question of privilege, other than a question of privilege relating to the right of the house to remove the speaker and elect a new speaker, the decision of recognition may be appealed using the procedures provided in Rule 1, Section 9.

(c) If the speaker denies recognition of a member who seeks recognition on a question of privilege relating to the right of the house to remove the speaker and elect a new speaker, the member may appeal the speaker's denial of recognition if the member submits to the speaker a written request, signed by at least 76 members of the house, to appeal the decision of recognition. Upon receiving a request for appeal in accordance with this subsection, the speaker shall announce the request to the house. The names of the members who signed the request and the time that the announcement was made shall be entered in the journal. The appeal of a decision of recognition under this subsection is eligible for consideration 24 hours after the request for appeal has been announced in accordance with this subsection. The appeal and consideration of the question of privilege, if the appeal is successful, takes precedence over all other questions except motions to adjourn.

Sec. 25. INTERRUPTION OF A MEMBER WHO HAS THE FLOOR. A member who has the floor shall not be interrupted by another member for any purpose, unless he or she consents to yield to the other member. A member desiring to interrupt another in debate should first address the speaker for the permission of the member speaking. The speaker shall then ask the member who has the floor if he or she wishes to yield, and then announce the decision of that member. The member who has the floor may exercise personal discretion as to whether or not to yield, and it is entirely within the member's discretion to determine who shall interrupt and when.

Sec. 26. **YIELDING THE FLOOR.** A member who obtains the floor on recognition of the speaker may not be taken off the floor by a motion, even the highly privileged motion to adjourn, but if the member yields to another to make a motion or to offer an amendment, he or she thereby loses the floor.

Sec. 27. **RIGHT TO OPEN AND CLOSE DEBATE.** The mover of any proposition, or the member reporting any measure from a committee, or, in the absence of either of them, any other member designated by such absentee, shall have the right to open and close the debate, and for this purpose may speak each time not more than 20 minutes.

Sec. 28. **TIME LIMITS ON SPEECHES.** All speeches shall be limited to 10 minutes in duration, except as provided in Section 27 of this rule, and the speaker shall call the members to order at the expiration of their time. If the house by a majority vote extends the time of any member, the extension shall be for 10 minutes only. A second extension of time shall be granted only by unanimous consent. During the last 10 calendar days of the regular session, and the last 5 calendar days of a special session, Sundays excepted, all speeches shall be limited to 10 minutes and shall not be extended. The time limits established by this rule shall include time consumed in yielding to questions from the floor.

Sec. 29. **LIMIT ON NUMBER OF TIMES TO SPEAK.** No member shall speak more than twice on the same question without leave of the house, nor more than once until every member choosing to speak has spoken, nor shall any member be permitted to consume the time of another member without leave of the house being given by a majority vote.

Sec. 30. **EFFECT OF ADJOURNMENT ON SPEAKING LIMIT.** If a pending question is not disposed of because of an adjournment of the house, a member who has spoken twice on the subject shall not be allowed to speak again without leave of the house.

Sec. 31. **OBJECTION TO READING A PAPER.** When the reading of a paper is called for, and objection is made, the matter shall be determined by a majority vote of the house, without debate.

Sec. 32. **PASSING BETWEEN MICROPHONES DURING DEBATE.** No person shall pass between the front and back microphones during debate or when a member has the floor and is addressing the house.

Sec. 33. **TRANSGRESSION OF RULES WHILE SPEAKING.** If any member, in speaking or otherwise, transgresses the rules of the house, the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately be seated; however, that member may move for an appeal to the house, and if appeal is duly seconded by 10 members, the matter shall be submitted to the house for decision by majority vote. In such cases, the speaker shall not be required to relinquish the chair, as is required in cases of appeals from the speaker's decisions. The house shall, if appealed to, decide the matter without debate. If the decision is in favor of the member called to order, the member shall be at liberty to proceed; but if the decision is against the member, he or she shall not be allowed to proceed, and, if the case requires it, shall be liable to the censure of the house, or such other punishment as the house may consider proper.

Sec. 34. ELECTRONIC RECORDING OF ALL HOUSE PROCEEDINGS. All proceedings of the house of representatives shall be electronically recorded under the direction of the Committee on House Administration. Copies of the proceedings may be released under guidelines promulgated by the Committee on House Administration.

CHAPTER D. QUESTIONS OF PRIVILEGE

Sec. 35. QUESTIONS OF PRIVILEGE DEFINED. Questions of privilege shall be:

(1) those affecting the rights of the house collectively, its safety and dignity, and the integrity of its proceedings, including the right of the house to remove the speaker and elect a new speaker; and

(2) those affecting the rights, reputation, and conduct of members individually in their representative capacity only.

Sec. 36. PRECEDENCE OF QUESTIONS OF PRIVILEGE. Questions of privilege shall have precedence over all other questions except motions to adjourn. When in order, a member may address the house on a question of privilege, or may at any time print it in the journal, provided it contains no reflection on any member of the house.

Sec. 37. WHEN QUESTIONS OF PRIVILEGE NOT IN ORDER. (a) It shall not be in order for a member to address the house on a question of privilege:

(1) between the time an undebatable motion is offered and the vote is taken on the motion;

(2) between the time the previous question is ordered and the vote is taken on the last proposition included under the previous question; or

(3) between the time a motion to table is offered and the vote is taken on the motion.

(b) If a question of privilege relating to removal of the speaker and election of a new speaker fails, a subsequent attempt to remove the same speaker can be made only by reconsidering the vote by which the original question of privilege failed. Such reconsideration shall be subject to the rules of the house governing reconsideration.

Sec. 38. CONFINING REMARKS TO QUESTION OF PRIVILEGE; INTERRUPTIONS PROHIBITED. (a) When speaking on privilege, members must confine their remarks within the limits of Section 35 of this rule, which will be strictly construed to achieve the purposes hereof.

(b) When a member is speaking on privilege, the member shall not be interrupted by another member for any purpose. While the member is speaking, another member may submit a question of order to the speaker in writing or by approaching the podium in person. The member submitting the question of order shall not interrupt the member who is speaking. The speaker may interrupt the member who is speaking if the speaker determines it is appropriate to address the question of order at that time.

Sec. 39. DISCUSSION OF MERITS OF MOTION FORBIDDEN. Merits of a main or subsidiary motion shall not be discussed or debated under the guise of speaking to a question of privilege.

CHAPTER E. VOTING

Sec. 40. RECORDING ALL VOTES ON VOTING MACHINE. On all votes, except viva voce votes, members shall record their votes on the voting machine and shall not be recognized by the chair to cast their votes from the floor. If a member attempts to vote from the floor, the speaker shall sustain a point of order directed against the member's so doing. This rule shall not be applicable to the mover or the principal opponent of the proposition being voted on nor to a member whose voting machine is out of order. If a member demands strict enforcement of this section, Section 47 shall not apply to the taking of a vote, and the house may discipline a member in violation of this rule pursuant to its inherent authority.

Sec. 41. REGISTRATION EQUIVALENT TO ROLL CALL VOTE. A registration or vote taken on the voting machine of the house shall in all instances be considered the equivalent of a roll call or yea and nay vote, which might be had for the same purpose.

Sec. 42. DISCLOSURE OF PERSONAL OR PRIVATE INTEREST. Any member who has a personal or private interest in any measure or bill proposed or pending before the house shall disclose the fact and not vote thereon.

Sec. 43. DIVIDING THE QUESTION. By a majority vote of the house, a quorum being present, the question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains. A motion for a division vote cannot be made after the previous question has been ordered, after a motion to table has been offered, after the question has been put, nor after the yeas and nays have been ordered. Under this subsection, the speaker may divide the question into groups of propositions that are closely related.

Sec. 44. FAILURE OR REFUSAL TO VOTE. Any member who is present and fails or refuses to vote after being requested to do so by the speaker shall be recorded as present but not voting, and shall be counted for the purpose of making a quorum.

Sec. 45. PRESENCE IN HOUSE REQUIRED IN ORDER TO VOTE. A member must be on the floor of the house or in an adjacent room or hallway on the same level as the house floor, in order to vote.

Sec. 46. LOCKING VOTING MACHINES OF ABSENT MEMBERS. During each calendar day in which the house is in session, it shall be the duty of the journal clerk to lock the voting machine of each member who is excused or who is otherwise known to be absent. Each such machine shall remain locked until the member in person contacts the journal clerk and personally requests the unlocking of the machine. Unless otherwise directed by the speaker, the journal clerk shall not unlock any machine except at the personal request of the member to whom the machine is assigned. Any violation, or any attempt by a member or employee to circumvent the letter or spirit of this section, shall be reported immediately to the speaker for such disciplinary action by the speaker, or by the house, as may be warranted under the circumstances.

Sec. 47. VOTING FOR ANOTHER MEMBER. Any member found guilty by the house of knowingly voting for another member on the voting machine without that other member's permission shall be subject to discipline deemed appropriate by the house.

Sec. 48. INTERRUPTION OF A ROLL CALL. Once a roll call has begun, it may not be interrupted for any reason. While a yea and nay vote is being taken, or the vote is being counted, no member shall visit the reading clerk's desk or the voting clerk's desk.

Sec. 49. EXPLANATION OF VOTE. (a) No member shall be allowed to interrupt the vote or to make any explanation of a vote that the member is about to give after the voting machine has been opened, but may record in the journal the reasons for giving such a vote.

(b) A "Reason for Vote" must be in writing and filed with the journal clerk. If timely received, the "Reason for Vote" shall be printed immediately following the results of the vote in the journal. Otherwise, "Reasons for Vote" shall be printed in a separate section at the end of the journal for the day on which the reasons were recorded with the journal clerk. Such "Reason for Vote" shall not deal in personalities or contain any personal reflection on any member of the legislature, the speaker, the lieutenant governor, or the governor, and shall not in any other manner transgress the rules of the house relating to decorum and debate.

(c) A member absent when a vote was taken may file with the journal clerk while the house is in session a statement of how the member would have voted if present. If timely received, the statement shall be printed immediately following the results of the vote in the journal. Otherwise, statements shall be printed in a separate section at the end of the journal for the day on which the statements were recorded with the journal clerk.

Sec. 50. PAIRS. (a) All pairs must be announced before the vote is declared by the speaker, and a written statement sent to the journal clerk. The statement must be signed by the absent member to the pair, or the member's signature must have been authorized in writing or by telephone, and satisfactory evidence presented to the speaker if deemed necessary. If authorized in writing, the writing shall be delivered to the chief clerk by personal delivery or by commercially acceptable means of delivery, including electronic transmission by PDF or similar secure format that is capable of transmitting an accurate image of the member's signature. If authorized by telephone, the call must be to and confirmed by the chief clerk in advance of the vote to which it applies. Pairs shall be entered in the journal, and the member present shall be counted to make a quorum.

(b) The speaker may not refuse to recognize a pair that complies with the requirements of Subsection (a), if both members consent to the pair.

Sec. 51. ENTRY OF YEA AND NAY VOTE IN JOURNAL; EFFECT OF APPROVAL OF BILL OR JOINT RESOLUTION WITHOUT OBJECTION. (a) At the desire of any member present, the yeas and nays of the members of the

house on any question shall be taken and entered in the journal. No member or members shall be allowed to call for a yea and nay vote after a vote has been declared by the speaker.

(b) A motion to expunge a yea and nay vote from the journal shall not be in order.

(c) The yeas and nays of the members of the house on final passage of any bill, and on any joint resolution proposing or ratifying a constitutional amendment, shall be taken and entered in the journal. For purposes of this subsection, a vote on final passage means a vote on:

- (1) third reading;
- (2) second reading if the house suspends or otherwise dispenses with the requirement for three readings;
- (3) whether to concur in the senate's amendments; or
- (4) whether to adopt a conference committee report.

Sec. 51A. REAL-TIME ACCESS BY PUBLIC TO YEAS AND NAYS. The Committee on House Administration shall ensure that:

(1) the recorded yeas and nays are available to the public on the Internet and on any televised broadcast of the house proceedings produced by or under the direction of the house; and

(2) members of the public may view the yeas and nays in real time to the extent possible on the Internet and on any televised broadcast of the house proceedings produced by or under the direction of the house.

Sec. 52. JOURNAL RECORDING OF VOTES ON ANY QUESTION. On any question where a record of the yeas and nays has not been ordered, members may have their votes recorded in the journal as "yea" or "nay" by filing such information with the journal clerk before adjournment or recess to another calendar day.

Sec. 53. CHANGING A VOTE. Before the result of a vote has been finally and conclusively pronounced by the chair, but not thereafter, a member may change his or her vote; however, if a member's vote is erroneous, the member shall be allowed to change that vote at a later time provided:

- (1) the result of the record vote is not changed thereby;
- (2) the request is made known to the house by the chair and permission for the change is granted by unanimous consent; and
- (3) a notation is made in the journal that the member's vote was changed.

Sec. 54. TIE VOTE. All matters on which a vote may be taken by the house shall require for adoption a favorable affirmative vote as required by these rules, and in the case of a tie vote, the matter shall be considered lost.

Sec. 55. VERIFICATION OF A YEA AND NAY VOTE. When the result of a yea and nay vote is close, the speaker may on the request of any member order a verification vote, or the speaker may order a verification on his or her own initiative. During verification, no member shall change a vote unless it was erroneously recorded, nor may any member not having voted cast a vote; however, when the clerk errs in reporting the yeas and nays, and correction thereof leaves decisive effect to the speaker's vote, the speaker may exercise the

right to vote, even though the result has been announced. A verification shall be called for immediately after the vote is announced. The speaker shall not entertain a request for verification after the house has proceeded to the next question, or after a recess or an adjournment. A vote to recess or adjourn, like any other proposition, may be verified. Only one vote verification can be pending at a time. A verification may be dispensed with by a two-thirds vote.

Sec. 56. VERIFICATION OF A REGISTRATION. The speaker may allow the verification of a registration (as differentiated from a record vote) if in the speaker's opinion there is serious doubt as to the presence of a quorum.

Sec. 57. MOTION FOR A CALL OF THE HOUSE PENDING VERIFICATION. A motion for a call of the house, and all incidental motions relating to it, shall be in order pending the verification of a vote. These motions must be made before the roll call on verification begins, and it shall not be in order to break into the roll call to make them.

Sec. 58. ERRONEOUS ANNOUNCEMENT OF THE RESULT OF A VOTE. If, by an error of the voting clerk or reading clerk in reporting the yeas and nays from a registration or verification, the speaker announces a result different from that shown by the registration or verification, the status of the question shall be determined by the vote as actually recorded. If the vote is erroneously announced in such a way as to change the true result, all subsequent proceedings in connection therewith shall fail, and the journal shall be amended accordingly.

RULE 6. ORDER OF BUSINESS AND CALENDARS

Sec. 1. DAILY ORDER OF BUSINESS. (a) When the house convenes on a new legislative day, the daily order of business shall be as follows:

- (1) Call to order by speaker.
- (2) Registration of members.
- (3) Prayer by chaplain, unless the invocation has been given previously on the particular calendar day.
- (4) Pledge of allegiance to the United States flag.
- (5) Pledge of allegiance to the Texas flag.
- (6) Excuses for absence of members and officers.
- (7) First reading and reference to committee of bills filed with the chief clerk; and motions to introduce bills, when such motions are required.

(8) Requests to print bills and other papers; requests of committees for further time to consider papers referred to them; and all other routine motions and business not otherwise provided for, all of which shall be undebatable except that the mover and one opponent of the motion shall be allowed three minutes each.

The mover of a routine motion shall be allowed his or her choice of making the opening or the closing speech under this rule. If the house, under a suspension of the rules, extends the time of a member under this rule, such extensions shall be for three minutes. Subsidiary motions that are applicable to routine motions shall be in order, but the makers of such subsidiary motions shall not be entitled to speak thereon in the routine motion period, nor shall the authors of the original routine motions be allowed any additional time because of subsidiary motions.

- (9) Unfinished business.

(10) Third reading calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

(11) Postponed matters to be laid before the house in accordance with Rule 7, Section 15.

(12) Second reading calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

(b) When the house reconvenes for the first time on a new calendar day following a recess, the daily order of business shall be:

- (1) Call to order by the speaker.
- (2) Registration of members.
- (3) Prayer by the chaplain.
- (4) Pledge of allegiance to the United States flag.
- (5) Pledge of allegiance to the Texas flag.
- (6) Excuses for absence of members and officers.
- (7) Pending business.
- (8) Calendars of the house in their order of priority in accordance with

Section 7 of this rule, unless a different order is determined under other provisions of these rules.

Sec. 2. SPECIAL ORDERS. (a) Any bill, resolution, or other measure may on any day be made a special order for the same day or for a future day of the session by an affirmative vote of two-thirds of the members present. A motion to set a special order shall be subject to the three-minute pro and con debate rule. When once established as a special order, a bill, resolution, or other measure shall be considered from day to day until disposed of; and until it has been disposed of, no further special orders shall be made.

A three-fourths vote of the members present shall be required to suspend the portion of this rule which specifies that only one special order may be made and pending at a time.

(b) After the first eight items under the daily order of business for a legislative day have been passed, a special order shall have precedence when the hour for its consideration has arrived, except as provided in Section 9 of this rule.

(c) After the 115th day of a regular session, if a joint resolution has appeared on a daily house calendar and is adopted, and a bill that is enabling legislation for the joint resolution is either on or eligible to be placed on a calendar, the author or sponsor of the bill or another member may immediately be recognized for a motion to set the bill that is the enabling legislation as a special order pursuant to this section. For purposes of this subsection, the bill must have been designated as the enabling legislation for the joint resolution in writing filed with the chief clerk not later than the date the committee report for the enabling legislation is printed and distributed.

Sec. 3. POSTPONEMENT OF A SPECIAL ORDER. A special order may be postponed to a day certain by a two-thirds vote of those present, and when so postponed, shall be considered as disposed of so far as its place as a special order is concerned.

Sec. 4. TABLED MEASURES AS SPECIAL ORDERS. A bill or resolution laid on the table subject to call may be made a special order.

Sec. 5. SUBSTITUTION IN MOTION FOR A SPECIAL ORDER. When a motion is pending to set a particular bill or resolution as a special order, it shall not be in order to move as a substitute to set another bill or resolution as a special order. It shall be in order, however, to substitute, by majority vote, a different time for the special order consideration than that given in the original motion.

Sec. 6. MEMBER'S SUSPENSION AND SPECIAL ORDER PRIVILEGES. If a member moves to set a bill or joint resolution as a special order, or moves to suspend the rules to take up a bill or joint resolution out of its regular order, and the motion prevails, the member shall not have the right to make either of these motions again until every other member has had an opportunity, via either of these motions, to have some bill or joint resolution considered out of its regular order during that session of the legislature. A member shall not lose the suspension privilege if the motion to suspend or set for special order does not prevail.

Sec. 7. SYSTEM OF CALENDARS. (a) Legislative business of the house shall be controlled by a system of calendars, consisting of the following:

(1) EMERGENCY CALENDAR, on which shall appear bills considered to be of such pressing and imperative import as to demand immediate action, bills to raise revenue and levy taxes, and the general appropriations bill. A bill submitted as an emergency matter by the governor may also be placed on this calendar.

(2) MAJOR STATE CALENDAR, on which shall appear bills of statewide effect, not emergency in nature, which establish or change state policy in a major field of governmental activity and which will have a major impact in application throughout the state without regard to class, area, or other limiting factors.

(3) CONSTITUTIONAL AMENDMENTS CALENDAR, on which shall appear joint resolutions proposing amendments to the Texas Constitution, joint resolutions proposing the ratification of amendments to the Constitution of the United States, and joint resolutions applying to Congress for a convention to amend the Constitution of the United States.

(4) GENERAL STATE CALENDAR, on which shall appear bills of statewide effect, not emergency in nature, which establish or change state law and which have application to all areas but are limited in legal effect by classification or other factors which minimize the impact to something less than major state policy, and bills, not emergency in nature, which are not on the local, consent, and resolutions calendar.

(5) LOCAL, CONSENT, AND RESOLUTIONS CALENDAR, on which shall appear bills, house resolutions, and concurrent resolutions, not emergency in nature, regardless of extent and scope, on which there is such general agreement as to render improbable any opposition to the consideration and passage thereof, and which have been recommended by the appropriate standing committee for placement on the local, consent, and resolutions calendar by the Committee on Local and Consent Calendars.

(6) RESOLUTIONS CALENDAR, on which shall appear house resolutions and concurrent resolutions, not emergency in nature and not privileged.

(7) CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR, on which shall appear congratulatory and memorial resolutions whose sole intent is to congratulate, memorialize, or otherwise express concern or commendation. The Committee on Rules and Resolutions may provide separate categories for congratulatory and memorial resolutions.

(b) A calendars committee shall strictly construe and the speaker shall strictly enforce this system of calendars.

Sec. 8. SENATE BILL CALENDARS. (a) Senate bills and resolutions pending in the house shall follow the same procedure with regard to calendars as house bills and resolutions, but separate calendars shall be maintained for senate bills and resolutions, and consideration of them on senate bill days shall have priority in the manner and order specified in this rule.

(b) No other business shall be considered on days devoted to the consideration of senate bills when there remain any bills on any of the senate calendars, except with the consent of the senate. When all senate calendars are clear, the house may proceed to consideration of house calendars on senate bill days.

Sec. 9. SENATE BILL DAYS. (a) On calendar Wednesday and on calendar Thursday of each week, only senate bills and senate resolutions shall be taken up and considered, until disposed of. Senate bills and senate resolutions shall be considered in the order prescribed in Section 7 of this rule on separate senate calendars prepared by the Committee on Calendars. In case a senate bill or senate resolution is pending at adjournment on calendar Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business.

(b) Precedence given in Rule 8 to certain classes of bills during the first 60 calendar days of a regular session shall also apply to senate bills on senate bill days.

Sec. 10. CONSIDERATION OF SENATE BILL ON SAME SUBJECT. When any house bill is reached on the calendar or is before the house for consideration, it shall be the duty of the speaker to give the place on the calendar of the house bill to any senate bill containing the same subject that has been referred to and reported from a committee of the house and to lay the senate bill before the house, to be considered in lieu of the house bill.

Sec. 11. PERIODS FOR CONSIDERATION OF CONGRATULATORY AND MEMORIAL CALENDARS. As the volume of legislation shall warrant, the chair of the Committee on Rules and Resolutions shall move to designate periods for the consideration of congratulatory and memorial calendars. Each such motion shall require a two-thirds vote for its adoption. In each instance, the Committee on Rules and Resolutions shall prepare and post on the electronic legislative information system a [distribute to each member a printed] calendar at least 24 hours in advance of the hour set for consideration. No memorial or congratulatory resolution will be heard by the full house without having first been approved, at least 24 hours in advance, by a majority of the membership of the

Committee on Rules and Resolutions, in accordance with Rule 4, Section 16. It shall not be necessary for the Committee on Rules and Resolutions to report a memorial or congratulatory resolution from committee in order to place the resolution on a congratulatory and memorial calendar. If the Committee on Rules and Resolutions determines that a resolution is not eligible for placement on the congratulatory and memorial calendar the measure shall be sent to the Committee on Calendars for further action. A congratulatory and memorial calendar will contain the resolution number, the author's name, and a brief description of the intent of the resolution. On the congratulatory and memorial calendar, congratulatory resolutions may be listed separately from memorial resolutions. Once a ~~printed~~ calendar is posted ~~distributed~~, no additional resolutions will be added to it, and the requirements of this section shall not be subject to suspension.

Sec. 12. PROCEDURE FOR CONSIDERATION OF CONGRATULATORY AND MEMORIAL CALENDARS. During the consideration of a congratulatory and memorial calendar, resolutions shall not be read in full unless they pertain to members or former members of the legislature, or unless the intended recipient of the resolution is present on the house floor or in the gallery. All other such resolutions shall be read only by number, type of resolution, and name of the person or persons designated in the resolutions. Members shall notify the chair, in advance of consideration of the calendar, of any resolutions that will be required to be read in full. In addition, the following procedures shall be observed:

(1) The chair shall recognize the reading clerk to read the resolutions within each category on the calendar only by number, type of resolution, author or sponsor, and name of the person or persons designated in the resolutions, except for those resolutions that have been withdrawn or that are required to be read in full. The resolutions read by the clerk shall then be adopted in one motion for each category.

(2) Subsequent to the adoption of the resolutions read by the clerk, the chair shall proceed to lay before the house the resolutions on the calendar that are required to be read in full. Each such resolution shall be read and adopted individually.

(3) If it develops that any resolution on the congratulatory and memorial calendar does not belong on that calendar, the chair shall withdraw the resolution from further consideration, remove it from the calendar, and refer it to the appropriate calendars committee for placement on the proper calendar.

Sec. 13. PERIODS FOR CONSIDERATION OF LOCAL, CONSENT, AND RESOLUTIONS CALENDARS. (a) As the volume of legislation shall warrant, the chair of the Committee on Local and Consent Calendars shall move to designate periods for the consideration of local, consent, and resolutions calendars. Each such motion shall require a two-thirds vote for its adoption. In each instance, the Committee on Local and Consent Calendars shall prepare and post on the electronic legislative information system a ~~distributed to each member~~ ~~a printed~~ calendar at least 48 hours in advance of the hour set for consideration. Once a ~~printed~~ calendar is posted ~~distributed~~, no additional bills or resolutions

will be added to it. This requirement can be suspended only by unanimous consent. No local, consent, and resolutions calendar may be considered by the house if it is determined that the rules of the house were not complied with by the Committee on Local and Consent Calendars in preparing that calendar.

(b) The period designated for the consideration of a local, consent, and resolutions calendar under this section or under a special order under Section 2 of this rule may not exceed one calendar day.

Sec. 14. PROCEDURE FOR CONSIDERATION OF LOCAL, CONSENT, AND RESOLUTIONS CALENDARS. During the consideration of a local, consent, and resolutions calendar set by the Committee on Local and Consent Calendars the following procedures shall be observed:

(1) The chair shall allow the sponsor of each bill or resolution three minutes to explain the measure, and the time shall not be extended except by unanimous consent of the house. This rule shall have precedence over all other rules limiting time for debate.

(2) If it develops that any bill or resolution on a local, consent, and resolutions calendar is to be contested on the floor of the house, the chair shall withdraw the bill or resolution from further consideration and remove it from the calendar.

(3) Any bill or resolution on a local, consent, and resolutions calendar shall be considered contested if notice is given by five or more members that they intend to oppose the bill or resolution, either by a raising of hands or the delivery of written notice to the chair.

(4) Any bill or resolution on a local, consent, and resolutions calendar shall be considered contested if debate exceeds 10 minutes. The chair shall strictly enforce this time limit and automatically withdraw the bill from further consideration if the time limit herein imposed is exceeded.

(5) Any bill or resolution on a local, consent, and resolutions calendar that is not reached for floor consideration because of the expiration of the calendar day period for consideration established by Section 13 of this rule shall carry over onto the next local, consent, and resolutions calendar. Bills or resolutions that carry over must appear in the same relative order as on the calendar on which the bills or resolutions initially appeared, and bills or resolutions originally from older calendars must appear before those originally from more recent calendars.

Sec. 15. ORDER OF CONSIDERATION OF CALENDARS. Except for local, consent, and resolutions calendars and congratulatory and memorial calendars, consideration of calendars shall be in the order named in Section 7 of this rule, subject to any exceptions ordered by the Committee on Calendars. Bills and resolutions on third reading shall have precedence over bills and resolutions on second reading.

Sec. 16. DAILY CALENDARS, SUPPLEMENTAL CALENDARS, AND LISTS OF ITEMS ELIGIBLE FOR CONSIDERATION. (a) Calendars shall be prepared ~~[printed]~~ daily when the house is in session. A ~~[printed copy of each]~~ calendar must be posted on the electronic legislative information system ~~[shall be placed in the newspaper mailbox of each member]~~ at least 36 hours if convened

in regular session and 24 hours if convened in special session before the calendar may be considered by the house, except as otherwise provided by these rules for the calendar on which the general appropriations bill is first eligible for consideration on second reading when convened in regular session. Deviations from the calendars as posted [~~printed and distributed~~] shall not be permitted except that the Committee on Calendars shall be authorized to prepare and post [~~print and distribute~~], not later than two hours before the house convenes, a supplemental daily house calendar, on which shall appear:

- (1) bills or resolutions which were passed to third reading on the previous legislative day;
- (2) bills or resolutions which appeared on the Daily House Calendar for a previous calendar day which were not reached for floor consideration;
- (3) postponed business from a previous calendar day; and
- (4) notice to take from the table a bill or resolution which was laid on the table subject to call on a previous legislative day.

In addition to the items listed above, the bills and resolutions from a daily house calendar that will be eligible for consideration may be incorporated, in their proper order as determined by these rules, into the supplemental daily house calendar.

(a-1) If the house is convened in regular session, [~~a printed copy of~~] the calendar on which the general appropriations bill is first eligible for consideration on second reading must be posted on the electronic legislative information system [~~shall be placed in the newspaper mailbox of each member~~] at least 144 hours before the calendar may be considered by the house. The posted [~~printed copy of that~~] calendar must indicate the date and time at which the calendar is scheduled for consideration by the house, which date and time must be in accordance with Rule 8, Section 14.

(b) In addition, when the volume of legislation shall warrant, and upon request of the speaker, the chief clerk shall have prepared [~~printed and distributed to the members,~~] a list of Items Eligible for Consideration, on which shall appear only:

- (1) house bills with senate amendments that are eligible for consideration under Rule 13, Section 5, including the number of senate amendments and the total number of pages of senate amendments;

- (2) senate bills for which the senate has requested appointment of a conference committee; and

- (3) conference committee reports that are eligible for consideration under Rule 13, Section 10.

(c) The [~~A copy of the~~] list of Items Eligible for Consideration must be posted on the electronic legislative information system [~~placed in the newspaper mailbox of each member~~] at least six hours before the list may be considered by the house.

(d) The time at which [~~the copies of~~] a calendar or list is posted on the electronic legislative information system [~~are placed in the newspaper mailboxes of the members~~] shall be time-stamped on the originals of the calendar or list.

(e) No house calendar shall be eligible for consideration if it is determined that the rules of the house were not complied with by the Committee on Calendars in preparing that calendar.

(f) If the Committee on Calendars has proposed a rule for floor consideration of a bill or resolution that is eligible to be placed on a calendar of the daily house calendar, the rule must be printed and a copy distributed to each member. If the bill or resolution to which the rule will apply has already been placed on a calendar of the daily house calendar, a copy of the rule must also be posted with the ~~[be attached to the printed]~~ calendar on which the bill or resolution appears. The speaker shall lay a proposed rule before the house prior to the consideration of the bill or resolution to which the rule will apply. The rule shall be laid before the house not earlier than six hours after a copy of the rule has been distributed to each member in accordance with this subsection. The rule shall not be subject to amendment, but to be effective, the rule must be approved by the house by an affirmative vote of two-thirds of those members present and voting, except that the rule must be approved by an affirmative vote of a majority of those members present and voting if the rule applies to a tax bill, an appropriations bill, or a redistricting bill. If approved by the house in accordance with this subsection, the rule will be effective for the consideration of the bill or resolution on both second and third readings.

Sec. 17. POSITION ON A CALENDAR. (a) Unless removed from the calendar under Subsection (b) of this section, once a bill or resolution is placed on its appropriate calendar under these rules, and has appeared on a house calendar, as posted on the electronic legislative information system ~~[printed and distributed to all members]~~, the bill shall retain its relative position on the calendar until reached for floor consideration, and the calendars committee with jurisdiction over the bill or resolution shall have no authority to place other bills on the calendar ahead of that bill, but all additions to the calendar shall appear subsequent to the bill.

(b) If a bill or resolution that has been placed on a house calendar, as posted on the electronic legislative information system ~~[printed and distributed to all members]~~, is recommitted or withdrawn from further consideration, the bill or resolution relinquishes its position on the calendar, and the bill or resolution shall be removed from the calendar.

Sec. 18. REQUIREMENTS FOR PLACEMENT ON A CALENDAR. Except as provided in Section 11 of this rule as it relates to congratulatory and memorial resolutions, no bill or resolution shall be placed on a calendar until:

- (1) it has been referred to and reported from its appropriate standing committee by favorable committee action; or
- (2) it is ordered printed on minority report or after a committee has reported its inability to recommend a course of action.

Sec. 19. REFERRAL TO CALENDARS COMMITTEES. All bills and resolutions, on being reported from committee, shall be referred immediately to the committee coordinator for printing and then to the appropriate calendars committee for placement on the appropriate calendar.

Sec. 20. TIME LIMIT FOR VOTE TO PLACE ON A CALENDAR. Within 30 calendar days after a bill or resolution has been referred to the appropriate calendars committee, the committee must vote on whether to place the bill or resolution on one of the calendars of the daily house calendar or the local, consent, and resolutions calendar, as applicable. A vote against placement of the bill or resolution on a calendar does not preclude a calendars committee from later voting in favor of placement of the bill or resolution on a calendar.

Sec. 21. MOTION TO PLACE ON A CALENDAR. (a) When a bill or resolution has been in the appropriate calendars committee for 30 calendar days, exclusive of the calendar day on which it was referred, awaiting placement on one of the calendars of the daily house calendar or on the local, consent, and resolutions calendar, it shall be in order for a member to move that the bill or resolution be placed on a specific calendar of the daily house calendar or on the local, consent, and resolutions calendar without action by the committee. This motion must be seconded by five members and shall require a majority vote for adoption.

(b) A motion to place a bill or resolution on a specific calendar of the daily house calendar or on the local, consent, and resolutions calendar is not a privileged motion and must be made during the routine motion period unless made under a suspension of the rules.

Sec. 22. REQUEST FOR PLACEMENT ON LOCAL, CONSENT, AND RESOLUTIONS CALENDAR. No bill or resolution shall be considered for placement on the local, consent, and resolutions calendar by the Committee on Local and Consent Calendars unless a request for that placement has been made to the chair of the standing committee from which the bill or resolution was reported and unless the committee report of the standing committee recommends that the bill or resolution be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar. The recommendation of the standing committee shall be advisory only, and the Committee on Local and Consent Calendars shall have final authority to determine whether or not a bill or resolution shall be placed on the local, consent, and resolutions calendar. If the Committee on Local and Consent Calendars determines that the bill or resolution is not eligible for placement on the local, consent, and resolutions calendar, the measure shall be sent to the Committee on Calendars for further action.

Sec. 23. QUALIFICATIONS FOR PLACEMENT ON THE LOCAL, CONSENT, AND RESOLUTIONS CALENDAR. (a) No bill defined as a local bill by Rule 8, Section 10(c), shall be placed on the local, consent, and resolutions calendar unless:

(1) evidence of publication of notice in compliance with the Texas Constitution and these rules is filed with the Committee on Local and Consent Calendars; and

(2) it has been recommended unanimously by the present and voting members of the committee from which it was reported that the bill be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar.

(b) No other bill or resolution shall be placed on the local, consent, and resolutions calendar unless it has been recommended unanimously by the present and voting members of the committee from which it was reported that the bill be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar.

(c) No bill or resolution shall be placed on the local, consent, and resolutions calendar that:

(1) directly or indirectly prevents from being available for purposes of funding state government generally any money that under existing law would otherwise be available for that purpose, including a bill that transfers or diverts money in the state treasury from the general revenue fund to another fund; or

(2) authorizes or requires the expenditure or diversion of state funds for any purpose, as determined by a fiscal note attached to the bill.

Sec. 24. REPLACEMENT OF CONTESTED BILLS AND RESOLUTIONS. A bill or resolution once removed from the local, consent, and resolutions calendar shall be returned to the Committee on Local and Consent Calendars for further action. The Committee on Local and Consent Calendars, if it feels such action is warranted, may again place the bill or resolution on the local, consent, and resolutions calendar, provided, however, that if the bill or resolution is not placed on the next local, consent, and resolutions calendar set by the Committee on Local and Consent Calendars, the bill or resolution shall immediately be referred to the Committee on Calendars for further action. If the bill or resolution is then removed from the calendar a second time by being contested on the floor of the house, the bill or resolution shall not again be placed on the local, consent, and resolutions calendar by the Committee on Local and Consent Calendars during that session of the legislature but shall be returned to the Committee on Calendars for further action.

Sec. 25. DISCRETION IN PLACEMENT ON CALENDARS. Subject to the limitations contained in this rule, the Committee on Calendars shall have full authority to make placements on calendars in whatever order is necessary and desirable under the circumstances then existing, except that bills on third reading shall have precedence over bills on second reading. It is the intent of the calendar system to give the Committee on Calendars wide discretion to insure adequate consideration by the house of important legislation.

RULE 7. MOTIONS

CHAPTER A. GENERAL MOTIONS

Sec. 1. MOTIONS DECIDED WITHOUT DEBATE. The following motions, in addition to any elsewhere provided herein, shall be decided without debate, except as otherwise provided in these rules:

- (1) to adjourn;
- (2) to lay on the table;
- (3) to lay on the table subject to call;
- (4) to suspend the rule as to the time for introduction of bills;
- (5) to order a call of the house, and all motions incidental thereto;
- (6) an appeal by a member called to order;
- (7) on questions relating to priority of business;

- (8) to amend the caption of a bill or resolution;
- (9) to extend the time of a member speaking under the previous question or to allow a member who has the right to speak after the previous question is ordered to yield the time, or a part of it, to another;
- (10) to reconsider and table.

Sec. 2. MOTIONS SUBJECT TO DEBATE. The speaker shall permit the mover and one opponent of the motion three minutes each during which to debate the following motions without debating the merits of the bill, resolution, or other matter, and the mover of the motion may elect to either open the debate or close the debate, but the mover's time may not be divided:

- (1) to suspend the regular order of business and take up some measure out of its regular order;
- (2) to instruct a committee to report a certain bill or resolution;
- (3) to rerefer a bill or resolution from one committee to another;
- (4) to place a bill or resolution on a specific calendar without action by the appropriate calendars committee;
- (5) to take up a bill or resolution laid on the table subject to call;
- (6) to set a special order;
- (7) to suspend the rules;
- (8) to suspend the constitutional rule requiring bills to be read on three several days;
- (9) to pass a resolution suspending the joint rules;
- (10) to order the previous question;
- (11) to order the limiting of amendments to a bill or resolution;
- (12) to print documents, reports, or other material in the journal;
- (13) to take any other action required or permitted during the routine motion period by Rule 6, Section 1;
- (14) to divide the question.

Sec. 3. MOTIONS ALLOWED DURING DEBATE. When a question is under debate, the following motions, and none other, shall be in order, and such motions shall have precedence in the following order:

- (1) to adjourn;
- (2) to take recess;
- (3) to lay on the table;
- (4) to lay on the table subject to call;
- (5) for the previous question;
- (6) to postpone to a day certain;
- (7) to commit, recommit, refer, or rerefer;
- (8) to amend by striking out the enacting or resolving clause, which, if carried, shall have the effect of defeating the bill or resolution;
- (9) to amend;
- (10) to postpone indefinitely.

Sec. 4. STATEMENT OR READING OF A MOTION. When a motion has been made, the speaker shall state it, or if it is in writing, order it read by the clerk; and it shall then be in possession of the house.

Sec. 5. ENTRY OF MOTIONS IN JOURNAL. Every motion made to the house and entertained by the speaker shall be reduced to writing on the demand of any member, and shall be entered on the journal with the name of the member making it.

Sec. 6. WITHDRAWAL OF A MOTION. A motion may be withdrawn by the mover at any time before a decision on the motion, even though an amendment may have been offered and is pending. It cannot be withdrawn, however, if the motion has been amended. After the previous question has been ordered, a motion can be withdrawn only by unanimous consent.

Sec. 7. MOTIONS TO ADJOURN OR RECESS. A motion to adjourn or recess shall always be in order, except:

- (1) when the house is voting on another motion;
- (2) when the previous question has been ordered and before the final vote on the main question, unless a roll call shows the absence of a quorum;
- (3) when a member entitled to the floor has not yielded for that purpose; or
- (4) when no business has been transacted since a motion to adjourn or recess has been defeated.

Sec. 8. CONSIDERATION OF SEVERAL MOTIONS TO ADJOURN OR RECESS. When several motions to recess or adjourn are made at the same period, the motion to adjourn carrying the shortest time shall be put first, then the next shortest time, and in that order until a motion to adjourn has been adopted or until all have been voted on and lost; and then the same procedure shall be followed for motions to recess.

Sec. 9. WITHDRAWAL OR ADDITION OF A MOTION TO ADJOURN OR RECESS. A motion to adjourn or recess may not be withdrawn when it is one of a series upon which voting has commenced, nor may an additional motion to adjourn or recess be made when voting has commenced on a series of such motions.

Sec. 10. RECONSIDERATION OF VOTE TO ADJOURN OR RECESS. The vote by which a motion to adjourn or recess is carried or lost shall not be subject to a motion to reconsider.

Sec. 11. ADJOURNING WITH LESS THAN A QUORUM. A smaller number of members than a quorum may adjourn from day to day, and may compel the attendance of absent members.

Sec. 12. MOTION TO TABLE. A motion to lay on the table, if carried, shall have the effect of killing the bill, resolution, amendment, or other immediate proposition to which it was applied. Such a motion shall not be debatable, but the mover of the proposition to be tabled, or the member reporting it from committee, shall be allowed to close the debate after the motion to table is made and before it is put to a vote. When a motion to table is made to a debatable main motion, the main motion mover shall be allowed 20 minutes to close the debate, whereas the movers of other debatable motions sought to be tabled shall be allowed only 10 minutes to close. The vote by which a motion to table is carried or lost cannot be reconsidered. After the previous question has been ordered, a motion to table is

not in order. The provisions of this section do not apply to motions to "lay on the table subject to call"; however, a motion to lay on the table subject to call cannot be made after the previous question has been ordered.

Sec. 13. MATTERS TABLED SUBJECT TO CALL. When a bill, resolution, or other matter is pending before the house, it may be laid on the table subject to call, and one legislative day's notice, as provided [~~printed~~] on the Supplemental House Calendar, must be given before the proposition can be taken from the table, unless it is on the same legislative day, in which case it can be taken from the table at any time except when there is another matter pending before the house. A bill, resolution, or other matter can be taken from the table only by a majority vote of the house. When a special order is pending, a motion to take a proposition from the table cannot be made unless the proposition is a privileged matter.

Sec. 14. MOTION TO POSTPONE. A motion to postpone to a day certain may be amended and is debatable within narrow limits, but the merits of the proposition sought to be postponed cannot be debated. A motion to postpone indefinitely opens to debate the entire proposition to which it applies.

Sec. 15. POSTPONED MATTERS. (a) A bill or proposition postponed to a day certain shall be laid before the house at the time on the calendar day to which it was postponed, provided it is otherwise eligible under the rules and no other business is then pending. If business is pending, the postponed matter shall be deferred until the pending business is disposed of without prejudice otherwise to its right of priority. When a privileged matter is postponed to a particular time, and that time arrives, the matter, still retaining its privileged nature, shall be taken up even though another matter is pending.

(b) Consideration of a bill postponed to a day certain from the local, consent, and resolutions calendar is governed on second reading by the rules applicable to the calendar from which it was postponed to the extent practicable.

Sec. 16. ORDER OF CONSIDERATION OF POSTPONED MATTERS. If two or more bills, resolutions, or other propositions are postponed to the same time, and are otherwise eligible for consideration at that time, they shall be considered in the chronological order of their setting.

Sec. 17. MOTION TO REFER. When motions are made to refer a subject to a select or standing committee, the question on the subject's referral to a standing committee shall be put first.

Sec. 18. MOTION TO RECOMMIT. A motion to recommit a bill, after being defeated at the routine motion period, may again be made when the bill itself is under consideration; however, a motion to recommit a bill shall not be in order at the routine motion period if the bill is then before the house as either pending business or unfinished business.

A motion to recommit a bill or resolution can be made and voted on even though the author, sponsor, or principal proponent is not present.

Sec. 19. TERMS OF DEBATE ON MOTIONS TO REFER, REREFER, COMMIT, OR RECOMMIT. A motion to refer, rerefer, commit, or recommit is debatable within narrow limits, but the merits of the proposition may not be brought into the debate. A motion to refer, rerefer, commit, or recommit with instructions is fully debatable.

Sec. 20. RECOMMITTING TO COMMITTEE FOR A SECOND TIME. Except as provided in Rule 4, Section 30, when a bill has been recommitted once at any reading and has been reported adversely by the committee to which it was referred, it shall be in order to again recommit the bill only if a minority report has been filed in the time required by the rules of the house. A two-thirds vote of those present shall be required to recommit a second time.

CHAPTER B. MOTION FOR THE PREVIOUS QUESTION

Sec. 21. MOTION FOR THE PREVIOUS QUESTION. There shall be a motion for the previous question, which shall be admitted only when seconded by 25 members. It shall be put by the chair in this manner: "The motion has been seconded. Three minutes pro and con debate will be allowed on the motion for ordering the previous question." As soon as the debate has ended, the chair shall continue: "As many as are in favor of ordering the previous question on (here state on which question or questions) will say 'Aye,'" and then, "As many as are opposed say 'Nay.'" As in all other propositions, a motion for the previous question may be taken by a record vote if demanded by any member. If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate, except as provided in Section 23 of this rule, and bringing the house to a direct vote on the immediate question or questions on which it has been asked and ordered.

Sec. 22. DEBATE ON MOTION FOR PREVIOUS QUESTION. On the motion for the previous question, there shall be no debate except as provided in Sections 2 and 21 of this rule. All incidental questions of order made pending decision on such motion shall be decided, whether on appeal or otherwise, without debate.

Sec. 23. LIMITATION OF DEBATE AFTER PREVIOUS QUESTION ORDERED. After the previous question has been ordered, there shall be no debate upon the questions on which it has been ordered, or upon the incidental questions, except that the mover of the proposition or any of the pending amendments or any other motions, or the member making the report from the committee, or, in the case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate on the particular proposition or amendment. Then a vote shall be taken immediately on the amendments or other motions, if any, and then on the main question.

Sec. 24. SPEAKING AND VOTING AFTER THE PREVIOUS QUESTION ORDERED. All members having the right to speak after the previous question has been ordered shall speak before the question is put on the first proposition covered by the previous question. All votes shall then be taken in the correct order, and no vote or votes shall be deferred to allow any member to close on any one of the propositions separately after the voting has commenced.

Sec. 25. SPEAKING ON AN AMENDMENT AS SUBSTITUTED. When an amendment has been substituted and the previous question is then moved on the adoption of the amendment as substituted, the author of the amendment as substituted shall have the right to close the debate on that amendment in lieu of the author of the original amendment.

Sec. 26. SPEAKING ON A MOTION TO POSTPONE OR AMEND. When the previous question is ordered on a motion to postpone indefinitely or to amend by striking out the enacting clause of a bill, the member moving to postpone or amend shall have the right to close the debate on that motion or amendment, after which the mover of the proposition or bill proposed to be so postponed or amended, or the member reporting it from the committee, or, in the absence of either of them, any other member designated by the absentee, shall be allowed to close the debate on the original proposition.

Sec. 27. APPLICATION OF THE PREVIOUS QUESTION. The previous question may be asked and ordered on any debatable single motion or series of motions, or any amendment or amendments pending, or it may be made to embrace all authorized debatable motions or amendments pending and include the bill, resolution, or proposition that is on second or third reading. The previous question cannot be ordered, however, on the main proposition without including other pending motions of lower rank as given in Section 3 of this rule.

Sec. 28. LIMIT OF APPLICATION. The previous question shall not extend beyond the final vote on a motion or sequence of motions to which the previous question has been ordered.

Sec. 29. AMENDMENTS NOT YET LAID BEFORE THE HOUSE. Amendments on the speaker's desk for consideration which have not actually been laid before the house and read cannot be included under a motion for the previous question.

Sec. 30. MOVING THE PREVIOUS QUESTION AFTER A MOTION TO TABLE. If a motion to table is made directly to a main motion, the motion for the previous question is not in order. In a case where an amendment to a main motion is pending, and a motion to table the amendment is made, it is in order to move the previous question on the main motion, the pending amendment, and the motion to table the amendment.

Sec. 31. NO SUBSTITUTE FOR MOTION FOR THE PREVIOUS QUESTION. There is no acceptable substitute for a motion for the previous question, nor can other motions be applied to it.

Sec. 32. MOTION FOR THE PREVIOUS QUESTION NOT SUBJECT TO TABLING. The motion for the previous question is not subject to a motion to table.

Sec. 33. MOTION TO ADJOURN AFTER MOTION FOR PREVIOUS QUESTION ACCEPTED. The motion to adjourn is not in order after a motion for the previous question is accepted by the chair, or after the seconding of such motion and before a vote is taken.

Sec. 34. MOTIONS IN ORDER AFTER PREVIOUS QUESTION ORDERED. After the previous question has been ordered, no motion shall be in order until the question or questions on which it was ordered have been voted on, without debate, except:

- (1) a motion for a call of the house, and motions incidental thereto;
- (2) a motion to extend the time of a member closing on a proposition;
- (3) a motion to permit a member who has the right to speak to yield the time or a part thereof to another member;
- (4) a request for and a verification of a vote;
- (5) a motion to reconsider the vote by which the previous question was ordered. A motion to reconsider may be made only once and that must be before any vote under the previous question has been taken;
- (6) a motion to table a motion to reconsider the vote by which the previous question has been ordered;
- (7) a double motion to reconsider and table the vote by which the previous question was ordered.

Sec. 35. MOTION TO ADJOURN OR RECESS AFTER PREVIOUS QUESTION ORDERED. No motion for an adjournment or a recess shall be in order after the previous question is ordered until the final vote under the previous question has been taken, unless the roll call shows the absence of a quorum.

Sec. 36. ADJOURNING WITHOUT A QUORUM. When the house adjourns without a quorum under the previous question, the previous question shall remain in force and effect when the bill, resolution, or other proposition is again laid before the house.

CHAPTER C. RECONSIDERATION

Sec. 37. MOTION TO RECONSIDER A VOTE. (a) When a question has been decided by the house and the yeas and nays have been called for and recorded, any member voting with the prevailing side may, on the same legislative day, or on the next legislative day, move a reconsideration; however, if a reconsideration is moved on the next legislative day, it must be done before the order of the day, as designated in the 10th item of Rule 6, Section 1(a), is taken up. If the house refuses to reconsider, or on reconsideration, affirms its decision, no further action to reconsider shall be in order.

(b) Where the yeas and nays have not been called for and recorded, any member, regardless of whether he or she voted on the prevailing side or not, may make the motion to reconsider; however, even when the yeas and nays have not been recorded, the following shall not be eligible to make a motion to reconsider:

- (1) a member who was absent;
- (2) a member who was paired and, therefore, did not vote; and
- (3) a member who was recorded in the journal as having voted on the losing side.

(c) A motion to reconsider the vote by which a bill, joint resolution, or concurrent resolution was defeated is not in order unless a member has previously provided at least one hour's notice of intent to make the motion by addressing the house when the house is in session and stating that a member intends to make a motion to reconsider the vote by which the bill or resolution was defeated. It is

not necessary for the member providing the notice to be eligible to make or to be the member who subsequently makes the motion to reconsider. If notice of intent to make a motion to reconsider is given within the period that the motion to reconsider may be made under Subsection (a) of this section and that period expires during the one-hour period required by this subsection, then the period within which the motion may be made under Subsection (a) is extended by the amount of time, not to exceed one hour during which the house is in session, necessary to satisfy the one-hour notice required by this subsection. For purposes of this subsection, a motion to reconsider includes a motion to reconsider and table and a motion to reconsider and spread on the journal.

Sec. 38. DEBATE ON MOTION TO RECONSIDER. A motion to reconsider shall be debatable only when the question to be reconsidered is debatable. Even though the previous question was in force before the vote on a debatable question was taken, debate is permissible on the reconsideration of such debatable question.

Sec. 39. MAJORITY VOTE REQUIRED. Every motion to reconsider shall be decided by a majority vote, even though the vote on the original question requires a two-thirds vote for affirmative action. If the motion to reconsider prevails, the question then immediately recurs on the question reconsidered.

Sec. 40. WITHDRAWAL OF MOTION TO RECONSIDER. A motion to reconsider cannot be withdrawn unless permission is given by a majority vote of the house, and the motion may be called up by any member.

Sec. 41. TABLING MOTION TO RECONSIDER. A motion to reconsider shall be subject to a motion to table, which, if carried, shall be a final disposition of the motion to reconsider.

Sec. 42. DOUBLE MOTION TO RECONSIDER AND TABLE. The double motion to reconsider and table shall be in order. It shall be undebatable. When carried, the motion to reconsider shall be tabled. When it fails, the question shall then be on the motion to reconsider, and the motion to reconsider shall, without further action, be spread on the journal, but it may be called up by any member, in accordance with the provisions of Section 43 of this rule.

Sec. 43. DELAYED DISPOSITION OF MOTION TO RECONSIDER. (a) If a motion to reconsider is not disposed of when made, it shall be entered in the journal, and cannot, after that legislative day, be called up and disposed of unless one legislative day's notice has been given.

(b) Unless called up and disposed of prior to 72 hours before final adjournment of the session, all motions to reconsider shall be regarded as determined and lost.

(c) All motions to reconsider made during the last 72 hours of the session shall be disposed of when made; otherwise, the motion shall be considered as lost.

Sec. 44. MOTION TO RECONSIDER AND SPREAD ON JOURNAL. (a) A member voting on the prevailing side may make a motion to reconsider and spread on the journal, which does not require a vote, and on the motion being made, it shall be entered on the journal. Any member, regardless of whether he or

she voted on the prevailing side or not, who desires immediate action on a motion to reconsider which has been spread on the journal, can call it up as soon as it is made, and demand a vote on it, or can call it up and move to table it.

(b) If the motion to table the motion to reconsider is defeated, the motion to reconsider remains spread on the journal for future action; however, any member, regardless of whether he or she voted on the prevailing side or not, can call the motion from the journal for action by the house, and, once disposed of, no other motion to reconsider can be made.

Sec. 45. MOTION TO REQUIRE COMMITTEE TO REPORT. (a) During the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 6 calendar days, exclusive of the calendar day on which it was referred, it shall be in order for a member to move that the committee be required to report the same within 7 calendar days. This motion shall require a two-thirds vote for passage.

(b) After the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 6 calendar days, exclusive of the calendar day on which it was referred, it shall be in order for a member to move that the committee be required to report the same within 7 calendar days. This motion shall require a majority vote for passage.

(c) A motion to instruct a committee to report is not a privileged motion and must be made during the routine motion period unless made under a suspension of the rules.

(d) The house shall have no authority to instruct a subcommittee directly; however, instructions recognized under the rules may be given to a committee and shall be binding on all subcommittees.

Sec. 46. MOTION TO REREFER TO ANOTHER COMMITTEE. (a) During the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 7 calendar days after the committee was instructed by the house to report that measure by a motion made under Section 45 of this rule, it shall be in order for a member to move to rerefer the bill, resolution, or other paper to a different committee. This motion shall require a two-thirds vote for passage.

(b) After the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 7 calendar days after the committee has been instructed to report that measure by a motion made under Section 45 of this rule, it shall be in order for a member to move to rerefer the bill, resolution, or other paper to a different committee. This motion shall require a majority vote for passage.

(c) A motion to rerefer a bill, resolution, or other paper from one committee to another committee is not a privileged motion and must be made during the routine motion period unless made under a suspension of the rules.

RULE 8. BILLS

Sec. 1. CONTENTS OF BILLS. Proposed laws or changes in laws must be incorporated in bills, which shall consist of:

(1) a title or caption, beginning with the words "A Bill to be Entitled An Act" and a brief statement that gives the legislature and the public reasonable notice of the subject of the proposed measure;

(2) an enacting clause, "Be It Enacted by the Legislature of the State of Texas"; and

(3) the bill proper.

Sec. 2. PUBLISHING ACTS IN THEIR ENTIRETY. No law shall be revived or amended by reference to its title. The act revived, or the section or sections amended, shall be reenacted and published at length. This rule does not apply to revisions adopted under Article III, Section 43, of the Texas Constitution.

Sec. 3. LIMITING A BILL TO A SINGLE SUBJECT. Each bill (except a general appropriations bill, which may embrace the various subjects and accounts for which money is appropriated or a revision adopted under Article III, Section 43, of the Texas Constitution) shall contain only one subject.

Sec. 4. CHANGING GENERAL LAW THROUGH AN APPROPRIATIONS BILL. A general law may not be changed by the provisions in an appropriations bill.

Sec. 5. COAUTHORSHIP, JOINT AUTHORSHIP, SPONSORSHIP, COSPONSORSHIP, AND JOINT SPONSORSHIP. (a) A house bill or resolution may have only one primary author. The signature of the primary author shall be the only signature that appears on the original measure and all copies filed with the chief clerk. The signatures of all coauthors or joint authors shall appear on the appropriate forms in the chief clerk's office.

(b) Any member may become the coauthor of a bill or resolution by securing permission from the author. If permission is secured from the author prior to the time the measure is filed with the chief clerk, the primary author and the coauthor shall sign the appropriate form, which shall be included with the measure when it is filed with the chief clerk. If a member wishes to become the coauthor of a measure after it has been filed, no action shall be required by the house, but it shall be the duty of the member seeking to be a coauthor to obtain written authorization on the appropriate form from the author. This authorization shall be filed with the chief clerk before the coauthor signs the form for the bill or resolution. The chief clerk shall report daily to the journal clerk the names of members filed as coauthors of bills or resolutions. If a coauthor of a bill or resolution desires to withdraw from such status, the member shall notify the chief clerk, who in turn shall notify the journal clerk.

(c) The primary author of a measure may designate up to four joint authors by providing written authorization on the appropriate form to the chief clerk. If a member designated as a joint author has not already signed on the measure as a coauthor, that member must also sign the form before the records will reflect the joint author status of that member. The names of all joint authors shall be shown immediately following the primary author's name on all official printings of the measure, on all house calendars, in the house journal, and in the electronic legislative information system.

(d) The determination of the house sponsor of a senate measure is made at the time the measure is reported from committee. In the case of multiple requests for house sponsorship, the house sponsor of a senate measure shall be determined by the chair of the committee, in consultation with the senate author of the measure. The chair of the committee must designate a primary sponsor and may designate up to four joint sponsors or an unlimited number of cosponsors. The names of all joint sponsors shall be shown immediately following the primary sponsor's name on all official printings of the measure, on all house calendars, in the house journal, and in the electronic legislative information system.

Sec. 6. FILING, FIRST READING, AND REFERRAL TO COMMITTEE. Each bill shall be filed with the chief clerk when introduced and shall be numbered in its regular order. Each bill shall be read first time by caption and referred by the speaker to the appropriate committee with jurisdiction.

Sec. 7. PREFILING. Beginning the first Monday after the general election preceding the next regular legislative session, or within 30 days prior to any special session, it shall be in order to file with the chief clerk bills and resolutions for introduction in that session. On receipt of the bills or resolutions, the chief clerk shall number them and make them a matter of public record, available for distribution. Once a bill or resolution has been so filed, it may not be recalled. This shall apply only to members-elect of the succeeding legislative session.

Sec. 8. DEADLINE FOR INTRODUCTION. (a) Bills and joint resolutions introduced during the first 60 calendar days of the regular session may be considered by the committees and in the house and disposed of at any time during the session, in accordance with the rules of the house. After the first 60 calendar days of a regular session, any bill or joint resolution, except local bills, emergency appropriations, and all emergency matters submitted by the governor in special messages to the legislature, shall require an affirmative vote of four-fifths of those members present and voting to be introduced.

(b) In addition to a bill defined as a "local bill" under Section 10(c) of this rule, a bill is considered local for purposes of this section if it relates to a specified district created under Article XVI, Section 59, of the Texas Constitution (water districts, etc.), a specified hospital district, or another specified special purpose district, even if neither these rules nor the Texas Constitution require publication of notice for that bill.

Sec. 9. NUMBER OF COPIES FILED. (a) Nine copies of every bill, except bills relating to conservation and reclamation districts and governed by the provisions of Article XVI, Section 59, of the Texas Constitution, must be filed with the chief clerk at the time that the bill is introduced.

(b) Eleven copies of every bill relating to conservation and reclamation districts and governed by the provisions of Article XVI, Section 59, of the Texas Constitution, with copies of the notice to introduce the bill attached, must be filed with the chief clerk at the time that the bill is introduced if the bill is intended to:

- (1) create a particular conservation and reclamation district; or
- (2) amend the act of a particular conservation and reclamation district

to:

- (A) add additional land to the district;

- (B) alter the taxing authority of the district;
- (C) alter the authority of the district with respect to issuing bonds;

or

(D) alter the qualifications or terms of office of the members of the governing body of the district.

(c) No bill may be laid before the house on first reading until it is in compliance with the provisions of this section.

Sec. 10. LOCAL BILLS. (a) The house may not consider a local bill unless notice of intention to apply for the passage of the bill was published as provided by law and evidence of the publication is attached to the bill. If not attached to the bill on filing with the chief clerk or receipt of the bill from the senate, copies of the evidence of timely publication shall be filed with the chief clerk and must be distributed to the members of the committee not later than the first time the bill is laid out in a committee meeting. The evidence shall be attached to the bill on first printing and shall remain with the measure throughout the entire legislative process, including submission to the governor.

(b) Neither the house nor a committee of the house may consider a bill whose application is limited to one or more political subdivisions by means of population brackets or other artificial devices in lieu of identifying the political subdivision or subdivisions by name. However, this subsection does not prevent consideration of a bill that classifies political subdivisions according to a minimum or maximum population or other criterion that bears a reasonable relation to the purpose of the proposed legislation or a bill that updates laws based on population classifications to conform to a federal decennial census.

(c) Except as provided by Subsection (d) of this section, "local bill" for purposes of this section means:

(1) a bill for which publication of notice is required under Article XVI, Section 59, of the Texas Constitution (water districts, etc.);

(2) a bill for which publication of notice is required under Article IX, Section 9, of the Texas Constitution (hospital districts);

(3) a bill relating to hunting, fishing, or conservation of wildlife resources of a specified locality;

(4) a bill creating or affecting a county court or statutory court or courts of one or more specified counties or municipalities;

(5) a bill creating or affecting the juvenile board or boards of a specified county or counties; or

(6) a bill creating or affecting a road utility district under the authority of Article III, Section 52, of the Texas Constitution.

(d) A bill is not considered to be a local bill under Subsection (c)(3), (4), or (5) if it affects a sufficient number of localities, counties, or municipalities so as to be of general application or of statewide importance.

Sec. 11. CONSIDERATION IN COMMITTEE. (a) No bill shall be considered unless it first has been referred to a committee and reported from it.

(b) After a bill has been recommitted, it shall be considered by the committee as a new subject.

Sec. 12. ORDER OF CONSIDERATION. All bills and resolutions before the house shall be taken up and acted on in the order in which they appear on their respective calendars, and each calendar shall have the priority accorded to it by the provisions of Rule 6, Sections 7 and 8.

Sec. 13. DEADLINES FOR CONSIDERATION. (a) No house bill that is local as defined by Section 10(c) of this rule and that appears on a local, consent, and resolutions calendar shall be considered for any purpose after the 130th day of a regular session, except to:

- (1) act on senate amendments;
- (2) adopt a conference committee report;
- (3) reconsider the bill to make corrections; or
- (4) pass the bill notwithstanding the objections of the governor.

(b) No other house bill or joint resolution shall be considered on its second reading after the 122nd day of a regular session if it appears on a daily or supplemental daily house calendar, or for any purpose after the 123rd day of a regular session, except to:

- (1) act on senate amendments;
- (2) adopt a conference committee report;
- (3) reconsider the bill or resolution to make corrections; or
- (4) pass the bill notwithstanding the objections of the governor.

(c) No senate bill or joint resolution shall be considered on its second reading after the 134th day of a regular session if it appears on a daily or supplemental daily house calendar, or for any purpose after the 135th day of a regular session, except to:

- (1) adopt a conference committee report;
- (2) reconsider the bill or resolution to remove house amendments;
- (3) reconsider the bill or resolution to make corrections; or
- (4) pass the bill notwithstanding the objections of the governor.

(d) The speaker shall not lay any bill or joint resolution before the house or permit a vote to be taken on its passage on the 136th and 137th days of a regular session, except to:

- (1) act on senate amendments;
- (2) adopt a conference committee report;
- (3) reconsider the bill or resolution to remove house amendments;
- (4) reconsider the bill or resolution to make corrections; or
- (5) pass the bill notwithstanding the objections of the governor.

(e) The speaker shall not lay any bill or joint resolution before the house or permit a vote to be taken on its passage on the 138th and 139th days of a regular session, except to:

- (1) adopt a conference committee report;
- (2) reconsider the bill or resolution to remove house amendments;
- (3) discharge house conferees and concur in senate amendments;
- (4) reconsider the bill or resolution to make corrections; or
- (5) pass the bill notwithstanding the objections of the governor.

(f) No vote shall be taken upon the passage of any bill or resolution within 24 hours of the final adjournment of a regular session unless it be to reconsider the bill or resolution to make corrections, or to adopt a corrective resolution.

Sec. 14. DELIVERY [~~COPIES REQUIRED~~] PRIOR TO CONSIDERATION. (a) ~~Each [A printed copy of each] bill or resolution, except the general appropriations bill, shall be delivered to [placed in the newspaper mailbox of] each member by making a copy of the bill or resolution available in an electronic format for viewing by the member and, when the electronic format copy of the appropriate printing becomes available, by sending notice of that fact to a Capitol e-mail address designated by the member, at least 36 hours if convened in regular session and 24 hours if convened in special session before the bill can be considered by the house on second reading. If a member informs the chief clerk in writing that the member desires [prefers] to receive paper copies of bills and resolutions under this section in addition to delivery in an electronic format, the chief clerk shall place [compliance with this subsection may be accomplished with respect to that member by making] a paper copy of the [a] bill or resolution in the newspaper box of the member as soon as practicable after the electronic copies of the bill or resolution are made available for viewing [in an electronic format available for viewing to each member not later than the time a printed copy of the bill or resolution is placed in other members' newspaper mailboxes and, when the electronic format copy of the bill or resolution becomes available, sending notice of that fact to a Capitol e-mail address designated by the member].~~

(a-1) A printed copy of the general appropriations bill shall be placed in the newspaper mailbox of each member at least 168 hours during a regular session and at least 72 hours during a special session before the bill can be considered by the house on second reading.

(b) By majority vote, the house may order both the original bill or resolution and the complete committee substitute to be printed. It shall not be necessary for the house to order complete committee substitutes printed in lieu of original bills.

(c) A two-thirds vote of the house is necessary to order that bills, other than local bills, be not printed. It shall not be necessary for the house to order that local bills be not printed.

Sec. 15. REQUIREMENT FOR THREE READINGS. A bill shall not have the force of law until it has been read on three several legislative days in each house and free discussion allowed, unless this provision is suspended by a vote of four-fifths of the members present and voting, a quorum being present. The yeas and nays shall be taken on the question of suspension and entered in the journal.

Sec. 16. CONSIDERATION SECTION BY SECTION. (a) During the consideration of any bill or resolution, the house may, by a majority vote, order the bill or resolution to be considered section by section, or department by department, until each section or department has been given separate consideration. If such a procedure is ordered, only amendments to the section or department under consideration at that time shall be in order. However, after each section or department has been considered separately, the entire bill or resolution

shall be open for amendment, subject to the provisions of Rule 11, Section 8(b). Once the consideration of a bill section by section or department by department has been ordered, it shall not be in order to move the previous question on the entire bill, to recommit it, to lay it on the table, or to postpone it, until each section or department has been given separate consideration or until the vote by which section by section consideration was ordered is reconsidered.

(b) A motion to consider a bill section by section is debatable within narrow limits; that is, the pros and cons of the proposed consideration can be debated but not the merits of the bill.

Sec. 17. **PASSAGE TO ENGROSSMENT OR THIRD READING.** After a bill or complete committee substitute for a bill has been taken up and read, amendments shall be in order. If no amendment is made, or if those proposed are disposed of, then the final question on its second reading shall be, in the case of a house bill, whether it shall be passed to engrossment, or, in the case of a senate bill, whether it shall pass to its third reading. All bills ordered passed to engrossment or passed to a third reading shall remain on the calendar on which placed, but with future priority over bills that have not passed second reading.

Sec. 18. **CERTIFICATION OF FINAL PASSAGE.** The chief clerk shall certify the final passage of each bill, noting on the bill the date of its passage, and the vote by which it passed, if by a yea and nay vote.

Sec. 19. **EFFECTIVE DATE.** Every law passed by the legislature, except the General Appropriations Act, shall take effect or go into force on the 91st day after the adjournment of the session at which it was enacted, unless the legislature provides for an earlier effective date by a vote of two-thirds of all the members elected to each house. The vote shall be taken by yeas and nays and entered in the journals.

Sec. 20. **BILLS CONTAINING SAME SUBSTANCE AS DEFEATED BILL.** After a bill or resolution has been considered and defeated by either house of the legislature, no bill or resolution containing the same substance shall be passed into law during the same session.

Sec. 21. **CONSIDERATION OF BILLS INVOLVING STATE FUNDS.** (a) In order to assure the continuation of financial support of existing state services through the passage of the general appropriations bill, it shall not be in order during the first 118 days of the regular session for the speaker to lay before the house, prior to the consideration, passage, and certification by the comptroller of the general appropriations bill, any bill that directly or indirectly prevents from being available for purposes of funding state government generally any money that under existing law would otherwise be available for that purpose, including a bill that transfers or diverts money in the state treasury from the general revenue fund to another fund.

(b) In order to assure compliance with the limitation on appropriations of state tax revenue not dedicated by the constitution as provided by Article VIII, Section 22, of the Texas Constitution, it is not in order for the speaker to lay before the house, prior to the time that the general appropriations bill has been finally passed and sent to the comptroller, any bill that appropriates funds from the state treasury that are not dedicated by the constitution.

(c) When bills subject to the provisions of Subsection (a) of this section become eligible for consideration, they shall be considered for passage under the rules of the house and the joint rules as any other bill but shall not be signed by the speaker as required by the Constitution of Texas and the rules of the house until the general appropriations bill has been signed by the presiding officers of both houses of the legislature and transmitted to the comptroller of public accounts for certification as required by Article III, Section 49a, of the Constitution of Texas.

(d) All bills subject to the provisions of Subsection (a) of this section that have finally passed both houses shall be enrolled as required by the rules and transmitted to the speaker. The speaker shall note on each bill the date and hour of final legislative action and shall withhold his or her signature and any further action on all such bills until the general appropriations bill has been signed by the presiding officers of both houses and transmitted to the comptroller of public accounts for certification. Immediately thereafter, the speaker shall sign in the presence of the house all bills on which further action was being withheld because the bills were subject to the provisions of this section. After being signed by the speaker, the bills shall then be transmitted to the comptroller of public accounts for certification or to the governor, as the case may be, in the order in which final legislative action was taken. "Final legislative action," as that term is used in this subsection, shall mean the last act of either house meeting in general session necessary to place the bill in its final form preparatory to enrollment.

(e) Subsections (a)-(d) of this section shall not apply to any bills providing for:

- (1) the payment of expenses of the legislature;
- (2) the payment of judgments against the state;
- (3) any emergency matter when requested by the governor in a formal message to the legislature; or
- (4) the reduction of taxes.

(f) Unless within the authority of a resolution or resolutions adopted pursuant to Article VIII, Section 22(b), of the Texas Constitution, it is not in order for the house to consider for final passage on third reading, on motion to concur in senate amendments, or on motion to adopt a conference committee report, a bill appropriating funds from the state treasury in an amount that, when added to amounts previously appropriated by bills finally passed and sent or due to be sent to the comptroller, would exceed the limit on appropriations established under Chapter 316, Government Code.

(g) The general appropriations bill shall be reported to the house by the Committee on Appropriations not later than the 90th calendar day of the regular session. Should the Committee on Appropriations fail to report by the deadline, Subsections (a)-(d) of this section shall be suspended for the balance of that regular session.

RULE 9. JOINT RESOLUTIONS

Sec. 1. AMENDMENTS TO THE TEXAS CONSTITUTION. (a) A proposed amendment to the Texas Constitution shall take the form of a joint resolution, which shall be subject to the rules that govern the proceedings on bills, except as provided by this section.

(b) A joint resolution is not subject to the provisions of Rule 8, Section 3, or Rule 11, Section 3.

(c) A joint resolution shall be adopted on any reading after the first if it receives a two-thirds vote of the elected membership of the house. If such a joint resolution receives only a majority vote on second reading, it shall be passed to engrossment, and subsequent proceedings shall be the same as those governing the final passage of bills which have been passed to engrossment. If such a joint resolution does not receive a two-thirds vote of the elected membership of the house on third reading and final passage, it shall fail of adoption.

Sec. 2. RATIFYING OR PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES. Ratification by Texas of a proposed amendment to or application to Congress for a convention to amend the Constitution of the United States shall take the form of a joint resolution, which shall be subject to the rules that govern the proceedings on bills, except that it shall be adopted on second reading if it receives a majority vote of the members present and voting, a quorum being present. If such a joint resolution fails to receive a majority vote, it shall fail of adoption and shall not be considered again unless revived by a motion to reconsider as otherwise provided in the rules.

Sec. 3. PLACEMENT OF JOINT RESOLUTIONS ON A CALENDAR. Joint resolutions on committee report shall be referred to the Committee on Calendars for placement on an appropriate calendar. The Committee on Calendars shall maintain a separate calendar for house joint resolutions and a separate calendar for senate joint resolutions. Senate joint resolutions shall be considered on calendar Wednesdays and calendar Thursdays along with senate bills.

RULE 10. HOUSE RESOLUTIONS AND CONCURRENT RESOLUTIONS

Sec. 1. FILING. Resolutions shall be introduced by the filing of nine identical copies with the chief clerk, who shall number and record house resolutions in one series and concurrent resolutions in a separate series.

Sec. 2. REFERRAL TO COMMITTEE. (a) After numbering and recording, all resolutions shall be sent to the speaker for referral to the proper committee.

(b) Resolutions proposing the expenditure of money out of the contingent expense fund of the legislature shall be referred to the Committee on House Administration.

(c) All other resolutions shall be referred to the appropriate committee with jurisdiction.

Sec. 3. REFERRAL TO CALENDARS COMMITTEES. All resolutions on committee report, other than privileged resolutions, shall be referred immediately to the appropriate calendars committee for placement on the appropriate calendar.

Sec. 4. ORDER OF CONSIDERATION. Unless privileged, resolutions shall be considered by the house only at the time assigned for their consideration on the calendar, in accordance with the provisions of Rule 6, Section 7.

Sec. 4A. RECORD VOTE REQUIRED BY TEXAS CONSTITUTION. A vote on final passage of a resolution other than a resolution of a purely ceremonial or honorary nature must be by record vote with the vote of each member entered in the journal as required by Section 12(b), Article III, Texas Constitution.

Sec. 5. SIGNING BY GOVERNOR. Concurrent resolutions shall take the same course as house resolutions, except that they shall be sent to the governor for signing when finally passed by both houses.

Sec. 6. MASCOT RESOLUTIONS. (a) All candidates for the office of mascot shall be named in and elected by a single house resolution.

(b) Only children of house members who are under the age of 12 years shall be eligible for election to the honorary office of mascot. A child once named a mascot shall not be eligible for the honor a second time.

(c) No separate classification or special title shall be given to any mascot, but all shall receive the same title of honorary mascot of the house of representatives.

(d) The speaker shall issue a certificate showing the election of each mascot and deliver it to the parent member of the child.

Pictures of mascots shall appear on the panel picture of the house.

Sec. 7. CONSIDERATION OF RESOLUTIONS DURING CALLED SESSIONS. The subject matter of house resolutions and concurrent resolutions does not have to be submitted by the governor in a called session before they can be considered.

Sec. 8. RESOLUTIONS AUTHORIZING TECHNICAL CORRECTIONS. Resolutions authorizing the enrolling clerk of the house or senate to make technical corrections to a measure that has been finally acted upon by both houses of the legislature shall be privileged in nature and need not be referred to committee. Such resolutions shall be eligible for consideration by the house upon introduction in the house or receipt from the senate.

Sec. 9. AUTHOR'S SIGNATURE ON CONGRATULATORY OR MEMORIAL RESOLUTION. The enrolled printing of a house congratulatory or memorial resolution shall include a place for the signature of the primary author of the resolution. The chief clerk shall provide the primary author with the opportunity to sign the resolution after the resolution is enrolled. The absence of the primary author's signature does not affect the validity of the resolution as adopted by the house.

RULE 11. AMENDMENTS

Sec. 1. ACCEPTABLE MOTIONS TO AMEND. When a bill, resolution, motion, or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order. It shall also be in order to offer a further amendment by way of a substitute. Such a substitute may not be amended. If the substitute is adopted, the question shall then be on the amendment as substituted, and under this condition an amendment is not in order.

Sec. 2. MOTIONS ON A DIFFERENT SUBJECT OFFERED AS AMENDMENTS. No motion or proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the motion or proposition under debate. "Proposition" as used in this section shall include a bill, resolution, joint resolution, or any other motion which is amendable.

Amendments pertaining to the organization, powers, regulation, and management of the agency, commission, or advisory committee under consideration are germane to bills extending state agencies, commissions, or advisory committees under the provisions of the Texas Sunset Act (Chapter 325, Government Code).

An amendment to a committee substitute laid before the house in lieu of an original bill is germane if each subject of the amendment is a subject that is included in the committee substitute or was included in the original bill.

Sec. 3. AMENDING A BILL TO CHANGE ITS ORIGINAL PURPOSE. No bill shall be amended in its passage through either house so as to change its original purpose.

Sec. 4. AMENDMENTS TO BILLS AND RESOLUTIONS ON LOCAL, CONSENT, AND RESOLUTIONS CALENDARS. Amendments to a bill or resolution shall not be in order during its consideration on a local, consent, and resolutions calendar set by the Committee on Local and Consent Calendars, unless the amendments have first been submitted to and approved by the Committee on Local and Consent Calendars, which shall be noted thereon by the chair of the Committee on Local and Consent Calendars prior to the offering of the amendments.

Sec. 5. AMENDMENTS ON THIRD READING. When a bill has been taken up on its third reading, amendments shall be in order, but shall require a two-thirds vote of the members present for their adoption. A bill on third reading may be recommitted to a committee and later reported to the house with amendments, in which case the bill shall again take the course of a bill at its second reading.

Sec. 6. COPIES OF AN AMENDMENT. (a) Five copies of each amendment shall be filed with the speaker. When the amendment is read, two copies shall go to the chief clerk, one copy to the journal clerk, one copy to the reading clerk, and one copy to the speaker. No amendment offered from the floor shall be in order unless the sponsoring member has complied with the provisions of this section with respect to copies of the amendment. The chief clerk shall retain one copy of each amendment filed with the speaker under this section whether or not the amendment was offered by the filing member.

(b) Prior to the time that an amendment is offered, if the amendment exceeds one page in length, the sponsoring member must provide to the chief clerk a minimum of five [~~±5~~] copies to be available for distribution to those members requesting copies of the amendment.

(c) If the amendment is only one page in length or less, the sponsoring member must provide one additional copy of the amendment to the chief clerk, who shall immediately proceed to have additional copies made and available for those members requesting copies of the amendment.

(d) The provisions of this section with respect to extra copies shall not apply to committee amendments or to amendments which do nothing more than delete material from the bill or resolution.

(e) The speaker shall not recognize a member to offer an original amendment that exceeds one page in length and that is in the form of a complete substitute for the bill or resolution laid before the house, or in the opinion of the speaker is a substantial substitute, unless 10 [~~25~~] copies of the amendment have been provided to the chief clerk and were available in the chief clerk's office at least 12 hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration.

(f) An amendment may be typed, hand-printed, or handwritten, but must be legible in order to be offered.

(g) The speaker shall not recognize a member to offer an original amendment to a bill extending an agency, commission, or advisory committee under the Texas Sunset Act unless 10 [~~25~~] copies of the amendment have been provided to the chief clerk and were available in the chief clerk's office at least 24 [~~42~~] hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration.

(h) If the house is convened in regular session, the speaker shall not recognize a member to offer an original amendment to the general appropriations bill on second reading unless 10 [~~25~~] copies of the amendment have been provided to the chief clerk and were available in the chief clerk's office at least 72 hours prior to the time the calendar on which the general appropriations bill appears for second reading is first eligible for consideration.

(i) The Committee on House Administration shall ensure that:

(1) the floor amendment system through which members of the house may view an electronic image of current or past amendments, or the system's successor in function, is available to the public on the Internet; and

(2) members of the public using the system available on the Internet may view the same information that members may view at the same time that members may view the information.

Sec. 7. ORDER OF OFFERING MOTIONS TO AMEND. Classes of motions to amend shall be offered in the following order:

(1) motions to amend by striking out the enacting clause of a bill (or the resolving clause of a resolution), which amendment cannot be amended or substituted;

(2) motions to amend an original bill, resolution, motion, or proposition (other than substitute bills as provided for in Subdivision (3) below), which shall have precedence as follows:

(A) original amendment;

(B) amendment to the amendment;

(C) substitute for the amendment to the amendment.

Recognition for the offering of original amendments shall be as follows: first, the main author; second, the member or members offering the committee amendment; and third, members offering other amendments from the floor;

(3) motions to amend an original bill by striking out all after the enacting clause (substitute bills), which substitute bills shall be subject to amendment as follows:

(A) amendment to the substitute bill;

(B) substitute for the amendment to the substitute bill.

Recognition for offering such substitute bills shall be as follows: first, the main author of the original bill, if the member has not sought to perfect the bill by amendments as provided for in Subdivision (2) above; second, the member or members offering the committee amendment; and, third, members offering amendments from the floor.

It shall be in order under the procedure described in this subdivision to have as many as four complete measures pending before the house at one time; that is, an original bill, an amendment striking out all after the enacting clause of the bill and inserting a new bill body, an amendment to the amendment striking out all after the enacting clause of the bill and inserting a new bill body, and a substitute for this amendment to the amendment to the original bill which is also a new bill body. These "substitute bills" shall be voted on in the reverse order of their offering;

(4) motions to amend the caption of a bill or joint resolution, which may also be offered in accordance with Section 9(a) of this rule.

Sec. 8. STRIKE OUTS AND INSERTIONS. (a) A motion to strike out and to insert new matter in lieu of that to be stricken out shall be regarded as a substitute and shall be indivisible.

(b) Matter inserted or stricken out of an original bill by way of amendment may not be taken out or reinserted at a later time on the same reading except under the following conditions:

(1) reconsideration of the inserting or deleting amendment;

(2) adoption of a "substitute bill" amendment;

(3) adoption of an amendment for a whole paragraph, section or subdivision of a bill which so materially changes the original text that the portion inserted or deleted is in fact of minor importance.

Sec. 9. AMENDING CAPTIONS. (a) An amendment to the caption of a bill or resolution shall not be in order until all other proposed amendments have been acted on and the house is ready to vote on the passage of the measure, and it shall then be decided without debate.

(b) If the previous question has been ordered on a bill or joint resolution at any reading, an amendment to the caption of that bill or joint resolution may be offered and voted on immediately preceding the final vote on the bill or joint resolution.

Sec. 10. MOTION TO LIMIT AMENDMENTS. (a) A motion to limit amendments shall be admitted only when seconded by 25 members. The motion may take either of two forms:

- (1) to limit amendments to those pending before the house; or
- (2) to limit amendments to those pending on the speaker's desk.

(b) The motion shall be put by the chair in this manner: "The motion has been seconded. Three minutes pro and con debate will be allowed on the motion to limit amendments." As soon as the debate has ended, the chair shall continue: "As many as are in favor of limiting amendments on (here state on which question or questions) will say 'Aye,'" and then "As many as are opposed say 'Nay.'" As in all other propositions, a motion to limit amendments shall be decided by a record vote if demanded by any member. If ordered by a majority of the members voting, a quorum being present, the motion shall have the effect of confining further debate and consideration to those amendments included within the motion, and thereafter the chair will accept no more amendments to the proposition to which the motion is applied.

(c) The motion to limit amendments, if adopted, shall not in any way cut off or limit debate or other parliamentary maneuvers on the pending proposition or propositions or amendment or amendments included within the motion. The sole function of the motion is to prevent the chair from accepting further amendments to the proposition to which the motion is applied.

(d) Except as otherwise provided, the motion to limit amendments shall have no effect on the parliamentary situation to which the motion is applied, and the matter to which the motion is applied shall continue to be considered by the house in all other respects as though the motion had not been made.

(e) The amendments that are included within the motion to limit amendments shall each be subject to amendment, if otherwise permitted under the rules.

Sec. 11. MOTION TO TABLE A MOTION TO LIMIT AMENDMENTS. The motion to limit amendments is not subject to a motion to table.

Sec. 12. ORDER OF VOTING ON AMENDMENTS. When an amendment is offered, followed by an amendment to that amendment, and then a substitute for the amendment to the amendment, these questions shall be voted on in the reverse order of their offering.

Sec. 13. CERTIFICATION OF ADOPTION OF AMENDMENTS. When an amendment is adopted, such action shall be certified by the chief clerk on the amendment, and the official copy of the amendment shall then be securely attached to the bill or resolution which it amends.

RULE 12. PRINTING

Sec. 1. PRINTINGS OF BILLS AND JOINT RESOLUTIONS. (a) Except as otherwise provided in this rule, all bills and joint resolutions shall be printed and a copy provided to each member at each of the following stages in the parliamentary progress of the bill or joint resolution:

(1) at the time of the committee report on the bill or joint resolution, which shall be known as "First Printing" and which shall consist of:

(A) a complete text of the bill or joint resolution as reported from committee;

(B) a complete copy of the bill analysis, a complete copy of the summary of committee action, and a complete copy of the witness list;

- (C) the text of the committee report;
 - (D) the record vote by which the measure was reported from committee, including the vote of individual members;
 - (E) a copy of the latest fiscal note; and
 - (F) a copy of each impact statement received by the committee;
- (2) at the time the bill or joint resolution, if amended, finally passes the senate, senate amendments and house engrossment text will be printed, which shall be known as "Second Printing"; and

(3) at the time the conference committee, if any, makes its report on the bill or joint resolution, which shall be known as "Third Printing."

(b) In any section of the first printing of a bill or joint resolution that proposes to amend an existing statute or constitutional provision, language sought to be deleted must be bracketed and stricken through, and language sought to be added must be underlined. This requirement does not apply to:

- (1) an appropriations bill;
- (2) a local bill;
- (3) a game bill;
- (4) a recodification bill;
- (5) a redistricting bill;
- (6) a section of a bill or joint resolution not purporting to amend an existing statute or constitutional provision;
- (7) a section of a bill or joint resolution that revises the entire text of an existing statute or constitutional provision, to the extent that it would confuse rather than clarify to show deletions and additions; and

(8) a section of a bill or joint resolution providing for severability, nonseverability, emergency, or repeal of an existing statute or constitutional provision.

(c) The speaker may overrule a point of order raised as to a violation of Subsection (b) of this section if the violation is typographical or minor and does not tend to deceive or mislead.

(d) ~~The [If a member informs the chief clerk that the member prefers to receive copies of first printings in an electronic format, the] requirement to provide a copy of a [first] printing to each [that] member may be accomplished by making a copy of the [a first] printing available in an electronic format [available] for viewing by the [to each] member and, when the electronic format copy of the appropriate [first] printing becomes available, sending notice of that fact to a Capitol e-mail address designated by the member. If a member informs the chief clerk that the member also desires to receive a paper copy of printings at first, second, or third printing, the chief clerk shall place paper copies of those printings designated by the member in the newspaper box of the member as soon as practicable after the electronic copies of the printings are made available for viewing.~~

(e) The provisions of Subsection (d) of this section authorizing delivery of a printing by electronic means also apply to any fiscal note, impact statement, analysis, or other item required by these rules to be delivered or made available to each member as an attachment to or in connection with the applicable printing.

Sec. 2. LOCAL BILLS. Local bills shall not be reprinted after the first printing except when ordered printed by a majority vote of the house.

Sec. 3. CONCURRENT RESOLUTIONS. A concurrent resolution shall be printed only if the resolution:

- (1) grants permission to sue the state;
- (2) memorializes Congress to take or to refrain from taking certain action;
- (3) sets legislative policy or declares legislative intent;
- (4) makes corrective changes in any bill, joint resolution, or conference committee report;
- (5) establishes or interprets policy for a state agency, department, or political subdivision;
- (6) establishes, modifies, or changes internal procedures or administration of the legislature or any component part thereof;
- (7) proposes an amendment to the Joint Rules of the Senate and the House of Representatives; or
- (8) is ordered printed by a majority vote of the house.

Sec. 4. HOUSE RESOLUTIONS. A house resolution shall be printed only if the resolution:

- (1) proposes an amendment to the rules of the house;
- (2) establishes, modifies, or changes the internal procedures and administration of the house;
- (3) establishes legislative policy or interprets legislative intent; or
- (4) is ordered printed by a majority of the house.

Sec. 5. ACCEPTABLE STANDARDS OF COMPLIANCE WITH PRINTING REQUIREMENTS. Except for matter to be printed in the journal, all requirements contained in the rules with respect to the printing of bills, resolutions, reports, and other matters shall be considered complied with if the material is adequately and properly reproduced by any acceptable means of reproduction.

RULE 13. INTERACTIONS WITH THE GOVERNOR AND SENATE
CHAPTER A. MESSAGES

Sec. 1. MESSAGES FROM THE GOVERNOR. Messages and communications from the governor shall be received when announced, and shall be read on the calendar day received.

Sec. 2. MESSAGES FROM THE SENATE. (a) All messages from the senate shall be received when announced. Senate bills announced as passed shall be read for the first time and referred to the appropriate committee as soon as practicable.

(b) Messages from the senate announcing amendments to house bills and resolutions, nonconcurrence in house amendments to senate bills and resolutions, requests for conference committees, reports of conference committees, and all other matters of disagreement, amendments, and requests between the two houses, shall go to the speaker's desk in their regular order, but may be called up for action by the house at any time as a privileged matter, yielding only to a motion to adjourn.

CHAPTER B. SENATE AMENDMENTS

Sec. 3. HOUSE ACTION ON SENATE AMENDMENTS. When a bill, resolution, or other matter is returned to the house with senate amendments, the house may:

- (1) agree to the amendments; or
- (2) disagree to all of the amendments and ask for a conference committee; or
- (3) agree to one or more of the amendments and disagree as to the remainder and request a conference committee to consider those in disagreement; or
- (4) agree to one or more and disagree as to the remainder; or
- (5) disagree to all amendments.

Sec. 4. ADOPTION OF SENATE AMENDMENTS FOR BILLS WITH IMMEDIATE EFFECT. If a bill is to go into immediate effect, senate amendments thereto must be adopted by a vote of two-thirds of the elected membership of the house.

Sec. 5. PRINTING SENATE AMENDMENTS. (a) Senate amendments to house bills and resolutions must be printed and copies provided to the members at least 24 hours before any action can be taken thereon by the house during a regular or special session.

(b) When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the chief clerk shall request the Legislative Budget Board to prepare a fiscal note outlining the fiscal implications and probable cost of the measure as impacted by the senate amendments. A copy of the fiscal note shall be distributed with the senate amendments on their printing before any action can be taken on the senate amendments by the house.

(c) When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the chief clerk shall request the Texas Legislative Council to prepare an analysis that describes the substantive changes made to the house version of the bill by the senate amendments. A copy of the council's analysis of senate amendments shall be provided to the members electronically or as a printed copy at least 12 hours before action is taken on the senate amendments by the house. The Texas Legislative Council shall make all reasonable efforts to timely provide the analysis in as accurate a form as time allows. However, an unavoidable inability to provide the analysis or an inadvertent error in the analysis is not a sustainable question of order.

(d) When a house bill or joint resolution for which a tax equity note was required under Rule 4, Section 34(b)(5), is returned to the house with senate amendments, the chief clerk shall request the Legislative Budget Board to prepare a tax equity note estimating the general effects of the senate amendments on the distribution of tax and fee burdens among individuals and businesses. A copy of the updated tax equity note shall be made available to each member, in some format, before any vote on the floor can be taken on the senate amendments by the house.

Sec. 5A. RETURN OF NONGERMANE SENATE AMENDMENTS BY SPEAKER. When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the speaker, with the permission of the primary author of the bill or resolution, may return the bill or resolution to the senate if the speaker determines that the senate amendments are not germane to the house version of the bill or resolution. The speaker may act under this section without regard to whether the bill or resolution is eligible for consideration by the house. If the speaker returns a bill or resolution to the senate under this section, the speaker shall attach to the bill or resolution a statement of the speaker's action that includes an explanation of the speaker's determination, and shall enter the statement in the journal as soon as practicable.

CHAPTER C. CONFERENCE COMMITTEES

Sec. 6. MEMBERSHIP AND OPERATION. (a) In all conferences between the senate and the house by committee, the number of committee members from each house shall be five. All votes on matters of difference shall be taken by each committee separately. A majority of each committee shall be required to determine the matter in dispute. Reports by conference committees must be signed by a majority of each committee of the conference.

(b) A copy of the report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the [printed] copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

Sec. 7. MEETINGS. (a) House conferees when meeting with senate conferees to adjust differences shall meet in public and shall give a reasonable amount of notice of the meeting in the place designated for giving notice of meetings of house standing committees. Any such meeting shall be open to the news media. Any conference committee report adopted in private shall not be considered by the house.

(b) At a meeting of the conferees to adjust differences on the general appropriations bill, the chair of the house conferees may request the assistance of any house member who serves on the appropriations committee.

Sec. 8. INSTRUCTIONS. Instructions to a conference committee shall be made after the conference is ordered and before the conferees are appointed by the speaker, and not thereafter.

Sec. 9. LIMITATIONS ON JURISDICTION. (a) Conference committees shall limit their discussions and their actions solely to the matters in disagreement between the two houses. A conference committee shall have no authority with respect to any bill or resolution:

- (1) to change, alter, or amend text which is not in disagreement;
- (2) to omit text which is not in disagreement;

(3) to add text on any matter which is not in disagreement;

(4) to add text on any matter which is not included in either the house or senate version of the bill or resolution.

This rule shall be strictly construed by the presiding officer in each house to achieve these purposes.

(b) Conference committees on appropriations bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. In addition to the limitations contained elsewhere in the rules, a conference committee on appropriations bills shall be strictly limited in its authority as follows:

(1) If an item of appropriation appears in both house and senate versions of the bill, the item must be included in the conference committee report.

(2) If an item of appropriation appears in both house and senate versions of the bill, and in identical amounts, no change can be made in the item or the amount.

(3) If an item of appropriation appears in both house and senate versions of the bill but in different amounts, no change can be made in the item, but the amount shall be at the discretion of the conference committee, provided that the amount shall not exceed the larger version and shall not be less than the smaller version.

(4) If an item of appropriation appears in one version of the bill and not in the other, the item can be included or omitted at the discretion of the conference committee. If the item is included, the amount shall not exceed the sum specified in the version containing the item.

(5) If an item of appropriation appears in neither the house nor the senate version of the bill, the item must not be included in the conference committee report. However, the conference committee report may include appropriations for purposes or programs authorized by bills that have been passed and sent to the governor and may include contingent appropriations for purposes or programs authorized by bills that have been passed by at least one house.

This rule shall be strictly construed by the presiding officer in each house to achieve these purposes.

(c) Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. In addition to the limitations contained elsewhere in the rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

(1) If a tax item appears in both house and senate versions of the bill, the item must be included in the conference committee report.

(2) If a tax item appears in both house and senate versions of the bill, and in identical form and with identical rates, no change can be made in the item or the rate provided.

(3) If a tax item appears in both house and senate versions of the bill but at differing rates, no change can be made in the item, but the rate shall be at the discretion of the conference committee, provided that the rate shall not exceed the higher version and shall not be less than the lower version.

(4) If a tax item appears in one version of the bill and not in the other, the item can be included or omitted at the discretion of the conference committee. If the item is included, the rate shall not exceed the rate specified in the version containing the item.

(5) If a tax item appears in neither the house nor the senate version of the bill, the item must not be included in the conference committee report.

This rule shall be strictly construed by the presiding officer in each house to achieve these purposes.

(d) Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts, the strict rule of construction imposed on other conference committees must be relaxed somewhat when reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

(1) If the matters in disagreement affect only certain districts, and other districts are identical in both house and senate versions of the bill, the conference committee shall make adjustments only in those districts whose rearrangement is essential to the effective resolving of the matters in disagreement. All other districts shall remain unchanged.

(2) If the matters in disagreement permeate the entire bill and affect most, if not all, of the districts, the conference committee shall have wide discretion in rearranging the districts to the extent necessary to resolve all differences between the two houses.

(3) Insofar as the actual structure of the districts is concerned, and only to that extent, the provisions of Subsection (a) of this section shall not apply to conference committees on reapportionment bills.

(e) Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

(1) If it develops in conference committee that material has been inadvertently included in both house and senate versions which properly has no place in the recodification, that material may be omitted from the conference committee report, if by that omission the existing statute is not repealed, altered, or amended.

(2) If it develops in conference committee that material has been inadvertently omitted from both the house and senate versions which properly should be included if the recodification is to achieve its purpose of being all-inclusive of the statutes being recodified, that material may be added to the conference committee report, if by the addition the existing statute is merely restated without substantive change in existing law.

(f) Limitations imposed on certain conference committees by the provisions of this section may be suspended in part by permission of the house to allow consideration of and action on a specific matter or matters which otherwise would be prohibited. Permission shall be granted only by resolution passed by majority vote of the house. All such resolutions shall be privileged in nature and need not be referred to a committee. The introduction of such a resolution shall be announced from the house floor and the resolution shall be eligible for consideration by the house:

(1) three hours after a copy of the resolution has been distributed to each member; or

(2) for a resolution suspending limitations on a conference committee considering the general appropriations bill, 48 hours in a regular session and 24 hours in a special session after a copy of the resolution has been distributed to each member.

(g) The time at which the copies of such a resolution are distributed to the members shall be time-stamped on the originals of the resolution. The resolution shall specify in detail:

(1) the exact language of the matter or matters proposed to be considered;

(2) the specific limitation or limitations to be suspended;

(3) the specific action contemplated by the conference committee;

(4) except for a resolution suspending the limitations on the conferees for the general appropriations bill, the reasons that suspension of the limitations is being requested; and

(5) a fiscal note distributed with the resolution outlining the fiscal implications and probable cost of the items to be included in the conference committee report that would otherwise be prohibited but for the passage of the resolution.

In the application of this subsection to appropriations bills, the resolution need not include changes in amounts resulting from a proposed salary plan or changes in format that do not affect the amount of an appropriation or the method of finance of an appropriation, but shall include a general statement describing the salary plan or format change. The resolution need not include differences in language which do not affect the substance of the bill.

Permission thus granted shall suspend the limitations only for the matter or matters clearly specified in the resolution, and the action of the conference committee shall be in conformity with the resolution.

Sec. 10. PRINTING AND DISTRIBUTION OF REPORTS. (a) All conference committee reports must be printed and a copy furnished to each member as provided by Rule 12, Section 1, at least 24 hours before action can be taken on the report by the house during a regular or special session.

(b) Three original copies of a conference committee report shall be submitted to the chief clerk for printing. Each original conference committee report shall contain the following:

(1) the signatures of the house conferees and senate conferees who voted to adopt the conference committee report;

(2) the text of the bill or resolution as adopted by the conference committee; and

(3) an analysis of the conference committee report as required by Section 11 of this rule.

(c) Before action can be taken by the house on a conference committee report on a bill or joint resolution, other than the general appropriations bill, a fiscal note outlining the fiscal implications and probable cost of the conference committee report shall be submitted to the chief clerk, and a copy of the fiscal note shall be distributed with the conference committee report on its printing.

(d) Before a vote on the floor can be taken by the house on a conference committee report on a bill or joint resolution for which a tax equity note was required under Rule 4, Section 34(b)(5), a tax equity note estimating the general effects of the conference committee report on the distribution of tax and fee burdens among individuals and businesses shall be submitted to the chief clerk, and a copy of the tax equity note shall be made available to each member.

Sec. 11. ANALYSIS OF REPORTS. (a) All reports of conference committees shall include an analysis showing wherein the report differs from the house and senate versions of the bill, resolution, or other matter in disagreement. The analysis of appropriations bills shall show in dollar amounts the differences between the conference committee report and the house and senate versions. No conference committee report shall be considered by the house unless such an analysis has been prepared and distributed to each member.

(b) The analysis shall to the extent practical indicate any instance wherein the conference committee in its report appears to have exceeded the limitations imposed on its jurisdiction by Section 9 of this rule. An analysis and the conference committee report in which the analysis is included are not subject to a point of order due to a failure to comply with this subsection or due to a mistake made in complying with this subsection.

Sec. 12. CONSIDERATION OF REPORTS. A conference committee report is not subject to amendment, but must be accepted or rejected in its entirety. While a conference committee report is pending, a motion to deal with individual amendments in disagreement is not in order.

Sec. 13. WHEN REPORTS NOT ACCEPTABLE. When a conference committee report is not acceptable to the house for any reason, it may be recommitted to the same committee with the request for further consideration, and the house may or may not give any specific instructions on the report to the conference committee; or the house may request the appointment by the senate of a new conference committee and then proceed to empower the speaker to name new conferees for the house.

RULE 14. GENERAL PROVISIONS

Sec. 1. WHEN RULES ARE SILENT. If the rules are silent or inexplicit on any question of order or parliamentary practice, the Rules of the House of Representatives of the United States Congress, and its practice as reflected in published precedents, and Mason's Manual of Legislative Procedure shall be considered as authority.

Sec. 2. AMENDMENTS TO THE RULES. (a) Amendments to the rules of the house shall be proposed by house resolutions which shall be referred at once, without debate, to the Committee on Rules and Resolutions for study and recommendation.

(b) A resolution proposing an amendment to the rules shall not be considered by the house until a printed copy of the resolution has been provided to each member of the house at least 48 hours before consideration.

(c) Amendments to the rules shall require a majority vote of the house for adoption.

Sec. 3. MOTION TO SUSPEND THE RULES. A motion to suspend the rules shall be in order at any time, except when motions to adjourn or recess are pending, even when the house is operating under the previous question. A motion to "suspend all rules" shall be sufficient to suspend every rule under which the house is operating for a particular purpose except the provisions of the constitution and the joint rules of the two houses. If the rules have been suspended on a main motion for a given purpose, no other motion to suspend the rules on a main motion shall be in order until the original purpose has been accomplished.

Sec. 4. NOTICE OF PENDING MOTION TO SUSPEND THE RULES. It shall not be in order to move to suspend the rules or the regular order of business to take up a measure out of its regular order, and the speaker shall not recognize anyone for either purpose, unless the speaker has announced to the house in session that the speaker would recognize a member for that purpose at least one hour before the member is so recognized to make the motion. In making the announcement to the house, the speaker shall advise the house of the member's name and the bill number, and this information, together with the time that the announcement was made, shall be entered in the journal. This rule may be suspended only by unanimous consent.

Sec. 5. VOTE REQUIREMENTS FOR SUSPENSION. A standing rule of the house may be suspended by an affirmative vote of two-thirds of the members present. However, if a rule contains a specific provision showing the vote by which that rule may be suspended, that vote shall be required for the suspension of the rule. The specific provision may not be suspended under the provisions of this section.

Sec. 6. DISPOSAL OF MEASURES TAKEN UP UNDER SUSPENSION. Any measure taken up under suspension and not disposed of on the same day shall go over as pending or unfinished business to the next day that the house is in session, and shall be considered thereafter from day to day (except the days used for the consideration of senate bills) until disposed of.

Sec. 7. COMMITTEE GIFTS. A member of the house may not offer, confer, or agree to confer to a committee member one or more gifts with a total value of more than \$75 per year.

HR 4 - DEBATE

REPRESENTATIVE SOLOMONS: We are now onto dealing with **HR 4** that I want to lay out, which is dealing with the house rules. First of all, I guess what I'd like to do is express my appreciation to all the members who have talked to

me last week and even before and throughout the entire process. You know, I've been at a variety of things that came up through Chris Griesel, Warren Chisum, Sylvester, a variety of members who have some idea as to what the institutional history is with some of these rules. And I appreciate their help and hope they will continue to help me today.

Let me just go over some things involving some major changes that we made. But, for the most part, most of what we did in the resolution, as is proposed, there are very few real substantive changes. There are a few, but very few of those. One of the things we continually heard about was about the posting and printing and distribution. Those things, really, those tech changes really came from Lege Council and in the ability that we're all moving toward electronics, and the idea that we could get more information to members sooner electronically. And the idea is that you'll eventually be able to move, if not this session, but next session or the session after, we're going to be moving more and more toward less paperwork, more technology through the Internet and through what we do internally, because you're just going to be able to find things out sooner. Right now, what we've had to do a lot of times, even with the technology, it's available, you just have to go find it. So now we're going to try and give you that information, the Lege Council wanted to give you that information, so you wouldn't have to look as hard, and your staff wouldn't. We also have talked about saving trees and a number of copies that we need, and quite frankly the reduction—we do have some changes in the number of reduction of copies, but I think we flushed that out during the working groups that tried to meet a couple days and members had questions, so we've done that.

Two additional outstanding committees were created, or recreated, for that matter. We now, for those members who have been here a while, we now have kind of recreated a government reform that's called Government Efficiency and Reform Committee. We had that one session, I think, and so the speaker's suggestion that we possibly do that again and give it a try. We're also taking a committee we had that was dealing with economic development and we're going to break that out to focus on economic development, small business issues, and technology issues, but this state is, quite frankly, moving in that direction as well. We're trying to bring tech companies to Texas. They've got a lot of issues, and we'll have an amendment from Mr. Strama about some jurisdictional aspects to make sure it has enough work to do, and there are a lot of those issues that are going to be present.

We dealt with the local and consent calendar, I think you are all familiar with that. What we've basically done is said you have to finish the local and consent calendar within a calendar day. If we don't for some reason, and it actually applies to all of us, if we don't finish it in a day, then we'll go—those bills did not finish on that local and consent calendar, we'd go to the next local and consent calendar, but we'd be able to move on the next calendar day to the normal order of business that we would normally do. And when those bills would have priority, in the next local calendar, they would have priority, but when it would be sent to the local and consent calendar.

We tried to increase some transparency with the list of items eligible—must contain a number of senate amendments, and the length of those amendments have been added to each house bill. We've oftentimes, at the end of session, most of the time it's unintentional, I would assume, but there are some issues about knowing what's being put on bills coming from the senate, and with items eligible on senate amendments, and one of the ways to keep up with that, as an alert to you, is really how many amendments and how many pages. Because there may only be one or two, and have dramatic effect, but you also may have 10 of them and there are 300 pages to a bill that was only 50 pages in the first place. So it kind of alerts the members as to, there might be something to look at or ask some questions about.

Lastly, we took Mr. Otto's suggestion—and Mr. Pitts is all right with it, as appropriations chair—requesting some assistance of the 27 members on Appropriations Committee and conference rather than just four other conferees. One thing I would want to go back around—and I think one of the members asked me about it, and I want to make sure we're clarified—when creating the committee that we're doing, or recreating a couple of committees, we're really not going outside of what we did before in our budgets. We have the money to do it. The FTEs are not anything greater. We're not just adding on for the sake of adding on FTEs or increasing our budgets, especially after all of us have taken cuts. It's all within the projected ranges. We've flushed that out pretty well and we think we're okay with that. So in that connection with the committee creation and/or the recreation of committees, certainly we're not overdoing it. I think that if we tried to do anything other than what we're doing, we might be going over that and I would not think that would be a good idea. But with that, we've got some amendments that some members have proposed, and I'd like to try and have an opportunity to go through those. So if that's okay with you all, I think we could start.

Amendment No. 1

Representative Solomons offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the permanent rules of the house) as follows:

(1) In Rule 3, Section 4 (Committee on Business and Industry), strike Subdivision (10) (page 25, lines 12-19) and substitute the following:

(10) the following state agencies: the State Office of Risk Management, the Risk Management Board, the Division of Workers' Compensation of the Texas Department of Insurance, the workers' compensation research and evaluation group in the Texas Department of Insurance, the Office of Injured Employee Counsel, including the ombudsman program of that office, and the Texas Mutual Insurance Company Board of Directors~~[-and the Texas Residential Construction Commission].~~

(2) In Rule 3, Section 11 (Committee on Economic and Small Business Development and Workforce) (page 29, lines 23-24), strike "AND WORKFORCE".

(3) In Rule 3, Section 24 (Committee on Licensing and Administrative Procedures), in Subdivision 5 (page 38, line 23), between "Surveying," and "the Texas Racing Commission", insert "the Texas Department of Motor Vehicles,".

(4) In Rule 3, Section 34 (Committee on Transportation), strike Subdivision 9 (page 46, lines 14-15) and substitute the following:

(9) the following state agencies: the Texas Department of Motor Vehicles, the Texas Department of Transportation, and the Texas Transportation Commission.

(5) In Rule 4, strike proposed Section 38A (page 73, lines 23-27) and substitute the following:

Sec. 38A. NOTIFICATION OF SUNSET BILLS. The chief clerk shall provide notice to each member at the member's designated Capitol e-mail address when a committee report under Section 38 of this rule on a bill extending an agency, commission, or advisory committee under the Texas Sunset Act has been printed or posted and is available to be distributed to the appropriate calendars committee.

SOLOMONS: This is, you know, every bill we have around here, or every resolution—for the new members, oftentimes the author has to follow clarifying or technical amendments of some sort, or something was left out that should have been in there, or was or wasn't, or whatever. So at the end, what we've done is, this amendment that's being proposed has to do with clarifying the fact that we don't have the Texas Residential Construction Commission any longer, and we need to take them out. We're striking the, on the new committee, the language on the title of it to be "and workforce" because the way it was drafted, it was too long, it just didn't make sense.

We've inserted, in Rule 3, Section 24, involving the second issue, involving the Department of Motor Vehicles and the standing committee jurisdiction. In this amendment, we've inserted a transportation jurisdiction over the licensing of the vehicle. And the way we've prepared it was that Licensing and Administrative Procedures would have jurisdiction over auto dealer licensing—just that particular aspect of it.

The third thing we did is notification of, on Sunset bills, when the member, talking to Mr. Haney, he had made this suggestion: it would be best for the benefit of all the members that if we changed it on page 73, about when members will receive notice that the Sunset Advisory Bills Committee report is available. Instead of the language saying "when the report is received in the clerk's office," we'll say "when it is posted," because sometimes those will come out—they won't be there—so it's going to go "when the members have received notice." The chief clerk has advised us that the committee report will come to his office when it's closed, which causes a possible delay, as much as up to six hours sometimes, and everything else we've tried to do are when things are posted electronically, so we've made that change. You'll also know that, when the Sunset bills come out of committees, you're going to get some advance notice on that. Right now, unless you keep up with the Sunset bill, you don't know. You have to go hunt when that bill maybe came out of committee. We're going to tell you when that bill came out of committee. We're going to lead you through that

process, if you're interested; whether you're interested or not, you're going to get notice of it. And for some members that will be very, very helpful information. And I already talked about the Residential Construction Commission, and I would move adoption of this amendment.

(Phillips in the chair)

Amendment No. 2

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

Amend Floor Amendment No. 1 by Solomons on page 1 by striking Subdivision (3) (lines 17-20), and renumbering the remaining subdivisions as appropriate.

REPRESENTATIVE PICKETT: Mr. Solomons had an explanation about—in two places—the Motor Vehicle Division being put under Licensing and Administrative Procedures and Transportation Committee. Even though last session we separated it out, and it sounds like some of that might go to Licensing, we didn't split up what the Department of Motor Vehicles does, since it has all those same functions, and there is a correlation with the registration and also with the auto dealers. This amendment would just basically leave it the way it is, and all of that would stay under the Transportation Committee as far as what the Department of Motor Vehicles does. There is occasion that—for instance, if there is a bill that—in the past, I have seen files that have to deal with amounts of money dealers can charge for all of that paperwork that your constituents pay, and those bills still have other areas that they can go. I have seen them go to Business and Industry, so it wouldn't affect anything like that, but this would keep the Department of Motor Vehicles in whole under one substantive committee because, as it is written, it doesn't split out any duties. I don't know if that is acceptable to the author or not?

SOLOMONS: It's acceptable to me. I don't have any issues with that. In part, we stuck that under the Licensing and Administrative Procedures because it had the word "automobile" or "licensing", but it's okay with what we're doing. I'm okay with it if the house is okay with it. It's acceptable to the author.

Amendment No. 2 was adopted.

(Speaker in the chair)

REPRESENTATIVE TURNER: Just for a quick question—on the Government Efficiency and Reform Committee, when it says the jurisdiction over all matters pertaining to Sunset Advisory Commission, the Sunset bills will still be going to the committee of their jurisdiction, correct?

SOLOMONS: Yes, sir. That's what how we have it in the bill now. The only idea was—in fact, Sunset was created, as you well know, back in the '70s, and we've had some members have some concern about Sunset processing or about how we do business dealing with Sunset bills. And Mr. Callegari asked, and it seemed to make sense, to put their jurisdiction for looking at those kinds of bills that might be filed, because I understand some members may be filing those bills, so we did

it for that purpose. But the bills for Sunset—for example, State Affairs, a variety of bills, that on the subject matter we haven't changed any of that. There may or may not be an amendment that somebody wants to propose about that, and I would probably be against that, but at the end of the day, what we have under consideration right now is that the idea of the Sunset Advisory Commission process, State Affairs would continue to have overlapping jurisdiction in some way with that.

TURNER: Okay, so all of the Sunset bills that are being filed will go to the existing standing committees?

SOLOMONS: That's my intent, and that's what I think the resolution still allows for.

TURNER: It does allow?

SOLOMONS: I believe so.

TURNER: So the bill dealing with PUC, the Sunset bill for example, will go to State Affairs?

SOLOMONS: Yes, right. I would not want an amendment where all Sunset bills went to one committee. So this was suggested by the parliamentarian, and others, on these kinds of issues about dealing with the Sunset Advisory Commission as a process, then in particular that could go to that committee. It's a referral point versus it coming to the State Affairs.

TURNER: Give me an example of a bill that will go to the Government Efficiency and Reform Committee dealing with the Sunset process that would not be going to its existing standing committee, as in the past.

SOLOMONS: Mr. Elkins has been concerned about how the Sunset Advisory Commission and how we deal with Sunset Advisory Commission bills. That's a process matter of not only how the Sunset Commission issues their recommendations and in what format and how legislation is drafted, but also how this house floor or how this body actually considers those bills or that process. So that's the intent of that.

TURNER: So the subject matter would go to the existing standing committee?

SOLOMONS: That's my intent, and I believe that's what it does, yes. The answer to your question is yes.

REPRESENTATIVE EILAND: Mr. Solomons, over on page 161 is where we change so that amendments to all Sunset bills must be laid out 24 hours in advance, correct?

SOLOMONS: I believe so. Let me get to it, 161?

EILAND: That's top of page 161, line 1.

SOLOMONS: Let me find it—I believe that's what it does, yes. Yes, sir, we doubled it from 12 hours to 24.

EILAND: Okay, but Sunset bills still have the same layout period as all other bills under Rule 6, Section 16(a), which is a 36-hour layout. The only concern that I have—

SOLOMONS: But you're going to know about those Sunset bills moving through the process, so you're going to have greater opportunities to see that bill versus just finding out about it in that 36-hour period.

EILAND: Right, so let's say, for example, a Sunset bill gets kicked out of committee on a Wednesday and we leave on Thursday. The Calendars Committee calls a meeting Sunday night at 7 o'clock and sets the calendar. By the time we come back on Monday morning, it may be too late to offer a Sunset—

SOLOMONS: You're going to get notifications of it electronically, knowing when it gets kicked out of committee, when it became an item eligible, when it gets on the calendar, and when it does get set, then you're going to have time to file your amendments to do that.

EILAND: The point being, from now on, with Sunset bills, you've got to prepare your amendments as soon as that bill is kicked out of committee as opposed to being set, because oftentimes the calendar will be set on a Sunday night and you show up Monday and if you're not paying attention, you're not going to be able to offer an amendment.

SOLOMONS: Well, you're going to know about it in advance, number one, but number two, when the bill becomes eligible, that's when your time frame starts running, if I understood the rules.

EILAND: When it becomes eligible?

SOLOMONS: Well, when it's set on the calendar, when you know it's going to come up on the floor, you have that time frame to get your amendments in beforehand, and then hopefully work those amendments out. We're actually both correct, according to the parliamentarian.

EILAND: Correct, so my only point being is that when the bill comes out of committee and it's sent to calendars, we're going to be notified at that point in time?

SOLOMONS: Absolutely.

EILAND: Now that may be several days before the calendar committee actually meets?

SOLOMONS: Right.

EILAND: And so, once the bill is actually set on the calendar, I think what Mr. Gallego—the note he put in front of me, you actually only have 12 hours when from when it's actually set, right?

SOLOMONS: Correct. I think that's correct?

EILAND: It is.

SOLOMONS: I believe you. Mr. Eiland, what we are going to do is sort of flush that out right now and possibly do an amendment that would allow no less than 24 hours versus 12 hours. Although, what we are already doing, to defend what we were doing, is that we can talk about, well, what if you missed it, but at the end of the day you're going to have the 36 or even greater periods of time, plus now 12, plus maybe even another 12.

EILAND: Yeah, and I'm not opposed to what you're trying to do. I'm making sure that everybody understands that the time you really need to prepare your amendments to a Sunset bill is when it gets out of committee.

SOLOMONS: And one of the things, why we did it this way, too, is that I would anticipate—and we had this discussion, if you recall in the working group, I don't know if you were there at that time—but the idea that we have some Sunset bills that are like major bills. I mean, you and I could probably run off about eight or 10 of them right now that are big ones, and then we have a whole bunch of them that aren't. Unless you just happen to be paying attention to that particular bill for some reason, or for some group, or for someone that, what difference does it make if it's 12 hours, or you're already going to know, but the idea on the larger bills—we wanted one rule applicable to all the bills, so we thought that by this process of delivery that you're going to get even more advance notices to that. Mr. Gallego is working diligently with someone about amending that particular provision; allow 24 hours instead of 12. It will end up being a separate amendment.

REPRESENTATIVE DUKES: Representative Solomons, in the rules, you put a lot of weight on the reliability of the electronic posting and the receiving of the information through the e-mails. Do the rules speak to what will occur if it is an unreliable system, where we are unable to receive by electronic posts or the e-mail system goes down? It's not out of the question, it has happened.

SOLOMONS: Well, I would assume it would fall back to when we could get it to you because we'd have to notify—

DUKES: What if it was one hour?

SOLOMONS: Well, you're right, if something went down for a 24-hour period—which I don't know, it's not usually that long. Let's say it's a couple hours, or an hour, still, it's when it actually comes back up and posted, we're not going to be running time frames when something can't be sent out.

DUKES: Do the rules speak specifically to—

SOLOMONS: No.

DUKES: Okay, the rules need to, because otherwise you are establishing a means by which there's a question on when it is received, and a point of order on every measure that comes before the body, because we are now depending on the electronic format as opposed to a hard copy.

SOLOMONS: You're correct, and I don't believe that the rules actually address what happens if it goes down. We've done this last session; we had 86 members dealing with this. I don't know if it was a problem; our office didn't seem to have

a problem. I never heard any complaints, I don't know if anybody else did. You're right, the resolution doesn't say, "Oh my God, what happens if for some reason it went down for two hours?"

DUKES: I mean, if our emergency backup systems that we had over in East Texas of all of our Medicaid programs could go down, clearly there are hackers who could find a way to bring down our entire system here in the house of representatives.

SOLOMONS: Well, I would think that if we couldn't do it, nothing would run until you could actually get it up and posted.

EILAND: Mr. Solomons, I think that maybe the amendment would take care of it, but the second part of my concern would be if the chief clerk set a calendar at 7 o'clock or 6 o'clock on a Sunday evening, how late are they going to be open for us to be able to file those amendments before 7 a.m. the next morning?

SOLOMONS: Probably no different than what we do now, which seems to have worked for the most part, as far as I can tell. You know, I can't—in one sense, you can take the rules literally, and in another sense, you can't anticipate everything, but at the end of the day, you and I both know that they go home at some point.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Christian offered the following amendment to **HR 4**:

Amend **HR 4** as follows:

(1) Strike Rule 1, Section 4 (page 2, line 24 through page 3 line 2) and substitute the following:

Sec. 4. REFERRAL OF PROPOSED LEGISLATION TO COMMITTEE. All proposed legislation shall be referred by the speaker to an appropriate standing or select committee with jurisdiction, subject to correction by a majority vote of the house. A bill that mandates an identification requirement as a prerequisite to voting in an election must be referred to a committee of the whole house. A bill or resolution may not be referred simultaneously to more than one committee.

(2) In Rule 3, Section 12 (Committee on Elections), strike Subdivision (2)(page 30, line 17) and substitute the following:

(2) primary, special, and general elections, except that a bill that mandates an identification requirement as a prerequisite to voting in an election must be referred to a committee of the whole house;

REPRESENTATIVE CHRISTIAN: Members, this is that an emergency bill has been declared by the governor or by the lieutenant governor, and I believe that it is only appropriate that we consider the bill immediately when it comes over on Voter ID. This calls for us to consider it as a committee of the whole; that keeps it from being delayed by waiting for committees to be appointed, by being assigned to committees, by being several weeks if not a month or so away from considering that. It'll be best to have it debated, since I know there is controversy

on both sides of a very contentious issue, and we do that at the time—we have time to address this issue rather than wait and delay work later in the session, so I move passage.

REPRESENTATIVE FARRAR: So just to be clear, Wayne, what you are saying is that this bill would not be referred to a committee, it would come back to the entire body?

CHRISTIAN: That is correct, we would be a committee of the whole.

FARRAR: So we wouldn't be going through the normal channels, the regular process of vetting these things, and even though it is already an emergency—I consider it an emergency item by the governor—you still want to speed it up even further than that?

CHRISTIAN: No. I want to handle it just like they've handled it in the senate; they're kicking it out as quickly as possible. They are in the process of doing that. If they do so, this then puts it as an emergency item, not an emergency item, but as a committee of the whole; therefore, we don't delay it for several weeks, we get it done now while there is time, and later during the session, as you are aware, we have other issues of importance that we can handle at the regular time and not have this delaying business.

REPRESENTATIVE CHISUM: Wayne, if we do that we then are going to cut out any public participation in the bill. Is that correct?

CHRISTIAN: That's correct.

CHISUM: So you're in favor of cutting out public participation in the bill as it goes through the process?

CHRISTIAN: I believe that the last session or two that we have considered this, Mr. Chisum, the public has expressed their desire. I believe in the last couple of years, it had been more than the public expressing what they desired, and my constituents have brought to me that they have at least made a decision in my area. So I think adequate public participation has been laid in this during the last several years.

CHISUM: Well, and if you use that analogy, then a lot of the bills we have heard in committee and stuff we had just go away, like sunset of Insurance, sunset of TxDOT, and I just think every legislative session ought to stand on its own and we are to give the public an opportunity to come in. And I know we have heard a lot of testimony on this bill, but I suspect that we hadn't heard of all the 25 million people that occupy Texas. So I would be very reluctant to circumvent that process of involving the public as we go forward.

CHRISTIAN: Well, I appreciate that opinion. I disagree, I don't think we really have time for 25 million people to testify.

SOLOMONS: Members, let me just give you a little history about the committee of the whole as I understand it, and I had to actually go to Ms. Thompson to actually make sure I understood this process, about when we had done it in the past. We did it back in the 70s over impeachment, we actually took impeachment

of some judges or members or somebody. We actually went through the committee, and the committee brought it on impeachment matters only to the entire house. Before that it was done in 1929 for, guess what? An impeachment matter that went through the committee that went to the body. So in the context of the institution, it's unprecedented, and I would think that the body would not want to do that in this context over a particular bill, no matter how important it is to most members. We're going to go ahead and get that done.

Representative Solomons moved to table Amendment No. 3.

The motion to table prevailed by (Record 14): 130 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; 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, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman.

Nays — Anderson, C.; Berman; Cain; Carter; Christian; Howard, C.; Legler; Parker; Paxton; Riddle; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Madden; Miller, D.; Zerwas.

Absent — Eissler; Flynn; Frullo.

STATEMENT OF VOTE

When Record No. 14 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

Amendment No. 4

Representative Veasey offered the following amendment to **HR 4**:

Amend **HR 4** as follows:

(1) In Rule 1, Section 4 (page 2, line 24), between "COMMITTEE." and "All", insert "(a)"

(2) In Rule 1, Section 4 (page 3, line 2), between lines 2 and 3, insert:

"(b) The speaker shall refer any legislation extending a state agency, commission, or advisory committee under the Texas Sunset Act to the standing committee having jurisdiction of that agency, commission, or advisory committee under Rule 3. If the legislation extends more than one agency, commission, or advisory committee, the speaker shall refer the bill to the Committee on State Affairs."

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Christian offered the following amendment to **HR 4**:

Amend **HR 4** (adopting House Rules) in Rule 1 by striking Section 18 (page 9, lines 11-14) and substituting the following:

Sec. 18. PLEDGES FOR SPEAKER PROHIBITED [~~DURING REGULAR SESSION~~]. A [~~During a regular session of the legislature a~~] member may not solicit written pledges from other members for their support of or promise to vote for any person for the office of speaker.

CHRISTIAN: This amendment does away with the pledge cards for the speaker of the Texas House. I move passage.

REPRESENTATIVE KEFFER: Why?

CHRISTIAN: Because I believe the voters across Texas expressed their disapproval at that process—that you had people leave the session, a prior session, under the consideration, under the umbrella of what has been experienced in a prior session.

KEFFER: That's a bigger statute, isn't it? Why are we even messing with it here?

CHRISTIAN: Because we can make the rules according to what operates in this house.

KEFFER: But this is, within the house, what we are dealing with here though, right?

CHRISTIAN: That is correct, and we will disallow using pledge cards or for them being asked for at the end of any session for the speaker.

KEFFER: So our word—again, I ask why, because I don't know why this is even here to—you know, this playing a "gotcha" game, we can only take it so far. We have to do our business here in the house. We have to look down the road, not just what we are doing here but also look for the future of this house, too. And again, I don't understand why you want to do this as far as the institution goes and where the process has ever broken down, where this house doesn't really—we are from the district, we are from what we do. You represent your whole district, not just a few. And I think that's one thing we all have to remember as we go forward, also. Again, I don't know why we would have this up at this time.

CHRISTIAN: I believe a lot of the problems that we experienced this past year with the speaker's race that I think brought division where it might not have been necessary, in that was caused by people hearing that they had pledged their vote

prior to full knowledge of what was being accomplished after the primaries. We had an unbelievable change in controlling the legislature, and I believe all the factors were not considered, that pledges were made during a different atmosphere than was the real atmosphere after the election. And for that purpose, I think, to tie somebody to a previous experience, to a vote in the future, is not—

KEFFER: Well, it was a long process, and we saw from the beginning to the end that not that much changed. So again, I think we are creating more problems than we are resolving.

SOLOMONS: Apparently Mr. Christian is going to ask most likely for passage and a record vote. The rules have always been intended for this house body, separate from the speaker's statute, that for the body itself and its institutional history, it's the respect of the members. And I could also talk about individual responsibility and individual commitment that members have to whomever is interested in being speaker, and I'm not sure the house rules need to be involved in that. Quite frankly, I'm not even sure that I like the wording of the amendment, but at the end of the day, it goes to what Mr. Christian thinks about you as members and your ability to do what you need to do or want to do with someone who is running for speaker. I don't think, personally, that that's appropriate—not saying that the public doesn't want—and I think this last election of the speaker kind of showed that it may be changing in how we elect speakers. But the idea of taking and asking you to do this, I would be against that. I don't think it's a place for the rules, and I would move to table.

Representative Solomons moved to table Amendment No. 5.

The motion to table prevailed by (Record 15): 129 Yeas, 13 Nays, 2 Present, not voting.

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

Nays — Berman; Cain; Christian; Howard, C.; Laubenberg; Miller, S.; Perry; Riddle; Simpson; Weber; White; Workman; Zedler.

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

Absent, Excused — Madden; Miller, D.; Zerwas.

Absent — Flynn; Martinez Fischer; Paxton.

STATEMENTS OF VOTE

When Record No. 15 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 15 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

REASONS FOR VOTE

If Amendment No. 5 on **HR 4** had been written differently, allowing no pledge before general elections, I would have supported the amendment. The amendment, as written, would have created an unmanageable situation on the opening day of session. Requiring no pledges before the general election gives two months for the member-elect to meet with constituency and fellow members to make a meaningful and informed decision.

Crownover and Kolkhorst

Amendment No. 6

Representative Veasey offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the permanent rules of the house) as follows:

(1) Amend Rule 2, Section 1, by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The chief clerk shall also provide for the following to be made available on the electronic legislative information system at the same time that the corresponding copies are placed in the members' newspaper mailboxes:

(1) all house calendars and lists of items eligible for consideration; and

(2) the time-stamp information for those calendars and lists; ~~and~~

~~[(2) the time stamp information for all official printings of bills and resolutions].~~

(d) The chief clerk shall also provide for the time-stamp information for all official printings of bills and resolutions to be made available on the electronic legislative information system at the same time that the corresponding copies are provided to each member as provided by Rule 12, Section 1.

(2) Amend the heading to Rule 8, Section 14, to read as follows:

Sec. 14. DELIVERY [~~COPIES REQUIRED~~] PRIOR TO CONSIDERATION.

(3) Amend Rule 8, Section 14(a), to read as follows:

(a) Each [A printed copy of each] bill or resolution, except the general appropriations bill, shall be delivered to [placed in the newspaper mailbox of] each member by making a copy of the bill or resolution available in an electronic format for viewing by the member and, when the electronic format copy of the appropriate printing becomes available, by sending notice of that fact to a Capitol

e-mail address designated by the member, at least 36 hours if convened in regular session and 24 hours if convened in special session before the bill can be considered by the house on second reading. If a member informs the chief clerk in writing that the member desires ~~[prefers]~~ to receive paper copies of bills and resolutions under this section in addition to delivery in an electronic format, the chief clerk shall place ~~[compliance with this subsection may be accomplished with respect to that member by making]~~ a paper copy of the ~~[a]~~ bill or resolution in the newspaper box of the member as soon as practicable after the electronic copies of the bill or resolution are made available for viewing ~~[in an electronic format available for viewing to each member not later than the time a printed copy of the bill or resolution is placed in other members' newspaper mailboxes and, when the electronic format copy of the bill or resolution becomes available, sending notice of that fact to a Capitol e-mail address designated by the member].~~

(4) Amend Rule 12, Section 1, by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) The ~~[If a member informs the chief clerk that the member prefers to receive copies of first printings in an electronic format, the]~~ requirement to provide a copy of a ~~[first]~~ printing to each ~~[that]~~ member may be accomplished by making a copy of the ~~[a first]~~ printing available in an electronic format ~~[available]~~ for viewing by the ~~[to each]~~ member and, when the electronic format copy of the appropriate ~~[first]~~ printing becomes available, sending notice of that fact to a Capitol e-mail address designated by the member. If a member informs the chief clerk that the member also desires to receive a paper copy of printings at first, second, or third printing, the chief clerk shall place paper copies of those printings designated by the member in the newspaper box of the member as soon as practicable after the electronic copies of the printings are made available for viewing.

(e) The provisions of Subsection (d) of this section authorizing delivery of a printing by electronic means also apply to any fiscal note, impact statement, analysis, or other item required by these rules to be delivered or made available to each member as an attachment to or in connection with the applicable printing.

(5) Amend Rule 13, Section 6(b), to read as follows:

(b) A copy of the report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the ~~[printed]~~ copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

(6) Amend Rule 13, Section 10(a), to read as follows:

(a) All conference committee reports must be printed and a copy furnished to each member as provided by Rule 12, Section 1, at least 24 hours before action can be taken on the report by the house during a regular or special session.

LEAVES OF ABSENCE GRANTED

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

Flynn on motion of Berman.

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

Martinez Fischer on motion of Solomons.

HR 4 - (consideration continued)

REPRESENTATIVE VEASEY: This amendment would basically give members the option to get their amendments and bills through the computer, or get them either physically with paper. The amendment that I have would save us about \$451,000, and so I thought that this would be— particularly now that since we are so much in the digital age, even more so than we were two years ago—and it would save quite a bit of money.

SOLOMONS: Marc, I understand what you are trying to do, moving toward a paperless system probably quicker than what we had anticipated doing, even in this session's rules. When do you anticipate—what are your time constraints? Just ensure members would know what they are voting for, because it's nice to go to that, and I'm not necessarily opposing it, but I am wanting to know that you are cutting out distribution pretty much and when those time frames really begin, with, for example, the timestamp information.

VEASEY: I'm not trying to cut out any information at all. What I am trying to do is make sure that when members receive information, that if they want that information, they can still request that they get the information physically to them, and so really nothing would change. What would change is that the house just wouldn't automatically do it, and we could probably save some money that way. Several people would probably still request it physically, but a lot wouldn't and we'd probably save several hundred thousand dollars.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Gallego offered the following amendment to **HR 4**:

Amend **HR 4** in Rule 2, on page 21, following line 22, by inserting a new appropriately numbered section to read as follows:

Sec. . . . PROVISION OF APPROPRIATIONS DOCUMENTS. (a) The Legislative Budget Board shall make available to each member of the house any document that any employee of the board provides to a member of the Committee on Appropriations or to a house member of a conference committee on appropriations bills at the same time that the document is provided to the committee member or conferee.

(b) The Legislative Budget Board shall provide a document described by Subsection (a) to a member, at the member's request, in an open electronic format that is readable, searchable, editable, and in raw data form.

(c) The Legislative Budget Board shall post the information contained in each version of an appropriations bill considered by the house, including a conference committee report on an appropriations bill, in an open electronic format that is readable, searchable, editable, and in raw data form.

(d) A member who manipulates, alters, or otherwise changes data provided to the member under this section may not attribute the changed data as originating from the Legislative Budget Board.

REPRESENTATIVE GALLEGO: Members, this amendment applies essentially—I think the single biggest bill that we will debate, and one of the most crucial issues in Texas, is the appropriations bill. So what this amendment does is three-fold. Essentially, first of all, it requires that every member get copies of the things the Legislative Budget Board is preparing for the Appropriations Committee so that we can each follow along. And we can follow along from our TV sets in the office, you don't necessarily have to be sitting in the audience. So it requires that you follow along, or it gives you the opportunity to follow along, not only through the appropriations process, but all the way through conference so that the documents that the conferees are working with and the documents the conferees are getting, you, as a member of the legislature, would also get that same information so that everybody's working from the same page.

The last issue that is on there is an issue that came up during the interim. I chaired, and had the opportunity to listen as chairman of the Select Committee on Government Efficiency. Many of you members who served on that committee know that when we ask about data on agencies, just raw data, the LBB didn't provide that because they provided that in PDF format so that you wouldn't be able to figure out or move things from one place to another. The challenge for us—you all who served on that committee may remember that we had a young man who was the assistant city manager, a man in Texas, who was talking to us about this opportunity to let the public participate in the budgeting process. And what he told us was that if you put all the information on the Internet, there's going to be somebody who doesn't sleep some, an insomniac somewhere, that's going to come up with some idea to do something. If you put all of your documents and all of your information and the raw data, and you make all of it available to the public, then you give the public the opportunity to come forward and talk to you, and send you ideas, and those kinds of things.

So what this does is it allows you to have the raw data so that you can put it in a spreadsheet and put it into your office, much like you do redistricting. You can draw the lines and move the lines around, you can see what it would look like. It gives you the same opportunity with the financial data, to move it around. If you were to do this and move money from Article I to Article II, what would it look like, if you move Article II to Article III, what would it look like. Those are the kinds of things that this rule would allow, and I move adoption of the rule.

REPRESENTATIVE PITTS: Tell me exactly what you're asking for here. You've been on Appropriations before and you know how it works, where we may ask, in the middle of the night, LBB to furnish something just to see if we do this, what happens. Are you asking that everything that we ask LBB to—

GALLEGO: I would not want—to be clear, this amendment would ask, essentially, for personal correspondence, but information that is provided to the committee as a whole as it goes through the process. For example, as the committee receives data on public schools and the number of school kids that are in the state, and what the formula would look like, that data would be shared. Whatever the official communication would be between the committee and the LBB, all of those documents would be shared with the members.

PITTS: So every time the chairman of the Subcommittee on Education asks the LBB to furnish on a program or for TEA and he asks: "Let's see what that does to individual school districts?", you would want that to go to other members?

GALLEGO: If you look at this rule on line 12, it says "the Legislative Budget Board shall provide that document at the member's request." In other words, if I want to see that document, then you have to show it to me. Because what happens right now, as I indicated in my experience over the interim, was, you ask for those documents and the LBB says "you're not on the LBB so we can't show them to you." Or the LBB says "you're not in Appropriations so you're not entitled to that data." What this says is that if a member wants that information, and it's very clear about that: "shall provide a document at the member's request." So if you're not interested in it, you don't get it. It's not requiring the LBB to give everybody everything so that your e-mail is constantly overflowing, but if that member wants it, then that member is entitled to have it. It's an informational thing for those members who want to follow the process. It gives those members an opportunity to follow the process.

PITTS: So every run that Scott would ask LBB to do, every single run that may not have anything to do with the final product, you want the member to ask for it?

GALLEGO: Sorry, would you repeat the question?

PITTS: So every single run that Scott Hochberg would ask LBB to run, even though it may just be something he came up with in the middle of the night, a proposal, you'd want that to be available? Even though we weren't going to have anything to do with it?

GALLEGO: If a member wanted to follow the process, then he is entitled, or she is entitled, to follow the process. What happens now, which, as you may know, is members not in Appropriations may go and either sit at their desks or go sit in the crowd and they can't really follow along because they don't have access to the same information that the committee members have. What this does—if you want it, a member doesn't have to ask for it—if a member wants it, then that member should be entitled to it.

PITTS: I don't think the amendment says that option.

GALLEGO: My understanding, as I read the amendment, it says in (a), "the Legislative Budget Board shall make this available to each member of the house". In (b), it says that it shall provide the document to the member at the member's request. In (c), it says the budget board shall post the information contained in each version of the bill, including the conference committee reports, in an open

electronic format. In (d), it says if I or any member who manipulates authors or otherwise changes the data may not attribute the changed data to originating from the LBB. So nothing can have an LBB seal on it if you changed the data.

PITTS: What committee were you on last session?

GALLEGO: The committee that I have experience on is the Select Committee on Government Efficiency.

PITTS: You were chair of Criminal Jurisprudence, is that correct?

GALLEGO: Yes. This came up during the interim, when I was chair of Government Efficiency, when we were charged with looking for ways to make government more efficient. It was pretty hard to make government efficient when you couldn't figure out what the government was spending money on in the first place.

PITTS: During last session, were members having problems accessing information on any committee that you chaired?

GALLEGO: As I indicated, the issue for me was during the interim, as chairman of the Select Committee, when we asked for information from the LBB, the LBB didn't give it. And the LBB said they wouldn't give it because I wasn't a member of the LBB, even though I was chairman looking into government efficiency. All we're doing is making information public. Right now the LBB is only constituted by so many members, and what we're saying is that if you want this information, you can have it. If you don't want to follow along, that's entirely your prerogative, but if you want the information, you should be entitled to have it.

REPRESENTATIVE HARDCASTLE: It says the information will be available in "open electronic format". What is the definition of "open electronic format"?

GALLEGO: For example, if you are talking about the appropriations bill, you don't have to read the whole thing. You can punch in a keyword. For my generation and for yours, it might be a little harder to explain, but for younger folks, it's essentially a given that when you're talking about "searchable", you're talking about being able to use keywords and being able to zero-in on what you want as opposed to having to read the whole document.

HARDCASTLE: I understand that. My question, and I appreciate you acknowledging that you and I are old, is how confusing is it going to be to the public, when we start having all runs that are put through the LBB during any school finance debate or any formula change?

GALLEGO: Mr. Hardcastle, I will tell you three things. The first is, I think you underestimate the intelligence of the public because I don't think you confuse the public by giving them more information. The more information they have, the better decisions they make. Number two, I will tell you that all the runs done by the TEA are already public documents. This doesn't make any change in terms of what a member would or wouldn't get. The big change is the raw data.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Veasey offered the following amendment to **HR 4**:

Amend **HR 4** as follows:

(1) In Rule 3 of the bill, Section 30, page 42, lines 19 and 20, after the word "matters" add ",including compliance with the Voting Rights Act, 42 U.S.C. §1973,"

(2) In Rule 3 of the bill, Section 30, page 42, line 27, strike "and"

(3) In Rule 3 of the bill, Section 30, page 43, line 1, strike "." and substitute ".,"

(4) In Rule 3 of the bill, Section 30, page 43, between lines 1 and 2 add the following:

(5) establishing rules and procedures that comply with the Voting Rights Act, 42 U.S.C. §1973; and

(6) developing a legislative record that complies with the judicial or administrative preclearance standards under Section 5 of the Voting Rights Act, 42 U.S.C. §1973.

(Truitt in the chair)

VEASEY: All this amendment says is that when doing the redistricting, we will comply with the Voting Rights Act, and to make sure that we are following all of its guidance to make sure that whatever map we pass is legal. Move passage.

SOLOMONS: Regarding Mr. Veasey's amendment involving redistricting and the Voting Rights Act, I'm not sure, in the rules, if we need to be putting that in there. I understand what he's saying, and I think every member here wants to abide by and be supportive of the Voting Rights Act. On the other hand, I don't know if we want to do anything in connection with what we've already always done on redistricting and go through that process. I worry about something I'm not thinking of, or the members are not thinking of, or Mr. Veasey hasn't thought about in connection with that. So, at this point, I would ask him to withdraw it or leave it to the will of the house. I would oppose it just because I'm not sure what that really means in putting that in our rules. I move to table it on that basis.

VEASEY: Just because of the issues we had last redistricting, and particularly with the justice department, in that particular voting rights section, this basically makes sure we are following that. We have to make sure that everything is lined up properly when it comes to redistricting. Vote no on tabling.

Representative Solomons moved to table Amendment No. 8.

The motion to table prevailed by (Record 16): 93 Yeas, 47 Nays, 2 Present, not voting.

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

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

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

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

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — King, T.; Laubenberg; Peña.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 16. I intended to vote no.

Allen

When Record No. 16 was taken, I was in the house but away from my desk. I would have voted no.

T. King

(Harper-Brown in the chair)

Amendment No. 9

Representatives Truitt, Menendez, and J. Davis offered the following amendment to **HR 4**:

Amend **HR 4**, in Rule 4, Section 20 (Committee on Human Services) as follows:

(1) On page 35, line 25, strike "mental retardation" and substitute "intellectual disabilities [~~mental retardation~~]".

(2) On pages 35, line 27, through page 36, line 1, strike "mental retardation" and substitute "intellectual disabilities [~~mental retardation~~]".

REPRESENTATIVE TRUITT: On pages 35 and 36 there are two references to the jurisdiction of the Human Services Committee. Members, the term "mental retardation" has become hurtful and out of date in Texas and across the country. You will see legislation in this session which will direct language in statutes as they are revised or introduced, to reference, rather than "mental retardation", intellectual disability. This simply begins the process by amending our rules to reflect respectful language. The amendment is acceptable to the author and I move adoption.

Amendment No. 9 was adopted.

Amendment No. 10

Representatives Strama and L. Taylor offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the permanent rules of the house) in Rule 4, Section 2, by striking Subsection (b) (page 50, lines 12-17) and relettering subsequent subsections of that section accordingly.

REPRESENTATIVE STRAMA: It came to my attention today—I didn't know it was in the rules, but it's been there for 20 years—that a member who is the subject of a pending election contest is not granted the privilege of seniority in the consideration of his or her committee assignments. My view is that when we have made the decision to seat a member, that person is, presumptively, a member of the house and ought to get the full benefits of house membership. As we do confer them the right to vote on bills, to serve on committees, it seems arbitrary that they not be allowed seniority in consideration of committee assignments. Furthermore, it's to the detriment of the constituents that they represent, and it's even to the detriment of the member who would succeed that member if the election contest ends up changing the representation. The district benefits from having the seniority considered, and so I move that we strike that provision from the rules, conforming the rules to our statutory consideration that a member is presumptively a member of the house until we have ruled otherwise in subject to an election contest.

SOLOMONS: I am very sympathetic to all of this, but I want to talk a little bit, if you give me just a moment, to the history of all of this. I had to find it out this morning because nobody had brought it up until this morning, so if you will bear with me. Originally this particular amendment, this section, was adopted because a more senior member of the legislature was being challenged and could lose their seat to what then would be a freshman, who would not only have the advantage of committee assignments because of a more senior member's seniority choices, but it could have impacted the seniority choices of all the members below the sitting legislator. So that's why we have it in the rules today. I think this is back in the '80s or before. It's clear right now—we all know, that we have an election contest going on, and under the current rules, the member would not be able to submit seniority committee requests because of being challenged in election contests. It doesn't seem quite fair, but on the other hand, standing committee membership, as you recall, in this house is half-based on seniority.

So if we adopt Mr. Strama's amendment, I just want to you all to know what you're going to be voting on. If we adopt the amendment, the member could use seniority to choose committee assignments and the impact would be lost if that member loses the election challenge. Then the incoming freshman member, replacing the existing member, would receive the committee assignments that were requested by the current member, based on that member's seniority, when the slots of those committees could have gone to anyone of 62 members between that member's seniority and the incoming freshman. So this affects, right now, approximately 62 members. So if you want this amendment, you are interfering with the seniority requests of 62 members, most likely. If we leave it alone, we don't have that issue. So I'm going to leave this to the will of the house because on one hand it seems fair, on the other hand it's sort of what we have in place to

protect those members who are asking for committees based on seniority. So that's all I can tell you at this point.

REPRESENTATIVE PHILLIPS: I just want to make clear that what we vote on here has nothing to do with the pending election contest and which way you votes doesn't really matter, that it doesn't have anything to do with that.

SOLOMONS: It doesn't have anything to do with the election contest. It only interrupts the process of picking committees with seniority or not having seniority, and other members who may not have seniority may not get a seat of their pick because of this amendment. Under the current rules, it doesn't interfere with that.

FARRAR: I wanted to ask you about a scenario you brought up a minute ago about the possibility of the challenger, of them being seated. Can you recall the last time that occurred? My understanding is that it has been a very long time since a challenger has prevailed.

SOLOMONS: Well, I've only been here since '95 and am only aware of two other election contests, maybe somebody could correct me, but I'm only remembering two. One back in '95, when we first came in, Jessica, and one a couple or three sessions ago with Mr. Vo, I think.

FARRAR: The other was, now, with electronic voting, the chances of these elections being overturned are even slimmer, so I just ask you to consider that in the scenario that you laid out.

SOLOMONS: You just never know what the commissioner, or what the master is going to find. You never know what the committee is going to recommend. So just understanding that, we don't know. The history that I know about is what it is. We really need to make a decision, as a body, what we want to do. I really understand both positions. I don't even know, at this moment, how I would vote, but at the end of the day, I would kind of want to lean towards interfering with 62 members, but I also understand the other side of this.

REPRESENTATIVE HUNTER: Members, if you are on the election contest committee, or the master, I'm going to suggest that you white light. I'm not going to make any comments one way or the other on the amendment, but if you're on the committee or the master, I'm suggesting you white light on this amendment.

STRAMA: Burt, thanks for all the work you're doing on this. I know that this is a thankless task you get assigned at the beginning of each session, and I assume it's because somebody thinks you're smart and nobody else wants to do this. Members, this isn't actually about the current contest, this is about what the rules should be for any contest, and a couple of members have pointed out to me, any of us is susceptible to being contested. My first election was contested, so I'm kind of sensitive to the issue. The real point here is—and I understand the point that there are 60 some members who would advance up one slot in seniority if the member whose contest election is currently being contested gets penalized by being deprived of her seniority—but that isn't going to change your committee assignment. To those 60 some members, that slot is not worth treating a member

here, who has the presumption of being duly elected until this body has ruled otherwise, as if he or she did not have the seniority that he or she had accrued. And so if it may be worth one slot in terms of your seniority, it's worth 60 some slots of seniority to that member and the constituents that she represents. I don't want to put it in terms of this particular contest.

REPRESENTATIVE EISSLER: Isn't it true that any election can be contested? So it's not like you won by 37 votes, so that would put undue, extra work on the house. So I think to lean towards the seniority might be a good idea.

STRAMA: Thank you, I agree. It has been raised to me by a few members that any of us could be contested at any time, and at the end of the day, we made the decision, in law, that you get seated and you are a representative until there has been an adjudication of your case by the house that rules otherwise. We'll have the chance to rule on this case. Until then, our law treats any member who is being contested as a member. That's how it should be, no matter whose election is being contested. I move adoption of the amendment.

Amendment No. 10 was adopted by (Record 17): 99 Yeas, 29 Nays, 12 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Branch; Burkett; Burnam; Button; Cain; Castro; Coleman; Cook; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Hughes; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Lozano; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman.

Nays — Berman; Bohac; Callegari; Carter; Chisum; Christian; Craddick; Fletcher; Frullo; Howard, C.; Huberty; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Margo; Parker; Perry; Price; Riddle; Schwertner; Sheffield; Shelton; Simpson; White; Zedler.

Present, not voting — Mr. Speaker; Bonnen; Eiland; Giddings; Guillen; Harper-Brown(C); Hartnett; Howard, D.; Hunter; Kolkhorst; Lewis; Smith, W.

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Allen; Brown; Crownover; Miles; Patrick.

STATEMENTS OF VOTE

When Record No. 17 was taken, I was in the house but away from my desk. I would have voted yes.

Allen

When Record No. 17 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 17 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

When Record No. 17 was taken, I was in the house but away from my desk. I would have voted yes.

Patrick

Amendment No. 11

Representative Hochberg offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the permanent rules of the house) in Rule 4, Section 20 (page 61, between lines 13 and 14), by inserting a new Subsection (g) to read as follows:

(g) The chair may recognize a witness who has been invited by the committee to attend the meeting but is not present in the same physical location as the committee to testify before the committee through an Internet or other videoconferencing system if:

(1) the witness has executed a sworn statement under this section;
(2) the witness has filed the statement or an electronic copy of the statement with the chair before testifying; and

(3) two-way communication has been enabled to allow the witness to be clearly visible and audible to the committee members and the committee members to be clearly visible and audible to the witness.

REPRESENTATIVE HOCHBERG: This amendment should be noncontroversial; I believe it to be. Over the interim, Mr. Branch and I held a joint hearing where we brought in an expert witness from out of state without actually bringing him in physically. We brought him in by Skype, and we had a great video conversation. The problem is that the rules are silent as to whether that was legal if that had been on a real bill, and what procedures were necessary to allow us to do that. This amendment just clarifies that, and just basically says you can video conference somebody in if they have executed the sworn statement prior to testifying, if they have filed it, and if you maintain two-way conversation between the two. It is acceptable to the author, I believe. I move adoption.

Amendment No. 11 was adopted.

(Speaker in the chair)

Amendment No. 12

Representative Veasey offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the permanent rules of the house) by adding a new section to Rule 4, Chapter C, to read as follows:

Sec. 27A. LAYOUT REQUIRED FOR REDISTRICTING BILL. (a) This section applies only to a bill that proposes districts used to elect state representatives or senators, members of the State Board of Education, or members of the United States House of Representatives from Texas for which:

(1) a complete substitute is proposed; or
(2) individual amendments are adopted to the original bill or a previously proposed complete substitute that in the aggregate cause changes to more than half of the districts in the original bill or proposed substitute.

(b) A committee may not take final action to report a bill to which this section applies until 24 hours after, as appropriate:

(1) a complete substitute is laid before the committee; or
(2) the final amendment to the bill or a previously proposed complete substitute is approved by the committee.

VEASEY: Members, this is another redistricting deal, and basically this will allow for the map to be put out in public 24 hours before so members aren't surprised by what may come through the redistricting committee here. There has been a lot of talk about districts in rural Texas being completely eliminated, districts being combined, and I'd hate for somebody have their district, whether it's congressional, house, or state senate, and have it eliminated or have a certain geographic area not have as much clout as they have now. This amendment would just give us 24 hours to look at these maps, just so there is a better opportunity for public participation. If the author doesn't have a problem, I move passage.

SOLOMONS: I don't want to really speak against it, but I do have some concerns. I would probably, if we have to have a vote on it, I'm going to vote against it, but it's really not just that. I believe that anything we do in the rules involving redistricting has got consequences. I don't think we need to do it, and I do think that, with all due respect to my good colleague and friend, I think this amendment could slow down the redistricting process. For members who haven't been here before, you really don't want to be doing that. When we usually have issues, it gets out on the floor, it's posted, we have issues on the floor, and we resolve those issues. It's not that I want to be against something like this, but I don't think we want to do it in the rules.

VEASEY: I'm going to close quickly. Like I stated earlier, with all of the changes that are expected, there is talk about rural Texas losing clout. There have been talks about even certain urban areas in the metroplex, about maybe even losing one or two seats and certain areas gaining seats. Just in case someone's area or district is adversely affected, we just want to make sure folks have plenty of time to address that problem. I move passage.

Amendment No. 12 failed of adoption by (Record 18): 44 Yeas, 97 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson;

King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Turner; Veasey; Villarreal; Vo; Walle.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Guillen; McClendon; Thompson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 18. I intended to vote yes.

Deshotel

When Record No. 18 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

When Record No. 18 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

Amendment No. 13

On behalf of Representative Rodriguez, Representative Veasey offered the following amendment to **HR 4**:

Amend **HR 4** in Rule 4, Section 33, as follows:

(1) On page 69, line 23, insert the following immediately before the period: "including the potential job creation or job loss in the private sector attributable to the government spending or statutory mandates authorized by the measure".

(2) On page 70, line 4, insert the following immediately before the period: "including the potential job creation or job loss in the private sector attributable to the government spending or statutory mandates authorized by the measure".

VEASEY: Mr. Rodriguez had to step out for a second, so he asked me to lay out his amendment. You may have read the paper last week where Ray Perryman, who has done a lot of work for the state as related to jobs and the economy, said that for every single job lost in the public sector, we can expect a negative impact

of one-and-a-half jobs lost in the private sector. This amendment would require bills that have been scheduled for a hearing to include an estimate of private sector jobs that are gained or lost as a result of any budgets that we may pass. I move passage.

SOLOMONS: In all due respect to Representative Rodriguez and Representative Veasey, this has to do with fiscal notes, and the LBB is going to be speculating on some of this, and they are probably not going to be able to do it, and if they could do it, they would probably have to farm it out. I just think it slows down the process.

Representative Solomons moved to table Amendment No. 13.

The motion to table prevailed by (Record 19): 98 Yeas, 38 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Deshotel; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Martinez; Menendez; Miles; Miller, S.; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Veasey; Villarreal; Vo; Walle; White.

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

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Dukes; Geren; Kolkhorst; Marquez; McClendon; Peña; Thompson.

STATEMENTS OF VOTE

When Record No. 19 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 19 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

When Record No. 19 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 19 was taken, my vote failed to register. I would have voted yes.

Marquez

When Record No. 19 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. 19. I intended to vote yes.

S. Miller

When Record No. 19 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

When Record No. 19 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

I was shown voting no on Record No. 19. I intended to vote yes.

White

Amendment No. 14

Representative Cain offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the permanent rules of the house) in Rule 4, Section 33, by striking Subsection (c) (page 70, lines 5-16) and substituting the following:

(c) In preparing a fiscal note, the director of the Legislative Budget Board may utilize information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. If the director determines that the fiscal implications of the measure cannot be ascertained, the director shall so state in the fiscal note and shall include in the note a statement of the reasons the director is unable to ascertain the fiscal implications of the measure, in which case the fiscal note shall be in full compliance with the rules. If the director of the Legislative Budget Board is unable to acquire or develop sufficient information to prepare the fiscal note within 15 days of receiving the measure from the chair of a committee, the director shall so state in the fiscal note and shall include in the note a statement of the reasons the director is unable to acquire or develop sufficient information, in which case the note shall be in full compliance with the rules.

REPRESENTATIVE CAIN: This is a simple amendment. It ensures that we have the information we need to make important public policy decisions.

REPRESENTATIVE P. KING: Mr. Speaker, I'm sorry, it's been a while, I can't remember—is it on their first amendment or is it on their first bill that we really harass the freshmen? It's just been so long.

SPEAKER STRAUS: It's up to you, Mr. King, but traditionally it's on the first bill.

P. KING: Sir, would it be inappropriate to do it both times?

SPEAKER: In this case, you're welcome to it.

P. KING: Okay, sir.

CAIN: Folks, if the Legislative Budget Board can't ascertain a fiscal note or is unable to acquire or develop sufficient information, then it is important—

KEFFER: Do we have to know, when we're making an amendment, what actually an agency or group in the government does?

SPEAKER: Mr. Keffer, there is an amendment up here to that effect, but we haven't got to it yet.

KEFFER: Is that right? So he ought to wait until that one comes up and then maybe come up and do this amendment, is that right?

SPEAKER: Mr. Cain is doing just fine, and he's getting a little help now.

KEFFER: We can't see the guy in the middle now. Oh, there he is, I see him now. Why is he red? Is his blood pressure—do we have a defibrillator or whatever you call those things around here somewhere? Somebody give him a footstool.

SPEAKER: Thank you, Mr. Keffer.

CAIN: At the risk of staying at the microphone much longer than I would like, I would like to finish my presentation. I move adoption.

SOLOMONS: When I told Representative Cain it was going to be acceptable to me, I did leave out this factor as far as his understanding what he was going to endure. Quite frankly, he got it out of the way early, but it's the easiest thing he is going to do all session. It is acceptable to the author.

Amendment No. 14 was adopted by (Record 20): 136 Yeas, 2 Nays, 1 Present, not voting.

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

Martinez; McClendon; Menendez; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

Nays — Beck; Garza.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Branch; Burnam; Deshotel; Hardcastle; Miles; Peña.

STATEMENTS OF VOTE

I was shown voting no on Record No. 20. I intended to vote yes.

Beck

When Record No. 20 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

I was shown voting no on Record No. 20. I intended to vote yes.

Garza

When Record No. 20 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

When Record No. 20 was taken, my vote failed to register. I would have voted yes.

Peña

Amendment No. 15

Representative Villarreal offered the following amendment to **HR 4**:

Amend **HR 4** (proposing the rules of the house for the 82nd Legislature) as follows:

(1) In Rule 4, Section 34, page 71, between lines 4 and 5, insert the following:

(a-1) The chair of the appropriations committee shall send a copy of the general appropriations bill to the Legislative Budget Board for the preparation of a dynamic economic impact statement, specifically including the number of state employees to be affected and the estimated impact on private-sector employment in Texas as a result of any change in state expenditures made by the bill as compared to the biennium preceding the biennium to which the bill applies.

REPRESENTATIVE VILLARREAL: This amendment should be noncontroversial. I've taken it to Mr. Solomons, ran it by Representative Chisum, gotten some feedback to improve it so that it doesn't delay the budget

process. We've eliminated a section so that this impact statement can be analyzed on the budget. Let me explain what I'm trying to accomplish here. Last legislative session, we authorized the LBB to do a dynamic economic impact analysis on all fees and tax bills. What I'm proposing is that same analysis be done on the budget. We adopted the act last session unanimously, the LBB has it in its authority. If it is not for some reason able to perform this impact analysis, they can simply state so and that thereby completes their analysis, and so that ensures that this does not slow down the budget process.

Amendment No. 15 was adopted.

(S. Miller in the chair)

Amendment No. 16

Representative Burnam offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the rules of the house) as follows:

On page 87, line 17, between "tie" and the period, insert "except that no tie shall be required between Memorial Day and Labor Day".

REPRESENTATIVE BURNAM: This is a really very simple amendment, and I have named this amendment in honor of Governor Bill Clements. This is the Bill Clements "Let Our Necks Free" amendment for the summer. As many of you may know, if you followed Texas History, Governor Clements did a proclamation in the summer of 1987 saying that, "You know, it's really a waste of energy the way we air-condition our state buildings, and men should not be required to wear ties," and if you'd like a copy of the proclamation, I would be glad to provide you with a copy. The point of this amendment is if we have to go into special session this summer, the dress code would exempt men from having to wear ties. It would only be for the period from Memorial Day 'til Labor Day, and if we get our work done, we won't have to worry about this amendment.

REPRESENTATIVE L. TAYLOR: Lon, isn't it true that this amendment would actually be an advantage to the female members of the legislative body, as well?

BURNAM: Actually, I had the female members in mind as much as my own personal interest, and that is, it would make it easier for them to not have to take a blanket to the floor because we wouldn't have to crank that air-conditioning up so much during the summer.

L. TAYLOR: That's great. Thank you, I think it's a great amendment.

BURNAM: Thank you, Larry. I'm thinking it may almost be acceptable to the author.

REPRESENTATIVE C. HOWARD: You know, you say we don't have to wear a tie—are we still going to have to wear a coat? Because air-conditioning really relates to the coat more than the tie, so how does that affect our coat?

BURNAM: Mr. Howard, I was trying to take the moderate course here, and while I don't like ties at all and would prefer not wear them ever, I can understand why certain people would like to see us wear ties during the regular session for decorum purposes. But if we are forced into a series of special sessions this

summer and you want to offer an amendment to say we don't have to wear ties or jackets, you can not wear a jacket. I would like the freedom. I don't want government intervention in my personal lifestyle decisions. I would like the freedom to choose not to wear a tie this summer.

C. HOWARD: Well, I think we are a more professional organization than that and if you need a tie, you'll see Representative Hopson over here, I know he will provide you one.

BURNAM: I've got plenty of ties, I just don't like "weryin" them. "Werying" them? Wearing them.

STRAMA: You know that I represent Austin, Texas, and my constituents want to know, do we also have to wear shoes?

BURNAM: I am not prepared to discuss that item of business at this time.

SOLOMONS: Mr. Speaker and members, loathe me to be opposing, you know, the tie issue. I know that several members here would love to wear flip-flops and shorts, as well. We've always maintained some degree of decorum. I am not going to oppose Mr. Burnam's amendment, but I am going to leave it to the will of the house and ask y'all to vote either up or down on whether you want to adopt this amendment.

Amendment No. 16 failed of adoption by (Record 21): 25 Yeas, 110 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, R.; Burnam; Castro; Eiland; Elkins; Farrar; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Larson; Mallory Caraway; Miles; Paxton; Quintanilla; Taylor, L.; Villarreal; Vo; White; Workman.

Nays — Allen; Anchia; Anderson, C.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Farias; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; McClendon; Menendez; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Walle; Weber; Woolley; Zedler.

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

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Brown; Davis, J.; Kuempel; Laubenberg; Naishtat; Oliveira; Riddle; Rodriguez.

STATEMENT OF VOTE

When Record No. 21 was taken, I was in the house but away from my desk. I would have voted no.

Kuempel

Amendment No. 17

Representative Gallego offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the permanent rules of the house) in Rule 5, by striking Section 34 (page 94, lines 6-11) and substituting the following:

Sec. 34. ELECTRONIC RECORDING OF ALL HOUSE PROCEEDINGS.

(a) all proceedings of the house of representatives shall be electronically recorded under the direction of the Committee on House Administration. Copies of the proceedings may be released under guidelines promulgated by the Committee on House Administration.

(b) Archived video broadcasts of proceedings in the house chamber that are available through the house's Internet or intranet website may, under the direction of the Committee on House Administration, include a link to the point in time in the video where each measure under consideration by the house is laid out. Such a link shall be provided as soon as the committee determines is practical.

GALLEGO: This particular amendment would allow House Audio-Video to essentially tag the broadcast of our proceedings so that you can go directly to a link for each bill as opposed to having to search the whole day. It's "may" as opposed to "shall", and it allows the House Committee on Administration to do that when they determine it's practical, and I believe it is acceptable to the author.

Amendment No. 17 was adopted.

Amendment No. 18

Representative Burnam offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the rules of the house) in Rule 5 by inserting the following new section:

"Sec. 12A. ADMITTANCE TO BACK HALL. During the consideration of any calendar, the sergeant-at-arms shall not admit any person who is required to register under Chapter 305, Government Code, to the hallways behind the hall of the house of representatives or behind the house gallery, or to the rooms adjacent to those hallways. This section does not prohibit admittance of those persons to:

(1) the speaker's apartment or the individual offices of the speaker and the speaker's staff;

(2) the back hall immediately behind the house gallery when that area is open to the public; or

(3) an area to which the person is otherwise denied admittance by this section if admittance is only for the purpose of traveling to or from an elevator."

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Gallego offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the rules of the house) on page 99, line 22, by striking "; EFFECT OF APPROVAL OF BILL OR JOINT RESOLUTION WITHOUT OBJECTION".

GALLEGO: Members, this is an entirely technical amendment. Potentially, it deletes a title that should have already been deleted the last time around but didn't get caught in the editing. So it's an entirely technical amendment, and I believe it's acceptable to the author.

Amendment No. 19 was adopted.

Amendment No. 20

Representative Gallego offered the following amendment to **HR 4**:

Amend **HR 4** in Rule 6, Section 16(a) (page 114, line 6), immediately following the sentence that ends with "regular session.", by inserting the following: "A calendar that contains a bill extending an agency, commission, or advisory committee under the Texas Sunset Act must be posted at least 48 hours if convened in regular or special session before the calendar may be considered by the house."

GALLEGO: Members, very early on in this process we came to a question about the layout, and Representative Eiland raised an issue of the calendars being printed 36 hours in advance. An amendment would have to be filed 24 hours in advance. So essentially, on a Sunset bill, you only have 12 hours to read it and decide if you want to offer amendments and have the amendments drafted and file them. So what this does, if you'll recall our earlier conversation during the day, is it gives an additional 12 hours for the drafting of those amendments and still preserves the ability of the author of the Sunset bill to have at least 24 hours to read all of those amendments. And I believe it is acceptable to the author.

Amendment No. 20 was adopted.

Amendment No. 21

Representatives D. Howard and Coleman offered the following amendment to **HR 4**:

Amend **HR 4** (proposing the rules of the house for the 82nd Legislature) by adding the following appropriately designated subsection to Rule 8, Section 21 (following page 152, line 12):

() Prior to the consideration, passage, and certification by the comptroller of the general appropriations bill, it shall not be in order for the speaker to lay before the house any bill or joint resolution, other than a bill on the local and consent calendar, if the bill or joint resolution requires a local government to establish, expand, or modify a duty or activity that requires the expenditure of the local government's revenue or funds. At any other time, such a bill or resolution

shall not be in order unless the bill or joint resolution provides that the requirement on the local government applies only if the expenses to the local government incurred to comply with the requirement are:

(1) fully paid or reimbursed by:

(A) appropriations authorized by the constitution of this state; or

(B) a source of revenue other than funds of the local government;

or

(2) at least compensated for by savings to the local government that will result from implementation of the bill.

REPRESENTATIVE D. HOWARD: Members, this amendment addresses unfunded mandates by preventing any bill that creates a fiscal implication to local governments from being considered until after passage of the budget. Once the budget has passed, such a bill can then be considered. Knowing what the budget actually covers, we can then debate the proposed bill and either find funds to cover the costs or find sufficient savings as a result of the bill to cover the costs. Representative Solomons has filed an HJR to amend our constitution to prohibit unfunded mandates, but if his HJR is passed, it wouldn't take effect until January 1, 2012. We need to put something in place now to address the budget that is proposing drastic reductions that will impact our local governments. We certainly don't want to compound the serious budget challenges that our cities, counties, and schools will be facing by saddling them with additional mandates that are not accompanied by the necessary funds to implement those mandates.

SOLOMONS: You know, I've kind of already got the **HJR 56**—oh, by the way, it's over there for cosponsoring in the clerk's office—but on the other hand, this is going into the rules. And the whole point of the amendment that I am proposing, separately from the rules, is that we'll have a chance to go through the debate and discussion of our issues involved in doing what we're doing and making sure it's right. It's hard for me or any member here to be against unfunded mandates, but if for no other reason this bill basically says apparently that you can have unfunded mandates, but you can't have unfunded mandates, depending on which calendar you're on. So, if you read it carefully it says you can't lay before the house any bill or joint resolution other than a bill on a local and consent calendar that has unfunded mandates. At the end of the day, I think there is an inconsistency there that I think could be fixed—the whole point doing it statutorily and/or within the constitution. I have to tell you that this is hard for me because I have the constitutional amendment. But the whole point of that, even though it's future in nature and not retrospective or for this session, is that if you go through that committee process, make sure we do it right, and hopefully make sure we do it so the people of Texas will want to approve it.

Now the one thing I would say on this particular amendment is that at the end of the day all the members in this body—and I think you all ought to recognize this—all the members of this body need to be very cognizant of any bill, whether it's on local and consent or on the general calendar, about unfunded mandates. But I don't know that this is the best place to put it, especially if

Ms. Howard wants to promote a statutory solution to that. I propose a constitutional amendment. But the other point is, we also have the rights in committees to look at mandates under the system, though.

REPRESENTATIVE BRANCH: Mr. Solomons, I agree with you. It seems to me while the intent may be wise here, we're trying to do too much inside the rules. This is like substantive law inside our rules, and even this rule is unclear, because if you take something down, it seems to me that it leaves still a lack of clarity on whether or not you still have an unfunded mandate. So I agree with your idea of while the intent of this author may have been laudable, I think it's trying to do too much within the rules. This is something that we ought to do in statutory law.

SOLOMONS: My preference would be to pull the amendment down, but if the author of the amendment wishes to go forward, I'm just going to ask for an up or down vote. Well, no, I think I'll—you know, I think I'll actually make a motion to table on the amendment, because I don't think it's the right place to put it in this context in the rules, although we all know it's an important issue.

REPRESENTATIVE COLEMAN: You know, and I'm sure this has happened with you, Representative Howard, that you've heard from people here in Travis County and the city of Austin and the school districts, about issues of passing down costs to local governments in that they would absorb a lot of the things that aren't funded at the state level. Is that correct?

D. HOWARD: Absolutely. And, in fact, I'm hearing from our local governments, our schools, our city councils, our county commissioners—we understand that there is going to be severe budget problems here; do not compound that, please, by giving us any more unfunded mandates.

COLEMAN: Right, and as of now, there's a local impact done in the fiscal note, but that doesn't include schools, is that correct?

D. HOWARD: That's correct, and actually, it seems like most of the time when I look at local implications here in the fiscal notes, that typically it says that they don't have that information to give us.

COLEMAN: That's correct. So most importantly, what we want to do is make sure that we're not passing the buck to local governments, and then they have to absorb what we don't fund or do. I think that's why I think this is a very good amendment.

TURNER: Representative Howard, for my clarification, tell me again succinctly what this amendment is intended to do.

D. HOWARD: Well, basically, what it's intended to do is make sure that we don't include any more unfunded mandates before we pass the budget so we can then have an actual discussion about what's available, and then can determine, can we find funds to cover that, or can we find savings that will justify that bill, instead of passing it ahead of time and not having any money to support whatever we're asking the local governments to do.

TURNER: So essentially you're saying that anything that we pass in this legislative session, if we mandated on local governments, if we don't pay for it, we shouldn't pass it.

D. HOWARD: Yes, sir.

TURNER: Right, it has to be paid for here. We can't mandate some local unit to do something that we have not paid for in the appropriations bill.

D. HOWARD: Or have not been able to show that there would be sufficient savings as a result of that to pay for whatever the bill is asking them to do.

TURNER: Okay, so essentially you're saying, for example, if the feds are doing something you don't want—the argument essentially is, people who are opposed to the feds mandating something on the states should not do it. You're saying the states should not do to the locals what the people complain that the feds are doing, is that what you're saying?

D. HOWARD: I'm sorry. You'll have to say that to me differently.

TURNER: Okay, in succinct terms, you're saying whatever we are mandating that local units do, we are to pay for those things here?

D. HOWARD: I'm saying after we pass the budget.

TURNER: That is correct. And if we don't do that, we don't mandate it.

D. HOWARD: Correct.

TURNER: That is the intent of this amendment?

D. HOWARD: That's correct.

TURNER: Okay.

EISSLER: So this puts mandates in the eyes of the beholder. For example, if we request that say, according to Ms. Dukes, a teen dating violence program she can't do because it's not specifically paid for. This puts everything we do on an a la carte basis, and it goes from schools even to local governments. We can't substitute either—do this instead of that—because this is more efficient. So in effect, we can't do anything without the appropriations bill, and then everything has to be enumerated in the appropriations bill. I don't think this is a good idea for our house rules. I think it's something we can argue on the merits on a case-by-case basis on any bill that comes up.

D. HOWARD: I appreciate what you're saying. I mean, clearly, the problem here of course is that we're trying to figure out ways to make sure that our local governments have protection from what's going to be coming out of this legislative session, and they're already quite concerned. I'm sure you're hearing from yours.

EISSLER: And we couldn't pass voter ID with this because we haven't had the appropriations bill yet.

D. HOWARD: Okay.

EISSLER: So we run into some problems. So, in effect, I don't think that this is a good amendment today.

Representative Solomons moved to table Amendment No. 21.

The motion to table prevailed by (Record 22): 99 Yeas, 43 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Nash.

STATEMENT OF VOTE

When Record No. 22 was taken, my vote failed to register. I would have voted yes.

Nash

Amendment No. 22

Representative Veasey offered the following amendment to **HR 4**:

Amend **HR 4** in Rule 5 by adding a new Section 14A to read as follows:

Sec. 14A. DECORUM DURING ADDRESS BY GOVERNOR. Members of the house must maintain decorum and a display of respect during any address by the governor to the house or to a joint session of the legislature. A member who interrupts or disrupts the governor's address in a disrespectful manner may be removed from the chamber if a majority of the house members present vote to remove the member.

VEASEY: I'm going to pull this amendment down, but what it addresses is decorum by the house members when the governor is speaking. I probably should have added some more statewide elected officials besides the governor because, as we know, the supreme court chief justice will come speak and give a report on the judiciary. But after the State of the Union address where President Obama was rudely interrupted and one of the members of Congress shouted out at him, I thought that would be bad for that to happen here. And so I wanted to address that, but Chris has pointed out to me that we can already do that in the rules—that a member can already be removed for making rude comments like the one made on the house floor.

Amendment No. 22 was withdrawn.

Amendment No. 23

Representative Elkins offered the following amendment to **HR 4**:

Amend the House Rules of the 82nd Legislature as follows:

(1) Add a new Section 22 to Rule 8 to read as follows:

Sec. 22. CONSIDERATION OF BILLS IMPLEMENTING RECOMMENDATIONS OF SUNSET ADVISORY COMMISSION. (a) Except as provided by Subsection (c) of this section, a bill may not contain provisions implementing more than one recommendation made by the Sunset Advisory Commission in its written report pursuant to the commission's review of a state agency, advisory committee, or other entity under Chapter 325, Government Code.

(b) Except as provided by Subsection (c) of this section, an amendment to a bill is not in order if adoption of the amendment would cause a bill to violate Subsection (a) of this section.

(c) A bill may contain provisions implementing more than one recommendation made by the Sunset Advisory Commission if:

(1) each recommendation is limited to the extension of a state agency, advisory committee, or other entity; or

(2) the bill has been adopted by a conference committee.

Amend Section 2, Rule 11, to read as follows:

Sec. 2. MOTIONS ON A DIFFERENT SUBJECT OFFERED AS AMENDMENTS. No motion or proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the motion or proposition under debate. "Proposition" as used in this section shall include a bill, resolution, joint resolution, or any other motion which is amendable.

~~[Amendments pertaining to the organization, powers, regulation, and management of the agency, commission, or advisory committee under consideration are germane to bills extending state agencies, commissions, or advisory committees under the provisions of the Texas Sunset Act (Chapter 325, Government Code).]~~

An amendment to a committee substitute laid before the house in lieu of an original bill is germane if each subject of the amendment is a subject that is included in the committee substitute or was included in the original bill.

(3) Strike Section 6(g), Rule 11, and redesignate the remaining subsections of that section as appropriate.

REPRESENTATIVE ELKINS: This amendment will deal with the way we handle Sunset bills going forward. Simply—I hate to use the word "simply," how about "complexly"—it will just bifurcate the process. Sunset bills or Sunset recommendations will have to come to this floor as a stand-alone bill instead of one huge, humongous bill. Your amendments would not be germane, they would not be acceptable on the floor, so if the Sunset Commission recommended 10 recommendations, 10 bills would have to come to the floor, and at the end of the day, you would get to vote them up or down. That's how the process would work. Members, I move passage.

SOLOMONS: Mr. Elkins has talked to me before about this, we've had discussions in the work groups, some members have talked about do we need to look at the Sunset Advisory Commission in a way so that maybe we can do things in a slightly differently. However, Mr. Elkins is trying to do this in the rules. We have adopted the government reform and efficiency, or whatever that name was, and we've given that committee some ability to be vetted under that committee if they're in fact bills filed by Mr. Elkins or perhaps some other members. Let me give you a couple of things I want to tell you about before we go any further with it. If we actually adopted this in the rules today, the sheer workload required by the Sunset Advisory Commission members would be enormous. Most small agencies have about four or five recommendations, the larger, controversial agencies usually end up with 12 to 20 recommendations, and when I was a member on Sunset and chair, and as various other members who are on Sunset and have carried Sunset bills, you carry those bills in addition to your other legislation. For example, I carried seven agency bills when I chaired before, and other members may do it differently, or however. At the end of the day, the Office of Public Utility Council had 17 different recommendations.

For the members who were here before, when we did **HB 7** and reformed Worker's Comp., and I mentioned it to Mr. Elkins, I really doubt that we could have done that under this system. Now I think it would have been hard to abolish TWCC under this system, and go through the variety and merit of recommendations where we're merging, and going through this entire process on a true reform bill. Now I think that, because at the time, it had like 31 recommendations and a variety of things. I know what Mr. Elkins is getting to: at the end of the day, I don't know that we don't want to flush it out rather than trying to adopt an amendment today on the rules in dealing with this—I just think it's a bit much. By the way, under House Rule 8, Section 16, it already allows us to consider bills section-by-section if we so desire and approve by a simple majority of members present. I don't think we need it in the rules. If we want to make substantive changes to Sunset, we ought to do it through that filtering process. So I'm going to move, regrettably, but I am going to move table the motion, and I would appreciate it if we would table this motion.

FARRAR: So, Mr. Solomons, this basically means that we would not be able to amend Sunset bills, it would be an up or down vote, correct?

SOLOMONS: Well, he's got it at a bifurcated system where you would decide, number one, whether you wanted the agency or not before you even get to the recommendations. That might or might not have some merit, but we've been operating, and the Sunset Commissions have been operating under the rules we have in place. If we're going to make something dramatic like that, I'm not saying it's necessarily bad, but I don't think it's necessarily best to do it in the rules right now. We ought to flush all those questions up in maybe committee. Mr. Elkins has advised me and I think he's going to file, he's working on legislation and there may be other legislators out there dealing with Sunset. I think that's the appropriate forum.

FARRAR: So this would tie our hands and we would not be able to make policy as we have in the past. Correct?

SOLOMONS: Well, not on the first vote, it's an up or down vote, if we got to the vote where we say, yeah we want to extend it, you would have a chance to look at those recommendations. The one thing I didn't mention, now that you brought it up, I don't know that if we do this, we don't tie our hands and be at a disadvantage with the senate. I don't necessarily want to do that.

REPRESENTATIVE HILDERBRAN: I'm concerned that it's been the tradition that members would have the opportunity to offer their amendments on the floor of the house. Now there have been times when it's been abused, but generally speaking, it's been a very productive exercise, where members were able to get bills, especially new members, freshman and sophomores whose bills were basically tied up in committee by a small number of members, bills that were lobbied against. I sometimes think this is the "lobby empowerment" amendment because junior members have a hard time getting their bill out of committee so they never get a chance to have a vote on the floor of the house. And it's nice to get the opportunity to have a vote on the floor of the house and let your members decide. I'd like to keep it the way it is.

SOLOMONS: Members, unless someone has something else, so we can move this along, I would like to move to table Mr. Elkins' amendment.

ELKINS: I just want to ask you one question. The Sunset process is supposed to "streamline" government and make it more efficient. This is my question: when a Sunset bill leaves this house, can anybody tell me in good conscience that it's more efficient? If the answer is no, it's not more efficient, then you should vote no on this motion to table. We have a process right now that is not working. Our government—people have spoken, they want smaller, more efficient government. Look, I understand the process—we've all used the system, we've all brought amendments to the floor on the Sunset process because we maybe couldn't get it through. But our founding fathers, they had a process designed here in the legislature. This whole process, for you new members you're going to find out, it's designed to kill bills. It's not designed to pass legislation. We operate under the law of unintended consequences. One of the unintended consequences of the Sunset process as it's currently configured as, is that it's supposed to have smaller, more efficient government when it leaves here, but by the time 150

well-intentioned members put their amendments on, I can tell you it's not an efficient process. And the agency is not efficient and it cannot function. As far as the recommendation or concern about the senate, the senate didn't like it when we passed rules for end of sessions rules, because it rocked their cradle over there. They're going to do things over there in their rules that we don't like, and we do things that they don't like. This is just giving us more power and more authority over the Sunset process, making it where the Sunset process will do what it is supposed to do, which is make government efficient.

REPRESENTATIVE JACKSON: Representative, we recall some Sunset bills from last time, do you recall how many amendments we had on the transportation bill?

ELKINS: It was in the 100s.

JACKSON: You know, some of these bills came to the floor kind of clean, and when we got through with them, did they resemble what we normally call a Christmas tree in government?

ELKINS: That's what I'm trying to stop. I ask that the members vote no on the motion to table.

Representative Solomons moved to table Amendment No. 23.

The motion to table prevailed by (Record 23): 121 Yeas, 20 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; 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, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Lavender; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Workman.

Nays — Aliseda; Berman; Bohac; Callegari; Elkins; Fletcher; Howard, C.; Jackson; King, S.; Landtroop; Larson; Laubenberg; Legler; Parker; Riddle; Sheffield; Smith, W.; Weber; Woolley; Zedler.

Present, not voting — Mr. Speaker; Castro; Miller, S.(C).

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Taylor, V.

STATEMENTS OF VOTE

I was shown voting no on Record No. 23. I intended to vote yes.

W. Smith

When Record No. 23 was taken, I was in the house but away from my desk. I would have voted yes.

V. Taylor

Amendment No. 24

Representative Farrar offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the rules of the house) as follows:

- (1) On page 109, line 25, strike "24" and substitute "48 [24]".
- (2) On page 109, line 27, strike "24" and substitute "48 [24]".
- (3) On page 111, line 26, strike "48" and substitute "96 [48]".
- (4) On page 114, line 1, strike "36" and substitute "72 [36]".
- (5) On page 114, line 1, strike "24" and substitute "48 [24]".
- (6) On page 114, line 9, strike "two" and substitute "four [two]".
- (7) On page 115, line 3, strike "144" and substitute "288 [144]".
- (8) On page 115, line 23, strike "six" and substitute "12 [six]".
- (9) On page 116, line 14, strike "six" and substitute "12 [six]".
- (10) On page 146, line 25, strike "36" and substitute "72 [36]".
- (11) On page 146, line 26, strike "24" and substitute "48 [24]".
- (12) On page 147, line 15, strike "168" and substitute "336 [168]".
- (13) On page 147, line 16, strike "72" and substitute "144 [72]".
- (14) On page 171, line 10, strike "24" and substitute "48 [24]".
- (15) On page 179, line 5, strike "48" and substitute "96".
- (16) On page 179, line 5, strike "24" and substitute "48".
- (17) On page 180, line 10, strike "24" and substitute "48 [24]".

FARRAR: As you know, we've been transitioning to an electronic posting on bills and calendars, and at the same time we've taken a 10 percent cut in our budget. In my case, it meant one staff member, and in the case of others, it might have meant more. So what I'm asking with this amendment is that we double the time that—through different circumstances, if it's 24 to 48 hours—just to give us in our offices a bit more time as we get bombarded by notices on calendars and committee reports that become available, and all the other items that become available. It's going to take us time and some of our offices are going to be turning towards printing in-office some of the items, so I think we need to have a little bit of time to transition, especially given the circumstances under which we don't have sufficient staff. We heard in the last election complaints that bills weren't read and that we're looking for more open, honest, and transparency in government, and so that's what this amendment attempts to do.

SOLOMONS: Regrettably, I have to be against this amendment. Ms. Farrar actually, and I appreciate it very much, she actually has been talking to me about it, she called in advance and she has some legitimate concerns in connection with budget and staffing and some of you may or may not have those concerns. But if

you look at this amendment, in doubling everything, all you're doing is slowing down the process, and it's already in my opinion slow enough at times. At the end of the day, I'm going to have to move that we table this amendment, respectfully, because it just creates a nightmare in scheduling and finishing our work this session. So I move to table the amendment.

FARRAR: The intent is not delay, the intent is actually to be able to vet some of things that we're going to be voting on, especially given the volume, especially towards the end. I ask you to vote against the motion to table.

Representative Solomons moved to table Amendment No. 24.

The motion to table prevailed by (Record 24): 101 Yeas, 41 Nays, 3 Present, not voting.

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

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

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

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Amendment No. 25

Representative Gutierrez offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the permanent rules of the house) in Rule 8, Section 14, by striking Subsection (a-1) (page 147, lines 14-18) and substituting the following:

(a-1) A printed copy of the general appropriations bill shall be placed in the newspaper mailbox of each member at least 168 hours during a regular session and at least 72 hours during a special session before the bill can be considered by the house on second reading. The Legislative Budget Board shall provide to each member of the house at the time the general appropriations bill is provided under

this subsection a report that details the effect that the bill will have in the member's county as compared to the effect of the most recently enacted General Appropriations Act.

REPRESENTATIVE GUTIERREZ: Members, you'll recall that during last session on **HB 3** that Chairman Eissler was nice enough to give us the financial runs of what each and every one of our school districts was going to lose and gain. And so what this amendment seeks to do is that it asks the Legislative Budget Board to provide each member of the house of the effect of the general appropriations bill, i.e., how many prison guards we're going to lose in our district, how many health and human services workers we're going to lose, how many Funeral Commission inspectors we're going to lose. We are facing the largest budget shortfall heretofore and I think our constituents deserve the idea of what that loss is going to bring to our districts. As a compromise, I have omitted legislative districts and I have put in counties, as a compromise to Mr. Solomons. So at this time I would like to ask for your consideration.

SOLOMONS: I understand what we're trying to do in this amendment, but it's kind of like what we're trying to do in another amendment. The amount of burden you're putting on the LBB is enormous. Quite frankly, I understand the need for information, but unfortunately this is the first I've seen this amendment and I don't know the ramifications of LBB. I think that Mr. Chisum may have some other thoughts, having been a former appropriations chairman, but I'm going to move to ask you to table the motion. It just needs more forethought in what we're doing and how it would be done and how much burden that is to the people who support us in the entire process on appropriations.

CHISUM: This is a noble thing, to know how much the appropriations bill affects each one of our counties, and that's what he's trying to do here. But it's on those deals that you can't very well do because when you get down to the district, because the appropriations bill in a county like Harris County is going to be a huge amount of decrease if we decrease our appropriations to the \$72.5 billion that we get in appropriations. We know it's going to be a big decrease to each of us. It's just a report that we can't do and if we could do it, we could do it without it being in the rules.

C. HOWARD: Mr. Chisum, it says for each member's county, how many counties do you have?

CHISUM: I have 19.

C. HOWARD: Which county would that mean if we passed this bill? Which county would this take effect in?

CHISUM: Number 19? I don't have a clue, Charlie.

C. HOWARD: And a member from Harris County, like Mr. Murphy over here, he'd have 1/25th of Harris County. So would that calculation have to be made for 1/25th?

CHISUM: I don't know, it doesn't say that, but what I'm saying is, that is a report that we're not able to pull out of LBB because the numbers are not broken down that way. That's the bad part about this, they're broken down by school districts, they're broken down by some of the things we do, but the amount in the budget decreased per county—because you'll find some counties that don't get any money from the state, so they might not have any. I just think that this is a bad deal, I think Mr. Solomons is going to move to table.

SOLOMONS: Move to table.

GUTIERREZ: Most of you have met my little girl, she's about four now, and when I tell her she can't do something she looks at me and she says, "Really, Daddy, really?" We've got all the computers in the world and all we want to do is to have accountability to our constituents and an open and obvious government. We're going to lose many jobs in this session, and so we need to be able to tell our constituents where those cuts are going to come at, and how they're going to affect them in their day-to-day lives. I'm already getting the calls, and this amendment is only there to try to have that clarity in government. I think it's important.

BURNAM: I have the impression, Roland, that maybe you're rejecting the notion that we couldn't figure this out if we wanted to figure it out and in fact it was a non-response?

GUTIERREZ: I will respond—I think my daughter would reject that notion, as well.

BURNAM: So what you're trying to accomplish here is that you think we should know what's going to be done to our respective counties, regardless of whether you just represent a part of a county like I do. My paper reported yesterday that there would be 1,000 jobs lost in the school districts, I don't know whether that's right or not, I would like to know from a run official, wouldn't you like to know that?

GUTIERREZ: Representative, I'll tell you this is not a partisan deal. This is about the idea that each and every one of us has to account to our constituents how much we're going to lose in our representative districts, and I think it is incumbent upon us to tell them, and it's certainly incumbent on us to know.

BURNAM: And so, you think on the biggest issue this session, we should all have the right to know, have access to the information on what kind of impact we're having on our districts?

GUTIERREZ: Most definitely.

Representative Solomons moved to table Amendment No. 25.

The motion to table prevailed by (Record 25): 95 Yeas, 48 Nays, 2 Present, not voting.

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

Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler.

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

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

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

(Speaker in the chair)

Amendment No. 26

Representative Chisum offered the following amendment to **HR 4**:

Amend **HR 4** in Rule 11, Section 2, by striking page 158, lines 17-21, and substituting the following:

Only amendments [Amendments] pertaining to the organization, powers, regulation, and management of the agency, commission, or advisory committee under consideration are germane to bills extending state agencies, commissions, or advisory committees under the provisions of the Texas Sunset Act (Chapter 325, Government Code). No amendment affecting substantive law is germane to a bill extending a state agency, commission, or advisory committee under the provisions of the Texas Sunset Act (Chapter 325, Government Code) unless the change in law proposed by the amendment directly relates to the organization, powers, regulation, and management of the state agency, commission, or advisory committee to which the bill applies.

CHISUM: This amendment just tries to get at the issue we always deal with when we're into the Sunset bills and the amendments that come on them. We just want it to be germane to the bill. I believe Mr. Hartnett has an amendment to my amendment that is acceptable. Mr. Solomons will lay out Mr. Hartnett's amendment, I bet you.

Amendment No. 27

Representative Hartnett offered the following amendment to Amendment No. 26:

Amend Floor Amendment No. 26 by Chisum to **HR 4** by striking the underlined text on lines 8-15.

REPRESENTATIVE HARTNETT: This amendment deletes everything but the change on, I think it's line three. It narrows the amendment quite a bit.

Amendment No. 27 was adopted.

CHISUM: At the end of the day all we have here, it just says that only amendments pertaining to the Sunset bill are germane.

TURNER: Warren, go ahead and finish your thought, though.

CHISUM: No, I'm finished.

TURNER: So, basically, the way this amendment is written with Representative Hartnett's amendment is that only amendments pertaining to the organization, powers, regulation, and management of the agency are germane.

CHISUM: Yeah, that's exactly right. So in other words, you can't bring an amendment to it that's not germane to one of those issues that Sunset looks at.

TURNER: I guess I'm at a loss even to understand. Is it your understanding that with the amendment that Representative Hartnett put on that we are back to where we were?

CHISUM: Not necessarily. It just says that you can't bring an amendment that doesn't pertain to these things that Sunset looks at. So in other words, if Sunset doesn't look at the appropriations to an agency or a commission then you couldn't bring an amendment that deals with their appropriations.

TURNER: And so we can clearly understand the legislative intent of this amendment: what will this amendment do differently than the status quo now?

CHISUM: Well, it keeps any amendments from being brought that are not pertaining to the regulations, powers, organization, and the management of the agency. Those are the issues that Sunset looks at, so now you can't bring amendments that do something that Sunset doesn't look at.

TURNER: Is it the intent of your amendment to keep something from happening that can happen right now?

CHISUM: Yes.

TURNER: And tell us specifically what that is so we will be clear.

CHISUM: Well, it keeps it from being a Christmas tree, and I have an example of **HB 300** last year, which was the transportation bill. We had amendments to the transportation bill that dealt with the election of highway commissioners, should they resign. It was proposed to be elected by the house of representatives and the senate. Those are appointed by the governor and that would have not been germane to the bill.

TURNER: So that everybody is clear, the initial amendment that you had, Representative Hartnett struck all the language, the new language, that was underlined below, correct?

CHISUM: Yeah. That's correct, yes.

TURNER: So Representative Hartnett's amendment left only amendments as a part of the amendment that's before us right now?

CHISUM: Yes.

TURNER: Okay. I don't know, Representative Chisum, whether or not this amendment clarifies anything because I'm not the parliamentarian. Quite frankly, I can't figure out what this amendment will do that we can't do already, to be honest with you. For legislative intent and for the parliamentarian—I am just as confused with this amendment in terms of what you're attempting to do, and I will tell you as a lawyer for 30 years, this gives me no direction, no guidance. I'm confused.

CHISUM: You're not telling me that you might not vote for my amendment? I'm hurt. But if you come down, we can talk to the parliamentarian.

TURNER: Well, we can talk to the parliamentarian, but since we're establishing house rules today, this amendment—I mean, you can put it on for legislative intent purposes for when we are dealing with Sunset bills down the road. I simply do not have any understanding.

CHISUM: You and I have both been here a long time, and you know that—

TURNER: Now, you've been here for longer than I have.

CHISUM: No, we came the same day.

TURNER: I just got here a few sessions ago.

CHISUM: We know that Sunset bills have always been Christmas trees, and this is making an attempt to not have Christmas trees come on this floor. To get to the business of going through Sunset and straightening these agencies out so that they can function better, that's the intent of what I'm trying to do here.

TURNER: I understand what you are intending to do, and just like we had the discussion with Representative Elkins on his amendment. The only reason why I am standing back here is that I am still very much unclear as to what this amendment will do separate and apart from what the status quo allows. That's the only thing that I am saying, Warren.

CHISUM: I understand.

BRANCH: In taking up with the colloquy that you were having with Representative Turner, here's my concern, Warren, and let me give you an example. When you say no amendment affecting substantive law is germane, so let's say you had an issue about a Department of Insurance Sunset bill, and someone wanted to bring an amendment on substantive insurance law. If you go down to the limitations, and you see—okay, Will is pointing out that he's dropping all of the underlined language in his amendment to your amendment. Now it reads, "only amendments pertaining to the organization, powers, regulation, and management of the agency." Well, when we're talking about regulation, in my example of a Department of Insurance bill, a Sunset bill, and now someone is going to bring an amendment that has something to do with

insurance, isn't that regulation? Or isn't that within the powers of the Department of Insurance? I think that's why Representative Turner had such a hard time seeing what this actually did.

CHISUM: I understand.

Amendment No. 26, as amended, was withdrawn.

(L. Taylor in the chair)

Amendment No. 28

Representative Burnam offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the rules of the house) as follows:

(1) On page 173, between lines 21 and 22, insert the following:

"(c) No action or recommendation of the house conferees on a bill that was considered on the emergency or major state calendars on second reading shall be valid unless taken at a meeting of the house conferees with a quorum of the house conferees actually present, and the conferees' minutes shall reflect the names of those house conferees who were actually present. Reports to be adopted under this section must be provided to the house conferees at least 12 hours before the convening of the meeting at which the report is to be adopted. Any conference committee report adopted in violation of this section shall not be considered by the house."

(2) On page 174, between lines 1 and 2, insert the following:

"(b) No action or recommendation of the house conferees on a bill that was considered on the emergency or major state calendars on second reading shall be valid unless the house conferees met only in a public meeting noticed and held in the same manner as a public meeting of a standing committee under Rule 4, Sections 9-12, and minutes of each meeting were kept and filed as provided by Rule 4, Section 18. Any conference committee report adopted in violation of this section shall not be considered by the house."

(3) On page 174, line 2, strike "(b)" and substitute "(c)".

BURNAM: This is an important procedural issue that I think a lot of us have become familiar with, and that is, at the end of the session, when we have all these conference committees coming together and they kind of meet and relay and nobody knows what's going on, and they don't know what that final bill looks like. It is one of the reasons that we are at an all-time low in respect from the general public. I think it is a very small measure that we can address to have these bills actually voted on reported out of the conference committee for people to know what the bill looks like and understand what the process is. I move its adoption.

SOLOMONS: Members, you might want to be aware of this and also for new members, new legislators. Let me explain a couple things. One is there is no regular—you don't even have to have a conference committee meeting. All a conference committee that happens is basically appointees by the senate and by the lieutenant governor and the speaker to iron out some differences. You don't have to even have a meeting, number one. And number two, if you do have a

couple of members get together, I do think you want to be causative of what you are doing here. And I understand where Mr. Burnam is coming from on this issue, but I see this as an issue as well. Now, I understand what you are trying to do on transparency, but at the end of the day when you have to do business on this floor and you've got conference committee, I am guaranteeing you, you will rue the day when you mandate upon yourself some ability or impede your ability to get your bill out of conference committee. So with that I will move to table this amendment.

BURNAM: Members, this is not about all bills. This is about emergency bills and major state. These are major pieces of legislation and I just had a side conversation with one of our colleagues and he said, "He's making sure that we look like we have a good process by wearing ties." Well, you know, we can talk about the superficial things, the facade things, but this is the real deal. This is the important deal, this is talking about the process and whether or not people are going to know what is in those bills before they come to the house floor. This particular session, in particular, we need open to up and make this transparent and make this accessible to the public.

REPRESENTATIVE MILES: Lon, this amendment would only apply to bills of major state calendar, is that correct?

BURNAM: That's correct.

MILES: And in doing that, it would only apply to every bill—it would not apply to all bills that would go to the conference committees?

BURNAM: It would not apply to about 95 percent of the bills that come to this house floor and are referred to conference committee. It would only refer to that five to seven percent of the bills that are considered emergency by the governor or major state. And it is so we can have access to and know what's going on. As most people will admit in private, we don't know what we're voting on most the times when we are voting on these conference bills. I think it's time that we know what we are voting on and have access to that information.

MILES: And not only us knowing, but you want people, citizens of the great State of Texas, to understand what it is we are voting on as well. Is that correct?

BURNAM: Yes, I think it's fine that we have a representative form of government, but I think the people have a right to know.

MILES: A transparent form of government. Is that correct?

BURNAM: Transparency is very important in this process.

MILES: I think transparency would be very important in this process, especially during this session. I support your amendment, Mr. Lon Burnam.

BURNAM: Thanks for supporting me, Borris.

Representative Solomons moved to table Amendment No. 28.

The motion to table prevailed by (Record 26): 108 Yeas, 32 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Johnson; Lozano; Lucio; Marquez; Martinez; McClendon; Miles; Muñoz; Naishtat; Quintanilla; Reynolds; Rodriguez; Turner; Veasey; Vo; Walle.

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

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Branch; Dukes; Hochberg.

STATEMENTS OF VOTE

When Record No. 26 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

I was shown voting no on Record No. 26. I intended to vote yes.

Dutton

Amendment No. 29

Representative Burnam offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the rules of the House) as follows:

(1) On page 173, between lines 21 and 22, insert the following:

"(c) No action or recommendation of the house conferees on the general appropriations bill or a bill relating to the creation or continuation of a state agency shall be valid unless taken at a meeting of the house conferees with a quorum of the house conferees actually present, and the conferees' minutes shall reflect the names of those house conferees who were actually present. Reports to be adopted under this section must be provided to the house conferees at least 12 hours before the convening of the meeting at which the report is to be adopted. Any conference committee report adopted in violation of this section shall not be considered by the house."

(2) On page 174, between lines 1 and 2, insert the following:

"(b) No action or recommendation of the house conferees on the general appropriations bill or a bill relating to the creation or continuation of a state agency shall be valid unless the house conferees met only in a public meeting noticed and held in the same manner as a public meeting of a standing committee under Rule 4, Sections 9-12, and minutes of each meeting were kept and filed as provided by Rule 4, Section 18. Any conference committee report adopted in violation of this section shall not be considered by the house."

(3) On page 174, line 2, strike "(b)" and substitute "(c)".

BURNAM: I have trimmed myself in expectation for open government and I have reduced my hopes just having an open government when it comes to the conference committee handling the appropriations bill and the Sunset bills. I have cut my amendment in half and would appreciate your voting for open government, for process, for people's interests.

SOLOMONS: Although everyone here wants as much transparency as possible, I would be concerned with us being able to move and get these conference committees done in a way where we can actually get through this in 140 days. These are hard issues for all the members. I think everyone in here wants to be transparent, but on the other hand, we need to get our business done and we're very limited in the time in which we can do it. Reluctantly, I would ask the membership to table this amendment.

BURNAM: Members, I just want to remind you of what I just said. We're talking about maybe 20 bills going to conference committee, including the appropriations bill, and maybe we should have open, accessible government for the people in this state. I would appreciate your vote against the motion to table.

Representative Solomons moved to table Amendment No. 29.

The motion to table prevailed by (Record 27): 110 Yeas, 30 Nays, 2 Present, not voting.

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

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Marquez; Martinez; Miles; Muñoz; Naishtat; Quintanilla; Reynolds; Rodriguez; Strama; Veasey; Vo; Walle.

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

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Dukes; McClendon; Miller, S.

STATEMENTS OF VOTE

When Record No. 27 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 27 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

Amendment No. 30

Representative Gallego offered the following amendment to **HR 4**:

Amend **HR 4** (proposing the rules of the house for the 82nd Legislature) by striking page 179, line 23, through page 180, line 7, and substituting:

(h) In the application of Subsection (g) of this section [subsection] to appropriations bills, the resolution:

(1) need not include changes in amounts resulting from a proposed salary plan or changes in format that do not affect the amount of an appropriation or the method of finance of an appropriation, but shall include a general statement describing the salary plan or format change;

(2) [~~The resolution~~] need not include differences in language which do not affect the substance of the bill;

(3) if suspending a limitation imposed by Subsection (b)(2), (3), (4), or (5) of this section, must specify the amount by which the appropriation in the conference committee report is less than or greater than the amount permitted for that item of appropriation under Subsection (b) of this section; and

(4) shall be available in its entirety on the electronic legislative information system that is accessible by the general public.

(i) Permission [thus] granted by a resolution under Subsection (f) of this section shall suspend the limitations only for the matter or matters clearly specified in the resolution, and the action of the conference committee shall be in conformity with the resolution.

AMENDMENT NO. 30 - STATEMENT OF LEGISLATIVE INTENT

GALLEGO: Members, this particular amendment relates to only one document and that is when the appropriations conference committee comes back. We get what's called an outside the bounds resolution wherever the committee went outside the bounds. And what that means is that if the conference committee—they have a choice of taking the house version of the bill or the

senate version of the bill, or they can create their own new version of the bill. And when they create their own new version of the bill, what this asks them to do is in that report where you're going to get a column, you're going to get a report that says we went outside the bounds and we went outside the bounds on this area. We would ask for a new column that says we went outside the bounds on this area and by this much money. So that you actually can look at your outside-the-bounds resolution and it actually provides useful information. It actually tells you how much money you went up or much money you went down from the bill as it left the house. Because right now all that resolution tells you is we adopted the house version or the adopted senate version. You really don't get much usefulness out of that. What this does it'll tell you we adopted the house version or we adopted the senate version or we went above the house version by this many millions of dollars or above. And that way you can look at that document and you can see the areas where the conferees spent more money or the areas where the conferees spent less money. And you can look at it and you don't have to read the whole appropriations bill. You look at your outside-the-bounds resolution and it'll actually tell you that. I believe that this—I move adoption of the amendment.

SOLOMONS: Members, Mr. Pitts has been on the phone with the appropriate people. He has an amendment that actually I think we can do as long it is not a separate document. So with that understanding, without having to go any further—

PITTS: Pete, I just want to make that sure we understand. This not a separate document. It's all part of the same resolution about going out of bounds.

GALLEGO: Mr. Pitts, I am not advocating that we create more paper.

PITTS: Thank you.

GALLEGO: What I'm advocating is that the paper we get be useful for something. And so if you add an extra column that actually tells us how much more we spent or how much less we spent, that makes the current piece of paper useful.

(Speaker in the chair)

REMARKS ORDERED PRINTED

Representative Solomons moved to print remarks between Representative Gallego and Representative Pitts.

The motion prevailed.

Amendment No. 30 was adopted.

Amendment No. 31

Representative Walle offered the following amendment to **HR 4**:

Amend **HR 4** (adopting the rules of the house) on page 180, by striking lines 8-12 and substituting the following:

"Sec. 10. PRINTING AND DISTRIBUTION OF REPORTS. (a) All conference committee reports except those on the general appropriations bill must be printed and a copy furnished to each member as provided by Rule 12, Section 1, at least 24 hours before action can be taken on the report by the house during a regular or special session.

(a-1) All conference committee reports on the general appropriations bill must be printed and a copy furnished to each member as provided by Rule 12, Section 1, at least 120 hours during a regular session and at least 60 hours during a special session before action can be taken on the report by the house."

REPRESENTATIVE WALLE: Members, the concept behind this bill—or this amendment, I'm sorry—has been championed by members of both the senate and the house. This amendment will give members, as well as ordinary Texans, a slightly wider window to fully comprehend the final version of the budget before we take a vote on it by allowing a five-day layout period on the conference committee report. The reason why is very simple: we need to know exactly what we are voting on. There are four community colleges on the chopping block with an estimated 12,000 students who will want to understand how the final budget proposal affects them, not to mention the faculty and administration. I'm sure we've seen all the estimates by the school finance experts that local school districts will have to drop anywhere from 80 to 100,000 employees because of this budget. There are countless parents, teachers, administrators, and school board trustees who will want to have a full understanding of the final budget we vote on.

The conference committee report on the budget has a potential to have a substantial and far-reaching effect on the Texas economy and will ultimately affect every single Texas family. Giving our constituents one short business week to get the chance to review how this budget closes the gap on a record \$27 billion shortfall is the least we can afford them. This proposal has received support from both the progressive-leaning Center for Public Policy Priorities as well as a conservative-leaning Texas Public Policy Foundation. Mr. Speaker, I move adoption.

SOLOMONS: This kind of goes throughout the day in connection with people wanting more time, but at the end of the day, we have put into the house resolution what we think is the appropriate time of 48 hours, or a couple of days, in context with the appropriations bill. I think five days really throws everything off—I think it slows the process, it creates a nightmare at the end of the session, and I would ask the membership to please table this amendment.

WALLE: To be frank, I mean, we could get this bill sooner and get to the business of working on this budget, and we could also suspend the rules if need be, but at the end of the day, I move passage.

Representative Solomons moved to table Amendment No. 31.

The motion to table prevailed by (Record 28): 102 Yeas, 41 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Nash.

Amendment No. 32

Representative Gallego offered the following amendment to **HR 4**:

Amend **HR 4** in Rule 2, on page 21, following line 22, by inserting a new appropriately numbered section to read as follows:

Sec. ____ . **PROVISION OF APPROPRIATIONS DOCUMENTS.** (a) At the request of a member of the house, the Legislative Budget Board shall make available to the member any document that any employee of the board has prepared and provides to the Committee on Appropriations, a subcommittee of the Committee on Appropriations, or to a house member of a conference committee on appropriations bills at the same time that the document is provided to the committee, subcommittee, or conferee.

(b) The Legislative Budget Board shall provide a document described by Subsection (a) to a member, at the member's request, in an open electronic format that is readable, searchable, editable, and in raw data form.

(c) The Legislative Budget Board shall post the information contained in each version of an appropriations bill considered by the house, including a conference committee report on an appropriations bill, in a open electronic format that is readable, searchable, editable, and in raw data form.

(d) A member who manipulates, alters, or otherwise changes data provided to the member under this section may not attribute the changed data as originating from the Legislative Budget Board.

GALLEGO: Members, this is the amendment that we withdrew several times so that the concerns of some of the members could be addressed—Ms. Harper-Brown and Mr. Hochberg and some of the others. So here's what it reads now. It says, at the request of the member of the house, the LBB shall make available to the member any document that any employee of the board has prepared—that's a change, because it has to be something that the LBB has prepared—and provides to the Committee on Appropriations, the subcommittee, any of the subcommittees, or to the members of the conference. That's a change because now any individual member in their correspondence back and forth with the LBB is now left out of that. This just applies to documents that are prepared by the LBB and distributed for use by the whole committee or by the whole subcommittee.

The next change in that amendment is in that third section, (c), which again is provided in an open electronic format, both readable and searchable and editable. You'll be able to use that raw data to essentially make your own models of how you would do it if you were to have the ability to do it. And it gives you the ability to make suggestions.

And lastly, it provides that if you change that data in any way, you can't say that it came from the LBB. Those are the changes that were made. It addressed the concerns by Mr. Hochberg, for example, that all of the runs on individual school districts that they would request would be caught. Now it makes it clear. It's just documents that are prepared by the LBB for use by the whole committee or the use by the subcommittee.

PITTS: This sounds good maybe on paper but number one: we can't do it, it's not available. The LBB says they're trying to get it in electronic format. It's on pdf format today. If you get it sent to you on electronic, it wouldn't even look like the bill so you couldn't get anything out of it. Everything else on (a) and (b) would be every communication that we had or that LBB would have would be subject to full disclosure. And the way we do the appropriations bill is we just get runs, we get information from LBB that are just proposals that shouldn't have anything to do with getting this to the members.

GALLEGO: Here's the argument that I understood from Mr. Pitts. You get a lot of drafts, you get a lot of suggestions, you get a lot of ideas, and that's fine. The truth is that he gets a lot of ideas, he gets a lot of suggestions, and he gets a lot of drafts. The truth is that those are not usually distributed to the committee, and that's fine. This amendment doesn't touch that topside or bottom. When a document is presented to the entire committee—which is a limited set of circumstances—but when a document is presented to an entire committee, you should be able to see it, too. Each and every single one of you in a session where we're all talking about budgets, in a session where individuals were elected on the basis of what they said about how the state would spend its money, and how the taxpayers' money would be guarded, you need to know how those decisions are being made. And frankly, that data should already be public anyway, and in most circumstances, it is. This amendment just simply makes it very clear that those documents that go to the whole committee or to the whole subcommittee, if you want to see them, you get to see them. And that's all this amendment does.

HOCHBERG: Pete, you've been on Appropriations, I've been on Appropriations. The documents we get that are prepared for the committee or the subcommittee, at least every one I can remember, typically is cc'd to a whole bunch of people, including the speaker, the speaker's staff, the lieutenant governor, the lieutenant governor's staff. They all come in with a long trail cc on it, so doesn't it make sense that those documents are already in a number of people's hands? They're not secret documents; they're not work products or anything like that.

GALLEGO: They're not secret documents. In fact, that was always the—on the times that I was a conferee on the appropriations bill, it was always a frustration of mine that everyone on the committee got to see everything I asked for because it was automatically—and now, having not been a conferee, and now I understand why more people are interested in it and why members are interested in it. And frankly, I think that's good public policy, that the members should be involved, and should see, as opposed to just be seen by individuals who are on the LBB. For those that are on the LBB, it's a wonderful thing, but there are 150 of us in this chamber. That means that there are what, 142 of us that are not on the LBB—or 146 of us that are not on the LBB? And for those who are not on the LBB, it gives them an opportunity to see those documents.

HOCHBERG: And clearly you're not talking about work products. You're talking about requests for information that the LBB develops for the entire subcommittee or the entire full Committee on Appropriations that would be available if you came into the room and stood there and asked for a copy, right?

GALLEGO: Right, if you were sitting there in the room—that's the whole purpose of this amendment, Mr. Hochberg, is right now you have to actually be there and you have to find somebody who has a copy and they'll give it to you. This will allow the members to follow along, just the way that our staffs are watching this on our TV systems, just the way some members are not on the floor and have the opportunity to watch it from different places. That's what this does, is it gives you the opportunity to see the documents, and you don't have to be there in person.

HOCHBERG: And our friends at Telecon and some of those other organizations probably grab a copy and post them so the lobbyist has them if they're willing to pay for them.

GALLEGO: And that's the frustrating part, again, is people get this information before the members do. Whereas the process is suppose to be—frankly, should be somewhat member-centric. You, as the elected representative for your area, should see that before anyone else does. And this is a very basic—I guess I don't understand the controversy here, because it's about access to stuff that we should be interested in anyway. And if you want to opt out, you can opt out. But if you want to see this stuff, you get to see it.

Representative Pitts moved to table Amendment No. 32.

The motion to table prevailed by (Record 29): 94 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Dukes; Veasey.

STATEMENTS OF VOTE

When Record No. 29 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 29 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

SOLOMONS: I just wanted to thank all the members for their work and cooperation and going through the afternoon and actually offering some interesting experiences. You all need to congratulate yourselves for working with everybody.

GALLEGO: Mr. Solomons put a lot of time and effort into working with individual members on the rules, and I simply would like the house to say thank you for his efforts.

REMARKS ORDERED PRINTED

Representative Branch moved to print all remarks on **HR 4**.

The motion prevailed.

HR 4, as amended, was adopted by (Record 30): 143 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; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Madden; Martinez Fischer; Miller, D.; Zerwas.

Absent — Hamilton.

REASONS FOR VOTE

We voted yes on the rules, but the record should note that we voted present, not voting on the seniority amendment.

Hunter and Lewis

ADJOURNMENT

Representative Solomons moved that the house adjourn until 10 a.m. tomorrow in honor of Haley Solomons of Carrollton on the occasion of her 20th birthday.

The motion prevailed.

The house accordingly, at 6:40 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

Senate List No. 2

SCR 6

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTH DAY — TUESDAY, JANUARY 25, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 31).

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

Absent, Excused — Miller, D.

The invocation was offered by Dennis Wiles, pastor, First Baptist Church, Arlington, as follows:

Dear God, today we bow humbly in your presence with hearts that are filled with gratitude. As a nation, we are a blessed people. We live in freedom. We are free to speak our minds and live out our dreams. We are free to choose our own paths and chart our own course in life. Indeed, we live in a land of opportunity, and we are glad.

We also are grateful as Texans for our rich heritage. Our state is blessed with vast natural resources and a unique spirit among its people. We thank you for the people across our state who serve to make Texas such a wonderful place to live and raise our families.

As blessed as we are, we also recognize that we are facing challenging times on every front. Economically, we are emerging from a devastating recession that has left many people in our state homeless and many more jobless. The violence just across our border is unprecedented as thousands of lives have been senselessly ended, and there seems to be no solution. Communities across Texas are facing the challenge of trying to provide for the education of their children, the protection of their citizens, and opportunities for businesses to remain solvent and productive.

Lord, these are complex and challenging times. I come before you on behalf of the members of this legislative body. I thank you for each one's willingness to serve our state. I thank you for each one's unique abilities, life experiences, and potential for excellent leadership. I ask you to grant wisdom to the members of this house. Give them wisdom to craft legislation that is fair, honest, and just—legislation that will contribute to the health and well-being of the citizens of our state. Give them courage to face the challenges of our day with conviction and resolve. Grant them the ability to reach across the aisle and put the needs of Texans above their respective opinions.

I ask you to lead these men and women to serve honorably and live up to the standards that we expect from them. I ask you to bless them with a willingness to be accountable and responsible for how they govern. I ask you to breathe across this body the breath of humility and servanthood. May the members of this body never forget this is the people's house and they are here to conduct the business of the people they serve. Thank you, Lord, for these legislators. May your peace rest upon their homes and may your strength fuel their character and may your grace temper their behavior.

I humbly ask you to bless America, and I humbly ask you to bless Texas. As a follower of Jesus, I offer my prayer to you in his name. Amen.

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

LEAVE OF ABSENCE GRANTED

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

D. Miller on motion of C. Anderson.

CAPITOL PHYSICIAN

The speaker recognized Representative Hochberg who presented Dr. Rosanne Popp of Houston as the "Doctor for the Day."

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

HR 158 - ADOPTED

(by Button, et al.)

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 158**.

The motion prevailed.

The following resolution was laid before the house:

HR 158, Honoring the Turquoise Council of Americans and Eurasians on the occasion of the 2011 Turkic-Texan Friendship Reception and Awards Dinner.

HR 158 was read and was adopted.

On motion of Representative Allen, the names of all the members of the house were added to **HR 158** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Button and Lucio who introduced a delegation of the Grand National Assembly of Turkey.

(McClendon in the chair)

HR 162 - ADOPTED

(by C. Anderson)

Representative C. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 162**.

The motion prevailed.

The following resolution was laid before the house:

HR 162, Recognizing January 25, 2011, as Hewitt Day at the State Capitol.

HR 162 was read and was adopted.

HR 194 - ADOPTED

(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 194**.

The motion prevailed.

The following resolution was laid before the house:

HR 194, Paying tribute to the Honorable Gabrielle Giffords for her outstanding public service and extending best wishes to her and her family as she begins treatment and rehabilitation in the Lone Star State.

HR 194 was adopted.

On motion of Representative Menendez, the names of all the members of the house were added to **HR 194** as signers thereof.

(Speaker in the chair)

HR 185 - ADOPTED**(by Raymond)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 185**.

The motion prevailed.

The following resolution was laid before the house:

HR 185, Honoring the 2011 Washington's Birthday Celebration in Laredo.

HR 185 was read and was adopted.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 185** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Raymond who introduced representatives of the Washington's Birthday Celebration Association of Laredo.

(Kleinschmidt in the chair)

HR 193 - ADOPTED**(by Lewis)**

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 193**.

The motion prevailed.

The following resolution was laid before the house:

HR 193, Honoring Jack Wood and Don Wood on being named 2010 Outstanding Citizens of the Year by the Odessa Chamber of Commerce.

HR 193 was adopted.

(Hilderbran in the chair)

HR 163 - ADOPTED**(by Frullo, et al.)**

Representative Frullo moved to suspend all necessary rules to take up and consider at this time **HR 163**.

The motion prevailed.

The following resolution was laid before the house:

HR 163, Recognizing January 25, 2011, as Lubbock Day at the State Capitol.

HR 163 was read and was adopted.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 163** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Frullo who introduced a delegation from Lubbock.

HR 127 - ADOPTED (by Kleinschmidt)

Representative Kleinschmidt moved to suspend all necessary rules to take up and consider at this time **HR 127**.

The motion prevailed.

The following resolution was laid before the house:

HR 127, Congratulating the Round Top Brass Band on its 40th anniversary.

HR 127 was read and was adopted.

HR 128 - ADOPTED (by Oliveira and Lucio)

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

The motion prevailed.

The following resolution was laid before the house:

HR 128, Recognizing January 25, 2011, as Brownsville Day at the State Capitol.

HR 128 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Oliveira who introduced a delegation from Brownsville.

HR 160 - ADOPTED (by Madden and V. Taylor)

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 160**.

The motion prevailed.

The following resolution was laid before the house:

HR 160, Congratulating Thomas H. Muehlenbeck on the occasion of his retirement as city manager of Plano.

HR 160 was adopted.

HR 126 - ADOPTED (by Pitts, Callegari, Nash, and Gooden)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 126**.

The motion prevailed.

The following resolution was laid before the house:

HR 126, Congratulating Danny F. Vance of Arlington on his retirement from the Trinity River Authority of Texas.

HR 126 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 126** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Pitts who introduced Danny F. Vance, his wife Janet Vance, and members of the Trinity River Authority of Texas.

(C. Anderson in the chair)

HR 192 - ADOPTED (by Hernandez Luna)

Representative Hernandez Luna moved to suspend all necessary rules to take up and consider at this time **HR 192**.

The motion prevailed.

The following resolution was laid before the house:

HR 192, Recognizing January 25, 2011, as East End Chamber of Commerce Day at the State Capitol.

HR 192 was read and was adopted.

On motion of the Houston Delegation, the names of all the members of the house were added to **HR 192** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hernandez Luna who introduced members of the East End Chamber of Commerce in Houston.

HR 175 - ADOPTED (by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 175**.

The motion prevailed.

The following resolution was laid before the house:

HR 175, Honoring the efforts of the Boot Campaign and its contributions to United States active duty service members and veterans.

HR 175 was read and was adopted.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 175** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hilderbran who introduced Ginger Giles, Leigh Ann Ranslem, Sherri Reuland, Mariae Bui, and Heather Fordham.

HR 179 - ADOPTED
(by Berman)

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 179**.

The motion prevailed.

The following resolution was laid before the house:

HR 179, Honoring the Texas Merchandise Vending Association.

(Speaker in the chair)

HR 179 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Berman who introduced Dale and Patrick Moran.

ADJOURNMENT

Representative Kolkhorst moved that the house adjourn until 10 a.m. tomorrow in memory of Michael Todd Green of Grimes County.

The motion prevailed.

The house accordingly, at 11:30 a.m., adjourned until 10 a.m. tomorrow.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

NINTH DAY — WEDNESDAY, JANUARY 26, 2011

The house met at 10 a.m. and, at the request of the speaker, was called to order by Representative Bonnen.

The roll of the house was called and a quorum was announced present (Record 32).

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

Absent, Excused — Miller, D.; Smith, T.; Torres.

The invocation was offered by Bobby Gene Land, Sr., pastor, New Baptist Evangelistic Church, Tyler, as follows:

Our Father in heaven, I come humbly to you in prayer today, and as I pray, will you please forgive my sins? Not only my sins, but for each person here, that this prayer may have free passage to you. God, I pray for the families of every man and woman here who has left their husband, wife, and children, that they, through your power, may give themselves as servants here in the Texas State Capitol. Dear God, they have left their own house of relatives to serve in the Texas House of Representatives. Lord, I beg you, be with them. Guide and lead them through every situation as they do business this session. God, I pray for each congressman and congresswoman; I pray for each committee and committee person.

Our Father in heaven, I pray for each district representative. Dear Lord, I pray for the Texas house speaker, the attorney general of this great state, the state comptroller, and our governor of Texas. O God, I pray for the secretaries, the house sergeant, and everyone that is involved here. I pray for the city of Austin and for Texas, the United States, the president, all officers involved, and all of our armed service men and women. Now God, as I close this prayer, I pray that this session will not close without a person being saved. And God, if there be any by your power, save their souls now. Our Father, I thank you for the life, death, burial, and resurrection of your son for the sins of the world. God, I pray in the name of Jesus. Amen.

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

LEAVES OF ABSENCE GRANTED

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

T. Smith on motion of Patrick.

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

Torres on motion of Raymond.

CAPITOL PHYSICIAN

The chair recognized Representative Burnam who presented Dr. Joane Baumer of Fort Worth as the "Doctor for the Day."

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

(Speaker in the chair)

INTRODUCTION OF GUESTS

The speaker recognized Representative Patrick who introduced a delegation from Arlington.

HR 145 - ADOPTED (by Patrick)

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 145**.

The motion prevailed.

The following resolution was laid before the house:

HR 145, Honoring the Texas Rangers for winning the 2010 American League Championship and making their first World Series appearance.

HR 145 was read and was adopted.

On motion of Representative Driver, the names of all the members of the house were added to **HR 145** as signers thereof.

(Torres now present)

INTRODUCTION OF GUESTS

The speaker recognized Representative Patrick who introduced Nolan Ryan, Chuck Greenberg, and Ron Washington.

(Cook in the chair)

HR 164 - ADOPTED (by Crownover)

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 164**.

The motion prevailed.

The following resolution was laid before the house:

HR 164, Recognizing January 2011 as Communities In Schools Month and January 26, 2011, as Communities In Schools Day at the State Capitol.

HR 164 was read and was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 164** as signers thereof.

HR 129 - ADOPTED (by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 129**.

The motion prevailed.

The following resolution was laid before the house:

HR 129, Recognizing January 23-29, 2011, as Nurse Anesthetists Week in Texas.

HR 129 was read and was adopted.

HR 195 - ADOPTED (by Isaac)

Representative Isaac moved to suspend all necessary rules to take up and consider at this time **HR 195**.

The motion prevailed.

The following resolution was laid before the house:

HR 195, Honoring Lisa Benford for her exemplary service to the people of the Lone Star State on the occasion of her retirement from the Texas Legislative Council.

HR 195 was read and was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative Isaac who introduced Lisa Benford.

RESOLUTIONS ADOPTED

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 33** and **HR 202**.

The motion prevailed.

The following resolutions were laid before the house:

HR 33 (by Brown), Congratulating members of the Texas Agricultural Lifetime Leadership XII class on their selection for participation in the program.

HR 202 (by Zerwas), Recognizing January 26, 2011, as Texas Healthcare Information Technology Day, commending participants at the Texas Healthcare Information Technology Forum, and honoring individuals responsible for the adoption of healthcare information technology throughout the state.

The resolutions were adopted.

INTRODUCTION OF GUEST

The chair recognized Representative Raymond who introduced Raul G. Salinas, mayor of Laredo.

**HR 198 - ADOPTED
(by Truitt)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 198**.

The motion prevailed.

The following resolution was laid before the house:

HR 198, Congratulating Tommy Hardy on his retirement as assistant city manager of Grapevine.

HR 198 was adopted.

On motion of Representative Truitt, the names of all the members of the house were added to **HR 198** as signers thereof.

**HR 200 - ADOPTED
(by Truitt)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 200**.

The motion prevailed.

The following resolution was laid before the house:

HR 200, Congratulating Judge Brad Bradley on receiving the 2010 Community Impact Award from Southlake Style magazine.

HR 200 was adopted.

On motion of Representative Truitt, the names of all the members of the house were added to **HR 200** as signers thereof.

LEAVE OF ABSENCE GRANTED

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

Castro on motion of Vo.

**HR 205 - ADOPTED
(by Bonnen)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 205**.

The motion prevailed.

The following resolution was laid before the house:

HR 205, Honoring the Angleton Area Emergency Medical Corps on its 30th anniversary.

HR 205 was adopted.

ADJOURNMENT

Representative Huberty moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 11:02 a.m., adjourned until 10 a.m. tomorrow.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TENTH DAY — THURSDAY, JANUARY 27, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 33).

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

Absent, Excused — Hernandez Luna; Kleinschmidt; Miller, D.; Smith, T.; Solomons.

Absent — Bonnen; Davis, S.; Harless; Sheets.

The invocation was offered by Reverend John E. Fields, pastor, First Shiloh Missionary Baptist Church, Houston, as follows:

Dear Heavenly Father, we come with expectations of being ushered into your presence. May our hearts illuminate with thankfulness and our spirits remain humble in your presence. We pray for divine engagement in our lives that they will be regulated for great works. Forgive us of all our transgressions that might inhibit you from giving divine provisions of wisdom and understanding which are needed so that we may serve your people with the spirit of joy.

Enhance our abilities to confront the tasks before us and bless us to be able to greet challenge as a friend. Strengthen this body of individuals that they may be guided into a spirit of unity which will reflect a team of working together to

obtain the best. Bless our nation, our state, our communities, and districts which are represented here. Bless our going and coming. We petition you in the name of Jesus the Christ. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Hernandez Luna on motion of Walle.

Kleinschmidt on motion of Hopson.

Solomons on motion of Truitt.

(Phillips in the chair)

HR 219 - ADOPTED (by Lewis)

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 219**.

The motion prevailed.

The following resolution was laid before the house:

HR 219, Commemorating the dedication of the Salvador M. Guerrero Senior Center in Odessa.

HR 219 was adopted.

CAPITOL PHYSICIAN

The chair recognized Representative Beck who presented Dr. Mary Helen Morrow of North Zulch as the "Doctor for the Day."

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

(S. Davis and Sheets now present)

LEAVE OF ABSENCE GRANTED

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

Allen on motion of Martinez.

RESOLUTIONS ADOPTED

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HCR 43** and **HCR 44**.

The motion prevailed.

The following resolutions were laid before the house:

HCR 43 (by Geren), Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 23, 2011.

HCR 44 (by Geren), Inviting the governor to address a joint session of the legislature on February 8, 2011.

The resolutions were adopted by (Record 34): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Hernandez Luna; Kleinschmidt; Miller, D.; Smith, T.; Solomons.

Absent — Bonnen; Christian; Elkins; Harless; Paxton.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 206 - ADOPTED (by Huberty)

Representative Huberty moved to suspend all necessary rules to take up and consider at this time **HR 206**.

The motion prevailed.

The following resolution was laid before the house:

HR 206, Congratulating the Atascocita High School women's soccer team for being invited to play in the 11th Annual Lady Governor's Cup and for receiving the Team Academic Award from the National Soccer Coaches Association of America.

HR 206 was read and was adopted.

HR 157 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 157**.

The motion prevailed.

The following resolution was laid before the house:

HR 157, Recognizing the Reverend John E. Fields of Houston as Pastor of the Day for the house of representatives on January 27, 2011.

HR 157 was read and was adopted.

On motion of Representative Miles, the names of all the members of the house were added to **HR 157** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dutton who introduced Reverend John E. Fields and his wife, Tammy.

HR 201 - ADOPTED
(by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 201**.

The motion prevailed.

The following resolution was laid before the house:

HR 201, Recognizing January 2011 as Crime Stoppers Month and honoring Lamar County Crime Stoppers on the 25th anniversary of its founding.

(Speaker in the chair)

HR 201 was adopted.

SCR 8 - ADOPTED
(Cain - House Sponsor)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **SCR 8**.

The motion prevailed.

The following resolution was laid before the house:

SCR 8, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 26, 2011, and ending on Monday, January 31, 2011.

LEAVES OF ABSENCE GRANTED

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

Harless on motion of Harper-Brown.

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

Christian on motion of Huberty.

SCR 8 - (consideration continued)

SCR 8 was adopted by (Record 35): 135 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Christian; Harless; Hernandez Luna; Kleinschmidt; Miller, D.; Smith, T.; Solomons.

Absent — Bonnen; Garza; Lyne; Menendez; Raymond; Zerwas.

HR 221 - ADOPTED

(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 221**.

The motion prevailed.

The following resolution was laid before the house:

HR 221, Recognizing January 27, 2011, as The University of Texas-Pan American Day at the State Capitol.

(Phillips in the chair)

HR 221 was read and was adopted.

On motion of Representative V. Gonzales, the names of all the members of the house were added to **HR 221** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Peña who introduced President Dr. Robert S. Nelsen and representatives of The University of Texas-Pan American.

HR 222 - ADOPTED
(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 222**.

The motion prevailed.

The following resolution was laid before the house:

HR 222, Honoring Dr. Robert S. Nelsen, president of The University of Texas-Pan American, for his contributions to higher education in the Lone Star State.

HR 222 was read and was adopted.

ADJOURNMENT

Representative V. Gonzales moved that the house adjourn until 1 p.m. Monday, January 31 in memory of Nancy Davis of Monte Alto.

The motion prevailed.

The house accordingly, at 10:43 a.m., adjourned until 1 p.m. Monday, January 31.

ADDENDUM

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, January 27, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 14 Fraser
Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

SCR 8 Whitmire SPONSOR; Cain
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 26, 2011, and ending on Monday, January 31, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

ELEVENTH DAY — MONDAY, JANUARY 31, 2011

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

The roll of the house was called and a quorum was announced present (Record 36).

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

Absent, Excused — Aliseda; Allen; Anchia; Hernandez Luna; Huberty.

The invocation was offered by Martin Seca, pastor, Living Stone Worship Church, Del Rio, as follows:

Heavenly Father, our creator, provider, and sustainer. It is to you our refuge, strength, the one God who is known by many names, to you God we give thanks for this day. A day in which we have another opportunity to manifest your divine essence upon the earth. You have given us another opportunity to demonstrate your love for us and how we treat one another. And so on this day, I lift Governor Rick Perry and the members and staff of the Texas Congressional House of Representatives to you. I pray your divine wisdom and guidance will consume them so they will understand the individuals, families, and yes, this grand state that has, and even still continues to influence this, your great nation, that will be impacted by their decisions today. I ask you to bestow upon the leadership that you have selected and ordained to lead us, pour on them your

divine knowledge, wisdom, and understanding. I ask you to teach them and teach all of us to seek you, to do justice, to love kindness, and to walk humbly with you our God. In the name of Jesus, I pray. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Aliseda on motion of Hunter.

Hernandez Luna on motion of Strama.

The following members were granted leaves of absence for today because of illness:

Allen on motion of Strama.

Anchia on motion of Strama.

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

Huberty on motion of Schwertner.

CAPITOL PHYSICIAN

The speaker recognized Representative Weber who presented Dr. Gregory Johnson of Manvel as the "Doctor for the Day."

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

(S. King in the chair)

HCR 41 - ADOPTED

(by Orr)

Representative Orr moved to suspend all necessary rules to take up and consider at this time **HCR 41**.

The motion prevailed.

The following resolution was laid before the house:

HCR 41, Recognizing January 31, 2011, as Bosque County Day at the State Capitol.

HCR 41 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Orr who introduced a delegation from Bosque County.

HR 225 - ADOPTED
(by D. Howard)

Representative D. Howard moved to suspend all necessary rules to take up and consider at this time **HR 225**.

The motion prevailed.

The following resolution was laid before the house:

HR 225, Welcoming members of the Sports Medicine Program at Vandegrift High School in Leander ISD to the Capitol.

HR 225 was adopted.

HCR 36 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HCR 36**.

The motion prevailed.

The following resolution was laid before the house:

HCR 36, Commemorating the 25th anniversary of the establishment of the Texas Silver-Haired Legislature.

HCR 36 was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HCR 36** as signers thereof.

(Legler in the chair)

HR 151 - ADOPTED
(by Farrar, et al.)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 151**.

The motion prevailed.

The following resolution was laid before the house:

HR 151, Congratulating Sarah L. Hirsch on being named director of party administration of the Harris County Democratic Party.

HR 151 was adopted.

LEAVE OF ABSENCE GRANTED

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

J. Davis on motion of Hancock.

ADJOURNMENT

Representative Martinez Fischer moved that the house adjourn until 10 a.m. tomorrow in memory of Victor R. Alonzo of Dallas.

The motion prevailed.

The house accordingly, at 1:36 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

SIGNED BY THE GOVERNOR**January 28 - HCR 26**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWELFTH DAY — TUESDAY, FEBRUARY 1, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 37).

Present — Mr. Speaker; Aliseda; Alonzo; 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; 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; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Anchia; Truitt.

Absent — Kolkhorst; McClendon.

The invocation was offered by Reverend Kenneth R. Pruitt, senior pastor, First Baptist Church, Fairfield, as follows:

Father God, I come to you in the name of Jesus, and I thank you for the opportunity to stand before this house of elected officials to seek your guidance, direction, and blessings for every home, family, and individual in the State of Texas. I thank you for every member of this house, and my prayer is that each member would feel your guidance and your providence upon their office, their lives, and their families.

We thank you for our great state and the many principles, values, and decisions that bring you honor from within this house of representatives. We ask for your pardon over those things in our land that do not honor you and pray that in all things the great State of Texas will constantly seek your face and know your

will. And, as this meeting convenes today, please guide the men and women of this honorable assembly, and may your presence indeed be our guide. As the word of God proclaims in Jeremiah 12, "You are always righteous as we bring our cases before you." Thank you, Father, for being our holy and righteous Heavenly Father upon whom we depend for wisdom, life, health, strength, courage, integrity, and peace. As the Scripture asks, "When have we seen the righteous forsaken or begging for bread?" So keep us, we pray, in harmony with your heart so that we may see your blessings fall upon every inch of this, our home, the State of Texas. And we pray this, not for ourselves, but for your glory.

May your blessings be upon this assembly at this time. This prayer we offer in the name of Christ Jesus, our Lord. Amen.

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

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of inclement weather:

Anchia on motion of Strama.

The following members were granted leaves of absence for today because of illness:

Allen on motion of Strama.

Truitt on motion of Solomons.

CAPITOL PHYSICIAN

The speaker recognized Representative Gooden who presented Dr. Paul Guttuso of Mabank as the "Doctor for the Day."

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

(Hamilton in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(McClendon now present)

HR 204 - ADOPTED (by Aycock and C. Anderson)

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 204**.

The motion prevailed.

The following resolution was laid before the house:

HR 204, Honoring the Texas A&M College of Veterinary Medicine and Biomedical Sciences, the Texas Veterinary Medical Association, and veterinarians throughout Texas on the occasion of World Veterinary Year.

HR 204 was read and was adopted.

On motion of Representative C. Anderson, the names of all the members of the house were added to **HR 204** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Aycock who introduced representatives of the Texas A&M College of Veterinary Medicine and Biomedical Sciences, the Texas and American Veterinary Medical Associations, and the World Veterinary Association.

HR 140 - ADOPTED (by Otto and Nash)

Representative Otto moved to suspend all necessary rules to take up and consider at this time **HR 140**.

The motion prevailed.

The following resolution was laid before the house:

HR 140, Recognizing February 1, 2011, as CASA Day at the Capitol and commending Texas Court Appointed Special Advocates volunteers.

HR 140 was read and was adopted.

On motion of Representative Nash, the names of all the members of the house were added to **HR 140** as signers thereof.

HCR 35 - ADOPTED (by Hilderbran, Frullo, Perry, Smithee, Keffer, et al.)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 35**.

The motion prevailed.

The following resolution was laid before the house:

HCR 35, Recognizing February 1, 2011, as Texas Tech University System Day.

HCR 35 was read and was adopted.

On motion of Representative Keffer, the names of all the members of the house were added to **HCR 35** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hilderbran who introduced representatives of The Texas Tech University System.

HR 150 - ADOPTED
(by Lewis)

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 150**.

The motion prevailed.

The following resolution was laid before the house:

HR 150, Recognizing February 1, 2011, as Andrews County Day at the State Capitol.

HR 150 was read and was adopted.

HR 183 - ADOPTED
(by Crownover)

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 183**.

The motion prevailed.

The following resolution was laid before the house:

HR 183, Welcoming members of the National Association of Insurance and Financial Advisors-Texas to the State Capitol on the occasion of the organization's 86th anniversary.

HR 183 was adopted.

(Kolkhorst now present)

HR 239 - ADOPTED
(by Keffer)

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HR 239**.

The motion prevailed.

The following resolution was laid before the house:

HR 239, In memory of former state representative Joseph Lynn Nabers.

HR 239 was read and was unanimously adopted by a rising vote.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 239** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Keffer who introduced family members of the Honorable Joseph Lynn Nabers and former Texas House Speaker Ben Barnes.

LEAVES OF ABSENCE GRANTED

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

Aliseda on motion of Larson.

Harper-Brown on motion of Crownover.

**ADDRESS BY REPRESENTATIVE D. MILLER
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative D. Miller who addressed the house on a matter of personal privilege.

**HR 231 - ADOPTED
(by V. Gonzales, Peña, Muñoz, Martinez, and Guillen)**

Representative V. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 231**.

The motion prevailed.

The following resolution was laid before the house:

HR 231, Recognizing February 1, 2011, as McAllen Day at the State Capitol.

HR 231 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative V. Gonzales who introduced a delegation from McAllen.

**HR 241 - ADOPTED
(by Patrick, et al.)**

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 241**.

The motion prevailed.

The following resolution was laid before the house:

HR 241, Recognizing February 1, 2011, as Baylor Day at the State Capitol.

HR 241 was read and was adopted.

On motion of Representative S. Davis, the names of all the members of the house were added to **HR 241** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative C. Anderson who introduced president of Baylor University Judge Ken Starr and representatives of Baylor University.

ADJOURNMENT

Representatives Hopson and Branch moved that the house adjourn until 10 a.m. tomorrow in memory of Hubert Kidd of Muleshoe and in honor of E. E. Myers on the 129th anniversary of the groundbreaking ceremony of the Texas State Capitol.

The motion prevailed.

The house accordingly, at 11:06 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, February 1, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 41 Orr SPONSOR: Birdwell
Recognizing January 31, 2011, as Bosque County Day at the State Capitol.

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTEENTH DAY — WEDNESDAY, FEBRUARY 2, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 38).

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

Absent, Excused — Anchia.

The invocation was offered by Bill Proctor, pastor, First Presbyterian Church, San Angelo, as follows:

Mighty God, there are many who believe that in the current economic conditions this house does not have a prayer of balancing a budget or doing right by the people of this great state. Nevertheless, I join with people of faith, from every faith, who believe that prayer does make a difference in the course of human events. So in faith I pray today for all those who serve in this house, asking first that you would watch over and protect them. I pray that you would give each member a full degree of wisdom and compassion as difficult decisions have to be made, which they surely will. I also pray that you would give each member a sense of humility and a deep and abiding desire to serve all the people with honor and integrity.

With your steady love, encourage and uphold those in this house whose work during this session separates them from spouses and children back at home. Bless each member's family, I pray. Grant each member health and energy during each day's work, and then give restful and renewing sleep each night, even when the weight of the day's decisions is heavy and burdensome. Bless and surround with your gracious and loving presence all those who assist these representatives in their work, from pages to staff persons, guards to custodians. I offer prayer that your sustaining blessing would rest upon our president, Barack Obama, our governor, Rick Perry, and all those who represent this state in Washington, D.C.

With many other people of faith I pray that you would bless the State of Texas and our great nation with your guidance and patient love. May every elected official serve the people with energy, imagination, and a firm devotion to the cause of freedom, for we look to you, the ruler of every nation and every people, to guide us in all that is right and good. Forgive us when we err. Strengthen our faith when we fall into doubt. Correct us when we are wrong. Guide us when we are lost. Love us when we are a difficult people to love, and then help us to practice forbearance toward those with whom we disagree, for we desire to be counted among those who make a difference in the lives of others for the sake of all that is just and fair. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Kleinschmidt who presented Dr. Russell Thomas of Eagle Lake as the "Doctor for the Day."

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

(Aycock in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

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. 2 and Senate List No. 3).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of inclement weather:

Anchia on motion of Strama.

HR 143 - ADOPTED
(by Schwertner)

Representative Schwertner moved to suspend all necessary rules to take up and consider at this time **HR 143**.

The motion prevailed.

The following resolution was laid before the house:

HR 143, Congratulating the football team of Yoe High School in Cameron on its successful 2010 season.

HR 143 was read and was adopted.

On motion of Representative Schwertner, the names of all the members of the house were added to **HR 143** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Schwertner who introduced players and coaches of the Yoe High School football team.

(Bohac in the chair)

HR 203 - ADOPTED
(by Aycock)

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 203**.

The motion prevailed.

The following resolution was laid before the house:

HR 203, Recognizing February 2, 2011, as Texas 4-H Day at the State Capitol.

HR 203 was read and was adopted.

On motion of Representative Phillips, the names of all the members of the house were added to **HR 203** as signers thereof.

HR 261 - ADOPTED
(by Farrar, et al.)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 261**.

The motion prevailed.

The following resolution was laid before the house:

HR 261, Welcoming members of the Houston Arts Alliance to the State Capitol on Arts Advocacy Day.

HR 261 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Farrar who introduced Cissy Segall Davis, Kim Stoilis, and Joe Wilson.

HR 232 - ADOPTED
(by D. Howard and Harless)

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 232**.

The motion prevailed.

The following resolution was laid before the house:

HR 232, Recognizing February 4, 2011, as National Wear Red Day.

HR 232 was read and was adopted.

HR 178 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 178**.

The motion prevailed.

The following resolution was laid before the house:

HR 178, Congratulating Congregation Beth Israel of Austin on its 135th anniversary.

HR 178 was read and was adopted.

(Driver in the chair)

HCR 40 - ADOPTED
(by Naishtat)

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

The motion prevailed.

The following resolution was laid before the house:

HCR 40, Designating the Sunday through Saturday surrounding World Suicide Prevention Day, September 10, each year as Texas Suicide Prevention Week.

HCR 40 was read and was adopted.

HR 262 - ADOPTED
(by R. Anderson)

Representative R. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 262**.

The motion prevailed.

The following resolution was laid before the house:

HR 262, Welcoming visitors from the Harmony Science Academy of Grand Prairie to the State Capitol.

HR 262 was adopted.

HR 251 - ADOPTED
(by Reynolds, C. Howard, and Zerwas)

Representative Reynolds moved to suspend all necessary rules to take up and consider at this time **HR 251**.

The motion prevailed.

The following resolution was laid before the house:

HR 251, Welcoming the Central Fort Bend Chamber Alliance to Austin on the occasion of Fort Bend County Day.

HR 251 was adopted.

HR 184 - ADOPTED
(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 184**.

The motion prevailed.

The following resolution was laid before the house:

HR 184, Welcoming members of the Harmony Science Academy of Laredo to the State Capitol.

HR 184 was adopted.

HR 230 - ADOPTED
(by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 230**.

The motion prevailed.

The following resolution was laid before the house:

HR 230, Recognizing February 2, 2011, as Community College Day at the State Capitol.

HR 230 was read and was adopted.

On motion of Representative Kolkhorst, the names of all the members of the house were added to **HR 230** as signers thereof.

HR 253 - ADOPTED
(by Carter)

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HR 253**.

The motion prevailed.

The following resolution was laid before the house:

HR 253, Recognizing February 2, 2011, as Richland College Day at the State Capitol.

HR 253 was adopted.

ADJOURNMENT

Representative Bonnen moved that the house adjourn until 10 a.m. tomorrow in memory of Melissa Mitchell-Manning of Katy.

The motion prevailed.

The house accordingly, at 10:55 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 2

HCR 41

Senate List No. 3

SCR 7, SCR 8

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, February 2, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 35 Hilderbran SPONSOR: Duncan
Recognizing February 1, 2011, as Texas Tech University System Day.

HCR 43 Geren SPONSOR: Harris
Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 23, 2011.

HCR 44 Geren SPONSOR: Eltife
Inviting the governor to address a joint session of the legislature on February 8, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FOURTEENTH DAY — THURSDAY, FEBRUARY 3, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 39).

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

Absent, Excused — Anchia; Gonzalez; Johnson; King, S.; Naishtat; Pitts.

Absent — Bonnen.

The invocation was offered by Representative Chisum, as follows:

Lord God of heaven, you have so lavishly shed your grace on this land and on our state. Keep us ever aware that the good things we enjoy have come from you, that you have lent them to us. Impress upon our smugness the knowledge that we are not owners, but stewards. Remind us, lest we become filled with conceit, that one day a reckoning will be required of us. Sanctify our love of country and state, that our boasting may be turned into humility and our pride into a ministry to people everywhere. Help us to make this God's own state and country by living like God's own people. In Jesus' name, we pray. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Anchia on motion of Strama.

Gonzalez on motion of Miles.

Johnson on motion of Driver.

S. King on motion of Driver.

Naishtat on motion of Miles.

Pitts on motion of Lewis.

CAPITOL PHYSICIAN

The speaker recognized Representative W. Smith who presented Dr. Clare Hawkins and Dr. Arie Marancenbaum of Baytown as the "Doctors for the Day."

The house welcomed Drs. Hawkins and Marancenbaum and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Harper-Brown in the chair)

**HR 269 - ADOPTED
(by Beck)**

Representative Beck moved to suspend all necessary rules to take up and consider at this time **HR 269**.

The motion prevailed.

The following resolution was laid before the house:

HR 269, Honoring former first lady Nancy Reagan on the occasion of the centennial of Ronald Reagan's birth.

HR 269 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 269** as signers thereof.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**HR 289 - ADOPTED
(by Eissler)**

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 289**.

The motion prevailed.

The following resolution was laid before the house:

HR 289, Recognizing February 3, 2011, as Texas PTA Rally Day at the State Capitol.

HR 289 was read and was adopted.

On motion of Representative Eissler, the names of all the members of the house were added to **HR 289** as signers thereof.

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. 3).

SCR 12 - ADOPTED
(Eissler - House Sponsor)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **SCR 12**.

The motion prevailed.

The following resolution was laid before the house:

SCR 12, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 2, 2011, and ending on Monday, February 7, 2011.

SCR 12 was adopted by (Record 40): 140 Yeas, 0 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Anchia; Gonzalez; Johnson; King, S.; Naishtat; Pitts.

Absent — Bonnen; Garza.

ADJOURNMENT

Representative Turner moved that the house adjourn until 1 p.m. Monday, February 7 in memory of W. Wade Porter of Austin.

The motion prevailed.

The house accordingly, at 10:29 a.m., adjourned until 1 p.m. Monday, February 7.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 3

HCR 35, HCR 43, HCR 44

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Thursday, February 3, 2011

The Honorable Speaker of the House
 House Chamber
 Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 36 Naishtat SPONSOR: Lucio
 Commemorating the 25th anniversary of the establishment of the Texas
 Silver-Haired Legislature.

SCR 12 Whitmire SPONSOR: Eissler
 Granting the legislature permission to adjourn for more than three days during the
 period beginning on Wednesday, February 2, 2011, and ending on Monday,
 February 7, 2011.

Respectfully,
 Patsy Spaw
 Secretary of the Senate

APPENDIX

ENROLLED

February 2 - HCR 41

SENT TO THE GOVERNOR

February 2 - HCR 41

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTEENTH DAY — MONDAY, FEBRUARY 7, 2011

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

The roll of the house was called and a quorum was announced present (Record 41).

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

Absent, Excused — Giddings; Hilderbran; Oliveira; Ritter; Solomons; Vo.

Absent — Button.

The invocation was offered by Luis Torres, pastor, Church of Christ, Corpus Christi, as follows:

Heavenly Father, we come before your throne of mercy and grace to thank you for the many blessings we receive from you. We thank you, Father, for your word and we thank you for your son, Jesus Christ, who died for our sins and gave us the hope of heaven. We thank you, Father, for this great nation that we live in and for the freedoms that we enjoy.

Father, we ask your blessing upon each and every member of this legislative body. They have the awesome responsibility of providing for the well being of the people of the State of Texas. As they discuss and debate the matters that

come before them, may they do so in such a way that the decisions agreed upon will be according to your will and in the best interest of all the citizens of this state.

Father, help us to be aware of our weaknesses and shortcomings, that we may not sin against you but rather do that which is pleasing unto you. All this we ask of you, Father, in the wonderful name of our Lord and Savior, Jesus Christ. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Hilderbran on motion of Brown.

Oliveira on motion of Deshotel.

Solomons on motion of Brown.

Vo on motion of Deshotel.

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

Giddings on motion of Deshotel.

The following member was granted leave of absence for today to attend a funeral:

Ritter on motion of Harless.

CAPITOL PHYSICIAN

The speaker recognized Representative Strama who presented Dr. Larry Kravitz of Austin as the "Doctor for the Day."

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

(Harper-Brown in the chair)

HR 283 - ADOPTED

(by Muñoz, V. Gonzales, Peña, Guillen, and Martinez)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 283**.

The motion prevailed.

The following resolution was laid before the house:

HR 283, Welcoming members of Leadership Mission to the State Capitol and honoring them for their community service.

HR 283 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Muñoz who introduced members of Leadership Mission.

(Speaker in the chair)

HR 213 - ADOPTED **(by Paxton and Zedler)**

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 213**.

The motion prevailed.

The following resolution was laid before the house:

HR 213, Honoring President Ronald Reagan on the 100th anniversary of his birth.

HR 213 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 213** as signers thereof.

HR 310 - ADOPTED **(by S. Davis)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 310**.

The motion prevailed.

The following resolution was laid before the house:

HR 310, Recognizing artist Hanh Tran on the launch of her BIG TEXAS collection.

HR 310 was read and was adopted.

(L. Taylor in the chair)

INTRODUCTION OF GUEST

The chair recognized Representative S. Davis who introduced Hanh Tran.

HR 229 - ADOPTED **(by C. Anderson)**

Representative C. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 229**.

The motion prevailed.

The following resolution was laid before the house:

HR 229, In memory of Margaret Johnson.

HR 229 was read and was unanimously adopted by a rising vote.

On motion of Representative Legler, the names of all the members of the house were added to **HR 229** as signers thereof.

HR 149 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 149**.

The motion prevailed.

The following resolution was laid before the house:

HR 149, In memory of Joe Avila of Austin.

(Speaker in the chair)

HR 149 was read and was unanimously adopted by a rising vote.

On motion of Representative Rodriguez, the names of all the members of the house were added to **HR 149** as signers thereof.

LEAVES OF ABSENCE GRANTED

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

Allen on motion of Farrar.

The following member was granted leave of absence for today to attend a funeral:

Button on motion of Shelton.

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

Kolkhorst on motion of Hamilton.

HR 32 - ADOPTED
(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 32**.

The motion prevailed.

The following resolution was laid before the house:

HR 32, Commemorating the 25th anniversary of Mount St. Michael Catholic School in Dallas.

HR 32 was adopted.

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. 4).

ADJOURNMENT

Representative Legler moved that the house adjourn until 10 a.m. tomorrow in memory of Gladys Joan Victor Salvino of Dallas.

The motion prevailed.

The house accordingly, at 1:42 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 4

HCR 36

APPENDIX

ENROLLED

February 3 - HCR 35, HCR 36, HCR 43, HCR 44

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTEENTH DAY — TUESDAY, FEBRUARY 8, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 42).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; 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; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Oliveira; Ritter.

Absent — Kolkhorst; Martinez.

The invocation was offered by Representative Chisum, as follows:

Dear Lord, we praise your name and ask your blessing and peace to fall on us this day. Open our minds to your will. Fill our hearts with your love and give our mouths a portion of your wisdom, that we may seek you in all our actions. In Jesus' name, we pray. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Oliveira on motion of Harless.

Ritter on motion of Harless.

(Kolkhorst now present)

HR 120 - ADOPTED
(by P. King)

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 120**.

The motion prevailed.

The following resolution was laid before the house:

HR 120, Recognizing February 8, 2011, as Wise County Day at the State Capitol.

(Legler in the chair)

HR 120 was read and was adopted.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 245 - ADOPTED
(by Madden)

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 245**.

The motion prevailed.

The following resolution was laid before the house:

HR 245, Welcoming Ms. Texas Senior America 2010 Paula Lee and former Ms. Texas Senior America pageant winners Mary Frances Hansen and Patricia Madden Housel to the State Capitol.

HR 245 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Madden who introduced Ms. Texas Senior America 2010 Paula Lee and former Ms. Texas Senior America pageant winners Mary Frances Hansen and Patricia Madden Housel.

CAPITOL PHYSICIAN

The chair recognized Representative D. Howard who presented Dr. Julie Graves Moy and Dr. Emilie Becker of Austin as the "Doctors for the Day."

The house welcomed Drs. Moy and Becker and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 211 - ADOPTED
(by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 211**.

The motion prevailed.

The following resolution was laid before the house:

HR 211, Commending Captain Billy G. "Shakey" Holder for his 55 years of service with the Irving Fire Department.

HR 211 was read and was adopted.

On motion of Representative Harper-Brown, the names of all the members of the house were added to **HR 211** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Harper-Brown who introduced Captain Billy G. "Shakey" Holder, his wife, Ginger, and members of the Irving Fire Department.

HR 287 - ADOPTED (by Harless)

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 287**.

The motion prevailed.

The following resolution was laid before the house:

HR 287, Recognizing February 8, 2011, as Alliance of North Houston Chambers of Commerce Day at the State Capitol.

(Zerwas in the chair)

HR 287 was read and was adopted.

HR 238 - ADOPTED (by Turner and Y. Davis)

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HR 238**.

The motion prevailed.

The following resolution was laid before the house:

HR 238, Recognizing February 8, 2011, as Senior Day at the Capitol.

HR 238 was adopted.

HR 300 - ADOPTED (by Huberty)

Representative Huberty moved to suspend all necessary rules to take up and consider at this time **HR 300**.

The motion prevailed.

The following resolution was laid before the house:

HR 300, Welcoming the Lake Houston Area Chamber of Commerce to the State Capitol.

HR 300 was read and was adopted.

HR 294 - ADOPTED
(by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 294**.

The motion prevailed.

The following resolution was laid before the house:

HR 294, Recognizing February 8, 2011, as Irving Day at the State Capitol.

HR 294 was read and was adopted.

On motion of Representative R. Anderson, the names of all the members of the house were added to **HR 294** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Harper-Brown who introduced a delegation from Irving.

HR 295 - ADOPTED
(by Kuempel, et al.)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 295**.

The motion prevailed.

The following resolution was laid before the house:

HR 295, Congratulating Henry Kuempel of Seguin on his 100th birthday.

HR 295 was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 295** as signers thereof.

HR 292 - ADOPTED
(by Zedler, et al.)

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 292**.

The motion prevailed.

The following resolution was laid before the house:

HR 292, Recognizing February 8, 2011, as Mansfield Day at the State Capitol.

HR 292 was read and was adopted.

On motion of Representatives Nash and Patrick, the names of all the members of the house were added to **HR 292** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Zedler who introduced a delegation from Mansfield.

**HCR 53 - ADOPTED
(by Craddick)**

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HCR 53**.

The motion prevailed.

The following resolution was laid before the house:

HCR 53, Honoring Viola Vasquez Milan of Midland for her 40 years of service as a schoolteacher in Texas.

HCR 53 was adopted.

LEAVE OF ABSENCE GRANTED

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

Riddle on motion of Weber.

COMMITTEE APPOINTED

The chair announced the appointment of the following committee to escort Governor Rick Perry to the speaker's rostrum: Elkins, chair; Aliseda, Scott, Reynolds, and Torres.

HOUSE AT EASE

At 10:47 a.m., the chair announced that the house would stand at ease.

**ADDRESS BY GOVERNOR RICK PERRY
(The House of Representatives and Senate in Joint Session)**

At 11 a.m. and in accordance with the provisions of **HCR 44**, providing for a joint session of the senate and the house of representatives for the purpose of hearing an address by the Honorable Rick Perry, governor of the State of Texas, the Honorable David Dewhurst, lieutenant governor of the State of Texas, and the honorable senators were announced at the door of the house and were admitted.

The Honorable Rick Perry, governor of the State of Texas, and his party were announced at the door of the house and, being admitted, were escorted by Senators Ogden, chair; Davis, Estes, Patrick, and Uresti, committee on the part of the senate; and Representatives Elkins, chair; Aliseda, Scott, Reynolds, and Torres, committee on the part of the house.

The Honorable David Dewhurst, president of the senate, called the senate to order and stated that a quorum of the senate was present.

The Honorable Joe Straus, speaker of the house, called the house to order and stated that a quorum of the house of representatives was present.

Speaker Straus stated that the two houses were in joint session pursuant to **HCR 44** for the purpose of hearing an address by Governor Rick Perry.

Speaker Straus introduced Anita Perry, first lady of Texas.

Lieutenant Governor Dewhurst introduced Governor Rick Perry, who addressed the joint session, speaking as follows:

Thank you, Speaker Straus, and thank you, Governor Dewhurst, for your leadership and service to our state. The three of us are bound together by shared duties, shared responsibilities, and, most importantly, shared outcomes. When the final gavel sounds on this legislative session, we won't get points for our speeches or extra credit for our process. Instead, we'll be judged on our results, by the outcomes we achieve for the people of Texas. I'm confident our efforts will be found wise, prudent, and effective.

So let me begin by greeting my fellow statewide officials, members of the judiciary and the legislature, distinguished guests, friends, and fellow Texans. I am honored to uphold our constitutional tradition and speak to you today on the state of our state. As you know, I owe everything I am to Texas, for raising me, blessing me with opportunity, and teaching me the value of good, old fashioned hard work.

The shaping process that began under the watchful eye of my loving parents, Ray and Amelia Perry, continues to this day through the greatest gift of my life, Anita Thigpen Perry. She represents all that is good about Texas women, with her grace, strength and compassion, and wonderful smile. She also shares in my greatest joy: our children, Sydney, Griffin, and his wife, Meredith.

I also credit the Boy Scouts for molding my character and shaping my values. I want to recognize the Scouts from the Capitol Area Council who are with us today and congratulate the Boy Scouts of America at the conclusion of their Centennial Celebration.

Throughout my life and service to this state, my optimism about Texas and its people has never wavered, and, by any meaningful measure, the state of our state is strong. As I look out over this chamber and see the familiar faces of so many friends and colleagues, I'm reminded of those who are no longer with us, especially my old roommate and mentor, Edmund Kuempel. His passing was a reminder to all of us that life is fleeting, that friendship matters, and that we only have a short time to make a difference. As legislators, you get 140 days to make that difference, and the clock is ticking.

As this session gets rolling, some folks are painting a pretty grim picture of our situation, so we need to balance their pessimism with the good news that continues to flow from our comparatively strong economy. Have the doomsayers forgotten that Texas added more jobs in 2010 than any other state? Last year, the growth rate of Texas jobs was nearly double that of any other top ten state. Some partisan commentators have tried to downplay our economic success by giving sole credit to our energy industry. Now, let me tell you, I'm mighty proud of what our energy industry has done and still does for our state, but our economic strength is built on a much broader base. Our job growth occurred across a wide variety of sectors, including business services, healthcare, construction, manufacturing, hospitality, and, of course, our substantial energy industry. According to the Brookings Institute, Texas had six of the nation's "20 Strongest-Performing Metros." Those figures paint a much more encouraging picture, don't you think? Our economic strength is no accident. It's a testimony to

our people, our entrepreneurs, and, yes, to the decisions made in this building. Employers from across the country and around the world understand that the opportunity they crave can be found in Texas, and they're headed our way, with jobs in tow.

People are seeking opportunity as well, and newcomers arrive every day, ready to pursue their dreams. For the sixth year running, research from Allied Van Lines showed that Texas was the top destination for relocations. Need I go on? Well, don't mind if I do. *Newsweek* magazine had four Texas cities on their list of "Top 10 American Cities Best Situated for Recovery," and *Forbes* considers our growth prospects best in the nation, based on projected increases in jobs, income, and gross state product. In a category that really affects the bottom line for Texas families, our state leads the nation in strong home values. According to one industry analyst, the strongest appreciation in home values over the next seven months will take place in the Houston area, the Metroplex, and Amarillo. According to our meticulous, hardworking comptroller, Susan Combs, Texas has ten consecutive months of sales tax growth.

I could keep listing accolades, but I don't want to give the other states a complex, and we've got a lot of ground to cover this morning. So let me boil it down to these simple truths—the core elements of our economy are strong, and Texas is still the envy of our nation. We have a strong advantage over those states that care more about the expansion and extension of government than the freedom and prosperity of their citizens. As Exhibit A, I submit the Illinois Legislature's recent decision to raise taxes as much as 66 percent. That may have seemed like an easy fix from Springfield, Illinois, but it takes on a completely different meaning for families on a budget or employers on tight margins. Some experts have predicted that other states will follow their lead, including our key competitors like California and New York. When those states dig deeper into their citizens' wallets, Texas looks even better by comparison. I can assure you that we will compete and win jobs from those states, or should I say more jobs, since we've already won thousands. It might be time to send a few more letters to their employers, inviting them to move to Texas. I'd include stories about business leaders like some that are here in this historic chamber today.

About ten years ago, a small group of entrepreneurs in Los Angeles created a company called LegalZoom that grew rapidly. When it came time to expand, they looked to Texas where they found the right mix of factors, including our workforce, our quality of life, and investments from the Texas Enterprise Fund and the city of Austin. We are proud to welcome them and their 600 jobs to Texas and thank them for their contribution to our economy. Those jobs are among the tens of thousands of jobs that the Enterprise Fund has brought to Texas, along with nearly \$15 billion in capital investment.

As the nation struggles to recover from the ongoing economic crisis, and states go head-to-head for new jobs, now is not the time for Texas to roll up our tents and go home. Instead, it's time to keep attracting good Texas jobs by funding our premiere economic development tools like the Enterprise Fund and the Emerging Technology Fund. If we pulled the plug on our economic

development efforts, no one would be happier than my fellow governors in states like Oklahoma and New Jersey, who are creating their own versions of the TEF to compete for the jobs we've been landing.

We owe it to our citizens to maintain our competitive edge, especially because our economy's relative prosperity does not extend into every single Texas home. I am deeply concerned about those Texas families that are dealing with joblessness and the fear and uncertainty that it cultivates. These are friends who live in our neighborhoods, worship in our churches, then wonder how long they'll have a roof over their heads. An unemployment level that has hovered about a full point below the national average is a good indicator of our comparative strength, but it also tells a tough story for more Texans than any of us can or should accept. When it comes to our vision for this state, our work will not be done until every Texan who wants a job has a job. Research and experience tell us that the only way to create those jobs is to knock down the senseless obstacles to economic growth. For more than a decade, those of us elected to serve in this building have been working diligently to remove those obstacles and create a level playing field by following a few simple rules. For example, setting aside resources for a rainy day has given us a resource that other states would love to have and some in our state would love for us to spend dry. Emptying the savings account to pay for recurring expenses is a bad idea, whether it happens at home, the workplace, or in our state budget. That approach would not only postpone tough, necessary decisions, but also leave us ill-equipped to handle bigger emergencies in the future. Therefore, we must protect the rainy day fund.

Second, we've created a predictable regulatory environment, so that employers know what to expect from one quarter to the next. I'm talking about programs like our flexible permitting program that has contributed to cleaner air and economic development in Texas. Between 2000 and 2009, this program helped Texas achieve a 27 percent reduction of statewide ozone levels, more than any other state. Nitrous oxide has fallen by 53 percent, and almost every metropolitan area is meeting the current air standard. For those of you keeping track, Dallas is within just one part per billion of meeting the standard as well. In true Texas style, we made those air quality improvements while Texas employers were creating more private sector jobs than any other big state in the nation.

Third, we've reformed our legal system to cut down on frivolous lawsuits so employers and doctors don't spend all their time in court. Since tort reform took effect, more than 26,000 medical license applications have been received and 33 counties got their first emergency room physician. Since the passage of reforms, Senator Lucio, the Rio Grande Valley has added 220 physicians to care for its growing population.

Joining us today is Dr. Javier Cardenas, an OB/GYN who returned to his hometown of McAllen to practice medicine, thanks to tort reform. He represents all those doctors who are able to practice medicine in our state without the ever-present threat of a frivolous lawsuit. Those doctors represent better access to care, a higher quality of life, and, more importantly, lives saved.

Fourth, thanks to leaders like Representative Rob Eissler and Senator Florence Shapiro, we've increased accountability in our public schools. We've engaged legislators, local districts, teachers, and parents in the process and genuinely reformed education in our state. Over the past decade, the state's share of public education spending increased from \$11 billion per year, to \$20 billion in 2009. That's an 82 percent increase. Part of our push for accountability has included a sharper focus on the basics like math, science, English, and social studies. Those efforts are paying off in the lives of our young people. For example, Texas has been recognized as one of only four states closing the achievement gap in math. On the latest National Assessment of Educational Progress, Texas children scored significantly higher than their peers. The quality of education in our state is getting better and better, preparing hardworking Texans to apply their legendary work ethic and provide for their families.

Those families sent a pretty clear message with their November votes. They want government to be even leaner and more efficient, and they want us to balance the budget without raising taxes on families and employers. Fortunately, the leaders in this room, led by Chairman Ogden and Chairman Pitts, have balanced the budget before and they'll do it again. We just can't forget that dollars do far more to create jobs and prosperity in the people's hands than they can in the government's. Taking more money away from Texas families and employers is not the answer to our challenges because they've already sacrificed plenty. Balancing our budget without raising taxes will certainly set a nice example for the rest of the nation, but we have a bigger motivation. Balancing our budget without raising taxes will keep us moving forward out of these tough economic times, creating more jobs and opportunity, and leaving Texas more competitive than ever.

Now, the mainstream media and big government interest groups are doing their best to convince us that we're facing a budget armageddon. Texans don't believe it and they shouldn't because it's not true. Are we facing some tough choices? Of course, but we can overcome them by setting priorities, cutting bureaucracy, reducing spending, and focusing on what really matters to Texas families. Fortunately, we saw this challenge coming. That's why we didn't touch the rainy day fund during the last legislative session. That's why Lieutenant Governor Dewhurst, Speaker Straus, and I called on state agencies to get involved in the process. Starting in January 2010, we asked them to identify 5 percent savings in the 2010-2011 biennium and 10 percent for the 2012-2013 biennium. Those agency leaders responded with a concerted effort, taking stock of their organizations and coming up with proactive cuts, that will keep Texas moving in the right direction. To keep that momentum going, the three of us recently asked agencies to identify an additional 2.5 percent savings for the 2011 fiscal year. My office is an agency as well, and we cut \$34.6 million in this cycle, which equates to almost 11 percent of our budget. As all Texans tighten their belts, we need to do more than just shave off a dollar here and there.

If ever there was a time to truly reform our approach to governance and streamline our organization, it is now. Frank discussions about the true purpose of state government must be followed by a willingness to act on our convictions.

There should be no sacred cows in this business and that reality is reflected in the budget that I submitted this morning. To eliminate duplication, let's consolidate functions like moving the Department of Rural Affairs into the Department of Agriculture. Let's suspend non-mission-critical entities like the Historical Commission or the Commission on the Arts until the economy improves. Let's take an even closer look at the way we deliver essential services to make sure we're taking the most efficient, cost-effective approach. We should follow the lead of HHSC, whose inspector general has saved the state more than \$5.3 billion dollars since its creation in 2004. Applied across all state agencies and departments, these practices could significantly reduce wasteful spending and save taxpayers' money. A state inspector general would work directly with the agencies, enhancing the state auditor's efforts and improving efficiencies. While we're at it, let's be sure we're not burdening local authorities with unfunded mandates, because they're facing their own budget challenges. In the end, our decisions should always reflect a fundamental truth: we work for the people, not the other way around.

With a balanced budget as our foundation, I encourage you to move quickly on the emergency items I've submitted. Most Texans, regardless of party, believe the integrity of elections would be improved by requiring participants to show a valid photo identification before voting. I wholeheartedly agree and thank Senator Fraser for carrying that bill. We also need to protect property ownership with tougher eminent domain laws using the approach taken by Senator Estes and Representative Geren in their bill. We need to protect the unborn by fast-tracking the sonogram bill so that women are fully, medically informed before they make the life-changing decision to terminate a pregnancy. We also need to hold Washington more accountable with a bill calling for a balanced budget amendment to the U.S. Constitution.

As those bills come to my desk for signature, I hope they'll be closely followed by others aimed at improving our public education system, especially efforts to reduce our dropout rate. So let's expand our Virtual School Network with a virtual high school that will not only enable students who have dropped out to earn a diploma online, but also give students across the state access to classes their own schools may not offer. To encourage students to stay in high school, let's require them to either be enrolled or working toward a GED if they want to get and/or keep their Texas driver's license. Let's also create an incentive program for employers who encourage their employees to continue their high school education. Let's offer employers a \$1,500 tax incentive for every employee who earns their diploma or GED after receiving two hours off per week with pay to study or go to class. Let's expand our STEM academies, those innovative schools that teach young Texans the science, technology, engineering, and math skills they need to compete for high tech jobs and college scholarships. We also need to help school districts reduce their expenses in these tight budgetary times, made worse by a certain Texas Congressman who singled out our state for punishment in pursuit of his own agenda. One approach is to encourage districts to enter into shared service arrangements with other entities in their area.

On the higher education front, we've experienced enrollment growth over the last two years higher than any time in Texas history. Our public institutions had 200,000 more students enrolled in 2010 than they did in 2008, so let's be sure those students and their families are getting the best value for their time and money. Change does not come easily or naturally to these big institutions, but it is critical to educational effectiveness and efficiency. Back in September of 2009, I ordered a review of cost efficiencies at our universities as a way to make education more affordable. One idea that emerged from that process is called "outcomes-based" funding in which a significant percent of undergraduate funding would be based on the number of degrees awarded. Texans deserve college graduation for their hard-earned tax dollars, not just college enrollment.

As families continue to struggle with the cost of higher education, I am renewing my call for a four-year tuition freeze, locking in tuition rates at or below the freshman level for four years. As leaders like Senator Zaffirini search for more low-cost pathways to a degree, it's time for a bold, Texas-style solution to this challenge, that I'm sure the brightest minds in our universities can devise. Today, I'm challenging our institutions of higher education to develop bachelor's degrees that cost no more than \$10,000, including textbooks. Let's leverage web-based instruction, innovative teaching techniques, and aggressive efficiency measures to reach that goal. Imagine the potential impact on affordability and graduation rates, and the number of skilled workers it would send into our economy.

Speaking of skilled workers, we have a ready source of technical skills living among us that too often goes untapped. Countless Texas veterans receive top-level training in the military but have a hard time getting credit for their knowledge and skills when they return to civilian life. We should support what one school calls "College Credit 4 Heroes." With the support of Senator Van de Putte, the Texas Workforce Commission is working with the Higher Education Coordinating Board and our community colleges on a plan to offer veterans credit for their skills and experience. The goal is to accelerate them into the Allied Health Occupations, which are critically needed across our state and offer immense opportunity to these brave men and women.

As we increase the opportunity inherent in our economy, let's increase the accountability, transparency, and efficiency of our legal system as well. Let's take the next step in our fight against lawsuit abuse by sparing our citizens and our job creators the financial burden of defending themselves from frivolous lawsuits. Texas needs a "loser pays" component in our legal system in which those who sue and lose are required to pay the court costs and legal expenses of those they sued. Texas is one of a very few states who don't have an "early dismissal" option for obviously frivolous lawsuits, but we should. We need to make our system more accessible to the little guy by setting up expedited trials and limited discovery for lawsuits with claims between \$10,000 and \$100,000 dollars. These reforms would further improve the legal climate in our state and impart even more energy, stability, and security to our economy.

The pursuit of true stability and security also requires us to maintain law and order and keep our citizens safe. Last fall, I proposed legislation targeting sex offenders to better protect our citizens. We should empower prosecutors to seek life without parole for certain repeat sex offenders and require active GPS monitoring of high risk offenders for three years after they've done their time and been released by TDCJ.

On a broader scale, we should also continue our investment in border security because the threat of cross-border violence has only grown as the drug wars escalate. I don't raise the issue of border security as a criticism of our neighbors to the south, but to show our resolve and unity in the struggle as they deal with a wave of violence unlike anything outside of the world's war zones. Our relationship with Mexico predates our establishment as a state, and our proud Hispanic citizens are friends, neighbors, partners, and family. Our desire is to strengthen our trade and cultural ties with Mexico through a climate of law and order that brings peace and security to our border region. The vicious criminals who murdered American missionary Nancy Davis just two weeks ago are, no doubt, inflicting the same violence and intimidation on the people of Mexico, and they must be brought to justice. I must admit that news of Mrs. Davis' death brought the events of this last fall rushing back as we grieved with Tiffany Hartley over the loss of her husband, David, at the hands of narco-terrorists on Falcon Lake. Tiffany is with us here today. Tiffany, know that we continue to pray for you as we demand the perpetrators of this brutal crime be brought to justice.

Tiffany's presence reminds us that border security is not just a hot button issue for the talk shows, but a matter of life and death for American citizens in the border region and in communities across our state. We must keep taking the fight to vicious Mexican drug cartels, and the gangs that operate in our state on their behalf, as we support the men and women of law enforcement who remain on the front lines of this struggle. I also want to thank Senator Williams and Representative Solomons for supporting my efforts to abolish sanctuary city policies, restrictions that handcuff our police officers as they work to uphold the law and protect our communities. Joining us today is Officer Joslyn Johnson from Houston, whose husband, Rodney, was killed by an undocumented alien who had previously been in police custody multiple times. Texas law enforcement professionals must have the discretion to use their judgment, judgment honed by years of training and experience, when it comes to inquiring about immigration status during lawful detentions and apprehensions. Thank you, Sergeant Johnson, for being here and for your grace and courage in these difficult times.

It is also time to seriously address the demand side of illegal immigration. We must establish criminal penalties for employers who knowingly hire workers who are here in violation of immigration law. At the same time, we need to increase the heat on the parasites who repeatedly exploit those seeking a better life in our state. I want to commend Representatives Senfronia Thompson and Randy Weber for their unrelenting focus on human trafficking, which impacts far

too many in our state. It's time to target the worst offenders with a 25-year minimum sentence for a first conviction for continuous human trafficking and life without parole for repeat offenders.

I'll tell you, it's frustrating that we're still having these border security conversations, but Washington remains an abject failure in this area. It is part of that frustrating paradox where Washington neglects their responsibility for areas clearly within their purview while interfering in other areas in which they're neither welcome nor authorized. Despite our frequent requests, Washington has yet to dedicate sufficient resources to secure our international border. We still need 1,000 National Guard troops to support current law enforcement operations on our border until they can provide those 3,000 more border patrol agents. We also need predator drones flying along the Texas-Mexico border, providing real time intel to our state and local operation centers.

It's time for our delegation in Washington, on both sides of the aisle, to step up and speak out in support of our state's needs. If it seems that their interest in this legislative session is higher than usual, that's to be expected in a redistricting year. When you do hear from our congressmen, try guiding the conversation away from redistricting and suggest that they should be asking, "How can I help Texas by ending federal mandates or easing the growth of Medicaid costs?" Then ask them about their progress on repealing the Doggett amendment that is taking more than \$830 million from Texas schoolchildren and teachers right now. Enlist them in our ongoing battle with an activist EPA, intent on derailing our Texas air quality program, which is cleaning our air as we create jobs. Tell them it's time to repeal Obamacare, with its mandates that will cripple our healthcare system and a price tag that will bust our budget. Our Medicaid population and accompanying financial burden are growing as we speak, and, in 2014, Obamacare will cause them to explode. This Washington-centric healthcare plan puts many states on a collision course with bankruptcy.

Instead of oppressive mandates, we need solutions like block grants and the freedom to improve healthcare delivery with innovation, flexibility, and local input from leaders like Senator Jane Nelson. We most definitely do not need Washington encroaching even further on our individual liberties. I hope you'll support Representative Creighton's legislation stating the simple truth, upheld by at least two federal courts, that it's unconstitutional and wrong for the government to force someone to buy health insurance. In this and other areas of overreach, we must be united in sending one clear and simple message to Washington: "Enough."

The differences between Texas values and Washington's self-serving games have never been more stark than they are right now. The federal government's efforts to accumulate more power by bribing us with our own tax dollars are simply unacceptable. We must continue to call attention to the essential truth of the 10th Amendment and commit these 28 words to memory: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our founders knew that a federal government powerful enough to run our lives would be powerful enough to rob us of our liberties. In this chamber, where so many great

Texas leaders have served, we affirm the principle of state sovereignty and proclaim without reservation that Texans can run Texas better than bureaucrats in Washington, D.C. Where Washington encroaches upon the rights of states, this state will push back with resolve and the full force of the law. In that regard, we are blessed to have a leader with the wisdom and courage of Attorney General Greg Abbott, who is using every resource at his disposal and working with Texas lawmakers to protect the best interests of our state.

Some will say we're just spoiling for a fight, and I'll admit that Texans rarely walk away from a tussle, but we'll also never walk away from our freedom. Our state was built on that freedom and its unlimited opportunity. The spirit of discovery and adventure that drove the earliest settlers still beats in the hearts of Texans everywhere, as they push past the known into the unknown in the laboratory, in the marketplace, and in our universities. Long known for our bountiful natural resources, Texas is now esteemed for its greatest resource—the intellect and character of our people. Our culture of sturdy pragmatism forged through centuries of exploration, exertion, and endurance strengthens our resolve and equips us to overcome the challenges we now face together.

As other states flounder about, oppressing their citizens with more taxes and driving away jobs with bad policy, Texas will make the right decisions and emerge stronger. As I've said before, I believe this will someday be regarded as the Texas century, as our resolve, our discipline, and our commitment to one another carry us to brighter days and blaze a path for other states and even for our federal government to follow. Our charge is to lead and, together, we will blaze this path. May God bless you all and, through you, may he continue to bless the great State of Texas.

SENATE ADJOURNMENT

At 12:02 p.m., Lieutenant Governor Dewhurst stated that the purpose for which the joint session was called had been completed and the senate would, in accordance with a previous motion, stand adjourned until 11 a.m. tomorrow.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Billy Collins and Mark Seeger.

HOUSE AT EASE

At 12:02 p.m., the speaker announced that the house would stand at ease pending the departure of guests.

(Harper-Brown in the chair)

The chair called the house to order at 12:09 p.m.

ADJOURNMENT

Representative Smithee moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 12:09 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, February 8, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 13 Fraser
Congratulating the Hardin-Simmons University women's soccer team on winning a national championship title.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

SENT TO THE GOVERNOR

February 7 - HCR 35, HCR 36

SENT TO THE SECRETARY OF THE STATE

February 7 - HCR 43, HCR 44

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTEENTH DAY — WEDNESDAY, FEBRUARY 9, 2011

The house met at 10 a.m. and, at the request of the speaker, was called to order by Representative Hardcastle.

The roll of the house was called and a quorum was announced present (Record 43).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocock; 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; Fariás; 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; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Riddle; Ritter; Schwertner.

The invocation was offered by Kent Jennings, associate pastor of administration, Hyde Park Baptist Church, Austin, as follows:

Our Heavenly Father, as these fine people begin this day of business and service for the State of Texas, as we stand in this powerful place of government, and as we reflect on the sobering responsibility of these men and women, may each member and guest pause and take this moment to acknowledge and praise your greatness and majesty above all. In this moment, we acknowledge your love and your desire to provide us your very best. We admit that without your wisdom we will likely make choices today that will lead us to disappointment.

In our prayer this morning, we begin by pleading for your wisdom and direction in every decision and action we take today. May each member in this assembly rely on your wisdom to make the very difficult choices facing the day. I pray that each member exhibit the courage to listen to your leadership. I pray

that each member love you enough to obey you. And I pray that each member model the characteristic of Christ-like love to one another. At the end of this day, may the Lord say regarding each of us, "they did right in the eyes of the Lord." Father, we are blessed to have men and women of leadership gathered here today who take seriously the heavy responsibility of leadership in our state. Will you bless them and their families and grant them each your favor in the days ahead? In Jesus' name, we pray. Amen.

The chair recognized Representative S. Miller who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a funeral:

Ritter on motion of Hopson.

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

Schwertner on motion of Price.

CAPITOL PHYSICIAN

The chair recognized Representative D. Howard who presented Dr. Kimball W. Bockman of Austin as the "Doctor for the Day."

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

HR 331 - ADOPTED (by Lozano)

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 331**.

The motion prevailed.

The following resolution was laid before the house:

HR 331, Recognizing February 9, 2011, as Kingsville Day at the State Capitol.

HR 331 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Lozano who introduced a delegation from Kingsville.

HR 210 - ADOPTED (by Margo)

Representative Margo moved to suspend all necessary rules to take up and consider at this time **HR 210**.

The motion prevailed.

The following resolution was laid before the house:

HR 210, Commending Jose F. Cardenas of El Paso for his distinguished service on the Texas Board of Professional Engineers.

HR 210 was adopted.

HR 264 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 264**.

The motion prevailed.

The following resolution was laid before the house:

HR 264, Welcoming the Texas Aggregates and Concrete Association to the State Capitol.

HR 264 was read and was adopted.

HR 285 - ADOPTED
(by Lucio and Lozano)

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 285**.

The motion prevailed.

The following resolution was laid before the house:

HR 285, Recognizing February 9, 2011, as Harlingen Day at the State Capitol.

HR 285 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Lucio who introduced a delegation from Harlingen.

(Hamilton in the chair)

HR 339 - ADOPTED
(by Lewis)

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 339**.

The motion prevailed.

The following resolution was laid before the house:

HR 339, Congratulating Ray D. Hicks on his installation as pastor of Bethlehem Baptist Church in Odessa.

HR 339 was adopted.

HR 73 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 73**.

The motion prevailed.

The following resolution was laid before the house:

HR 73, Commending Clarence R. "Reggie" Williams on his service as president and CEO of the San Antonio Area Foundation.

HR 73 was read and was adopted.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 73** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative McClendon who introduced Clarence R. "Reggie" Williams and members of his family and friends.

HR 296 - ADOPTED
(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 296**.

The motion prevailed.

The following resolution was laid before the house:

HR 296, Welcoming the Sweetwater Jaycees to the State Capitol for their Rattlesnake Roundup.

HR 296 was read and was adopted.

HR 182 - ADOPTED
(by Landtroop)

Representative Landtroop moved to suspend all necessary rules to take up and consider at this time **HR 182**.

The motion prevailed.

The following resolution was laid before the house:

HR 182, Recognizing February 9, 2011, as Howard County Day at the State Capitol.

HR 182 was read and was adopted.

On motion of Representative Darby, the names of all the members of the house were added to **HR 182** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Landtroop who introduced a delegation from Howard County.

HR 125 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 125**.

The motion prevailed.

The following resolution was laid before the house:

HR 125, Recognizing February 9, 2011, as Port Arkansas Day at the State Capitol.

HR 125 was read and was adopted.

HR 137 - ADOPTED
(by T. Smith)

Representative T. Smith moved to suspend all necessary rules to take up and consider at this time **HR 137**.

The motion prevailed.

The following resolution was laid before the house:

HR 137, In memory of Richard Reese Wenneker of Grapevine.

HR 137 was read and was unanimously adopted by a rising vote.

On motion of Representative Truitt, the names of all the members of the house were added to **HR 137** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative T. Smith who introduced family members and friends of Richard Reese Wenneker.

HCR 51 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HCR 51**.

The motion prevailed.

The following resolution was laid before the house:

HCR 51, Commending Heart Hospital of Austin and St. David's HealthCare for providing exceptional cardiovascular care.

HCR 51 was adopted.

HR 282 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 282**.

The motion prevailed.

The following resolution was laid before the house:

HR 282, Honoring Leadership Boerne for its promotion of civic leadership and volunteerism.

HR 282 was adopted.

HOUSE AT EASE

At 11 a.m., the chair announced that the house would stand at ease.

The speaker called the house to order at 12:40 p.m.

LEAVE OF ABSENCE GRANTED

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

Eiland on motion of T. King.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 4).

HR 341 - ADOPTED (by Farrar)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 341**.

The motion prevailed.

The following resolution was laid before the house:

HR 341, Honoring the Descendants of Olivewood for their efforts to preserve the historic Olivewood Cemetery in Houston.

HR 341 was adopted.

HR 313 - ADOPTED (by Walle)

Representative Walle moved to suspend all necessary rules to take up and consider at this time **HR 313**.

The motion prevailed.

The following resolution was laid before the house:

HR 313, Commemorating the dedication of a Texas Historical Marker at Sam Houston Math, Science, and Technology Center in Houston.

HR 313 was adopted.

HCR 58 - ADOPTED (by Smithee)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HCR 58**.

The motion prevailed.

The following resolution was laid before the house:

HCR 58, Granting the legislature permission to adjourn for more than three days.

HCR 58 was adopted by (Record 44): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Eiland; Riddle; Ritter; Schwertner.

Absent — Paxton.

PROVIDING FOR ADJOURNMENT

Representative L. Taylor moved that, at the conclusion of the appointment of standing committees and the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 1 p.m. Monday, February 14.

The motion prevailed.

SPEAKER PRO TEMPORE APPOINTED

The speaker announced the appointment of Representative Woolley as speaker pro tempore.

PROCLAMATION BY THE SPEAKER

DEAN OF THE TEXAS HOUSE OF REPRESENTATIVES APPOINTED

The speaker laid before the house and had read the following proclamation:

In most parliamentary bodies, the members recognize the longest continuously serving member for their wisdom and guidance based, in part, on the institutional knowledge gained from their length of service. In the oldest legislative assembly, the House of Commons, this position is known as the

"Father of the House." In the United States House of Representatives, this position is known as the "Dean of the United States House of Representatives." Among the members of the legislative assemblies who have been the dean of their houses are Sir Winston Churchill, Wright Patman, and George Mahon.

The dean of the Texas House of Representatives is the longest continuously serving member of the house. Pursuant to the Housekeeping Resolution, the Honorable Thomas R. Craddick of Midland County is recognized as the dean of the Texas House of Representatives. Dean Craddick has continuously served in the Texas House since the 61st Legislature in 1969. His record of service, spanning six decades, is such that Dean Craddick has served in almost a quarter of the meetings of the Texas House of Representatives since statehood in 1845.

In addition to his duties as an elected representative, the dean of the Texas House:

1. In addition to and in the absence of the speaker shall receive delegations for other legislative assemblies and other foreign governments; and
2. Shall be appointed to and serve as chair of each escort committee appointed by the house.

Further, during debate, it shall be in order to, if the dean so chooses, to be referred to as "Dean."

Further, pursuant to the Housekeeping Resolution, I ask that the Committee on House Administration place the title of "Dean of the Texas House of Representatives" next to the composite photograph of the dean.

Further, pursuant to the Housekeeping Resolution, I ask that the Committee on House Administration provide appropriate signage designating the dean's office as the "Office of the Dean of the Texas House of Representatives."

Further, I direct the house parliamentarian, in cooperation with the Legislative Reference Library and the Texas Legislative Council, to compile and publish a history of the dean of the Texas House of Representatives.

February 9, 2011

Joe Straus
Speaker of the House

**PROCLAMATION BY THE SPEAKER
APPOINTMENT OF HOUSE MEMBER
TO THE SUNSET ADVISORY COMMISSION**

The speaker laid before the house and had read the following proclamation:

Dennis Bonnen, currently serving as vice-chair of the Sunset Advisory Commission, shall become chair of the commission on September 1, 2011.

February 9, 2011

Joe Straus
Speaker of the House

**PROCLAMATION BY THE SPEAKER
APPOINTMENT OF HOUSE MEMBER
TO JOINT COMMITTEE ON OVERSIGHT
AND HHS ELIGIBILITY SYSTEM**

The speaker laid before the house and had read the following proclamation:

The speaker appoints Fred Brown to serve as house chair of the Joint Committee on Oversight and HHS Eligibility System.

February 9, 2011

Joe Straus
Speaker of the House

STANDING COMMITTEES APPOINTED

Speaker Straus appointed the following standing committees of the house:

COMMITTEE ON AGRICULTURE AND LIVESTOCK

Hardcastle, chair; C. Anderson, vice-chair.

Seniority appointments: Hardcastle, Kleinschmidt, and Lozano.

Speaker appointments: C. Howard, Hughes, Isaac, Landtroop, and Miles.

COMMITTEE ON APPROPRIATIONS

Pitts, chair; Turner, vice-chair.

Seniority appointments: Chisum, Crownover, Dukes, Eiland, Giddings, Hochberg, McClendon, Morrison, Otto, Pitts, Riddle, and Villarreal.

Speaker appointments: Aycock, Button, Darby, Gooden, Johnson, S. King, Margo, Martinez, D. Miller, Patrick, Schwertner, Shelton, Torres, and Zerwas.

COMMITTEE ON BORDER AND INTERGOVERNMENTAL AFFAIRS

V. Gonzales, chair; Weber, vice-chair.

Speaker appointments: Alonzo, Farrar, L. Gonzales, Hardcastle, Phillips, Riddle, and Simpson.

COMMITTEE ON BUSINESS AND INDUSTRY

Deshotel, chair; Orr, vice-chair.

Seniority appointments: S. Miller, Orr, and Quintanilla.

Speaker appointments: Bohac, Garza, Giddings, Solomons, and Workman.

COMMITTEE ON CALENDARS

Hunter, chair; Bonnen, vice-chair.

Speaker appointments: Branch, Coleman, Cook, Geren, Keffer, T. King, Kolkhorst, Lucio, Ritter, Rodriguez, Solomons, Truitt, and Zerwas.

COMMITTEE ON CORRECTIONS

Madden, chair; Allen, vice-chair.

Speaker appointments: Cain, Hunter, Marquez, Parker, Perry, White, and Workman.

COMMITTEE ON COUNTY AFFAIRS

Coleman, chair; Marquez, vice-chair.

Seniority appointments: Gooden.

Speaker appointments: L. Gonzales, Hamilton, Jackson, Paxton, W. Smith, and White.

COMMITTEE ON CRIMINAL JURISPRUDENCE

Gallego, chair; Hartnett, vice-chair.

Seniority appointments: Aliseda.

Speaker appointments: Burkett, Carter, Christian, Y. Davis, Rodriguez, and Zedler.

COMMITTEE ON CULTURE, RECREATION, AND TOURISM

Guillen, chair; Elkins, vice-chair.

Seniority appointments: Kuempel, Larson, and Price.

Speaker appointments: Deshotel, Dukes, T. King, and T. Smith.

COMMITTEE ON DEFENSE AND VETERANS' AFFAIRS

Pickett, chair; Sheffield, vice-chair.

Seniority appointments: Berman, Farias, and Sheffield.

Speaker appointments: Flynn, Landtroop, Perry, Scott, and V. Taylor.

COMMITTEE ON ECONOMIC AND SMALL BUSINESS DEVELOPMENT

J. Davis, chair; Vo, vice-chair.

Seniority appointments: Miles and Vo.

Speaker appointments: R. Anderson, Murphy, Reynolds, and Sheets.

COMMITTEE ON ELECTIONS

L. Taylor, chair; Hernandez Luna, vice-chair.

Seniority appointments: Burkett.

Speaker appointments: Berman, Branch, Farias, Isaac, P. King, and Veasey.

COMMITTEE ON ENERGY RESOURCES

Keffer, chair; Crownover, vice-chair.

Seniority appointments: Craddick, J. Davis, and C. Howard.

Speaker appointments: Carter, Lozano, Sheffield, and Strama.

COMMITTEE ON ENVIRONMENTAL REGULATION

W. Smith, chair; Farrar, vice-chair.

Seniority appointments: Burnam, Farrar, and Legler.

Speaker appointments: Aliseda, Chisum, Hancock, Lyne, and Reynolds.

COMMITTEE ON GENERAL INVESTIGATING AND ETHICS

Hopson, chair; Creighton, vice-chair.

Speaker appointments: Gallego, Hunter, and Phillips.

COMMITTEE ON GOVERNMENT EFFICIENCY AND REFORM

Callegari, chair; Lucio, vice-chair.

Seniority appointments: Frullo and Zedler.

Speaker appointments: Cain, Harper-Brown, and Muñoz.

COMMITTEE ON HIGHER EDUCATION

Branch, chair; Castro, vice-chair.

Seniority appointments: Alonzo, Bonnen, and Brown.

Speaker appointments: D. Howard, Johnson, Lewis, and Patrick.

COMMITTEE ON HOMELAND SECURITY AND PUBLIC SAFETY

S. Miller, chair; Fletcher, vice-chair.

Seniority appointments: Fletcher, Flynn, and Peña.

Speaker appointments: Beck, Burnam, Driver, Mallory Caraway, and Walle.

COMMITTEE ON HOUSE ADMINISTRATION

Geren, chair; D. Howard, vice-chair.

Speaker appointments: Allen, Eissler, Gooden, S. King, Marquez, S. Miller, Muñoz, T. Smith, and Vo.

COMMITTEE ON HUMAN SERVICES

Raymond, chair; Morrison, vice-chair.

Seniority appointments: Gonzalez, Hughes, and Naishtat.

Speaker appointments: Hopson, Hunter, Laubenberg, and V. Taylor.

COMMITTEE ON INSURANCE

Smithee, chair; Eiland, vice-chair.

Seniority appointments: Nash, L. Taylor, and Walle.

Speaker appointments: Hancock, Sheets, Torres, and Vo.

COMMITTEE ON JUDICIARY AND CIVIL JURISPRUDENCE

Jackson, chair; Lewis, vice-chair.

Seniority appointments: Castro, Hartnett, Madden, and Raymond.

Speaker appointments: Bohac, S. Davis, Scott, Thompson, and Woolley.

COMMITTEE ON LAND AND RESOURCE MANAGEMENT

Oliveira, chair; Kleinschmidt, vice-chair.

Seniority appointments: Garza, Lavender, and Margo.

Speaker appointments: Anchia, R. Anderson, Brown, and Kolkhorst.

**COMMITTEE ON LICENSING AND
ADMINISTRATIVE PROCEDURES**

Hamilton, chair; Quintanilla, vice-chair.

Seniority appointments: Driver, Hamilton, and Thompson.

Speaker appointments: Geren, Gutierrez, Harless, Kuempel, and Menendez.

COMMITTEE ON LOCAL AND CONSENT CALENDARS

Thompson, chair; Hancock, vice-chair.

Speaker appointments: Bohac, Darby, Elkins, Farias, Harper-Brown, Larson, Marquez, Orr, and Scott.

COMMITTEE ON NATURAL RESOURCES

Ritter, chair; T. King, vice-chair.

Seniority appointments: Hopson, Keffer, T. King, and Martinez Fischer.

Speaker appointments: Beck, Creighton, Larson, Lucio, D. Miller, and Price.

**COMMITTEE ON PENSIONS, INVESTMENTS,
AND FINANCIAL SERVICES**

Truitt, chair; Anchia, vice-chair.

Seniority appointments: Anchia, C. Anderson, and Veasey.

Speaker appointments: Creighton, Hernandez Luna, Legler, Nash, and Orr.

COMMITTEE ON PUBLIC EDUCATION

Eissler, chair; Hochberg, vice-chair.

Seniority appointments: Allen, Dutton, Guillen, and T. Smith.

Speaker appointments: Aycock, Huberty, Shelton, Strama, and Weber.

COMMITTEE ON PUBLIC HEALTH

Kolkhorst, chair; Naishtat, vice-chair.

Seniority appointments: Coleman, V. Gonzales, Laubenberg, and Truitt.

Speaker appointments: Alvarado, S. Davis, S. King, Schwertner, and Zerwas.

COMMITTEE ON REDISTRICTING

Solomons, chair; Villarreal, vice-chair.

Speaker appointments: Alonzo, Alvarado, Aycock, Branch, Eissler, Geren, Harless, Hilderbran, Hunter, Keffer, Madden, Peña, Phillips, Pickett, and Veasey.

COMMITTEE ON RULES AND RESOLUTIONS

McClendon, chair; Parker, vice-chair.

Speaker appointments: Farias, Gonzalez, Harper-Brown, C. Howard, T. King, Lozano, Perry, Sheffield, and Workman.

COMMITTEE ON STATE AFFAIRS

Cook, chair; Menendez, vice-chair.

Seniority appointments: Gallego, Hilderbran, Oliveira, Smithee, and Turner.

Speaker appointments: Craddick, Frullo, Geren, Harless, Huberty, and Solomons.

COMMITTEE ON TECHNOLOGY

Peña, chair; Button, vice-chair.

Speaker appointments: Eissler, D. Howard, and Muñoz.

COMMITTEE ON TRANSPORTATION

Phillips, chair; Darby, vice-chair.

Seniority appointments: Y. Davis, Harper-Brown, Pickett, and Rodriguez.

Speaker appointments: Bonnen, Fletcher, Lavender, Martinez, and McClendon.

COMMITTEE ON URBAN AFFAIRS

Dutton, chair; Alvarado, vice-chair.

Seniority appointments: Alvarado and Mallory Caraway.

Speaker appointments: Callegari, Gutierrez, P. King, Parker, Paxton, and Simpson.

COMMITTEE ON WAYS AND MEANS

Hilderbran, chair; Otto, vice-chair.

Seniority appointments: Christian, Elkins, Ritter, and Woolley.

Speaker appointments: Gonzalez, Lyne, Martinez Fischer, Murphy, and Villarreal.

**PROCLAMATION BY THE SPEAKER
APPOINTMENT OF SELECT COMMITTEE ON
STATE SOVEREIGNTY**

The speaker laid before the house and had read the following proclamation:

In consideration of issues raised relating to the interrelation of the powers and duties of the federal and the state governments and in recognition of the powers reserved to the states and the people under the Tenth Amendment of the Constitution of the United States, pursuant to Rule 1, Section 16 of the House Rules, I, Joe Straus, speaker of the house, create the House Select Committee on State Sovereignty.

The committee shall monitor actions of the federal government, including legislation and regulations that create compulsory federal legislation that directs states to comply with certain actions or pass legislation. The committee shall also monitor federal legislation or regulation that conditions the provision of federal funding on a requirement that a state take any other action. The committee shall also study, review, and hear legislation referred to it relating to emerging issues related to the interaction between the state and federal government, including issues related to proposed amendments to the United States Constitution or calls

for a national convention to propose an amendment to the United States Constitution. Further, the committee shall investigate the efforts undertaken by other states in these same areas.

The committee shall have five members. The following members are hereby appointed to the House Select Committee on State Sovereignty: Creighton, chair; Martinez Fischer, vice-chair; Branch, S. Miller, Darby, Thompson, and Pitts.

The committee shall file a final report in the manner provided by Rule 4, Section 61, House Rules, not later than December 31, 2012.

The committee expires on the date the 83rd Legislature convenes.

February 9, 2011

Joe Straus
Speaker of the House

**PROCLAMATION BY THE SPEAKER
APPOINTMENT OF SELECT COMMITTEE ON
VOTER IDENTIFICATION AND VOTER FRAUD**

The speaker laid before the house and had read the following proclamation:

In recognition of the justifiable reliance that all Texans should have in the integrity of the elections and in recognition of the fact that the governor has declared legislation to require a voter to present proof of identification as an emergency, pursuant to Rule 1, Section 16 of the House Rules, I, Joe Straus, speaker of the house, create the House Select Committee on Voter Identification and Voter Fraud.

The committee shall study, review, and hear legislation related to voter identification that has been designated as an emergency item by the governor of Texas. The committee shall study, review, and hear legislation related to the issuance and handling of ballots for an election, including issuance of ballots during early voting, during any write-in process, or during any election period, including election day. The committee shall also study issues related to voter fraud. It is the chair's intent that the committee act on these charges as expeditiously as possible so as to ensure prompt consideration of any ensuing legislation by the entire house.

The committee shall have nine members. The following members are hereby appointed to the House Select Committee on Voter Identification and Voter Fraud: Bonnen, chair; Veasey, vice-chair; Aliseda, Harless, Gutierrez, L. Taylor, Hochberg, Peña, and Hilderbran.

The committee shall file a final report in the manner provided by Rule 4, Section 61, House Rules, not later than December 31, 2012.

The committee expires on the date the 83rd Legislature convenes.

February 9, 2011

Joe Straus
Speaker of the House

(Callegari in the chair)

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Gooden in the chair)

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1 - February 11.)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:02 p.m. Friday, February 11, adjourned until 1 p.m. Monday, February 14.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 16 (By Riddle), Relating to requiring a voter to present proof of identification.

To Select Voter Identification and Voter Fraud.

HB 17 (By Riddle), Relating to the creation of the offense of criminal trespass by an illegal alien and to certain procedures for arresting illegal aliens for committing that criminal offense.

To Criminal Jurisprudence.

HB 18 (By Riddle), Relating to the enforcement by certain governmental entities of laws governing immigration.

To State Affairs.

HB 19 (By Riddle), Relating to the penalty for operation of a motor vehicle without a license.

To Homeland Security and Public Safety.

HB 20 (By Riddle), Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.

To Criminal Jurisprudence.

HB 21 (By Riddle), Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants.

To Appropriations.

HB 22 (By Riddle), Relating to information regarding the citizenship and immigration status of public school students.

To State Affairs.

HB 23 (By Riddle), Relating to a local option election in a county to set a limit on the maximum appraised value of a residence homestead for ad valorem tax purposes of less than 110 percent but not less than 103 percent of the appraised value of the property for the preceding tax year.

To Ways and Means.

HB 24 (By Guillen), Relating to placement of a student in a disciplinary alternative education program for bullying or cyber-bullying.

To Public Education.

HB 25 (By Guillen), Relating to the carrying of certain weapons in a watercraft.

To Criminal Jurisprudence.

HB 26 (By Guillen), Relating to a freeze on the total amount of ad valorem taxes that may be imposed by a taxing unit on the residence homestead of an eligible person who is a member of a reserve component of the United States armed forces and is ordered to active military duty.

To Ways and Means.

HB 27 (By Guillen), Relating to the payment of fines and costs by indigent defendants in misdemeanor cases.

To Criminal Jurisprudence.

HB 28 (By Guillen), Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.

To Public Health.

HB 29 (By Guillen), Relating to considering the assessment instrument results of certain students in evaluating school district and campus performance.

To State Affairs.

HB 30 (By Guillen), Relating to the disconnection of retail electric service on certain days of the week.

To State Affairs.

HB 31 (By Guillen), Relating to the suspension of the driver's licenses of certain persons younger than 18 years of age.

To Homeland Security and Public Safety.

HB 32 (By Creighton), Relating to the prohibition of required health insurance coverage.

To Select State Sovereignty.

HB 33 (By Branch), Relating to measures to increase the affordability of textbooks used for courses at public institutions of higher education.

To Higher Education.

HB 34 (By Branch), Relating to including in the public high school curriculum instruction in methods of paying for postsecondary education and training.

To Higher Education.

HB 35 (By Menendez), Relating to extending a local behavioral health intervention pilot project.

To Public Health.

HB 36 (By Menendez), Relating to the punishment for and certain civil consequences of committing the offense of prostitution.

To Criminal Jurisprudence.

HB 37 (By Menendez), Relating to the use of a wireless communication device while operating a motor vehicle; providing for penalties.

To Transportation.

HB 38 (By Menendez), Relating to the punishment for the offense of graffiti.

To Criminal Jurisprudence.

HB 39 (By Menendez), Relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

To Public Health.

HB 40 (By Menendez), Relating to collective bargaining by law enforcement officers and firefighters.

To Urban Affairs.

HB 41 (By Menendez), Relating to the penalty for certain conduct constituting an offense for false report to peace officer or law enforcement employee.

To Criminal Jurisprudence.

HB 42 (By Menendez), Relating to the duty imposed on the operator of a motor vehicle that strikes a structure adjacent to a highway.

To Transportation.

HB 43 (By Menendez), Relating to the investigation of firefighters and police officers.

To Urban Affairs.

HB 44 (By Menendez), Relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.

To Business and Industry.

HB 45 (By Menendez), Relating to the release of a property owners' association assessment lien.

To Business and Industry.

HB 46 (By Menendez), Relating to compensatory time off for certain employees of the Parks and Wildlife Department.

To Culture, Recreation, and Tourism.

HB 47 (By Peña), Relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.

To Criminal Jurisprudence.

HB 48 (By Peña), Relating to authorizing the Department of Public Safety of the State of Texas to investigate the feasibility of and cooperate in the establishment of southbound checkpoints along the international border of this state.

To Homeland Security and Public Safety.

HB 49 (By Peña), Relating to the addition of certain synthetic derivatives of marihuana to Penalty Group 2 of the Texas Controlled Substances Act.

To Criminal Jurisprudence.

HB 50 (By Lucio), Relating to the establishment by The University of Texas System of a law school in the Rio Grande Valley.

To Higher Education.

HB 51 (By Lucio), Relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain government buildings and facilities.

To State Affairs.

HB 52 (By Lucio), Relating to physical examination requirements for participation in certain University Interscholastic League extracurricular athletic activities.

To Public Education.

HB 53 (By Martinez), Relating to the establishment of a public law school in the Rio Grande Valley.

To Higher Education.

HB 54 (By Martinez), Relating to the transportation of certain mental health patients.

To Public Health.

HB 55 (By Martinez), Relating to the use of the Texas Enterprise Fund for veterans hospitals.

To Defense and Veterans' Affairs.

HB 56 (By Martinez), Relating to increasing the amount of the residence homestead exemption from ad valorem taxation by a school district from \$15,000 to \$45,000, providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect the increased exemption amount, and protecting school districts against the resulting loss in local revenue.

To Ways and Means.

HB 57 (By Martinez), Relating to the restoration of the medically needy program under the state Medicaid program.

To Appropriations.

HB 58 (By Martinez), Relating to the period of continuous eligibility for the medical assistance program.

To Public Health.

HB 59 (By Martinez), Relating to recipients of financial assistance administered by the Texas Department of Housing and Community Affairs.

To Urban Affairs.

HB 60 (By Martinez), Relating to a cost of living increase applicable to benefits paid by the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 61 (By Martinez), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

HB 62 (By Martinez), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

HB 63 (By Martinez), Relating to the authority of certain school districts to lay in county rights-of-way fiber optic cable or other means of transmitting information.

To Transportation.

HB 64 (By Martinez), Relating to rebates and the sale of crop insurance.

To Insurance.

HB 65 (By Martinez), Relating to the inclusion of the total cost of residential retail electricity in advertisements and contracts.

To State Affairs.

HB 66 (By Martinez), Relating to the disclosure by a member of the legislature or the lieutenant governor of certain information concerning a resident of this state to a governmental body.

To State Affairs.

HB 67 (By Martinez), Relating to the creation of a literacy center pilot program by the Texas Higher Education Coordinating Board.

To Higher Education.

HB 68 (By Martinez), Relating to notice concerning the use of criminal history information in an employer's hiring process.

To Economic and Small Business Development.

HB 69 (By Martinez), Relating to the application of a vital statistics record fee to general records management.

To Public Health.

HB 70 (By Martinez), Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients.

To Public Health.

HB 71 (By Martinez), Relating to the fee charged for the Texas Airport Directory.

To Transportation.

HB 72 (By Martinez), Relating to exempting certain military personnel from motor vehicle registration fees.

To Defense and Veterans' Affairs.

HB 73 (By Martinez), Relating to the dissemination of criminal history record information to state agencies for employment or contracting purposes.

To State Affairs.

HB 74 (By Flynn), Relating to persons authorized to control the disposition of the remains of certain members of the United States armed forces.

To Defense and Veterans' Affairs.

HB 75 (By Flynn), Relating to the regulation of raw milk and raw milk products.

To Public Health.

HB 76 (By Flynn), Relating to certain purchases by a state agency performing a law enforcement function.

To State Affairs.

HB 77 (By Flynn), Relating to the carrying of certain weapons in watercraft.

To Criminal Jurisprudence.

HB 78 (By Flynn), Relating to the purchase of food and beverages by certain state law enforcement agencies for peace officer training functions.

To Homeland Security and Public Safety.

HB 79 (By Flynn), Relating to the posting of the Ten Commandments in public school classrooms.

To Public Education.

HB 80 (By Flynn), Relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.

To Homeland Security and Public Safety.

HB 81 (By Flynn), Relating to the use of public funds to print certain public documents in a language other than English and other bilingual requirements.

To State Affairs.

HB 82 (By Flynn), Relating to the criminal offenses applicable to gambling and gambling devices.

To Licensing and Administrative Procedures.

HB 83 (By Flynn), Relating to compensation and employment benefits for members of the state military forces called to state active duty.

To Defense and Veterans' Affairs.

HB 84 (By Flynn), Relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 85 (By Simpson), Relating to the state's or a state governmental entity's provision of support for the performance of an abortion or abortion-related services.

To State Affairs.

HB 86 (By Simpson), Relating to the carrying of concealed handguns on the campuses of institutions of higher education.

To Homeland Security and Public Safety.

HB 87 (By Cook), Relating to the regulation of metal recycling entities; providing penalties.

To Environmental Regulation.

HB 88 (By Cook), Relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.

To Environmental Regulation.

HB 89 (By Cook), Relating to a drug donation program.

To Public Health.

HB 90 (By Cook), Relating to the minimum age and education requirements necessary to obtain a hardship license.

To Homeland Security and Public Safety.

HB 91 (By Cook), Relating to the extent of extraterritorial jurisdiction for certain municipalities.

To Land and Resource Management.

HB 92 (By Cook), Relating to the regulation of slaughterers by certain counties.

To Agriculture and Livestock.

HB 93 (By Cook), Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle; providing penalties.

To Transportation.

HB 94 (By Cook), Relating to the applicability of regulations on the purchase of ammonium nitrate or ammonium nitrate material by certain purchasers.

To Agriculture and Livestock.

HB 95 (By Fletcher), Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 96 (By Fletcher), Relating to the exclusion of certain witnesses during a criminal proceeding.

To Criminal Jurisprudence.

HB 97 (By Paxton), Relating to creation of the Health Freedom Act.

To Select State Sovereignty.

HB 98 (By Paxton), Relating to the E-Z computation and rate of the franchise tax.

To Ways and Means.

HB 99 (By Martinez Fischer), Relating to the punishment for certain intoxication related offenses; creating the offense of aggravated driving while intoxicated.

To Criminal Jurisprudence.

HB 100 (By Martinez Fischer), Relating to a central database containing information about certain offenders who have committed offenses involving family or dating violence.

To Homeland Security and Public Safety.

HB 101 (By Martinez Fischer), Relating to the creation of a hotline to report suspected incidents of impaired driving or dangerous driving.

To Homeland Security and Public Safety.

HB 102 (By Martinez Fischer), Relating to the appointment and duties of and the funding for an executive commissioner for the prevention of driving while intoxicated.

To Homeland Security and Public Safety.

HB 103 (By Martinez Fischer), Relating to the creation of an offense for certain prohibited uses of a wireless communication device while operating a motor vehicle.

To Transportation.

HB 104 (By Brown), Relating to abolishing the Texas Higher Education Coordinating Board and transferring the coordinating board's functions and activities and the State Board of Education's statutorily assigned functions and activities to the Texas Education Agency.

To Higher Education.

HB 105 (By Brown), Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle; providing a penalty.

To Transportation.

HB 106 (By Brown), Relating to the consolidation of, or detachment and annexation of territory in, certain school districts.

To Public Education.

HJR 16 (By Riddle), Proposing a constitutional amendment authorizing the legislature to provide for a local option election in a county to set a limit on the maximum appraised value of a residence homestead for ad valorem tax purposes of less than 110 percent but not less than 103 percent of the appraised value of the property for the preceding tax year.

To Ways and Means.

HJR 17 (By Guillen), Proposing a constitutional amendment to authorize a political subdivision to establish a freeze on the total amount of ad valorem taxes that may be imposed by the political subdivision on the residence homestead of an eligible person who is a member of a reserve component of the United States armed forces and is ordered to active military duty.

To Ways and Means.

HJR 21 (By Martinez), Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes from \$15,000 to \$45,000 and providing for a reduction of the limitation on the total amount of taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount.

To Ways and Means.

HJR 22 (By Simpson), Proposing a constitutional amendment to prohibit the state or a governmental entity in the state from providing support for the performance of an abortion or abortion-related services.

To State Affairs.

HJR 23 (By Fletcher), Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled.

To Ways and Means.

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HB 15 (By S. Miller), Relating to providing a sonogram before an abortion; providing penalties.

To State Affairs.

HB 108 (By Brown), Relating to the addition of a synthetic derivative of marihuana to Penalty Group 2 of the Texas Controlled Substances Act.

To Criminal Jurisprudence.

HB 109 (By Brown), Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

To Transportation.

HB 110 (By Brown), Relating to the use of safety guards or flaps on certain buses.

To Transportation.

HB 112 (By Harless), Relating to requiring a voter to present proof of identification.

To Select Voter Identification and Voter Fraud.

HB 113 (By Harless), Relating to the enforcement of state and federal laws governing immigration by certain governmental entities; providing a civil penalty.

To State Affairs.

HB 114 (By McClendon), Relating to designating April as Minority Cancer Awareness Month.

To Public Health.

HB 115 (By McClendon), Relating to the creation of a commission to investigate convictions after exoneration and to prevent wrongful convictions.

To Criminal Jurisprudence.

HB 117 (By McClendon), Relating to disease control outreach programs to reduce the risk of certain communicable diseases.

To Public Health.

HB 118 (By McClendon), Relating to requiring the provision of notice by certain hospitals regarding patients' medical records.

To Public Health.

HB 119 (By Castro), Relating to protective orders against dating violence.

To Judiciary and Civil Jurisprudence.

HB 120 (By Castro), Relating to the establishment of an employment services program to assist certain unemployed or underemployed child support obligors.

To Judiciary and Civil Jurisprudence.

HB 121 (By Castro), Relating to standing for certain individuals to file a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 122 (By Veasey), Relating to proof that is acceptable for identifying individuals acknowledging written instruments.

To Judiciary and Civil Jurisprudence.

HB 123 (By Veasey), Relating to an adult diabetes education program in certain county hospital systems and hospital districts.

To Public Health.

HB 125 (By Legler), Relating to the inclusion of a draft impact analysis in the notice of rules proposed by the Texas Commission on Environmental Quality.

To Environmental Regulation.

HB 126 (By Legler), Relating to required drug testing for applicants and recipients of unemployment compensation benefits.

To Economic and Small Business Development.

HB 128 (By Alvarado), Relating to a pilot program to implement renewable energy and other conservation technology in a state park or state natural area.

To Culture, Recreation, and Tourism.

HB 129 (By Alvarado), Relating to prohibiting the manufacture and sale of certain children's products containing bisphenol-A or certain other substances.

To Public Health.

HB 130 (By Alvarado), Relating to the creation of an anti-bullying hotline.

To Human Services.

HB 131 (By Alvarado), Relating to requiring contractors in certain state construction contracts to provide health benefits to employees.

To State Affairs.

HB 132 (By Gallego), Relating to the issuance of a driver's license to a person who has not obtained a high school diploma or its equivalent.

To Homeland Security and Public Safety.

HB 133 (By Villarreal), Relating to a full-day prekindergarten program provided by public school districts.

To Public Education.

HB 134 (By Villarreal), Relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education; making an appropriation.

To Higher Education.

HB 135 (By Villarreal), Relating to field experience requirements for educator certification.

To Public Education.

HB 136 (By Shelton), Relating to restrictions on dropping courses at public institutions of higher education.

To Higher Education.

HB 137 (By Gallego), Relating to requiring a distinctive symbol or marking on the driver's license issued to a person convicted of certain intoxication offenses.

To Homeland Security and Public Safety.

HB 138 (By Callegari), Relating to the acquisition of and compensation for real property, including blighted property, for public purposes through condemnation or certain other means.

To Land and Resource Management.

HB 139 (By Laubenberg), Relating to drug testing of certain persons seeking financial assistance benefits.

To Human Services.

HB 140 (By Laubenberg), Relating to requiring state contractors and grant recipients to participate in the federal electronic verification of work authorization program, or E-verify; adding a civil penalty.

To State Affairs.

HB 141 (By Laubenberg), Relating to the regulation of slaughterers by certain counties.

To Agriculture and Livestock.

HB 142 (By Laubenberg), Relating to the practice of psychological associates.

To Public Health.

HB 143 (By Laubenberg), Relating to the issuance of specialty license plates to certain family members of a person who dies while serving in the United States armed forces.

To Defense and Veterans' Affairs.

HB 145 (By Laubenberg), Relating to exempting the intrastate manufacture of a firearm, a firearm accessory, or ammunition from federal regulation.

To Select State Sovereignty.

HB 146 (By Laubenberg), Relating to the retention of the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

HB 147 (By Raymond), Relating to certain personal information contained in a decree of dissolution of a marriage or an order in a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 148 (By Raymond), Relating to requiring parties in a suit affecting the parent-child relationship to disclose to the court knowledge of certain registered sex offenders; providing a penalty.

To Judiciary and Civil Jurisprudence.

HB 149 (By Raymond), Relating to the appointment of a parenting coordinator or parenting facilitator in a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 151 (By Raymond), Relating to monetary assistance for substitute care provided to a child by a relative caregiver.

To Human Services.

HB 152 (By Raymond), Relating to the fees collected by prosecutors for collection and processing of certain checks or similar sight orders.

To Criminal Jurisprudence.

HB 153 (By Raymond), Relating to electioneering near certain privately owned polling places.

To Elections.

HB 154 (By Raymond), Relating to a prohibition against human cloning and regulating other uses of human tissue by institutions of higher education; providing penalties.

To State Affairs.

HB 155 (By Raymond), Relating to the instruction of American Sign Language in public high schools.

To Public Education.

HB 156 (By Raymond), Relating to recusal of a justice of the supreme court or judge of the court of criminal appeals based on political contributions accepted by the justice or judge from a person involved in a case before the justice or judge.

To Judiciary and Civil Jurisprudence.

HB 157 (By Raymond), Relating to the filing of an application for a place on the general primary election ballot.

To Elections.

HB 158 (By Raymond), Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

To Higher Education.

HB 159 (By Raymond), Relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

To Pensions, Investments, and Financial Services.

HB 160 (By Raymond), Relating to civil actions against persons who file complaints with governmental agencies or quasi-governmental entities.

To Judiciary and Civil Jurisprudence.

HB 161 (By Raymond), Relating to the dissemination of criminal history record information by the Department of Public Safety concerning certain intoxication offenses.

To Homeland Security and Public Safety.

HB 162 (By Raymond), Relating to an annual state budget and legislative budget sessions in even-numbered years and to political contributions made during a legislative session.

To State Affairs.

HB 163 (By Raymond), Relating to the criminal jurisdiction of the supreme court and the abolishment of the court of criminal appeals.

To Judiciary and Civil Jurisprudence.

HB 164 (By Raymond), Relating to a physical and mental examination of a child subject to the juvenile justice system.

To Corrections.

HB 165 (By Raymond), Relating to a cost-of-living increase in compensation for district court judges.

To Judiciary and Civil Jurisprudence.

HB 166 (By Raymond), Relating to the civil liability of an employer or former employer of a mental health services provider who engages in sexual exploitation of a patient or former patient.

To Judiciary and Civil Jurisprudence.

HB 167 (By Raymond), Relating to the transportation of certain mental health patients.

To Public Health.

HB 168 (By Raymond), Relating to the requirements of a bail bond.

To Criminal Jurisprudence.

HB 169 (By Raymond), Relating to placement of public school students in Junior Reserve Officers' Training Corps programs as an alternative in certain circumstances to placement in disciplinary or juvenile justice alternative education programs.

To Public Education.

HB 170 (By Raymond), Relating to bullying as a ground for removing a public school student from class and placing the student in a disciplinary alternative education program.

To Public Education.

HB 171 (By Raymond), Relating to the exercise of urban renewal powers by certain counties.

To Border and Intergovernmental Affairs.

HB 172 (By Veasey), Relating to a study regarding the effectiveness of the James Byrd Jr. Hate Crimes Act.

To Criminal Jurisprudence.

HB 173 (By Veasey), Relating to changing the name of the Railroad Commission of Texas to the Texas Oil and Gas Commission.

To Energy Resources.

HB 174 (By Jackson), Relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

To Select Voter Identification and Voter Fraud.

HB 175 (By Jackson), Relating to the on-premises consumption of certain alcoholic beverages; providing a penalty.

To Licensing and Administrative Procedures.

HB 176 (By Jackson), Relating to designating English as the official language of this state.

To State Affairs.

HB 177 (By Jackson), Relating to the requirement of citizenship or lawful presence in the United States for issuance or renewal of certain occupational licenses, driver's licenses, and identification certificates.

To State Affairs.

HB 178 (By Jackson), Relating to requiring governmental entities to participate in the federal electronic verification of work authorization program or E-verify.

To State Affairs.

HB 179 (By Alonzo), Relating to the registration of voters at a polling place and related procedures.

To Elections.

HB 180 (By S. Miller), Relating to the issuance of Texas Masons specialty license plates.

To Transportation.

HB 181 (By S. Miller), Relating to an exemption from the sales tax on handguns, rifles, shotguns, and ammunition.

To Ways and Means.

HB 182 (By S. Miller), Relating to the issuance of Bronze Star Medal specialty license plates.

To Transportation.

HB 183 (By Solomons), Relating to the duty of a law enforcement agency to verify the immigration status of an arrested person.

To State Affairs.

HB 184 (By Johnson), Relating to the cancellation of a special election to fill a vacancy in the legislature.

To Elections.

HB 185 (By T. Smith), Relating to the notice provided of early voting polling places.

To Elections.

HB 186 (By Perry), Relating to requiring a voter to present proof of identification; creating a penalty.

To Select Voter Identification and Voter Fraud.

HB 187 (By Perry), Relating to zero-based budgeting for certain entities funded by this state.

To Appropriations.

HB 188 (By Sheffield), Relating to limitations on the use of eminent domain authority.

To Land and Resource Management.

HB 189 (By T. Smith), Relating to the punishment for certain intoxication offenses.

To Criminal Jurisprudence.

HB 190 (By Walle), Relating to the adoption of noise regulations by certain counties; providing a criminal penalty.

To County Affairs.

HB 191 (By Walle), Relating to the regulation of automobile wrecking and salvage yards in certain counties.

To Transportation.

HB 192 (By Walle), Relating to the rates charged by water and sewer utilities.

To Natural Resources.

HB 193 (By Walle), Relating to the location of water utility rate hearings conducted by the Texas Commission on Environmental Quality.

To Natural Resources.

HB 194 (By Walle), Relating to prohibiting the use of credit scoring in certain lines of personal insurance.

To Insurance.

HB 195 (By Walle), Relating to disciplinary action taken against public school students on the basis of serious and persistent misbehavior.

To Public Education.

HB 196 (By Walle), Relating to requiring certain students leaving public school to provide documentation necessary to ensure an accurate calculation of dropout rates.

To Public Education.

HB 197 (By Solomons), Relating to the provision of certain documentation before a person may engage in a licensed occupation; providing a criminal penalty.

To State Affairs.

HB 198 (By Parker), Relating to the use of private procurement specialists for certain state agency contracts.

To Government Efficiency and Reform.

HB 199 (By Parker), Relating to exemptions from the sales tax for clothing, footwear, and certain other items for a limited period.

To Ways and Means.

HB 200 (By Parker), Relating to the notification of the release of certain inmates given to certain courts and law enforcement agencies.

To Corrections.

HB 250 (By Hilderbran), Relating to requiring a voter to present proof of identification; providing penalties.

To Select Voter Identification and Voter Fraud.

HJR 33 (By Raymond), Proposing a constitutional amendment providing for an annual state budget and annual legislative sessions for budget purposes.

To State Affairs.

HJR 35 (By Raymond), Proposing a constitutional amendment to abolish the court of criminal appeals and establish one supreme court with civil and criminal jurisdiction.

To Judiciary and Civil Jurisprudence.

SB 14 to Select Voter Identification and Voter Fraud.

SIGNED BY THE SPEAKER

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

Senate List No. 4

SCR 12

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTEENTH DAY — MONDAY, FEBRUARY 14, 2011

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

The roll of the house was called and a quorum was announced present (Record 45).

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

Absent, Excused — Taylor, V.

The invocation was offered by Miguel Zuniga, minister, Laredo Church of Christ, Laredo, as follows:

Gracious Father, you have told us that, "Righteousness and justice are the foundation of your throne; steadfast love and faithfulness go before you. Blessed are the people who know the festal shout, who walk, O Lord, in the light of your face." (Psalm 84:14-15) Our prayer for this body of representatives chosen by the people is for your guidance and illumination in their deliberation and decision making, for the good of the many. This is our prayer for these good men and women, O Mighty God; we commend these, your servants, to you.

Gracious Father, we pray for those who have lost family members in the current and persistent conflicts of the world. We ask that you would tenderly embrace them with the comfort of your spirit and heal their pain with the healing balm of your hand that heals all wounds. Father God, we pray you would show

them the love you expressed in the sacrifice of your son, Jesus Christ. Holy Father, cause your face to shine upon the men and women in this institution as they carry out your call on their lives and fulfill your will for this state. So many of our people are going through difficult economic hardship. Help all of us to rely on you as we look for answers that could bring relief. This we ask of you. While respecting those within the sound of my voice who may adhere to a different faith, I offer this prayer in your son's name, our Lord, Jesus Christ. Amen.

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

LEAVE OF ABSENCE GRANTED

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

V. Taylor on motion of Phillips.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Dr. John Egerton and Dr. Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 333 - ADOPTED

(by Castro, Gonzalez, Price, and Rodriguez)

Representative Castro moved to suspend all necessary rules to take up and consider at this time **HR 333**.

The motion prevailed.

The following resolution was laid before the house:

HR 333, Honoring St. Mary's University.

(Phillips in the chair)

HR 333 was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 333** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Castro who introduced representatives of St. Mary's University.

HR 286 - ADOPTED **(by Harless)**

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 286**.

The motion prevailed.

The following resolution was laid before the house:

HR 286, Congratulating Georgia Dempster on her retirement as judge of the 308th Judicial District of Texas.

HR 286 was adopted.

HR 413 - ADOPTED **(by Eissler)**

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 413**.

The motion prevailed.

The following resolution was laid before the house:

HR 413, Recognizing February 14, 2011, as Association of Texas Professional Educators Day at the State Capitol.

HR 413 was read and was adopted.

On motion of Representative Eissler, the names of all the members of the house were added to **HR 413** as signers thereof.

HR 384 - ADOPTED **(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 384**.

The motion prevailed.

The following resolution was laid before the house:

HR 384, Recognizing Misa Watanabe of Japan as an honorary Texan.

HR 384 was read and was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 384** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dutton who introduced Misa Watanabe and Valerie Joyner.

HCR 48 - ADOPTED**(by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 48**.

The motion prevailed.

The following resolution was laid before the house:

HCR 48, Honoring the Fannie Marchman Garden Club in Mineola on the 75th anniversary of its founding.

HCR 48 was adopted.

HR 337 - ADOPTED**(by White)**

Representative White moved to suspend all necessary rules to take up and consider at this time **HR 337**.

The motion prevailed.

The following resolution was laid before the house:

HR 337, Recognizing February 10, 2011, as Lufkin/Angelina County Day at the State Capitol.

HR 337 was read and was adopted.

SCR 15 - ADOPTED**(McClendon - House Sponsor)**

Representative Driver moved to suspend all necessary rules to take up and consider at this time **SCR 15**.

The motion prevailed.

The following resolution was laid before the house:

SCR 15, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 9, 2011, and ending on Monday, February 14, 2011.

SCR 15 was adopted by (Record 46): 148 Yeas, 0 Nays, 1 Present, not voting.

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

Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips(C); 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; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Taylor, V.

HR 417 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 417**.

The motion prevailed.

The following resolution was laid before the house:

HR 417, Recognizing February 14, 2011, as Texas SkillsUSA Day at the State Capitol.

HR 417 was read and was adopted.

On motion of Representative Keffer, the names of all the members of the house were added to **HR 417** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Y. Davis who introduced representatives of Texas SkillsUSA.

(Speaker in the chair)

HR 373 - ADOPTED
(by Martinez)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 373**.

The motion prevailed.

The following resolution was laid before the house:

HR 373, Honoring students from Weslaco High School for participating in Texas SkillsUSA Day at the State Capitol.

(Hilderbran in the chair)

HR 373 was read and was adopted.

On motion of Representative Keffer, the names of all the members of the house were added to **HR 373** as signers thereof.

FIVE-DAY POSTING RULE SUSPENDED

Representative Otto moved to suspend the five-day posting rule to allow the Committee on Appropriations, Subcommittee on Articles I, IV, and V, to consider house budget recommendations.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Otto requested permission for the Committee on Appropriations, Subcommittee on Articles I, IV, and V, to meet while the house is in session, during bill referral today, in E2.030, to consider house budget recommendations.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Darby moved to suspend the five-day posting rule to allow the Committee on Appropriations, Subcommittee on Articles VI, VII, and VIII, to consider house budget recommendations.

The motion prevailed.

(Speaker in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Darby requested permission for the Committee on Appropriations, Subcommittee on Articles VI, VII, and VIII, to meet while the house is in session, during bill referral today, in JHR 120, to consider house budget recommendations.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Hochberg moved to suspend the five-day posting rule to allow the Committee on Appropriations, Subcommittee on Article III, to consider house budget recommendations at 7 a.m. tomorrow.

The motion prevailed.

Representative Phillips moved to suspend the five-day posting rule to allow the Committee on Transportation to consider **HB 71** at 8 a.m. tomorrow.

The motion prevailed.

Representative Zerwas moved to suspend the five-day posting rule to allow the Committee on Appropriations, Subcommittee on Article II, to consider house budget recommendations.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, Subcommittee on Article II, 7 a.m. tomorrow, E1.030, for a public hearing, to consider house budget recommendations.

Appropriations, Subcommittee on Article III, 7 a.m. tomorrow, JHR 140, for a public hearing, to consider house budget recommendations.

Appropriations, Subcommittee on Articles VI, VII, and VIII, 7 a.m. tomorrow, JHR 120, for a public hearing, to consider house budget recommendations.

Transportation, 8 a.m. tomorrow, E2.014, for a public hearing, to consider **HB 71**.

Appropriations, Subcommittee on Articles I, IV, and V, 7 a.m. tomorrow, E2.030, for a public hearing, to consider house budget recommendations.

PROVIDING FOR ADJOURNMENT

Representative Orr moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Elane Cash of Austin and Miriam Smith Vale of Rio Grande City.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(C. Anderson in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 2 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 201 (By Morrison), Relating to informed consent to an abortion.
To State Affairs.

HB 202 (By Solomons), Relating to requiring state contractors to participate in the federal electronic verification of work authorization program, or E-verify.

To State Affairs.

HB 204 (By Pickett), Relating to the purposes and designation of a transportation reinvestment zone.

To Transportation.

HB 205 (By Pickett), Relating to the imposition by certain municipalities and municipal transit departments of the local sales and use tax in certain federal military installations.

To Defense and Veterans' Affairs.

HB 206 (By Walle), Relating to notice to ratepayers regarding a water rate increase.

To Natural Resources.

HB 207 (By McClendon), Relating to a mile-based rating plan for personal automobile insurance.

To Insurance.

HB 208 (By Alonzo), Relating to prohibition of certain insurance discrimination.

To Insurance.

HB 209 (By Alonzo), Relating to providing Internet access in certain local public libraries.

To Technology.

HB 210 (By Alonzo), Relating to the coverage by certain health benefit plans of mammograms performed by certain health care providers.

To Insurance.

HB 211 (By Rodriguez), Relating to this state's goal for renewable energy.

To State Affairs.

HB 212 (By Rodriguez), Relating to the regulation of a credit services organization.

To Pensions, Investments, and Financial Services.

HB 213 (By Rodriguez), Relating to the duties of a mortgage servicer of certain residential mortgage loans.

To Pensions, Investments, and Financial Services.

HB 214 (By Gallego), Relating to a fee for an application filed with a county commissioners court to revise a subdivision plat.

To Land and Resource Management.

HB 215 (By Gallego), Relating to photograph and live lineup identification procedures in criminal cases.

To Criminal Jurisprudence.

HB 216 (By Gallego), Relating to the creation of the Texas Legislative Fellows Program for certain students enrolled in component institutions of The University of Texas System.

To Higher Education.

HB 217 (By Gallego), Relating to an optional county fee on registration of a vehicle in certain counties.

To Transportation.

HB 218 (By Gallego), Relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.

To Natural Resources.

HB 219 (By Gallego), Relating to the electronic recording and admissibility of certain custodial interrogations.

To Criminal Jurisprudence.

HB 220 (By Gallego), Relating to procedures for applications for writs of habeas corpus based on relevant scientific evidence.

To Criminal Jurisprudence.

HB 221 (By Fletcher), Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.

To Criminal Jurisprudence.

HB 222 (By Strama), Relating to the ceiling of the unemployment compensation fund.

To Economic and Small Business Development.

HB 223 (By Strama), Relating to unemployment compensation modernization.

To Economic and Small Business Development.

HB 224 (By Strama), Relating to bullying, including cyberbullying, in public schools.

To Public Education.

HB 225 (By Strama), Relating to distributed generation of electric power.

To State Affairs.

HB 226 (By Strama), Relating to limits on political contributions and expenditures in connection with certain legislative and executive offices; providing civil and criminal penalties.

To Elections.

HB 276 (By Alonzo), Relating to the minimum wage.

To Economic and Small Business Development.

HR 16 (By Cook), Recognizing March 10, 2011, as Corsicana/Navarro County Day at the State Capitol.

To Rules and Resolutions.

HR 17 (By Raymond), In memory of former Laredo city councilman Joe A Guerra.

To Rules and Resolutions.

HR 18 (By Alonzo), Honoring the life and music of Stevie Ray Vaughan.

To Rules and Resolutions.

HR 19 (By Johnson), Congratulating Tod Robberson, Colleen McCain Nelson, and William McKenzie of the Dallas Morning News on earning the 2010 Pulitzer Prize for editorial writing.

To Rules and Resolutions.

HR 20 (By Flynn), Commemorating the 100th anniversary of the First State Bank of Ben Wheeler.

To Rules and Resolutions.

HR 21 (By Alonzo), Congratulating Reynaldo Lopez on being named Coach of the Year by NTSA-USA.

To Rules and Resolutions.

HR 22 (By Alonzo), Paying tribute to the life of Irma Rangel and honoring the students of the Irma Lerma Rangel Young Women's Leadership School on the seventh anniversary of the opening of the school.

To Rules and Resolutions.

HR 23 (By Alonzo), Paying tribute to the life of Irma Rangel and honoring the students of the Irma Lerma Rangel Young Women's Leadership School on the eighth anniversary of the opening of the school.

To Rules and Resolutions.

HR 24 (By Alonzo), Recognizing July 24, 2011, as American Mexican Day.

To Rules and Resolutions.

HR 25 (By Alonzo), Recognizing July 24, 2012, as American Mexican Day.

To Rules and Resolutions.

HR 26 (By Alonzo), Honoring the life of Cesar Chavez and commemorating the 84th anniversary of his birth on March 31, 2011.

To Rules and Resolutions.

HR 27 (By Alonzo), Honoring the life of Cesar Chavez and commemorating the 85th anniversary of his birth on March 31, 2012.

To Rules and Resolutions.

HR 28 (By Alonzo), Recognizing the 24th annual Grand Prairie Cinco de Mayo celebration.

To Rules and Resolutions.

HR 29 (By Alonzo), Recognizing the 25th annual Grand Prairie Cinco de Mayo celebration.

To Rules and Resolutions.

HR 30 (By Alonzo), Commemorating the 108th anniversary of Oak Cliff's annexation to Dallas.

To Rules and Resolutions.

HR 31 (By Alonzo), Commemorating the 109th anniversary of Oak Cliff's annexation to Dallas.

To Rules and Resolutions.

HR 34 (By Menendez), Commemorating the 75th anniversary of the Texas Alcoholic Beverage Commission.

To Rules and Resolutions.

HR 35 (By Hardcastle), Commemorating the 100th anniversary of the Vernon Chamber of Commerce.

To Rules and Resolutions.

HR 36 (By Alonzo), Commemorating the 42nd anniversary of the 1969 Crystal City student walkout.

To Rules and Resolutions.

HR 37 (By Alonzo), Commemorating the 43rd anniversary of the 1969 Crystal City student walkout.

To Rules and Resolutions.

HR 38 (By Alonzo), In memory of Tejano Legend Laura Canales of Kingsville on April 16, 2011, the sixth anniversary of her death.

To Rules and Resolutions.

HR 39 (By Alonzo), In memory of Tejano Legend Laura Canales of Kingsville on April 16, 2012, the seventh anniversary of her death.

To Rules and Resolutions.

HR 40 (By Alonzo), Honoring the Dallas Association for Bilingual Education for its outstanding record of service to the community and congratulating its 2011 officers.

To Rules and Resolutions.

HR 41 (By Alonzo), Honoring the Dallas Association for Bilingual Education for its outstanding record of service to the community and congratulating its 2012 officers.

To Rules and Resolutions.

HR 42 (By Alonzo), Commemorating the fifth anniversary of the Dallas Mega March for American Values and Justice on April 9, 2011.

To Rules and Resolutions.

HR 43 (By Alonzo), Commemorating the sixth anniversary of the Dallas Mega March for American Values and Justice on April 9, 2012.

To Rules and Resolutions.

HR 44 (By Alonzo), Honoring the life of Selena Quintanilla Perez on March 31, 2011, the 16th anniversary of her passing.

To Rules and Resolutions.

HR 45 (By Alonzo), Honoring the life of Selena Quintanilla Perez on March 31, 2012, the 17th anniversary of her passing.

To Rules and Resolutions.

HR 46 (By Alonzo), Honoring participants in the University of North Texas Roberto R. Alonzo Bilingual/ESL Education Scholars Program for 2011.

To Rules and Resolutions.

HR 47 (By Alonzo), Honoring participants in the University of North Texas Roberto R. Alonzo Bilingual/ESL Education Scholars Program for 2012.

To Rules and Resolutions.

HR 49 (By Hochberg), Congratulating Rushan Gao of Houston on his achievements in and support of senior games competition.

To Rules and Resolutions.

HR 50 (By Craddick), Congratulating State Representative Beverly Woolley and Lynn Woolley on their 50th wedding anniversary.

To Rules and Resolutions.

HR 52 (By Craddick), Congratulating Sherman and Elaine Wright of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 53 (By Craddick), Congratulating Lester and Carole Headrick of Midland on their 45th wedding anniversary.

To Rules and Resolutions.

HR 54 (By Hilderbran), Congratulating Doyle and Doris Thomas of Kerrville on their 70th wedding anniversary.

To Rules and Resolutions.

HR 56 (By Hilderbran), Congratulating Mary and Howard Conoway of Kerrville on their 77th wedding anniversary.

To Rules and Resolutions.

HR 57 (By Hilderbran), In memory of Eleanor Dozier of Kerrville.

To Rules and Resolutions.

HR 58 (By Hilderbran), In memory of William H. Williams, Kerr County commissioner.

To Rules and Resolutions.

HR 59 (By Hilderbran), In memory of Mary Terry of Georgetown.

To Rules and Resolutions.

HR 60 (By Hilderbran), In memory of U.S. Marine Corporal Jacob Carl Leicht of Kerrville.

To Rules and Resolutions.

HR 61 (By Hilderbran), Congratulating Noel and Frances Marie Bryant of Kerrville on their 71st wedding anniversary.

To Rules and Resolutions.

HR 62 (By Hilderbran), In memory of Allyn Paul Roussel of New Orleans, Louisiana.

To Rules and Resolutions.

HR 63 (By Hilderbran), Honoring Kerrville Folk Festival founder Rod Kennedy on his birthday.

To Rules and Resolutions.

HR 64 (By Hilderbran), In memory of longtime Kerrville resident Linda Lashley Trisch.

To Rules and Resolutions.

HR 65 (By Hilderbran), In memory of Jacquelynn Richardson Kyle of Pipe Creek.

To Rules and Resolutions.

HR 66 (By McClendon), Recognizing February 15, 2011, as Viva San Antonio Day at the State Capitol.

To Rules and Resolutions.

HR 67 (By Solomons), Congratulating Dr. Lee Oneacre on being named 2010 Dentist of the Year by the Dallas County Dental Society.

To Rules and Resolutions.

HR 68 (By Hilderbran), In memory of John V. Spikes of Hunt.

To Rules and Resolutions.

HR 69 (By Hilderbran), In memory of Kenneth W. Arthur of Concan.

To Rules and Resolutions.

HR 70 (By Hilderbran), In memory of Elaine Hart Dortch of Longview.

To Rules and Resolutions.

HR 71 (By Hilderbran), In memory of Sharon Ann Dykes of Horseshoe Bay.

To Rules and Resolutions.

HR 72 (By Hilderbran), In memory of Edward Allen North of Kerrville.

To Rules and Resolutions.

HR 74 (By Alonzo), Recognizing National Crime Victims' Rights Week in 2011.

To Rules and Resolutions.

HR 75 (By Alonzo), Recognizing National Crime Victims' Rights Week in 2012.

To Rules and Resolutions.

HR 76 (By Alonzo), Honoring the 2011 and former presidents of the Mexican American Democrats.

To Rules and Resolutions.

HR 77 (By Alonzo), Honoring the 2012 and former presidents of the Mexican American Democrats.

To Rules and Resolutions.

HR 78 (By Alonzo), Commemorating the 163rd anniversary of the date the Treaty of Guadalupe Hidalgo was signed, ending the Mexican War.

To Rules and Resolutions.

HR 79 (By Alonzo), Commemorating the 164th anniversary of the date the Treaty of Guadalupe Hidalgo was signed, ending the Mexican War.

To Rules and Resolutions.

HR 80 (By Alonzo), Commemorating Cinco de Mayo 2011.

To Rules and Resolutions.

HR 81 (By Alonzo), Commemorating Cinco de Mayo 2012.

To Rules and Resolutions.

HR 82 (By Alonzo), Honoring the life of Cesar Chavez and recognizing the month beginning March 31, 2011, as Cesar Chavez Farmworker Appreciation Month.

To Rules and Resolutions.

HR 83 (By Alonzo), Honoring the life of Cesar Chavez and recognizing the month beginning March 31, 2012, as Cesar Chavez Farmworker Appreciation Month.

To Rules and Resolutions.

HR 84 (By Alonzo), Honoring the life of Benito Juarez on March 21, 2011, the 205th anniversary of his birth.

To Rules and Resolutions.

HR 85 (By Alonzo), Honoring the life of Benito Juarez on March 21, 2012, the 206th anniversary of his birth.

To Rules and Resolutions.

HR 86 (By Alonzo), Commending members of the Texas Dental Association and Texas Dental Association Smiles Foundation and recognizing the 2011 Texas Missions of Mercy.

To Rules and Resolutions.

HR 87 (By Alonzo), Commending members of the Texas Dental Association and Texas Dental Association Smiles Foundation and recognizing the 2012 Texas Missions of Mercy.

To Rules and Resolutions.

HR 88 (By Alonzo), Recognizing Diez y Seis de Septiembre (Mexican Independence Day), 2011.

To Rules and Resolutions.

HR 89 (By Alonzo), Recognizing Diez y Seis de Septiembre (Mexican Independence Day), 2012.

To Rules and Resolutions.

HR 90 (By Alonzo), Paying tribute to the life of William C. Velasquez, founder of the Southwest Voter Registration Education Project, on June 15, 2011, the 23rd anniversary of his death.

To Rules and Resolutions.

HR 91 (By Alonzo), Paying tribute to the life of William C. Velasquez, founder of the Southwest Voter Registration Education Project, on June 15, 2012, the 24th anniversary of his death.

To Rules and Resolutions.

HR 93 (By Craddick), Honoring George and Frances Ratliff of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 94 (By Craddick), Congratulating Ed and Nancy Billingsley of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 95 (By Craddick), Congratulating Billy and Sarah Edwards of O'Donnell on their 50th wedding anniversary.

To Rules and Resolutions.

HR 96 (By Craddick), Congratulating Wesley and Denna Teague of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 97 (By Craddick), Congratulating Joe and Sheila Matlock of Midland on their 45th wedding anniversary.

To Rules and Resolutions.

HR 98 (By Craddick), Honoring Carriel and Jannette Nipp on their 60th wedding anniversary.

To Rules and Resolutions.

HR 99 (By Christian), Commemorating the dedication of a Texas State Historical Marker at the First United Methodist Church of Buna.

To Rules and Resolutions.

HR 103 (By Laubenberg), Recognizing March 3, 2011, as Lone Star Association of Charitable Clinics Day.

To Rules and Resolutions.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, February 14, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 53 Craddick SPONSOR: Seliger
Honoring Viola Vasquez Milan of Midland for her 40 years of service as a schoolteacher in Texas.

SB 18 Estes
Relating to the use of eminent domain authority.

SCR 15 Whitmire SPONSOR: McClendon
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 9, 2011, and ending on Monday, February 14, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

NINETEENTH DAY — TUESDAY, FEBRUARY 15, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 47).

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

The invocation was offered by Kie Bownan, pastor, Hyde Park Baptist Church, Austin.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 66 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 66**.

The motion prevailed.

The following resolution was laid before the house:

HR 66, Recognizing February 15, 2011, as Viva San Antonio Day at the State Capitol.

HR 66 was read and was adopted.

On motion of Representative Gutierrez, the names of all the members of the house were added to **HR 66** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative McClendon who introduced a delegation from San Antonio.

(Harper-Brown in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative D. Miller who presented Dr. Francisco Barrera of Boerne as the "Doctor for the Day."

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

HR 334 - ADOPTED
(by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 334**.

The motion prevailed.

The following resolution was laid before the house:

HR 334, Welcoming Leadership Midlothian to the State Capitol.

HR 334 was read and was adopted.

LEAVE OF ABSENCE GRANTED

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

Castro on motion of Farias.

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. 5).

(Speaker in the chair)

HR 19 - ADOPTED
(by Johnson and Branch)

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 19**.

The motion prevailed.

The following resolution was laid before the house:

HR 19, Congratulating Tod Robberson, Colleen McCain Nelson, and William McKenzie of the Dallas Morning News on earning the 2010 Pulitzer Prize for editorial writing.

HR 19 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Johnson who introduced editorial writers from the Dallas Morning News: Tod Robberson, Colleen McCain Nelson, and William McKenzie.

(Landtroop in the chair)

HCR 52 - ADOPTED
(by Keffer)

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HCR 52**.

The motion prevailed.

The following resolution was laid before the house:

HCR 52, Designating February 15, 2011, as Texas Manufacturers Day.

HCR 52 was read and was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HCR 52** as signers thereof.

HR 419 - ADOPTED
(by Carter)

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HR 419**.

The motion prevailed.

The following resolution was laid before the house:

HR 419, Recognizing Texas Instruments on the occasion of Manufacturers Day at the State Capitol.

HR 419 was read and was adopted.

On motion of Representative Button, the names of all the members of the house were added to **HR 419** as signers thereof.

HR 281 - ADOPTED
(by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 281**.

The motion prevailed.

The following resolution was laid before the house:

HR 281, Recognizing February 15, 2011, as Dallas Assembly Day at the State Capitol.

(Reynolds in the chair)

HR 281 was read and was adopted.

HR 412 - ADOPTED
(by Chisum)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 412**.

The motion prevailed.

The following resolution was laid before the house:

HR 412, Recognizing February 15, 2011, as Texas Farm Bureau District 1 Day at the State Capitol.

HR 412 was read and was adopted.

On motion of Representative Landtroop, the names of all the members of the house were added to **HR 412** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Price who introduced a delegation of leaders of the Texas Farm Bureau District 1.

HR 432 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 432**.

The motion prevailed.

The following resolution was laid before the house:

HR 432, Recognizing February 15, 2011, as Sacred Heart Catholic School Day at the State Capitol.

HR 432 was read and was adopted.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 432** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego who introduced Principal Olivia Talavera and students from Sacred Heart Catholic School in Uvalde.

HR 411 - ADOPTED (by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 411**.

The motion prevailed.

The following resolution was laid before the house:

HR 411, Recognizing February 15, 2011, as United Way Day at the State Capitol.

HR 411 was read and was adopted.

On motion of Representative D. Howard, the names of all the members of the house were added to **HR 411** as signers thereof.

HR 372 - ADOPTED (by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 372**.

The motion prevailed.

The following resolution was laid before the house:

HR 372, Recognizing February 15, 2011, as Kidney Day at the State Capitol.

HR 372 was read and was adopted.

On motion of Representative Guillen, the names of all the members of the house were added to **HR 372** as signers thereof.

HR 156 - ADOPTED (by Lewis and Craddick)

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 156**.

The motion prevailed.

The following resolution was laid before the house:

HR 156, Recognizing February 15, 2011, as Midland-Odessa Day at the State Capitol.

HR 156 was read and was adopted.

On motion of Representative Gallego, the names of all the members of the house were added to **HR 156** as signers thereof.

HR 324 - ADOPTED**(by Cain)**

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 324**.

The motion prevailed.

The following resolution was laid before the house:

HR 324, Congratulating Doug Evans on his retirement from the Sulphur Springs Independent School District.

HR 324 was adopted.

HR 430 - ADOPTED**(by Branch)**

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 430**.

The motion prevailed.

The following resolution was laid before the house:

HR 430, In memory of former Texas Supreme Court chief justice Joe Greenhill.

HR 430 was read and was unanimously adopted by a rising vote.

On motion of Representative Jackson, the names of all the members of the house were added to **HR 430** as signers thereof.

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 invited testimony at 3:30 p.m. today in E1.010.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Otto requested permission for the Committee on Appropriations, Subcommittee on Articles VI, VII, and VIII, to meet while the house is in session, during bill referral today, in JHR 120, to consider house budget recommendations.

Permission to meet was granted.

Representative Otto requested permission for the Committee on Appropriations, Subcommittee on Articles I, IV, and V, to meet while the house is in session, during bill referral today, in E2.030, to consider house budget recommendations.

Permission to meet was granted.

Representative Otto requested permission for the Committee on Appropriations, Subcommittee on Article II, to meet while the house is in session, during bill referral today, in E1.030, to consider house budget recommendations.

Permission to meet was granted.

RULES SUSPENDED

Representative McClendon moved to suspend all necessary rules to allow the Committee on Rules and Resolutions to hold an organizational meeting.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session, during bill referral today, in 3W.9, for an organizational meeting.

Permission to meet was granted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 5).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, during bill referral today, 3W.9, for an organizational meeting.

Criminal Jurisprudence, 3:30 p.m. today, E1.010, for a public hearing, to consider invited testimony.

PROVIDING FOR ADJOURNMENT

Representative Branch moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of former Chief Justice of the Texas Supreme Court, the Honorable Joseph Greenhill of Austin.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Callegari in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:46 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 227 (By T. Smith), Relating to exempting persons who are convicted of certain sexual offenses from registering as a sex offender in this state.

To Criminal Jurisprudence.

HB 228 (By Fletcher), Relating to the prosecution of the offense of criminal nonsupport.

To Criminal Jurisprudence.

HB 229 (By Solomons), Relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

To Judiciary and Civil Jurisprudence.

HB 230 (By Phillips), Relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty.

To County Affairs.

HB 231 (By Phillips), Relating to the eligibility of property used in connection with certain computer centers for economic benefits authorized by the Texas Economic Development Act.

To Ways and Means.

HB 232 (By White), Relating to the amendment of restrictions affecting real property in certain subdivisions.

To Land and Resource Management.

HB 233 (By Hochberg), Relating to requirements for students to be assessed in certain subjects and in certain grades.

To Public Education.

HB 234 (By Otto), Relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

To Ways and Means.

HB 235 (By Aycock), Relating to the first day of instruction for a school year in school districts in which a certain percentage of the students are military dependents.

To Public Education.

HB 236 (By Madden), Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

To Corrections.

HB 237 (By Flynn), Relating to the composition of the Finance Commission of Texas.

To Pensions, Investments, and Financial Services.

HB 238 (By Phillips), Relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

To Transportation.

HB 239 (By Parker), Relating to the offense of paying or receiving certain forms of compensation for facilitating the registration of voters; providing criminal penalties.

To Select Voter Identification and Voter Fraud.

HB 240 (By Parker), Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing accidental or unintentional access to on-site sewage disposal systems.

To Environmental Regulation.

HB 241 (By Parker), Relating to liability for interest if land appraised for ad valorem tax purposes as agricultural or open-space land is sold or diverted to a different use.

To Ways and Means.

HB 242 (By Craddick), Relating to the authority of certain retired peace officers to carry certain firearms.

To Homeland Security and Public Safety.

HB 243 (By Craddick), Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

To Transportation.

HB 244 (By Hartnett), Relating to the responsibilities of the Department of Family and Protective Services as trustee of the Parrie Haynes Trust.

To Judiciary and Civil Jurisprudence.

HB 245 (By Gallego), Relating to limiting the liability of space flight entities.

To Judiciary and Civil Jurisprudence.

HB 247 (By Solomons), Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To State Affairs.

HB 248 (By Chisum), Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

To Select Voter Identification and Voter Fraud.

HB 249 (By Fletcher), Relating to the regulation of metal recycling entities; providing penalties.

To Environmental Regulation.

HB 277 (By Alonzo), Relating to the identification information required of an applicant for a driver's license.

To Homeland Security and Public Safety.

HB 278 (By Alonzo), Relating to pretrial hearings in criminal cases.

To Criminal Jurisprudence.

HB 279 (By Geren), Relating to the use of eminent domain authority.

To Land and Resource Management.

HB 280 (By Alvarado), Relating to requiring a health credit for high school graduation.

To Public Education.

HB 281 (By Alvarado), Relating to physical education credits required for high school graduation.

To Public Education.

HB 282 (By Flynn), Relating to an analysis by the adjutant general of facility needs of state military forces before grants or conveyances of real property.

To Defense and Veterans' Affairs.

HB 283 (By Lucio), Relating to the wheelchair accessibility of new or renovated park playgrounds to children with disabilities.

To Culture, Recreation, and Tourism.

HB 284 (By Lucio), Relating to the use of public school counselors' work time.

To Public Education.

HB 285 (By Lucio), Relating to the employment of certified counselors by school districts.

To Public Education.

HB 286 (By Lucio), Relating to the care of elementary and secondary school students with food or other life-threatening allergies.

To Public Education.

HB 287 (By Lucio), Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

To Transportation.

HB 288 (By Lucio), Relating to prohibitions on the use of a wireless communication device while using certain motor vehicles.

To Transportation.

HB 289 (By Jackson), Relating to activity that constitutes maintaining a common nuisance.

To Judiciary and Civil Jurisprudence.

HB 290 (By Jackson), Relating to the punishment for the offense of employment harmful to children.

To Criminal Jurisprudence.

HB 291 (By Jackson), Relating to requiring a public hearing in the geographical area proposed for an open-enrollment charter school.

To Public Education.

HB 292 (By Berman), Relating to birth records of children born in this state; creating an offense.

To State Affairs.

HB 293 (By Berman), Relating to the eligibility of an individual born in this state whose parents are illegal aliens to receive state benefits.

To State Affairs.

HB 294 (By Berman), Relating to prohibiting a person who is in the United States illegally from bringing a claim in a state court.

To State Affairs.

HB 295 (By Berman), Relating to certification for placement on the ballot of candidates for president or vice-president of the United States.

To State Affairs.

HB 296 (By Berman), Relating to the enforcement of immigration laws, to the investigation, prosecution, and punishment of certain criminal offenses concerning illegal immigration, and to certain employment and labor practices and requirements regarding immigration and immigrants; providing civil and criminal penalties.

To State Affairs.

HB 297 (By Berman), Relating to certain federal health care legislation; imposing penalties.

To Select State Sovereignty.

HB 298 (By Berman), Relating to exempting the intrastate manufacture of a firearm, a firearm accessory, or ammunition from federal regulation.

To Select State Sovereignty.

HB 299 (By Berman), Relating to the repeal of the driver responsibility program.

To Homeland Security and Public Safety.

HB 301 (By Berman), Relating to the establishment of English as the official language of Texas and the requirement that official acts of government be performed in English.

To State Affairs.

HB 302 (By Berman), Relating to the enforcement of state and federal laws governing immigration by certain governmental entities; providing a civil penalty.

To State Affairs.

HB 303 (By Berman), Relating to the imposition of a fee for money transmissions sent to certain destinations outside the United States.

To State Affairs.

HB 304 (By Peña), Relating to limiting the amount of assistance a person may provide a voter; providing a civil penalty.

To Select Voter Identification and Voter Fraud.

HB 305 (By Harless), Relating to the punishment prescribed for burglary of a vehicle.

To Criminal Jurisprudence.

HB 306 (By Jackson), Relating to a disclosure on advertisements made by a general-purpose committee of certain political contributions made to the committee.

To Elections.

HB 307 (By Menendez), Relating to the administration of the homeless housing and services program by the Texas Department of Housing and Community Affairs.

To Urban Affairs.

HB 308 (By Menendez), Relating to life preserving devices on recreational vessels.

To Culture, Recreation, and Tourism.

HB 309 (By Menendez), Relating to the establishment of the supportive living facility pilot program.

To Human Services.

HB 310 (By T. King), Relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.

To Natural Resources.

HB 311 (By Geren), Relating to the duty of a peace officer to inquire into the immigration status of persons arrested on other grounds.

To State Affairs.

HB 312 (By Callegari), Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Ways and Means.

HB 313 (By Pickett), Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 314 (By Hardcastle), Relating to the designation of a portion of U.S. Highway 81 as the Corporal David Slaton Memorial Highway.

To Transportation.

HB 315 (By Flynn), Relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 316 (By Fletcher), Relating to a requirement that certain appraisal districts provide for electronic signing and filing of a form for the designation of an agent.

To Ways and Means.

HB 318 (By Alonzo), Relating to the date of the primary election and related procedures.

To Elections.

HB 319 (By Alonzo), Relating to an optometry career program at the University of Houston.

To Higher Education.

HB 320 (By Alonzo), Relating to equipping certain K-9 law enforcement vehicles with heat alarm systems.

To Homeland Security and Public Safety.

HB 321 (By Alonzo), Relating to certain unfair practices in the settlement of insurance claims involving noneconomic damages.

To Insurance.

HB 322 (By Hartnett), Relating to the eligibility of a former or retired statutory probate court judge for assignment as a visiting judge.

To Judiciary and Civil Jurisprudence.

HB 323 (By Laubenberg), Relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

To Judiciary and Civil Jurisprudence.

HB 324 (By Johnson), Relating to a study of and report on public and private after-school programs.

To Public Education.

HB 325 (By T. Smith), Relating to providing access to an ultrasound before an abortion.

To State Affairs.

HB 326 (By Guillen), Relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.

To State Affairs.

HB 327 (By Guillen), Relating to the issuance of specialty license plates for justices of the peace and municipal judges.

To Transportation.

HB 328 (By Guillen), Relating to information provided to a person applying for a state tax permit or license.

To Ways and Means.

HB 329 (By Guillen), Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities.

To Human Services.

HB 330 (By Guillen), Relating to the dissolution of a bail bond board by the commissioners court of certain counties.

To County Affairs.

HB 331 (By Guillen), Relating to the authority of the governing body of a municipality to create a municipal court equal justice and education fund and to require certain defendants to pay court costs for deposit in the fund.

To Criminal Jurisprudence.

HB 332 (By Guillen), Relating to the licensure of athletic trainers.

To Public Health.

HB 333 (By Guillen), Relating to the authority of certain counties to adopt and enforce a fire code.

To County Affairs.

HB 334 (By S. Miller), Relating to the establishment of the Texas Livestock Care Standards Advisory Committee.

To Agriculture and Livestock.

HB 335 (By Shelton), Relating to implementation and requirements of certain health care reform laws.

To Select State Sovereignty.

HB 336 (By Marquez), Relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of certain school districts.

To Public Education.

HB 337 (By Johnson), Relating to increasing awareness of the danger of leaving a child in a motor vehicle.

To Transportation.

HB 338 (By Aycock), Relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species.

To Agriculture and Livestock.

HB 339 (By Aycock), Relating to the use of certain voting equipment in an election that does not involve a federal office.

To Elections.

HB 340 (By Gallego), Relating to net metering for retail electric service customers and compensation for excess electricity generated by a retail electric customer's on-site generator.

To State Affairs.

HB 341 (By Fletcher), Relating to the prosecution of and the punishment for the offense of burglary committed while evading arrest or detention.

To Criminal Jurisprudence.

HB 342 (By Fletcher), Relating to the reinstatement of a firefighter or police officer following a decision rendered by the Fire Fighters' and Police Officers' Civil Service Commission or an independent third party hearing examiner.

To Urban Affairs.

HB 343 (By Fletcher), Relating to the reporting and recording of a motor vehicle accident involving an official vehicle driven by a peace officer, firefighter, or an emergency medical services employee in the course of official duties.

To Homeland Security and Public Safety.

HB 344 (By Quintanilla), Relating to the use of customs brokers to obtain a refund of sales and use taxes.

To Ways and Means.

HB 345 (By Kleinschmidt), Relating to limitations on awards in an adjudication brought against a local governmental entity for breach of contract.

To Judiciary and Civil Jurisprudence.

HB 346 (By Kleinschmidt), Relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.

To Business and Industry.

HB 347 (By Kleinschmidt), Relating to the eligibility of certain members of the Texas State Guard or Texas National Guard for burial in the state cemetery.

To Defense and Veterans' Affairs.

HB 348 (By Walle), Relating to education and training for school district peace officers, school resource officers, and school security personnel employed by a school district.

To Homeland Security and Public Safety.

HB 349 (By Walle), Relating to requiring a school district to adopt a policy and collect data regarding restraints administered and citations issued by a school district peace officer.

To Public Education.

HB 350 (By Walle), Relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.

To Criminal Jurisprudence.

HB 351 (By Veasey), Relating to the expunction of records and files relating to a person's arrest.

To Criminal Jurisprudence.

HB 352 (By Rodriguez), Relating to a cost-benefit analysis of rules adopted or amended by the supreme court.

To Judiciary and Civil Jurisprudence.

HB 353 (By Burnam), Relating to certain reimbursements and discounts provided for collection and payment of sales and use taxes.

To Ways and Means.

HB 354 (By Burnam), Relating to the imposition of an income tax on income that exceeds \$150,000 to provide property tax relief and fund public education; providing penalties.

To Ways and Means.

HB 355 (By Burnam), Relating to the imposition of a fee on coal loaded on or unloaded from railcars in this state and to the allocation of the revenue from the fee.

To Ways and Means.

HB 356 (By Burnam), Relating to the recognition of a nonresident license to carry a concealed handgun.

To Homeland Security and Public Safety.

HB 357 (By Rodriguez), Relating to transition and employment services for public school students enrolled in special education programs.

To Public Education.

HCR 28 (By Branch), In memory of Don Meredith, former SMU and Dallas Cowboys quarterback and longtime sportscaster.

To Rules and Resolutions.

HJR 39 (By Callegari), Proposing a constitutional amendment to authorize the legislature to set a lower limit on the maximum appraised value of a residence homestead for ad valorem taxation.

To Ways and Means.

SB 18 to Land and Resource Management.

SIGNED BY THE SPEAKER

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

House List No. 5

HCR 53

Senate List No. 5

SCR 15

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, February 15, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 48 Hughes SPONSOR: Eltife
Honoring the Fannie Marchman Garden Club in Mineola on the 75th anniversary of its founding.

HCR 51 Naishtat SPONSOR: Watson
Commending Heart Hospital of Austin and St. David's HealthCare for providing exceptional cardiovascular care.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

SIGNED BY THE GOVERNOR

February 14 - HCR 35, HCR 36, HCR 41

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTIETH DAY — WEDNESDAY, FEBRUARY 16, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 48).

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

Absent, Excused — Phillips.

The invocation was offered by Byron Jones, pastor, First Baptist Church, Gun Barrel City, as follows:

Heavenly Father, it is my prayer that all that is done in this room today brings honor and glory to your name. The word tells us in James 1:5 that if any man lacks wisdom, let him ask of God. We pray today for spiritual wisdom for these congressional leaders of our state; wisdom that will bring prosperity for the people whom they represent; wisdom for unity among all of this great state; wisdom for these men and women to pass only those laws that bring a better way of life for all men. I pray that your spirit that brings peace, unity, love, and joy will move in each heart today, for it is in the name of our Lord and Savior Jesus Christ we ask these things. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Phillips on motion of Hardcastle.

REGULAR ORDER OF BUSINESS SUSPENDED

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CAPITOL PHYSICIAN

The speaker recognized Representative Schwertner who presented Dr. Paul Berg of Georgetown as the "Doctor for the Day."

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

(Gooden in the chair)

COMMITTEES GRANTED PERMISSION TO MEET

Representative Zerwas requested permission for the Committee on Appropriations, Subcommittee on Article II, to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

Representative Otto requested permission for the Committee on Appropriations, Subcommittee on Articles I, IV, and V, to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

Representative Otto requested permission for the Committee on Appropriations, Subcommittee on Articles VI, VII, and VIII, to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

Representative Hochberg requested permission for the Committee on Appropriations, Subcommittee on Article III, to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 6).

(Sheets in the chair)

**HR 133 - ADOPTED
(by Flynn)**

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 133**.

The motion prevailed.

The following resolution was laid before the house:

HR 133, Recognizing February 16, 2011, as Van Zandt County Day at the State Capitol.

HR 133 was read and was adopted.

On motion of Representative Kleinschmidt, the names of all the members of the house were added to **HR 133** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Flynn who introduced a delegation from Van Zandt County.

**HR 383 - ADOPTED
(by Crownover and S. Davis)**

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 383**.

The motion prevailed.

The following resolution was laid before the house:

HR 383, Recognizing February 16, 2011, as Susan G. Komen for the Cure Advocacy Day.

HR 383 was read and was adopted.

On motion of Representative Woolley, the names of all the members of the house were added to **HR 383** as signers thereof.

**HR 318 - ADOPTED
(by Muñoz)**

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 318**.

The motion prevailed.

The following resolution was laid before the house:

HR 318, Recognizing February 16, 2011, as Mission Day at the State Capitol.

HR 318 was read and was adopted.

On motion of Representative V. Gonzales, the names of all the members of the house were added to **HR 318** as signers thereof.

(R. Anderson in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative V. Gonzales who introduced a delegation from Mission.

HR 410 - ADOPTED (by Shelton)

Representative Shelton moved to suspend all necessary rules to take up and consider at this time **HR 410**.

The motion prevailed.

The following resolution was laid before the house:

HR 410, Recognizing February 13-19, 2011, as Texas Technology Week.

HR 410 was read and was adopted.

HR 415 - ADOPTED (by Anchia)

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 415**.

The motion prevailed.

The following resolution was laid before the house:

HR 415, Recognizing February 16, 2011, as Texans Support Libraries Day at the State Capitol.

HR 415 was read and was adopted.

On motion of Representative Driver, the names of all the members of the house were added to **HR 415** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Anchia who introduced representatives of the Texas State Library and Archives Commission.

HR 420 - ADOPTED (by Strama)

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HR 420**.

The motion prevailed.

The following resolution was laid before the house:

HR 420, Commemorating the 50th anniversary of the founding of the Texas Economic Development Council.

HR 420 was read and was adopted.

On motion of Representative J. Davis, the names of all the members of the house were added to **HR 420** as signers thereof.

HR 434 - ADOPTED
(by Eiland)

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 434**.

The motion prevailed.

The following resolution was laid before the house:

HR 434, Recognizing February 16, 2011, as Chambers County Day at the State Capitol.

HR 434 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Eiland who introduced a delegation from Chambers County.

HR 342 - ADOPTED
(by Madden and Button)

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 342**.

The motion prevailed.

The following resolution was laid before the house:

HR 342, Commending The University of Texas at Dallas and welcoming officials and members of the government honors program.

HR 342 was read and was adopted.

HR 433 - ADOPTED
(by Legler)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **HR 433**.

The motion prevailed.

The following resolution was laid before the house:

HR 433, Recognizing February 16, 2011, as Ellington Field Day at the State Capitol.

HR 433 was read and was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HR 433** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Legler who introduced a delegation from Ellington Field.

(Marquez in the chair)

HR 444 - ADOPTED (by J. Davis)

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 444**.

The motion prevailed.

The following resolution was laid before the house:

HR 444, Honoring NASA and the aerospace industry for their leadership and accomplishments in the State of Texas.

HR 444 was read and was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HR 444** as signers thereof.

HR 254 - ADOPTED (by L. Gonzales and Schwertner)

Representative L. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 254**.

The motion prevailed.

The following resolution was laid before the house:

HR 254, Honoring the 2011 Class of Leadership Round Rock.

HR 254 was read and was adopted.

HR 284 - ADOPTED (by Pickett, Quintanilla, Marquez, Gonzalez, and Margo)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 284**.

The motion prevailed.

The following resolution was laid before the house:

HR 284, Recognizing February 16 and 17, 2011, as El Paso Days at the State Capitol.

HR 284 was read and was adopted.

On motion of Representative Quintanilla, the names of all the members of the house were added to **HR 284** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gonzalez who introduced a delegation from El Paso.

RESOLUTIONS ADOPTED

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 336**, **HR 340**, and **HR 462**.

(D. Miller in the chair)

The motion prevailed.

The following resolutions were laid before the house:

HR 336 (by Y. Davis, Anchia, and Alonzo), Commemorating the inauguration of the 2011 Greater Dallas Hispanic Chamber of Commerce Board of Directors.

HR 340 (by Y. Davis), Honoring Texas Democratic Women for 24 years of service.

HR 462 (by Y. Davis), Welcoming Nigerian writer Chike Momah to the State Capitol and recognizing him for his literary achievements.

The resolutions were adopted.

(Harper-Brown in the chair)

HR 224 - ADOPTED (by Kleinschmidt)

Representative Kleinschmidt moved to suspend all necessary rules to take up and consider at this time **HR 224**.

The motion prevailed.

The following resolution was laid before the house:

HR 224, Commending the membership class of Leadership Fayette County for their dedication to their communities.

HR 224 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Hardcastle who introduced district directors from the Texas Farm Bureau.

HR 235 - ADOPTED (by Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 235**.

The motion prevailed.

The following resolution was laid before the house:

HR 235, Commemorating the 10th anniversary of the founding of Harmony Public Schools.

HR 235 was read and was adopted.

**HR 451 - ADOPTED
(by Johnson)**

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 451**.

The motion prevailed.

The following resolution was laid before the house:

HR 451, In memory of Christene Faye Taylor of Dallas.

HR 451 was read and was unanimously adopted by a rising vote.

PROVIDING FOR ADJOURNMENT

Representative L. Gonzales moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Dylan Horn of Cedar Park.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2.)

(Keffer in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:07 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

HOUSE COMMITTEE SCHEDULE
82nd Legislature - Regular Session
Effective Tuesday, February 15, 2011

MONDAY

7 a.m.		
	Appropriations	E1.030
2 p.m. or upon adjournment		
	Border and Intergovernmental Affairs	E1.010
	Business and Industry	E2.016
	Elections	E2.028
	Judiciary and Civil Jurisprudence	E2.010
	Land and Resource Management	E2.012

Ways and Means	E2.014
4 p.m. or upon adjournment	
Local and Consent Calendars	E2.020

TUESDAY

8 a.m.	
Agriculture and Livestock	E1.014
Licensing and Administrative Procedures	E2.012
Natural Resources	E2.010
Pensions, Investments, and Financial Services	E2.014
10:30 a.m. or upon adjournment	
Criminal Jurisprudence	JHR 120
Insurance	E2.026
Redistricting	TBD
Rules and Resolutions	Agricultural Museum, 1W.14
2 p.m. or upon adjournment	
Homeland Security and Public Safety	E1.026
Human Services	E2.030
Public Education	E2.036

WEDNESDAY

8 a.m.	
Public Health	E2.012
Transportation	E2.028
10:30 a.m. or upon adjournment	
Urban Affairs	E2.016
2 p.m. or upon adjournment	
Corrections	E2.014
Culture, Recreation, and Tourism	E1.026
Energy Resources	E2.010
Environmental Regulation	E2.030
Higher Education	E1.014
State Affairs	JHR 140

THURSDAY

8 a.m.	
Defense and Veterans' Affairs	E2.012
Economic and Small Business Development	E2.014
General Investigating and Ethics	E2.026
Technology	E1.010
10:30 a.m. or upon adjournment	
County Affairs	E2.016
Government Efficiency and Reform	E1.014
State Sovereignty, Select	E2.010

The House Select Committee on Voter Identification and Voter Fraud will meet at the discretion of the chair.

REFERRED TO COMMITTEES

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

List No. 1

HCR 32 (By Craddick), In memory of Lindley Paul Latham of Midland.
To Rules and Resolutions.

HCR 38 (By Eiland), Paying tribute to the life of Texas heroine Jane Herbert Wilkinson Long.
To Rules and Resolutions.

HCR 47 (By Guillen), In memory of U.S. Army Private First Class Ira Benjamin Laningham IV of Zapata.
To Rules and Resolutions.

HCR 49 (By Rodriguez), Commemorating the 20th anniversary of Austin Energy Green Building.
To Rules and Resolutions.

HCR 56 (By Muñoz), Designating April 9, 2011, as LZ:RGV Welcome Home South Texas Vietnam Veterans Day.
To Rules and Resolutions.

HCR 59 (By Berman), Designating February 28 to March 1, 2011, as East Texas Coalition Days at the State Capitol.
To Rules and Resolutions.

HR 105 (By Hilderbran), In memory of U.S. Army Staff Sergeant Michael C. Murphrey.
To Rules and Resolutions.

HR 106 (By Hilderbran), Congratulating Lyle and Colleen McGuffin of Kerrville on their 75th wedding anniversary.
To Rules and Resolutions.

HR 108 (By Hilderbran), In memory of U.S. Army Private First Class Benjamen Glen Chisholm.
To Rules and Resolutions.

HR 109 (By Hilderbran), Honoring Katie Bridges of Marble Falls for creating the Operation Cover a Friend initiative.
To Rules and Resolutions.

HR 110 (By Hopson), In memory of Cecil Alvis Staples of Palestine.
To Rules and Resolutions.

HR 112 (By McClendon), Congratulating Sebastian Lang-Lessing on being named music director of the San Antonio Symphony.
To Rules and Resolutions.

HR 113 (By Solomons), Congratulating Silas Nathaniel Huff on his selection as a U.S. Army band officer.

To Rules and Resolutions.

HR 114 (By Solomons), Congratulating the volleyball team of Hebron High School in Carrollton on winning the UIL 5A state championship.

To Rules and Resolutions.

HR 115 (By Woolley), In memory of U.S. Army Specialist Pedro Antonio Maldonado of Houston.

To Rules and Resolutions.

HR 116 (By Naishtat), Commemorating the centennial of The University of Texas at Austin Department of Government.

To Rules and Resolutions.

HR 119 (By P. King), Congratulating Elvera Johnson on her retirement as district clerk of Parker County.

To Rules and Resolutions.

HR 121 (By P. King), Congratulating Don Chrestman on his retirement as district judge of Parker County.

To Rules and Resolutions.

HR 122 (By P. King), Congratulating Jayne Williams Choate on her retirement as justice of the peace of Parker County.

To Rules and Resolutions.

HR 123 (By P. King), Congratulating Melvin Simons on his retirement as justice of the peace for Precinct 4 in Parker County.

To Rules and Resolutions.

HR 124 (By Alvarado), Honoring Herb M. Yambra of Houston for his work relating to railroad safety in the Lone Star State.

To Rules and Resolutions.

HR 130 (By P. King), Honoring the Grace After Fire organization for providing support and resources to women veterans.

To Rules and Resolutions.

HR 131 (By Rodriguez), Recognizing October 2011 as Adopt a Shelter Pet Month in Texas.

To Rules and Resolutions.

HR 132 (By Flynn), Recognizing March 1, 2011, as Hunt County Day at the State Capitol.

To Rules and Resolutions.

HR 134 (By Button), Honoring Dover Elementary School in Richardson on being named a 2010 Blue Ribbon School by the U.S. Department of Education.

To Rules and Resolutions.

HR 135 (By Cain), In memory of Don Meredith, former SMU and Dallas Cowboys quarterback and longtime sportscaster.

To Rules and Resolutions.

HR 136 (By Hunter), Recognizing February 17, 2011, as Aransas County Day at the State Capitol.

To Rules and Resolutions.

HR 138 (By Laubenberg), Honoring Tim Looper for his work with the Celina Pee Wee Football sixth-grade team.

To Rules and Resolutions.

HR 139 (By P. King), In memory of Mundy Ingalls Peale, Jr., of Lake Kiowa.

To Rules and Resolutions.

HR 142 (By Hunter), In memory of Dr. Billy Jim Blankenship of Corpus Christi.

To Rules and Resolutions.

HR 144 (By Patrick), In memory of Willie Belle Porter of Longview.

To Rules and Resolutions.

HR 146 (By Paxton), In memory of U.S. Army Private First Class Cody A. Board of McKinney.

To Rules and Resolutions.

HR 147 (By Giddings), Honoring the life of Dan S. Petty of Dallas.

To Rules and Resolutions.

HR 152 (By Raymond), Honoring former Texas Longhorn Daniel "Colt" McCoy on his achievements as an athlete and volunteer.

To Rules and Resolutions.

HR 153 (By Flynn), Congratulating Larry and Linda Harper of Commerce on their 40th wedding anniversary.

To Rules and Resolutions.

HR 154 (By Flynn), Congratulating Tony and Linda Gavin of Caddo Mills on their 50th wedding anniversary.

To Rules and Resolutions.

HR 155 (By Flynn), Recognizing February 23, 2011, as Rains County Day at the State Capitol.

To Rules and Resolutions.

HR 161 (By Creighton), Recognizing February 23, 2011, as Children's Advocacy Centers of Texas Day at the Capitol.

To Rules and Resolutions.

HR 165 (By Callegari), In memory of Dr. Susan Diane Jackson.

To Rules and Resolutions.

HR 166 (By Callegari), Commemorating the dedication of Stan C. Stanley Elementary School in Katy.

To Rules and Resolutions.

HR 167 (By Callegari), Congratulating David Roy Bull on his graduation from Mountain Vista High School.

To Rules and Resolutions.

HR 168 (By Callegari), Honoring the City of Katy on its receipt of a 2010 Governor's Community Achievement Award.

To Rules and Resolutions.

HR 169 (By Hughes), In memory of Donald Keith Dubbs of Mineola.

To Rules and Resolutions.

HR 170 (By Hughes), Congratulating Agnes Eve Pulk Farmer of Wood County on the occasion of her 90th birthday.

To Rules and Resolutions.

HR 173 (By Darby), Honoring Bill Tullos of Arden on being chosen as the recipient of the 2010 National Golden Spur Award.

To Rules and Resolutions.

HR 176 (By Naishtat), In memory of Susan Bright of Austin.

To Rules and Resolutions.

HR 177 (By Naishtat), Recognizing March 2011 as Professional Social Work Month.

To Rules and Resolutions.

HR 186 (By Craddick), Commending Carolyn Turner, former district clerk of Dawson County, for her 33 years of service to the county.

To Rules and Resolutions.

HR 187 (By Schwertner), In memory of Vernon Hunter of Cedar Park.

To Rules and Resolutions.

HR 188 (By Schwertner), In memory of Leonard Allen Reed of Cedar Park.

To Rules and Resolutions.

HR 190 (By Schwertner), In memory of U.S. Army Second Lieutenant Darryn Deen Andrews.

To Rules and Resolutions.

HR 191 (By Menendez), Commemorating the 50th anniversary of the founding of VFW Lackland Memorial Post 9174.

To Rules and Resolutions.

HR 196 (By Woolley), In memory of Steven Patrick Kanaly of Houston.

To Rules and Resolutions.

HR 197 (By P. King), In memory of U.S. Army Private First Class Austin Garrett Staggs.

To Rules and Resolutions.

HR 199 (By Schwertner), In memory of Michael Grant Cahill of Cameron.

To Rules and Resolutions.

HR 207 (By Raymond), Honoring Drew Brees for his outstanding achievements in football and for his charitable works.

To Rules and Resolutions.

HR 208 (By Raymond), Congratulating Ana Rodriguez on her selection as Miss Texas USA 2011.

To Rules and Resolutions.

HR 209 (By Flynn), Recognizing February 1, 2011, as Farmers Insurance Group Day at the Capitol.

To Rules and Resolutions.

HR 212 (By Harper-Brown), In memory of Otto William Biels, Jr., of Irving.

To Rules and Resolutions.

HR 214 (By Sheffield), Congratulating Bob and Sue Stone of Temple on their 50th wedding anniversary.

To Rules and Resolutions.

HR 215 (By Zedler), In memory of Jean May Keller of Arlington.

To Rules and Resolutions.

HR 217 (By Kolkhorst), Congratulating Dorothy Morgan on her retirement as Washington County judge.

To Rules and Resolutions.

HR 218 (By Woolley), In memory of Jack "Jackie" Rush King of Paris.

To Rules and Resolutions.

HR 220 (By Hochberg), Honoring the Azerbaijani residents of Houston.

To Rules and Resolutions.

HR 223 (By Rodriguez), In memory of David "Lee" Walker of Dripping Springs.

To Rules and Resolutions.

HR 226 (By Callegari), Honoring Daniel Cardinal DiNardo, Archbishop of Galveston-Houston.

To Rules and Resolutions.

HR 227 (By Callegari), Recognizing the opening of Texas Children's Hospital West Campus in Katy.

To Rules and Resolutions.

HR 228 (By Crownover), Recognizing February 22, 2011, as Denton County Day at the State Capitol.

To Rules and Resolutions.

HR 233 (By Hochberg), Honoring Briarmeadow Charter School in the Houston Independent School District on its selection as a 2010 Blue Ribbon School by the U.S. Department of Education.

To Rules and Resolutions.

HR 234 (By Guillen), Honoring Ruperto Canales, Jr., of San Diego, Texas, for his many years of exemplary service as a coach and teacher.

To Rules and Resolutions.

HR 236 (By Callegari), In memory of Floyd A. Mechler, Jr., of Spring.

To Rules and Resolutions.

HR 237 (By Gooden), Recognizing February 1, 2011, as Cedar Creek Lake Area Day at the State Capitol.

To Rules and Resolutions.

HR 240 (By Patrick), In memory of former Arlington mayor, U.S. representative, and Tarrant County judge Tom J. Vandergriff.

To Rules and Resolutions.

HR 242 (By Patrick), In memory of Officer Jillian Michelle Smith of the Arlington Police Department.

To Rules and Resolutions.

HR 244 (By Hilderbran), In memory of Robert R. Woodward of Kerrville.

To Rules and Resolutions.

HR 246 (By Flynn), Congratulating Brigadier General Victor Ortiz on the occasion of his retirement from the Texas State Guard.

To Rules and Resolutions.

HR 247 (By Flynn), Congratulating Penny Smeltzer of Round Rock ISD on her receipt of the 2010 O'Donnell Texas AP Teacher Award.

To Rules and Resolutions.

HR 248 (By Marquez), In memory of Artemisa "Arte" Salinas of El Paso.

To Rules and Resolutions.

HR 249 (By Marquez), Commemorating the opening of the new baseball and softball athletic fields at El Paso High School.

To Rules and Resolutions.

HR 250 (By Marquez), Congratulating Nandie Adams of Canutillo High School in El Paso on her outstanding play during the 2010-2011 basketball season.

To Rules and Resolutions.

HR 252 (By Christian), Recognizing February 16 and 17, 2011, as Nacogdoches-SFA Days at the State Capitol.

To Rules and Resolutions.

HR 255 (By Sheffield), Congratulating Jim and Maxine Howell of Temple on their 50th wedding anniversary.

To Rules and Resolutions.

HR 256 (By Sheffield), Congratulating Robert and Alice Hoelscher of Red Ranger on their 50th wedding anniversary.

To Rules and Resolutions.

HR 257 (By Sheffield), Congratulating Roy and Iris Kneese of Belton on their 60th wedding anniversary.

To Rules and Resolutions.

HR 258 (By Schwertner), Honoring Nicholas Charles McAtee on becoming an Eagle Scout.

To Rules and Resolutions.

HR 259 (By Schwertner), Congratulating Kyle Westley Deal, Jr., on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 260 (By Schwertner), Congratulating Jason Andrew Deal on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 263 (By Giddings), Recognizing February 2, 2011, as Statewide Minority Business Enterprise Public Policy Day at the State Capitol.

To Rules and Resolutions.

HR 265 (By P. King), In memory of Jack Borden of Weatherford.

To Rules and Resolutions.

HR 266 (By Riddle), Honoring Fred and Mary Jane Parrow of Spring on their 50th wedding anniversary.

To Rules and Resolutions.

HR 267 (By Callegari), In memory of Richard Dix Diehl of Dickinson.

To Rules and Resolutions.

HR 268 (By Gooden), In memory of Louann Confer of Henderson County.

To Rules and Resolutions.

HR 270 (By Flynn), Congratulating Orville and Becky Gentry of Greenville on their 50th wedding anniversary.

To Rules and Resolutions.

HR 271 (By Flynn), Congratulating Colonel Manuel Rodriguez on his promotion to brigadier general and his assignment as deputy commander, Army, Texas State Guard.

To Rules and Resolutions.

HR 272 (By Shelton), Congratulating the Texas Christian University football team on its undefeated 2010-2011 season.

To Rules and Resolutions.

HR 273 (By McClendon), In memory of Juan Sergio Camacho of San Antonio.

To Rules and Resolutions.

HR 274 (By McClendon), In memory of Major Marcus Marion Davis, Jr., of San Antonio.

To Rules and Resolutions.

HR 275 (By McClendon), Congratulating the Reverend Dr. Ronald and Sister Lillian R. Benson on their 30th pastoral anniversary with Bethany First Baptist Church in San Antonio.

To Rules and Resolutions.

HR 276 (By McClendon), In memory of Dr. Lanier Byrd of San Antonio.

To Rules and Resolutions.

HR 277 (By McClendon), In memory of the Reverend Dr. Lawrence A. Crenshaw of San Antonio.

To Rules and Resolutions.

HR 278 (By McClendon), In memory of Albert Walter Coy of San Antonio.

To Rules and Resolutions.

HR 279 (By McClendon), In memory of Trina Bonds of San Antonio.

To Rules and Resolutions.

HR 280 (By McClendon), In memory of Dr. Dana Bryant Donatto.

To Rules and Resolutions.

HR 288 (By Harless), Recognizing March 3, 2011, as Texas Federation of Republican Women Day at the Capitol.

To Rules and Resolutions.

HR 290 (By Orr), Commemorating the 150th anniversary of the First Presbyterian Church of Clifton.

To Rules and Resolutions.

HR 291 (By Strama), Congratulating the Hendrickson High School Marching Band of Pflugerville on being named the 2010-2011 Grand Master Champion at the Fiesta Bowl Band Championship in Arizona.

To Rules and Resolutions.

HR 293 (By Craddick), Congratulating Melven and JoAn Lobstein of Sparenburg on their 50th wedding anniversary.

To Rules and Resolutions.

HR 297 (By C. Anderson), Recognizing February 10, 2011, as West Day at the State Capitol.

To Rules and Resolutions.

HR 298 (By Hardcastle), Recognizing March 24, 2011, as Wilbarger County and City of Vernon Day at the State Capitol.

To Rules and Resolutions.

HR 299 (By Hardcastle), Congratulating the Vernon College men's rodeo team on winning the 2010 national championship at the College National Finals Rodeo.

To Rules and Resolutions.

HR 301 (By Button), Recognizing March 9, 2011, as Richardson's Telecom Corridor Legislative Day.

To Rules and Resolutions.

HR 302 (By Button), Recognizing Richardson Republican Women as its members visit the State Capitol for Texas Federation of Republican Women Day on March 3, 2011.

To Rules and Resolutions.

HR 303 (By Button), Honoring Dr. Carolyn Bukhair for her outstanding service in behalf of the Richardson Independent School District.

To Rules and Resolutions.

HR 304 (By Button), In memory of Jennifer Yuyin Hwang of Humble.

To Rules and Resolutions.

HR 305 (By Schwertner), Congratulating Jonathon Douglas Deal of Cameron on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 307 (By Marquez), Commending Dr. Andres S. Enriquez for his service as 2010-2011 president of the El Paso County Medical Society.

To Rules and Resolutions.

HR 308 (By Marquez), In memory of Ray Gilbert of El Paso.

To Rules and Resolutions.

HR 309 (By Marquez), In memory of former state representative Anita Blair.

To Rules and Resolutions.

HR 311 (By Anchia), Commending Sara Reidy of Dallas for her contributions as a community advocate.

To Rules and Resolutions.

HR 312 (By Workman), Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

To Rules and Resolutions.

HR 314 (By McClendon), Commemorating the 100th anniversary of New Hope Missionary Baptist Church in San Antonio.

To Rules and Resolutions.

HR 315 (By McClendon), Congratulating retired U.S. Army Sergeant Major Turner N. McGarity on receiving the Veterans Braintrust Award from the Congressional Black Caucus.

To Rules and Resolutions.

HR 316 (By McClendon), Commending the African American Leadership Institute of San Antonio for its outstanding public service.

To Rules and Resolutions.

HR 317 (By Flynn), Congratulating John and Charlotte Turner on their 40th wedding anniversary.

To Rules and Resolutions.

HR 319 (By Flynn), Honoring the Canton Autumn Stroll Barbecue Cook-off.

To Rules and Resolutions.

HR 320 (By L. Gonzales), Recognizing March 23, 2011, as Hutto Day at the State Capitol.

To Rules and Resolutions.

HR 321 (By Craddick), Honoring the late William D. Kleine for his posthumous induction into the Petroleum Hall of Fame.

To Rules and Resolutions.

HR 322 (By Craddick), Congratulating Gerald and Nancy Parsons of Lamesa on their 60th wedding anniversary.

To Rules and Resolutions.

HR 323 (By Morrison), Congratulating Robby Burdge on being named the Victoria Chamber of Commerce Citizen of the Year for 2010.

To Rules and Resolutions.

HR 325 (By Christian), Honoring Malcolm Samuel Weaver of Center for his contributions to East Texas.

To Rules and Resolutions.

HR 326 (By V. Gonzales), Honoring the Autism Council for Educational Support and Scientific Studies and the Rio Grande Valley Task Force of the Texas Council on Autism and Pervasive Developmental Disorders.

To Rules and Resolutions.

HR 327 (By Sheffield), Congratulating Bill and Marjorie Knight of Belton on their 60th wedding anniversary.

To Rules and Resolutions.

HR 328 (By Sheffield), Honoring Louis DeLaRosa, Jr., and Ophelia DeLaRosa of Temple on their 50th wedding anniversary.

To Rules and Resolutions.

HR 329 (By Hilderbran), In memory of Silas B. Ragsdale, Jr., of Hunt.

To Rules and Resolutions.

HR 330 (By Hilderbran), In memory of Frances Gail Sears of Kerrville.

To Rules and Resolutions.

HR 332 (By Aliseda), Recognizing February 10, 2011, as Jim Wells County Day at the State Capitol.

To Rules and Resolutions.

HR 335 (By Pitts), Welcoming Leadership Ennis to the State Capitol.

To Rules and Resolutions.

HR 338 (By C. Anderson), Recognizing February 9, 2011, as Waco Day at the State Capitol.

To Rules and Resolutions.

HR 343 (By Shelton), Welcoming the Texas Christian University Student Government Association to the State Capitol.

To Rules and Resolutions.

HR 344 (By McClendon), Congratulating Dr. Carl Johnson on his retirement as pastor of Greater Corinth Baptist Church in San Antonio.

To Rules and Resolutions.

HR 345 (By McClendon), In memory of Albert W. McKnight of San Antonio.

To Rules and Resolutions.

HR 346 (By McClendon), Congratulating Mentoria Lewis Sherfield on her retirement from the San Antonio Independent School District.

To Rules and Resolutions.

HR 347 (By McClendon), Congratulating Joseph C. Walsh, Jr., on his retirement from Laurel Street Church of Christ in San Antonio.

To Rules and Resolutions.

HR 348 (By McClendon), In memory of Audrae Helen Adams of San Antonio.

To Rules and Resolutions.

HR 349 (By McClendon), In memory of U.S. Marine Lance Corporal Christopher Shawn Baltazar, Jr., of San Antonio.

To Rules and Resolutions.

HR 350 (By McClendon), In memory of Dr. William Hicks Hadnott, Jr., of San Antonio.

To Rules and Resolutions.

HR 351 (By McClendon), Congratulating James Hudson on his retirement from VIA Metropolitan Transit in San Antonio.

To Rules and Resolutions.

HR 352 (By McClendon), Commemorating the 75th anniversary of the Antioch Missionary Baptist Church in San Antonio.

To Rules and Resolutions.

HR 353 (By McClendon), In memory of Beverly Ann Johnson Dudley of San Antonio.

To Rules and Resolutions.

HR 354 (By McClendon), In memory of Minnie Christinia Jones of San Antonio.

To Rules and Resolutions.

HR 355 (By McClendon), In memory of Thea Williams-Douglas of San Antonio.

To Rules and Resolutions.

HR 356 (By McClendon), Commemorating the 50th anniversary of the San Antonio Chapter of The Links, Incorporated.

To Rules and Resolutions.

HR 357 (By McClendon), In memory of James Charles Fanner, Sr., of San Antonio.

To Rules and Resolutions.

HR 358 (By McClendon), In memory of Henrietta Eugene Roberts Stevenson of San Antonio.

To Rules and Resolutions.

HR 359 (By McClendon), In memory of Laura "Honey" Hunt Jones.

To Rules and Resolutions.

List No. 2

HB 358 (By Aycock), Relating to authorizing the issuance of revenue bonds for capital projects at Texas A&M University—Central Texas.

To Higher Education.

HB 359 (By Allen), Relating to the use of corporal punishment in public schools.

To Public Education.

HB 360 (By Jackson), Relating to ballot language for a proposition to approve the imposition or increase of a tax or the issuance of bonds.

To Elections.

HB 361 (By Otto), Relating to the composition of the agricultural advisory board of an appraisal district.

To Ways and Means.

HB 362 (By Solomons), Relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

To Business and Industry.

HB 363 (By Turner), Relating to urban renewal authority of municipalities.

To Urban Affairs.

HB 364 (By Turner), Relating to condominiums in certain municipalities, including the exercise of eminent domain authority by those municipalities with respect to certain condominiums.

To Land and Resource Management.

HB 365 (By Turner), Relating to the use of eminent domain authority by certain municipalities to take abandoned multi-family rental buildings.

To Land and Resource Management.

HB 366 (By Orr), Relating to priority of payment relating to property owners' association assessments.

To Business and Industry.

HB 367 (By Orr), Relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

To Transportation.

HB 368 (By Hochberg), Relating to ballot instructions.

To Elections.

HB 369 (By Hochberg), Relating to procedures concerning verification of certain information submitted in a voter registration application.

To Select Voter Identification and Voter Fraud.

HB 370 (By Hochberg), Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.

To Public Education.

HB 372 (By Hartnett), Relating to the rule against perpetuities.

To Judiciary and Civil Jurisprudence.

HB 373 (By Alonzo), Relating to the establishment of a program at the University of North Texas to provide financial incentives to certain students who agree to teach bilingual education, English as a second language, or Spanish in certain public schools.

To Higher Education.

HB 374 (By Alonzo), Relating to a program to provide financial incentives to students who agree to teach bilingual education, English as a second language, or Spanish in certain public schools.

To Higher Education.

HB 375 (By Alonzo), Relating to establishing veterans resource centers at certain institutions of higher education.

To Higher Education.

HB 376 (By Alonzo), Relating to use of a credit score by a business or lender.

To Pensions, Investments, and Financial Services.

HB 377 (By McClendon), Relating to the expenditure of money from the general revenue fund for rail projects.

To Transportation.

HB 378 (By Guillen), Relating to stationary tow trucks on a highway; providing a penalty.

To Licensing and Administrative Procedures.

HB 379 (By Guillen), Relating to exemptions from the sales tax for clothing, footwear, and certain other items for a limited period.

To Ways and Means.

HB 380 (By Callegari), Relating to the constitutional limit on the rate of growth of appropriations and the use of surplus state revenues.

To Appropriations.

HB 381 (By Brown), Relating to the operation of a student health center of an institution of higher education.

To Higher Education.

HB 382 (By Menendez), Relating to the authorization and regulation of poker gaming and the duties of the Texas Lottery Commission; providing civil and criminal penalties.

To Licensing and Administrative Procedures.

HB 383 (By Menendez), Relating to allowing a surrogate decision-maker to consent to certain medical treatments on behalf of an inmate of a correctional facility.

To Corrections.

HB 384 (By Menendez), Relating to the proper identification of boats and outboard motors.

To Culture, Recreation, and Tourism.

HB 386 (By Raymond), Relating to the instruction of American Sign Language in public high schools.

To Public Education.

HB 387 (By Turner), Relating to the right of an employee who is a parent of a child enrolled in a special education program to time off from work to meet with certain persons affecting the education of the child.

To Business and Industry.

HB 388 (By Raymond), Relating to the designation of segments of State Highways 359, 16, and 285 as the Veterans of the Korean War Memorial Highway.

To Transportation.

HB 389 (By Cook), Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.

To Environmental Regulation.

HB 390 (By V. Gonzales), Relating to the service retirement annuity for appellate judges under the Judicial Retirement System Plan Two.

To Pensions, Investments, and Financial Services.

HB 391 (By Aycock), Relating to termination of a public school teacher's term contract and discharge of the teacher at any time on the basis of a school district's financial exigency.

To Public Education.

HB 392 (By V. Gonzales), Relating to a county's eligibility to receive state assistance for health care expenditures that exceed eight percent of the county's general revenue levy for the year.

To Public Health.

HB 393 (By V. Gonzales), Relating to physician shortage residency training programs.

To Public Health.

HB 395 (By V. Gonzales), Relating to court costs imposed on conviction and deposited to the appropriate courthouse security fund or court building security fund.

To Judiciary and Civil Jurisprudence.

HB 396 (By V. Gonzales), Relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.

To Public Health.

HB 397 (By V. Gonzales), Relating to the creation of the Bureau for Economic Development of the Border Region.

To Border and Intergovernmental Affairs.

HB 398 (By Jackson), Relating to the eligibility of employees convicted of certain offenses to provide services under a contract with a public school.

To Public Education.

HB 399 (By Castro), Relating to requiring general academic teaching institutions to offer personal financial literacy training.

To Higher Education.

HB 401 (By T. Smith), Relating to requiring a voter to present proof of identification.

To Select Voter Identification and Voter Fraud.

HB 402 (By Fletcher), Relating to public school students who have dyscalculia.

To Public Education.

HB 403 (By Quintanilla), Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

To Natural Resources.

HB 404 (By Quintanilla), Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

To Natural Resources.

HB 405 (By Quintanilla), Relating to the storage, transportation, and disposal of tires; providing criminal penalties.

To Environmental Regulation.

HB 406 (By Quintanilla), Relating to local regulation of the possession and consumption of alcoholic beverages on certain formerly licensed or permitted premises.

To Licensing and Administrative Procedures.

HB 407 (By Quintanilla), Relating to the grounds for a hearing concerning action on certain alcoholic beverage permits and licenses.

To Licensing and Administrative Procedures.

HB 408 (By Walle), Relating to minimum standards for juvenile case managers.

To Corrections.

HB 409 (By Walle), Relating to the supervision of certain juvenile case managers.

To Corrections.

HB 411 (By Laubenberg), Relating to the confidentiality of newborn screening information.

To Public Health.

HB 412 (By Aycock), Relating to the requirement that certain impaired veterinarians participate in a peer assistance program.

To Agriculture and Livestock.

HB 413 (By Aycock), Relating to the confidentiality of certain information held by a veterinarian.

To Agriculture and Livestock.

HB 414 (By Aycock), Relating to the conducting of licensing examinations by the State Board of Veterinary Medical Examiners.

To Agriculture and Livestock.

HB 415 (By Anchia), Relating to the information on the supplementary birth certificate of an adopted child.

To Public Health.

HB 416 (By Anchia), Relating to providing for voter registration at a polling place during early voting by personal appearance and related procedures.

To Elections.

HB 417 (By Anchia), Relating to provision of notice regarding and limitation of attorney's fees for services provided in connection with the making of a wrongful imprisonment claim.

To Judiciary and Civil Jurisprudence.

HB 418 (By Berman), Relating to requiring certain candidates to pay a filing fee or file a petition as a qualification to appear on the ballot for the general election for state and county officers.

To Elections.

HB 420 (By Alonzo), Relating to a subsidy under an adoption assistance agreement for certain adoptive parents of children in foster care.

To Human Services.

HB 421 (By Alonzo), Relating to the offer of certain unusable remainder real property acquired by the Texas Department of Transportation to nonprofit corporations.

To Transportation.

HB 422 (By Guillen), Relating to certain oversize and overweight permits issued by the Texas Department of Transportation.

To Transportation.

HB 423 (By Guillen), Relating to the powers of rural and urban transit districts.

To Transportation.

HB 424 (By Darby), Relating to the offices of county treasurer and county auditor.

To County Affairs.

HB 425 (By Driver), Relating to the creation of the Rowlett Downtown Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

To Urban Affairs.

HB 426 (By Driver), Relating to the creation of the Rowlett Pecan Grove Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

To Urban Affairs.

HB 427 (By Driver), Relating to the creation of the Rowlett Waterfront Entertainment Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

To Urban Affairs.

HB 428 (By Fletcher), Relating to access to campuses of public schools and institutions of higher education by foreign consuls.

To State Affairs.

HB 429 (By Fletcher), Relating to the classification of automotive repair shops as primarily engaged in retail trade for purposes of the franchise tax.

To Ways and Means.

HB 431 (By Larson), Relating to the adoption of a county charter by Bexar County.

To County Affairs.

HB 432 (By Walle), Relating to the licensing and regulation of air conditioning and refrigeration contractors and technicians; providing a penalty.

To Licensing and Administrative Procedures.

HB 433 (By Parker), Relating to qualified manufacturing project zones.

To Economic and Small Business Development.

HB 434 (By Parker), Relating to the minimum standards for licensed child-care facilities and registered family homes.

To Human Services.

HB 435 (By Parker), Relating to suits affecting the parent-child relationship that involve an alleged father who has not registered with the paternity registry.

To Judiciary and Civil Jurisprudence.

HB 436 (By Parker), Relating to standing for certain foster parents to file a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 437 (By Rodriguez), Relating to manufacturers' inclusion of denatonium benzoate in certain products containing ethylene glycol.

To Public Health.

HB 438 (By Thompson), Relating to health benefit plan coverage for orally administered anticancer medications.

To Insurance.

HB 440 (By Turner), Relating to the authority of a peace officer to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.

To Homeland Security and Public Safety.

HB 441 (By Guillen), Relating to the fees for certain commercial vehicles.

To Transportation.

HB 442 (By Guillen), Relating to the establishment of an emergency radio infrastructure account.

To Homeland Security and Public Safety.

HB 444 (By Creighton), Relating to notification of applications for permits for certain injection wells.

To Natural Resources.

HB 445 (By Guillen), Relating to the eligibility of a disabled veteran or surviving spouse to pay ad valorem taxes imposed on a residence homestead in installments.

To Ways and Means.

HB 446 (By Guillen), Relating to discovery in a criminal case and the consequences of a failure to disclose certain discoverable evidence in a timely manner.

To Criminal Jurisprudence.

HB 447 (By Menendez), Relating to the powers of a defense base development authority.

To Defense and Veterans' Affairs.

HB 448 (By Lucio), Relating to the establishment of a pilot program under which high school students may accrue prepaid tuition units at public institutions of higher education by completing certain community service activities.

To Higher Education.

HB 449 (By Lucio), Relating to a limitation on the use by state agencies of credit information regarding certain job applicants.

To State Affairs.

HB 450 (By Lucio), Relating to the regulation of solar energy devices by a property owners' association.

To Business and Industry.

HJR 42 (By Callegari), Proposing a constitutional amendment concerning the limitation on the rate of growth of state appropriations and the use of unencumbered surplus state revenues to provide for a rebate of state franchise taxes, to reduce public school district property taxes, and to fund the state's rainy day fund.

To Appropriations.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-FIRST DAY — THURSDAY, FEBRUARY 17, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 49).

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

Absent, Excused — Davis, Y.; Phillips; Smithee.

The invocation was offered by Barry Owens, pastor, First Baptist Church, Pampa, as follows:

We have come into your presence today to thank you for our great state. I am grateful for these in this room chosen by your providence and sovereignty to make decisions and to give leadership to the people of Texas. Guide them even this day by the precepts of your word and inspired by "In God We Trust." Direct our laws to be just and right. Grant wisdom to these as they develop definite actions that would strengthen our great state. Move them by your hand. Bless them as they seek the very best for the people of Texas. Lead them, and cause their lives to be sensitive to the leadership of an Almighty God who loves and cares for his people.

Bless our governor this day and all of those who surround him. Give our leadership discernment and the gift of knowing the very best. May that "best" be dictated by your heart, your ways, your mind, and your purposes.

In these days that are unsure, may you remain constant. During uncertainty, may we depend on the fact that you are an all-knowing God. In the midst of crisis, may we understand that nothing takes you by surprise. Our times are in your hands. Our dependence on you is complete, not half-hearted. May your grace be enough for every lawmaker gathered here today.

May there be a unity and oneness among these this day. May our lives be marked by unswerving integrity. May there be an intentional return to genuine humility. In our Lord's name, we pray. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Y. Davis on motion of Reynolds.

Smithee on motion of Brown.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Larson who presented Dr. Michael Dominguez of San Antonio as the "Doctor for the Day."

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

(Cain in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 7).

SCR 13 - ADOPTED (Hancock - House Sponsor)

Representative Hancock moved to suspend all necessary rules to take up and consider at this time **SCR 13**.

The motion prevailed.

The following resolution was laid before the house:

SCR 13, Congratulating the Hardin-Simmons University women's soccer team on winning a national championship title.

SCR 13 was adopted.

HR 421 - ADOPTED
(by T. King)

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 421**.

The motion prevailed.

The following resolution was laid before the house:

HR 421, Recognizing February 17, 2011, as Eagle Pass-Maverick County Day at the State Capitol.

HR 421 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative T. King who introduced a delegation from Maverick County.

HR 335 - ADOPTED
(by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 335**.

The motion prevailed.

The following resolution was laid before the house:

HR 335, Welcoming Leadership Ennis to the State Capitol.

HR 335 was read and was adopted.

HR 136 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 136**.

The motion prevailed.

The following resolution was laid before the house:

HR 136, Recognizing February 17, 2011, as Aransas County Day at the State Capitol.

HR 136 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Hunter who introduced a delegation from Aransas County.

(Gonzalez in the chair)

HR 423 - ADOPTED**(by Jackson)**

Representative Jackson moved to suspend all necessary rules to take up and consider at this time **HR 423**.

The motion prevailed.

The following resolution was laid before the house:

HR 423, Commemorating the 25th anniversary of the founding of the Academic Language Therapy Association and recognizing February 17, 2011, as Dyslexia Awareness Day.

HR 423 was read and was adopted.

HR 252 - ADOPTED**(by Christian)**

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 252**.

The motion prevailed.

The following resolution was laid before the house:

HR 252, Recognizing February 16 and 17, 2011, as Nacogdoches-SFA Days at the State Capitol.

HR 252 was read and was adopted.

On motion of Representative Isaac, the names of all the members of the house were added to **HR 252** as signers thereof.

HR 374 - ADOPTED**(by Christian)**

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 374**.

The motion prevailed.

The following resolution was laid before the house:

HR 374, Recognizing February 16, 2011, as Stephen F. Austin State University Day at the State Capitol.

HR 374 was read and was adopted.

On motion of Representative Isaac, the names of all the members of the house were added to **HR 374** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Christian who introduced a delegation from Nacogdoches and representatives of Stephen F. Austin State University.

HR 478 - ADOPTED
(by Oliveira)

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 478**.

The motion prevailed.

The following resolution was laid before the house:

HR 478, Congratulating the Honorable Harold V. Dutton, Jr., on the occasion of his 66th birthday.

HR 478 was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 478** as signers thereof.

(Johnson in the chair)

HR 326 - ADOPTED
(by V. Gonzales)

Representative V. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 326**.

The motion prevailed.

The following resolution was laid before the house:

HR 326, Honoring the Autism Council for Educational Support and Scientific Studies and the Rio Grande Valley Task Force of the Texas Council on Autism and Pervasive Developmental Disorders.

HR 326 was read and was adopted.

HR 463 - ADOPTED
(by Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 463**.

The motion prevailed.

The following resolution was laid before the house:

HR 463, Commending members of the San Antonio chapter of the National Alliance on Mental Illness for their efforts to promote equitable services and treatment for consumers and families living with mental illness.

HR 463 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Menendez who introduced members of the San Antonio chapter of the National Alliance on Mental Illness.

HR 422 - ADOPTED**(by Beck)**

Representative Beck moved to suspend all necessary rules to take up and consider at this time **HR 422**.

The motion prevailed.

The following resolution was laid before the house:

HR 422, Recognizing February 17, 2011, as Falls County and Marlin Day at the State Capitol.

HR 422 was read and was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative Isaac who introduced Siphon Ngxongo of South Africa.

HR 131 - ADOPTED**(by Rodriguez)**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 131**.

The motion prevailed.

(Lozano in the chair)

The following resolution was laid before the house:

HR 131, Recognizing October 2011 as Adopt a Shelter Pet Month in Texas.

HR 131 was adopted.

HCR 49 - ADOPTED**(by Rodriguez)**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HCR 49**.

The motion prevailed.

The following resolution was laid before the house:

HCR 49, Commemorating the 20th anniversary of Austin Energy Green Building.

HCR 49 was adopted.

HR 456 - ADOPTED**(by Cain)**

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 456**.

The motion prevailed.

The following resolution was laid before the house:

HR 456, Congratulating Marshall and Patsy Wolfe of Paris, Texas, on their 50th wedding anniversary.

HR 456 was adopted.

On motion of Representative Cain, the names of all the members of the house were added to **HR 456** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, Subcommittee on Articles VI, VII, and VIII, 1 p.m. today, JHR 100, for a formal meeting, to consider house budget recommendations.

Appropriations, Subcommittee on Articles VI, VII, and VIII, 7 a.m. tomorrow, JHR 100, for a formal meeting, to consider house budget recommendations.

Appropriations, Subcommittee on Articles I, IV, and V, 8 a.m. tomorrow, JHR 131, for a formal meeting, to consider house budget recommendations.

PROVIDING FOR ADJOURNMENT

Representative Hunter moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 1 p.m. Monday, February 21 in memory of Eddie Galvan of Corpus Christi.

The motion prevailed.

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

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

(Zerwas in the chair)

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1 - February 18.)

ADJOURNMENT

In accordance with a previous motion, the house, at 4:23 p.m. Friday, February 18, adjourned until 1 p.m. Monday, February 21.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 111 (By V. Taylor), Relating to the adoption of voting procedures necessary to implement the federal Military and Overseas Voter Empowerment Act.

To Defense and Veterans Affairs.

HB 371 (By Hochberg), Relating to prohibiting deferred adjudication community supervision for certain defendants convicted of murder.

To Criminal Jurisprudence.

HB 385 (By Menendez), Relating to the punishment for theft and certain fraud offenses committed against a disabled individual.

To Criminal Jurisprudence.

HB 410 (By Craddick), Relating to the regulation of activities with respect to certain extensions of consumer credit.

To Pensions, Investments, and Financial Services.

HB 443 (By Fletcher), Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.

To Criminal Jurisprudence.

HB 451 (By Lucio), Relating to the creation of a Don't Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state.

To Natural Resources.

HB 452 (By Lucio), 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.

To Human Services.

HB 453 (By Lucio), Relating to an exemption from the sales tax for certain renewable energy devices.

To Ways and Means.

HB 454 (By Lucio), Relating to exempting fuel ethanol derived from cellulosic biomass and blended with gasoline from the motor fuels tax.

To Ways and Means.

HB 455 (By Lucio), Relating to exempting books purchased by university and college students from the sales tax for a limited period.

To Ways and Means.

HB 456 (By Lucio), Relating to a security services contractor's lien.

To Business and Industry.

HB 457 (By Craddick), Relating to restrictions on the promotion and operation of charitable raffles.

To Licensing and Administrative Procedures.

HB 458 (By White), Relating to exempting a school district from the obligation to comply with certain unfunded state educational mandates.

To Public Education.

HB 459 (By White), Relating to temporary limitations on the total amount of tuition charged to a student by a four-year public institution of higher education.

To Higher Education.

HB 460 (By White), Relating to the board of directors of the Trinity Memorial Hospital District.

To County Affairs.

HB 461 (By Kleinschmidt), Relating to the exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 462 (By Kleinschmidt), Relating to the assignment of special judges in county courts in certain counties.

To Judiciary and Civil Jurisprudence.

HB 463 (By Kleinschmidt), Relating to information included in the judgment in a criminal case.

To Criminal Jurisprudence.

HB 464 (By Kleinschmidt), Relating to the determination of resident status of students by public institutions of higher education.

To State Affairs.

HB 465 (By Burnam), Relating to abolishing the Texas Enterprise Fund, the Texas emerging technology fund, the Pan American Games trust fund, the Olympic Games trust fund, and a major events trust fund, a motor sports racing trust fund, and an events trust fund for sporting and non-sporting events.

To Economic and Small Business Development.

HB 466 (By Burnam), Relating to the authority to enter into certain agreements relating to the Texas Enterprise Fund, the Texas emerging technology fund, or certain trust funds for sporting and non-sporting events and the money in those funds.

To Economic and Small Business Development.

HB 467 (By Burnam), Relating to driver's licenses, commercial driver's licenses, and personal identification certificates.

To Homeland Security and Public Safety.

HB 468 (By Burnam), Relating to the designation of a portion of Interstate Highway 35W as the Cesar Chavez Memorial Freeway.

To Transportation.

HB 469 (By Callegari), Relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation of the homestead.

To Ways and Means.

HB 470 (By C. Anderson), Relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.

To Criminal Jurisprudence.

HB 472 (By C. Anderson), Relating to the exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 474 (By Lewis), Relating to eligibility requirements for certain public benefits programs.

To Human Services.

HB 475 (By Guillen), Relating to authorizing the adjutant general to operate post exchanges on state military property.

To Defense and Veterans Affairs.

HB 476 (By P. King), Relating to the retention of the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

HB 477 (By Hochberg), Relating to the authority of the Texas Holocaust and Genocide Commission to participate in the establishment and operation of an affiliated nonprofit organization and provide grants.

To Culture, Recreation, and Tourism.

HB 478 (By Orr), Relating to certain court costs associated with the offense of failing to secure a child passenger in a motor vehicle.

To Transportation.

HB 479 (By Orr), Relating to the location of board meetings of certain economic development corporations.

To Economic and Small Business Development.

HB 480 (By Fletcher), Relating to the continuing education requirements for certain peace officers.

To Homeland Security and Public Safety.

HB 481 (By Dutton), Relating to the establishment of paternity.
To Judiciary and Civil Jurisprudence.

HB 482 (By Dutton), Relating to agreed orders in family law matters.
To Judiciary and Civil Jurisprudence.

HB 483 (By Dutton), Relating to genetic testing in the determination of parentage and to a proceeding to vacate an order of paternity or child support.
To Judiciary and Civil Jurisprudence.

HB 484 (By Dutton), Relating to the enforcement by contempt of certain orders in family law proceedings.
To Judiciary and Civil Jurisprudence.

HB 485 (By Dutton), Relating to public school disciplinary procedures and the evaluation of disciplinary alternative education programs.
To Public Education.

HB 486 (By Dutton), Relating to the application of certain disability payments in connection with a claim for child support arrearages.
To Judiciary and Civil Jurisprudence.

HB 487 (By Dutton), Relating to testimony by certain children at a hearing on an application for a protective order.
To Judiciary and Civil Jurisprudence.

HB 488 (By Dutton), Relating to standards for judicial review of certain writs of habeas corpus in capital cases.
To Criminal Jurisprudence.

HB 490 (By Dutton), Relating to single certification in incorporated or annexed areas served by investor-owned water or sewer utilities.
To Natural Resources.

HB 491 (By Dutton), Relating to the authority of a water and sewer utility to impose an impact fee.
To Natural Resources.

HB 492 (By Dutton), Relating to procedures for management of certain public school campuses and school districts that do not satisfy certain performance standards.
To Public Education.

HB 493 (By Dutton), Relating to evaluation under the public school accountability system of the delivery of library resources.
To Public Education.

HB 494 (By Dutton), Relating to the recovery of certain rate case expenses by a water and sewer utility.
To Natural Resources.

HB 495 (By Dutton), Relating to competitive bids for water utilities contracts.
To Natural Resources.

HB 496 (By Dutton), Relating to the frequency with which water or sewer utilities must file a statement of intent to increase rates.

To Natural Resources.

HB 497 (By Dutton), Relating to competitive bidding by school districts for professional services.

To Public Education.

HB 498 (By Dutton), Relating to a proceeding to vacate an order of paternity or child support.

To Judiciary and Civil Jurisprudence.

HB 499 (By Rodriguez), Relating to the additional penalty for collection costs for certain delinquent ad valorem taxes.

To Ways and Means.

HB 501 (By Solomons), Relating to the establishment of civil liability and injunctive relief for the dissemination of certain criminal history record information.

To Judiciary and Civil Jurisprudence.

HB 502 (By Kleinschmidt), Relating to foster care payments for certain children.

To Human Services.

HB 504 (By Menendez), Relating to partial surrender of or withdrawals from annuity contracts, life insurance policies, and endowment contracts.

To Insurance.

HB 505 (By Lewis), Relating to replacing "Cesar Chavez Day" with "Texas Hispanic Heritage Day" as an optional state holiday.

To Culture, Recreation, and Tourism.

HB 507 (By Button), Relating to notice for certain transactions involving local government entities.

To Technology.

HB 508 (By Button), Relating to lobbying by former members of the legislature; creating an offense.

To Elections.

HB 509 (By Guillen), Relating to the penalty for the offense of reckless driving.

To Transportation.

HB 510 (By Deshotel), Relating to the maximum capacity of a container of wine sold to a retail dealer.

To Licensing and Administrative Procedures.

HB 511 (By Dutton), Relating to the closure of a school campus by the board of trustees of a school district.

To Public Education.

HB 512 (By Dutton), Relating to the authority of peace officers to conduct certain searches.

To Homeland Security and Public Safety.

HB 513 (By Dutton), Relating to reports to the legislature on certain administrative hearings regarding the automatic suspension of a person's driver's license.

To Homeland Security and Public Safety.

HB 514 (By Dutton), Relating to the receipt of an exemption or waiver for a school district or campus that is academically unacceptable.

To Public Education.

HB 515 (By Dutton), Relating to the determination that certain criminal offenses involve family violence.

To Criminal Jurisprudence.

HB 516 (By Dutton), Relating to the closure of a school campus by the board of trustees of certain school districts.

To Public Education.

HB 517 (By Dutton), Relating to the modification or enforcement of a child support order during the obligor's confinement in jail or prison.

To Judiciary and Civil Jurisprudence.

HB 518 (By Dutton), Relating to calculation of the net resources of a person ordered to pay child support.

To Judiciary and Civil Jurisprudence.

HB 519 (By Turner), Relating to financing programs for low-income electric customers and certain other electric customers.

To State Affairs.

HB 520 (By Driver), Relating to employment records for law enforcement officers, including procedures to correct employment termination reports; providing an administrative penalty.

To Homeland Security and Public Safety.

HB 521 (By Elkins), Relating to the applicability of certain laws governing corporations to limited liability companies.

To Business and Industry.

HB 522 (By Sheffield), Relating to an exemption from the motor vehicle use tax for motor vehicles brought into this state by military service members serving on active duty.

To Ways and Means.

HB 523 (By Christian), Relating to authorizing the issuance of revenue bonds for a molecular science building at Stephen F. Austin State University.

To Higher Education.

HB 524 (By Brown), Relating to a court order to disannex an area from a municipality.

To Land and Resource Management.

HB 525 (By Button), Relating to the qualifications for certification of a person as a qualified business under the enterprise zone program.

To Economic and Small Business Development.

HB 526 (By McClendon), Relating to the exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 527 (By Eissler), Relating to certain examination requirements for physicians.

To Public Health.

HB 528 (By Solomons), Relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system; providing an administrative violation.

To State Affairs.

HB 529 (By Berman), Relating to certification for placement on the ballot of candidates for president or vice-president of the United States.

To State Affairs.

HB 530 (By Shelton), Relating to the definition of local law enforcement authority for purposes of the sex offender registration program.

To Homeland Security and Public Safety.

HB 531 (By McClendon), Relating to emergency prehospital care.

To Public Health.

HB 533 (By Villarreal), Relating to the protest of a rendition penalty.

To Ways and Means.

HB 534 (By Phillips), Relating to the powers and duties of the Gunter Municipal Utility Districts Nos. 1 and 2.

To Natural Resources.

HB 535 (By Phillips), Relating to allowing a deer breeder to process as venison or sell for processing as venison certain breeder deer.

To Culture, Recreation, and Tourism.

HB 536 (By Phillips), Relating to the duration of a deer breeder's permit.

To Culture, Recreation, and Tourism.

HB 537 (By Brown), Relating to the sale of instructional materials to students of public institutions of higher education.

To Higher Education.

HB 538 (By C. Anderson), Relating to the application of certain demand charges by transmission and distribution utilities to certain schools and nonprofit athletic or sports associations.

To State Affairs.

HB 539 (By C. Anderson), Relating to requiring a voter to present proof of identification.

To Select Voter Identification and Voter Fraud.

HJR 47 (By Kleinschmidt), Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled on the same property.

To Ways and Means.

HJR 48 (By C. Anderson), Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled on the same property.

To Ways and Means.

HJR 52 (By McClendon), Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled on the same property.

To Ways and Means.

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

HB 182 (By S. Miller), Relating to the issuance of Bronze Star Medal specialty license plates.

To Defense and Veterans Affairs.

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HB 107 (By Brown), Relating to requiring certain home-rule municipalities to obtain annexation approval from voters in the area to be annexed.

To Urban Affairs.

HB 116 (By McClendon), Relating to the abolition of the Texas Transportation Commission and the creation of the commissioner of transportation as an elected statutory state officer.

To Transportation.

HB 246 (By Johnson), Relating to the eligibility for service retirement annuities of certain elected officials convicted of certain crimes.

To Pensions, Investments, and Financial Services.

HB 489 (By Dutton), Relating to discovery in a criminal case.

To Criminal Jurisprudence.

HB 532 (By Lewis), Relating to certain offenses and criminal procedures involving persons who are not citizens of the United States; providing a penalty.

To State Affairs.

HB 540 (By Turner), Relating to the allocation of the value of certain federal allowances for carbon dioxide emissions granted to certain electric or gas utilities.

To State Affairs.

HB 541 (By Dutton), Relating to certain personal information contained in a decree of dissolution of a marriage or an order in a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 542 (By Dutton), Relating to the consequences of successfully completing a period of deferred adjudication community supervision.

To Corrections.

HB 543 (By Dutton), Relating to the admissibility of certain confessions in capital cases.

To Criminal Jurisprudence.

HB 544 (By Dutton), Relating to a request for attorney's fees in a family law matter.

To Judiciary and Civil Jurisprudence.

HB 545 (By Dutton), Relating to an affirmative defense available to certain students who engage in sexual contact with another student at least 13 years of age.

To Criminal Jurisprudence.

HB 546 (By Dutton), Relating to permitting certain persons placed on deferred adjudication to seek an expunction of arrest records and files.

To Criminal Jurisprudence.

HB 547 (By Dutton), Relating to a suit for legal separation in a marriage.

To Judiciary and Civil Jurisprudence.

HB 548 (By Dutton), Relating to the penalties for possession of two ounces or less of marihuana and to the issuance of an occupational driver's license.

To Criminal Jurisprudence.

HB 549 (By Dutton), Relating to prohibiting the disposition of a decedent's remains by a person charged with certain criminal conduct against the decedent.

To Public Health.

HB 550 (By Dutton), Relating to general fishing license fees for residents 65 years old or over.

To Culture, Recreation, and Tourism.

HB 551 (By Christian), Relating to the eligibility of members of the State Board of Education to participate in a state employees group benefits program.

To Pensions, Investments, and Financial Services.

HB 552 (By Phillips), Relating to a prohibition on coverage for abortion under health benefit plans offered through a health benefit exchange.

To State Affairs.

HB 553 (By D. Howard), Relating to the nonpartisan election of members to the State Board of Education.

To Elections.

HB 554 (By D. Howard), Relating to the civil service status of emergency medical services personnel in certain municipalities.

To Urban Affairs.

HB 555 (By D. Howard), Relating to reportable boating accidents and the penalties for certain boating accidents.

To Culture, Recreation, and Tourism.

HB 556 (By D. Howard), Relating to the applicability of massage therapy licensing requirements to a person employing certain muscle activation techniques.

To Public Health.

HB 557 (By Deshotel), Relating to the areas in which a freight rail district may be created.

To Transportation.

HB 558 (By Deshotel), Relating to payoff statements provided in connection with certain home loans.

To Business and Industry.

HB 559 (By Sheffield), Relating to Bronze Star Medal specialty license plates.

To Defense and Veterans Affairs.

HB 560 (By Christian), Relating to electronic textbooks, state-developed open-source textbooks, and other instructional materials for public schools.

To Public Education.

HB 561 (By Christian), Relating to a hospital district's use of tax revenue to finance the performance of an abortion.

To State Affairs.

HB 562 (By Berman), Relating to the development of juvenile justice alternative education programs in counties with a population greater than 125,000.

To Public Education.

HB 563 (By Pickett), Relating to the purposes and designation of a transportation reinvestment zone.

To Transportation.

HB 564 (By Craddick), Relating to inspection of portable fire extinguishers in government-owned vehicles in certain local governmental jurisdictions.

To Urban Affairs.

HB 565 (By Solomons), Relating to the procedures required for the foreclosure of a property owners' association's assessment lien.

To Business and Industry.

HB 566 (By Christian), Relating to the murder of certain individuals protected under a court order as a capital offense.

To Criminal Jurisprudence.

HB 567 (By Guillen), Relating to authorizing justice, municipal, and juvenile courts to obtain evidence that certain minors are in compliance with mandatory school attendance requirements and suspend driver's licenses or permits for failure to comply.

To Corrections.

HB 568 (By Dutton), Relating to the cost to maintain open ditches in certain populous municipalities.

To Urban Affairs.

HB 569 (By Dutton), Relating to the computation of certain supplemental funding for community supervision and corrections departments.

To Corrections.

HB 570 (By Dutton), Relating to the effect of a dismissal of the underlying criminal charge on the suspension of a person's driver's license for a failure to pass a test for intoxication or a refusal to submit to the taking of a breath or blood specimen.

To Criminal Jurisprudence.

HB 571 (By Huberty), Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

To Natural Resources.

HB 572 (By Aycock), Relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.

To Natural Resources.

HB 573 (By Gallego), Relating to a TEXAS grant pilot project to provide incentives for students to attend certain underutilized public institutions of higher education.

To Higher Education.

HB 574 (By D. Howard), Relating to the immunization data included in and excluded from the immunization registry.

To Public Health.

HB 575 (By D. Howard), Relating to patient advocacy activities by nurses and certain other persons; providing an administrative penalty.

To Public Health.

HB 576 (By McClendon), Relating to the exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 577 (By McClendon), Relating to emergency prehospital care provided by emergency services personnel.

To Public Health.

HB 578 (By Guillen), Relating to state financing of public transportation.

To Transportation.

HB 579 (By Callegari), Relating to the retention of the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

HB 580 (By Hancock), Relating to informed consent to an abortion.

To State Affairs.

HB 581 (By Hancock), Relating to the constitutional limit on the rate of growth of appropriations.

To Appropriations.

HB 582 (By Button), Relating to eligibility requirements for businesses for the receipt of certain public subsidies.

To State Affairs.

HB 583 (By Kleinschmidt), Relating to access easements for partitioned property.

To Land and Resource Management.

HB 584 (By Kleinschmidt), Relating to storage of electronic fingerprint records and access to criminal history record information.

To Homeland Security and Public Safety.

HB 585 (By Kleinschmidt), 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.

To Defense and Veterans Affairs.

HB 586 (By Kleinschmidt), Relating to the eligibility of certain members of the Texas State Guard or Texas National Guard for burial in the state cemetery.

To Culture, Recreation, and Tourism.

HB 587 (By Kleinschmidt), Relating to eliminating the set-aside of a portion of designated tuition for student financial assistance at public institutions of higher education.

To Higher Education.

HB 588 (By Guillen), Relating to the advance payment of surcharges under the Driver Responsibility Program.

To Homeland Security and Public Safety.

HB 589 (By Guillen), Relating to the authority of a county elections administrator to engage in certain political activity.

To Elections.

HB 590 (By Thompson), Relating to amended sales tax reports and the reallocation of sales tax revenue.

To Ways and Means.

HB 591 (By D. Miller), Relating to naming a segment of Interstate Highway 10 in Kendall County the Trooper Kurt David Knapp Memorial Highway.

To Transportation.

HB 592 (By Pitts), Relating to the population of a county required to operate a juvenile justice alternative education program.

To Corrections.

HB 593 (By Pitts), Relating to the powers and duties of the state auditor's office.

To Appropriations.

HB 594 (By Raymond), Relating to the information reported to the comptroller by a coin-operated machine license holder, the penalty for failure to report that information, and the penalty for gambling promotion.

To Licensing and Administrative Procedures.

HB 595 (By Raymond), Relating to the punishment prescribed for false identification as a peace officer.

To Homeland Security and Public Safety.

HB 596 (By Parker), Relating to offenses involving operating a motorboat in a circular course.

To Culture, Recreation, and Tourism.

HB 597 (By Madden), Relating to adding certain synthetic cannabinoids to Penalty Group 2 of the Texas Controlled Substances Act.

To Criminal Jurisprudence.

HB 598 (By Jackson), Relating to requiring certain applicants for motor vehicle registration to provide proof that the applicant holds a valid driver's license.

To Transportation.

HB 599 (By Jackson), Relating to the release of certain criminal history record information subject to an order of nondisclosure.

To Corrections.

HB 601 (By Jackson), Relating to requiring employers to participate in the federal electronic verification of work authorization program or E-verify.

To State Affairs.

HB 602 (By Farrar), Relating to authorizing certain brewers and manufacturers to conduct tours of their premises after which beer or ale is provided to ultimate consumers for off-premises consumption.

To Licensing and Administrative Procedures.

HB 603 (By Farrar), Relating to a prohibition on law enforcement inquiries regarding the nationality or immigration status of a victim of or witness to a criminal offense.

To State Affairs.

HB 604 (By Farrar), Relating to the repeal of the offense of homosexual conduct.

To Criminal Jurisprudence.

HB 605 (By Farrar), Relating to the consequences of community supervision and to petitions and procedures for the expunction of criminal records and files and to orders of nondisclosure.

To Criminal Jurisprudence.

HB 607 (By S. Miller), Relating to eligibility of commercial driver's license holders for dismissal of certain charges on completion of a driving safety course.

To Homeland Security and Public Safety.

HB 608 (By Zerwas), Relating to state agency reports on the cost of services and benefits provided to undocumented immigrants.

To State Affairs.

HB 609 (By Zerwas), Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Ways and Means.

HB 610 (By Zerwas), Relating to the method of delivery of certain notices sent by the Texas Commission on Environmental Quality.

To Natural Resources.

HB 612 (By Hopson), Relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.

To Natural Resources.

HB 613 (By Hopson), Relating to the unauthorized harvesting of standing timber; providing for the imposition of a criminal penalty.

To Natural Resources.

HB 614 (By Hopson), Relating to allowing health care providers to provide services across state lines in catastrophic circumstances.

To Public Health.

HB 615 (By Kleinschmidt), Relating to requiring that certain tests required for the issuance of a driver's license or a commercial driver's license be conducted in English.

To Homeland Security and Public Safety.

HB 616 (By Quintanilla), Relating to local regulation of the possession and consumption of alcoholic beverages on certain formerly licensed or permitted premises.

To Licensing and Administrative Procedures.

HB 617 (By Dutton), Relating to discovery procedures for a claim against a governmental entity under the Texas Tort Claims Act.

To Judiciary and Civil Jurisprudence.

HB 618 (By Dutton), Relating to circumstances involving extrinsic fraud in establishment of paternity.

To Judiciary and Civil Jurisprudence.

HB 619 (By Dutton), Relating to the provision of courses in behavioral modification by disciplinary alternative education programs and juvenile justice alternative education programs.

To Public Education.

HB 620 (By Fletcher), Relating to liability for contracts for legal services procured as the result of certain prohibited acts.

To Judiciary and Civil Jurisprudence.

HB 621 (By Fletcher), Relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

To Homeland Security and Public Safety.

HB 622 (By Hochberg), Relating to disciplinary action taken against certain public school students on the basis of serious and persistent misbehavior.

To Public Education.

HB 623 (By Bonnen), Relating to the detection and reporting of unauthorized immigration, the collection and dissemination of information concerning unauthorized immigration, the legal treatment or classification of unauthorized immigrants for certain purposes, the enforcement of certain laws governing immigration, and the establishment of English as the official language of this state.

To State Affairs.

HCR 16 (By Creighton), Affirming that the State of Texas claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States, serving notice to the federal government to cease and desist certain mandates, and providing that certain federal legislation be prohibited or repealed.

To Select State Sovereignty.

HCR 17 (By Creighton), Urging Congress to call a constitutional convention for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

To Select State Sovereignty.

HCR 18 (By Creighton), Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

To Select State Sovereignty.

HCR 19 (By Truitt), Memorializing the United States Congress to propose and submit to the states for ratification an amendment to the United States Constitution providing that any provision of law or regulation of the United States can be repealed if two-thirds of the state legislatures approve resolutions for that purpose and requesting that the legislatures of the other states join this state in urging Congress to propose and submit to the states for ratification a "Repeal Amendment."

To Select State Sovereignty.

HCR 20 (By Flynn), Designating the hamburger as the official State Sandwich of Texas.

To Culture, Recreation, and Tourism.

HCR 21 (By Gallego), Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

To Natural Resources.

HCR 22 (By Flynn), Directing the governor of the State of Texas to award the Texas Legislative Medal of Honor posthumously to Audie Leon Murphy.

To Defense and Veterans Affairs.

HCR 24 (By Darby), Designating Nymphaea Texas Dawn as the official State Waterlily of Texas.

To Culture, Recreation, and Tourism.

HCR 27 (By Christian), Expressing opposition to the Patient Protection and Affordable Care Act.

To Select State Sovereignty.

HCR 29 (By Hunter), Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties.

To Culture, Recreation, and Tourism.

HCR 30 (By Dutton), Requesting The University of Texas at Austin to lead a study by several Texas public universities to examine how young black males in Texas are affected by the benefits and detriments of living in Texas.

To Higher Education.

HCR 31 (By Dutton), Requesting the Texas Education Agency to develop a rating system for the performance of local school boards.

To Public Education.

HCR 33 (By Raymond), Authorizing the burial of Susana I. Aleman in the State Cemetery.

To Culture, Recreation, and Tourism.

HCR 34 (By Raymond), Urging the United States Congress not to privatize the social security program.

To Appropriations.

HCR 37 (By Guillen), Urging the United States Congress to revise the No Child Left Behind Act of 2001 so that the State of Texas may exclude the assessment scores of recently arrived limited English proficiency students from adequate yearly progress determinations for a period of three years following the students' initial enrollment and so that the exclusion period for LEP students who enter Texas schools in grades 10 and higher concludes prior to the students' final year of schooling.

To State Affairs.

HCR 39 (By Elkins), Urging Congress to propose and submit to the states for ratification a federal balanced budget amendment and to cap the maximum federal income tax rate at 15 percent.

To Ways and Means.

HCR 42 (By Madden), Expressing support for the current FBI effort to reevaluate existing policies, standards, and protocols for forensic DNA testing laboratories and expressing support for any new policies, standards, and protocols that would hold public and private labs to the same standards, audits, and review process, urging Congress to pass any necessary federal legislation that ensures continued quality in forensic science while holding public and private lab DNA analysis to the same standards, and encouraging Texas law enforcement agencies to use forensic science review methods that will eliminate DNA testing backlogs.

To Corrections.

HCR 45 (By Kleinschmidt), Designating Giddings as the official Depot Capital of Texas.

To Culture, Recreation, and Tourism.

HCR 46 (By Dukes), Designating February 21 through 27 of each year from 2011 through 2020 as Barbara Jordan Freedom Week.

To Culture, Recreation, and Tourism.

HCR 50 (By Creighton), Affirming the pride of all Texans in both our one and indivisible national union and our one and indivisible state, claiming sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to cease and desist from certain mandates, and providing that certain federal legislation be prohibited or repealed.

To Select State Sovereignty.

HCR 54 (By Workman), Urging the United States Congress to reaffirm its commitment to the Tenth Amendment of the United States Constitution, to abolish the Department of Education, the Federal Highway Administration, the Department of Commerce, the Occupational Safety and Health Administration, the Department of Health and Human Services, and the Department of Labor, to reduce the federal income tax by an amount equal to the cost savings associated with the abolition of these agencies, to commit to never usurping the rights of the states in future legislation, and to refrain from exempting itself from any legislation it so passes.

To Select State Sovereignty.

HCR 55 (By Flynn), Designating Canton as the official Home of the World Famous First Monday Trade Days.

To Culture, Recreation, and Tourism.

HCR 57 (By Landtroop), Expressing the legislature's position that life begins at conception.

To State Affairs.

HCR 60 (By Burkett), Urging Congress to propose and submit to the states for ratification the Parental Rights Amendment to the U.S. Constitution.

To Select State Sovereignty.

HCR 61 (By Callegari), Expressing opposition to federal interference in state management of Texas' water resources.

To Natural Resources.

HCR 66 (By Hancock), Urging the United States Congress to prevent the Environmental Protection Agency from regulating greenhouse gases for stationary sources.

To Environmental Regulation.

HJR 54 (By Dutton), Proposing a constitutional amendment authorizing a court to partition the community property and to characterize future earnings of spouses as separate property on legal separation of the spouses.

To Judiciary and Civil Jurisprudence.

HJR 58 (By Hancock), Proposing a constitutional amendment concerning the limitation on the rate of growth of state appropriations.

To Appropriations.

HJR 62 (By Zerwas), Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or more of the appraised value of the property for the preceding tax year.

To Ways and Means.

HR 360 (By McClendon), Congratulating Ira McNeil of San Antonio on his 100th birthday.

To Rules and Resolutions.

HR 361 (By McClendon), In memory of Lue Jettie Sanders of San Antonio.

To Rules and Resolutions.

HR 362 (By McClendon), Congratulating Rosemary Deen on her receipt of a 2009 Spirit Award from the San Antonio Metropolitan Chapter of Top Ladies of Distinction.

To Rules and Resolutions.

HR 363 (By McClendon), In memory of Dorothy Dee Nicholson of San Antonio.

To Rules and Resolutions.

HR 364 (By McClendon), Congratulating Dianne McNeil-Henderson on her retirement from the San Antonio Independent School District.

To Rules and Resolutions.

HR 365 (By Hopson), Recognizing April 12, 2011, as Panola County Day at the State Capitol.

To Rules and Resolutions.

HR 366 (By Craddick), Honoring Sam Gavin Gibbs of Midland for his induction into the Petroleum Hall of Fame.

To Rules and Resolutions.

HR 367 (By Schwertner), Congratulating Garrett Matthew Betros of Cameron on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 368 (By Chisum), Recognizing February 22, 2011, as Rolling Plains Day at the State Capitol.

To Rules and Resolutions.

HR 370 (By Zedler), Congratulating the citizens of Burleson on their city's recognition as one of the 100 Best Communities for Young People.

To Rules and Resolutions.

HR 371 (By Zedler), In memory of Kathleen Jeanne Jones Gilles of Arlington.

To Rules and Resolutions.

HR 375 (By P. King), Recognizing March 22, 2011, as Parker County Day at the State Capitol.

To Rules and Resolutions.

HR 376 (By D. Miller), Honoring Leadership Gillespie County for its promotion of civic leadership and volunteerism.

To Rules and Resolutions.

HR 377 (By D. Miller), Recognizing the 45th annual Texas Legislative Conference in New Braunfels on March 24 and 25, 2011.

To Rules and Resolutions.

HR 379 (By D. Miller), Honoring Leadership Bulverde–Spring Branch for its promotion of civic leadership and volunteerism.

To Rules and Resolutions.

HR 380 (By Peña), Recognizing April 9, 2011, as Welcome Home South Texas Vietnam Veterans Day.

To Rules and Resolutions.

HR 381 (By Peña), Honoring Emilio De Los Santos III on being chosen as the recipient of the 2010 Dan Garcia Memorial Achievement Award presented by the Veterans County Service Officers Association of Texas.

To Rules and Resolutions.

HR 382 (By Turner), Recognizing March 3, 2011, as Texas Association of Black Personnel in Higher Education Day.

To Rules and Resolutions.

HR 385 (By Hunter), Recognizing March 1, 2011, as Coastal Bend Day at the State Capitol.

To Rules and Resolutions.

HR 386 (By Patrick), In memory of James Edward Starrett of Arlington.

To Rules and Resolutions.

HR 387 (By Patrick), In memory of Pearl Lilley Fincher of Spring.
To Rules and Resolutions.

HR 388 (By Patrick), In memory of Ann Olson Ivey of Arlington.
To Rules and Resolutions.

HR 389 (By Patrick), In memory of Michael Lee Gore of Arlington.
To Rules and Resolutions.

HR 390 (By Patrick), In memory of Dr. Henry Ward Bendel, Jr., of
Arlington.

To Rules and Resolutions.

HR 391 (By Patrick), In memory of Judge Clyde Robert Ashworth of
Arlington.

To Rules and Resolutions.

HR 392 (By Patrick), In memory of Susan M. Jones of Arlington.
To Rules and Resolutions.

HR 393 (By Patrick), In memory of Pantego mayor Dorothy Gail Aderholt.
To Rules and Resolutions.

HR 394 (By Patrick), In memory of Mayfield Workman of Arlington.
To Rules and Resolutions.

HR 395 (By Patrick), In memory of Wanda Faye Hart of Arlington.
To Rules and Resolutions.

HR 396 (By Patrick), In memory of Johnnie Ray High, Jr., of Bedford.
To Rules and Resolutions.

HR 397 (By Patrick), In memory of Margaret Bingham Galloway of
Arlington.

To Rules and Resolutions.

HR 398 (By Patrick), In memory of Alex Wilson of Arlington.
To Rules and Resolutions.

HR 399 (By Patrick), In memory of longtime Arlington school administrator
Roy Wood.

To Rules and Resolutions.

HR 400 (By Patrick), In memory of Lieutenant Colonel (Ret.) Richard H.
Rencurrel of Arlington.

To Rules and Resolutions.

HR 401 (By Patrick), In memory of Barbara West of Keller.
To Rules and Resolutions.

HR 402 (By Patrick), In memory of Nita Scheble Cox of Arlington.
To Rules and Resolutions.

HR 403 (By Patrick), In memory of John E. Meek of Arlington.
To Rules and Resolutions.

HR 404 (By Patrick), In memory of former Arlington mayor SJ Stovall.
To Rules and Resolutions.

HR 405 (By Patrick), In memory of Trent Thompson of Brownwood.
To Rules and Resolutions.

HR 406 (By Patrick), In memory of William "Mike" McClellan of Arlington.

To Rules and Resolutions.

HR 407 (By Patrick), In memory of Arlington police officer Craig Gordon Story.

To Rules and Resolutions.

HR 408 (By Patrick), In memory of June James III of Arlington.

To Rules and Resolutions.

HR 409 (By Patrick), In memory of Anna Waynette Vandergriff of Arlington.

To Rules and Resolutions.

HR 414 (By Dukes), Paying tribute to Barbara Jordan in honor of the 75th anniversary of her birth.

To Rules and Resolutions.

HR 416 (By Huberty), Congratulating Scott Frost of Atascocita on the occasion of his 46th birthday.

To Rules and Resolutions.

HR 418 (By Quintanilla), Honoring the West Texas Area Health Education Center Program.

To Rules and Resolutions.

HR 424 (By Burkett), Honoring Bruce R. Sherbet for his outstanding service as the elections administrator for Dallas County.

To Rules and Resolutions.

HR 425 (By Marquez), Congratulating the El Paso High School girls' swimming team on winning the District 1-4A championship.

To Rules and Resolutions.

HR 426 (By Marquez), Congratulating Major General Dana Pittard on his appointment as commanding general of Fort Bliss.

To Rules and Resolutions.

HR 427 (By Marquez), In memory of Irma Perez of El Paso.

To Rules and Resolutions.

HR 428 (By Kolkhorst), In memory of Michael Todd Greene of Roans Prairie.

To Rules and Resolutions.

HR 429 (By Kolkhorst), Recognizing February 22, 2011, as Washington County Day at the State Capitol.

To Rules and Resolutions.

HR 431 (By Flynn), In memory of Harrison M. "Harry" Sewell of Mesquite.
To Rules and Resolutions.

HR 435 (By Cain), Recognizing the chartering of the Benjamin Clark Society of the Children of the American Revolution at Paris High School.
To Rules and Resolutions.

HR 436 (By Landtroop), Congratulating the Garden City High School football team on winning the 2010 UIL Six-Man Division 1 state championship.
To Rules and Resolutions.

HR 437 (By Landtroop), Recognizing CASA of the South Plains volunteers for their service to area children in need.
To Rules and Resolutions.

HR 438 (By Landtroop), Congratulating Garden City High School in Glasscock ISD for its selection as a 2010 Blue Ribbon School and its receipt of TEA's "Exemplary" rating.
To Rules and Resolutions.

HR 439 (By P. King), Congratulating sports announcer Gentry "Ace" Little for calling his 900th game on the radio.
To Rules and Resolutions.

HR 440 (By McClendon), In memory of Lillie Mae Wilson Harris of San Antonio.
To Rules and Resolutions.

HR 441 (By McClendon), Recognizing February 16, 2011, as Trucking Day at the State Capitol.
To Rules and Resolutions.

HR 442 (By McClendon), In memory of Willie D. Barnett.
To Rules and Resolutions.

HR 445 (By Cain), Congratulating Robert and Patsy Skidmore of Paris on their 50th wedding anniversary.
To Rules and Resolutions.

HR 446 (By Cain), Congratulating the Honey Grove Middle School Band on being named the 2011 Class 1C State Honor Band by the Texas Music Educators Association.
To Rules and Resolutions.

HR 447 (By Schwertner), Congratulating the football team of Yoe High School in Cameron on its successful 2010 season.
To Rules and Resolutions.

HR 448 (By V. Gonzales), Congratulating Judge Nelva Gonzales Ramos on her nomination to the U.S. District Court for the Southern District of Texas.
To Rules and Resolutions.

HR 449 (By D. Miller), Welcoming the AP U.S. politics and government class from the New Braunfels Christian Academy to the State Capitol.
To Rules and Resolutions.

HR 450 (By Bohac), Congratulating Shelly Vasbinder and Manny Salazar III on their wedding.

To Rules and Resolutions.

HR 452 (By Cain), Congratulating the Honey Grove High School Beta Club on its success at the 2011 Texas Beta Club Convention.

To Rules and Resolutions.

HR 453 (By Cain), Congratulating Ruth Ann Jones of Honey Grove High School on being named the first State Beta Sponsor of the Year at the Texas Beta Club Convention.

To Rules and Resolutions.

HR 455 (By Cain), Congratulating Emily Ashcraft of Honey Grove High School on being named to the All-State Band of the Association of Texas Small School Bands.

To Rules and Resolutions.

HR 457 (By Cain), Congratulating sophomore Maricela Coronado of Honey Grove High School on winning first place in the modern oratory competition at the 2011 Texas Beta Club Convention.

To Rules and Resolutions.

HR 458 (By Cain), Congratulating Earl and Evelyn Glenn of Sulphur Springs on their 70th wedding anniversary.

To Rules and Resolutions.

HR 459 (By Sheffield), Commemorating the 50th wedding anniversary of Paul and Oralia Luna of Belton.

To Rules and Resolutions.

HR 460 (By Sheffield), Congratulating Jesse and Rosa Garcia of Temple on their 50th wedding anniversary.

To Rules and Resolutions.

HR 461 (By Sheffield), Congratulating the Reverend Tommy Davis and Marilyn Davis of Belton on their 50th wedding anniversary.

To Rules and Resolutions.

HR 464 (By Marquez), Congratulating the Honorable Veronica Escobar of El Paso on her election as county judge of El Paso County.

To Rules and Resolutions.

HR 465 (By Price), Recognizing May 5, 2011, as National Day of Prayer in Texas.

To Rules and Resolutions.

HR 466 (By Price), Recognizing May 3, 2011, as National Teacher Day in Texas.

To Rules and Resolutions.

HR 467 (By Price), Recognizing May 21, 2011, as Armed Forces Day.

To Rules and Resolutions.

HR 468 (By Price), Commemorating Memorial Day 2011.

To Rules and Resolutions.

HR 469 (By Cain), Congratulating the North Lamar High School Symphonic Band, from Paris, Texas, on being named the 3A State Honor Band by the Texas Music Educators Association.

To Rules and Resolutions.

HR 470 (By Craddick), Honoring the O'Donnell First United Methodist Church on the 100th anniversary of its founding.

To Rules and Resolutions.

HR 471 (By Hilderbran), In memory of Phyllis A. Baumgartner of Kerrville.

To Rules and Resolutions.

HR 472 (By Lavender), Honoring the Joseph "Jo Jo" Westmoreland Scholarship Fund BBQ in Hughes Springs.

To Rules and Resolutions.

HR 473 (By Hughes), Honoring Debra Sue Miers on her retirement as secretary of the Quitman Rotary Club and as director of Wood County Adult Probation.

To Rules and Resolutions.

HR 474 (By Zerwas), Congratulating Lori L. Gunn on earning the 2010 Exceptional Service Award from the Katy Area Chamber of Commerce.

To Rules and Resolutions.

HR 475 (By Zerwas), Congratulating Amegy Bank on being named the 2010 Business of the Year by the Katy Area Chamber of Commerce.

To Rules and Resolutions.

HR 476 (By Zerwas), Congratulating Richard MacDonald on being named the 2010 Katy Area Chamber of Commerce Volunteer of the Year.

To Rules and Resolutions.

HR 477 (By Zerwas), Congratulating the Honorable Bob Hebert on being named the 2010 Citizen of the Year by the Katy Area Chamber of Commerce.

To Rules and Resolutions.

HR 479 (By Lewis), Welcoming members of the Odessa Hispanic Chamber of Commerce to the State Capitol.

To Rules and Resolutions.

HR 480 (By Carter), Congratulating Steve and Cissy Powell of Dallas on their 50th wedding anniversary.

To Rules and Resolutions.

HR 481 (By L. Gonzales), Honoring Roderick "Shorty" Mitchell on being named the 2010 Citizen of the Year by the Rotary Club of Taylor.

To Rules and Resolutions.

HR 482 (By Gutierrez), Honoring musician Ramon Ayala for his work in presenting the annual Ramon Ayala Christmas Posada in Hidalgo.

To Rules and Resolutions.

HR 483 (By Straus), In memory of Janette Overton Dixon of San Antonio.

To Rules and Resolutions.

HR 484 (By Solomons), Honoring Leadership Lewisville on the occasion of the group's visit to the State Capitol on February 22, 2011.

To Rules and Resolutions.

HR 485 (By S. Davis), In memory of Joseph W. Samuels of Houston.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 7

HCR 52

APPENDIX

ENROLLED

February 16 - HCR 48, HCR 51

SENT TO THE GOVERNOR

February 16 - HCR 48, HCR 51

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SECOND DAY — MONDAY, FEBRUARY 21, 2011

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

The roll of the house was called and a quorum was announced present (Record 50).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; 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; 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.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Farrar; Huberty; Oliveira; Taylor, L.

The invocation was offered by Dr. Allen Reed, pastor, First Baptist Church, Nacogdoches, as follows:

Almighty God, according to your holy word, the Bible, a nation of people whose God is the Lord is a nation that is blessed. (Psalm 22:12) Furthermore, the Bible encourages us to pray for all who are in authority over us, "that we may lead a tranquil and quiet life in all godliness and dignity." (1 Timothy 2:1-3) Therefore, it is with grateful hearts that we express our gratitude for our blessings and to pray for the leaders of our country and our state.

We humbly pray for President Barack Obama, for Vice President Joe Biden, and for our senators and representatives who lead our country. We pray for their protection. We pray that you will give them wisdom and direction as they lead our country.

As one of 50 states in these United States of America, Texas is truly a state that has been and is blessed by you. As we bow before you this day, we do so to express our gratitude for all of our blessings, physically and spiritually. We thank you for all of our elected officials. We pray for Governor Rick Perry, for Lieutenant Governor David Dewhurst, and for all our state representatives. This chamber is filled with representatives from every area of our great state. We pray as the men and women of this house of representatives meet to discuss, debate, and decide on major issues that will affect our people, that you will grant to them: the wisdom of Solomon who prayed for you to give him "a wise and discerning heart" that he might judge your people and "discern between good and evil." (1 Kings 3:9); the courage of Elijah who challenged the prophets of Baal that the people might know that you alone are God. (1 Kings 18:37); the conviction of Daniel who "made up his mind that he would not defile himself with the king's choice food or with the wine which he drank." (Daniel 1:8); the morality of Joseph who, when tempted, refused to "do this great evil and sin against God." (Genesis 39:9); the privilege of Moses with whom you spoke "face to face, just as a man speaks to his friend." (Exodus 33:11); the integrity and patience of Job who was "blameless, upright, fearing God, and turning away from evil." (Job 1:1); the righteousness of Asa who "did good and right in the sight of the Lord his God." (2 Chronicles 14:2); the daring of Caleb who, having "followed the Lord fully," conquered the land that had been promised to him. (Joshua 14:8-9, 12, 14); the obedience of Paul who said, "I have not been disobedient to the heavenly vision given to me." (Acts 26:19); the humility of John the Baptist who said, "I am not worthy." (Matthew 3:11); and most of all, may they follow the example of our Lord and Savior, Jesus Christ, "who went about doing good." (Acts 10:38)

Today, we also remember the members of our armed forces who are serving in various places throughout the world, especially those serving in Iraq and Afghanistan. We pray for their protection, for their families, and that the conflict there will soon come to a peaceful end.

Furthermore, we pray for the law enforcement officers of our state, especially those who are patrolling the Rio Grande border where Mexican drug cartels are causing so much bloodshed. Keep them safe, for they are your ministers to accomplish what is good and to serve as avengers who bring wrath on the ones who practice evil. (Romans 13:4)

Now, "To him who is able to keep you from falling and to present you before his glorious presence without fault and with great joy—to the only God, our Savior, be glory, majesty, power, and authority, through Jesus Christ, our Lord, before all ages, now and forevermore. Amen." (Jude 24-25 NIV)

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

LEAVES OF ABSENCE GRANTED

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

Farrar on motion of Walle.

Huberty on motion of Schwertner.

L. Taylor on motion of Patrick.

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

Oliveira on motion of Deshotel.

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Nash in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

ADDRESS BY REPRESENTATIVE LUCIO ON A MATTER OF PERSONAL PRIVILEGE

The chair recognized Representative Lucio who addressed the house on a matter of personal privilege.

CAPITOL PHYSICIAN

The chair recognized Representative Geren who presented Dr. David Beyer of Fort Worth as the "Doctor for the Day."

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

HR 469 - ADOPTED (by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 469**.

The motion prevailed.

The following resolution was laid before the house:

HR 469, Congratulating the North Lamar High School Symphonic Band, from Paris, Texas, on being named the 3A State Honor Band by the Texas Music Educators Association.

HR 469 was adopted.

HR 336 - PREVIOUSLY ADOPTED (by Y. Davis, Anchia, and Alonzo)

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

HR 336, Commemorating the inauguration of the 2011 Greater Dallas Hispanic Chamber of Commerce Board of Directors.

INTRODUCTION OF GUESTS

The chair recognized Representative Y. Davis who introduced representatives of the Greater Dallas Hispanic Chamber of Commerce Board of Directors.

(Isaac in the chair)

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, during bill referral today, in E2.102, to consider the previously posted agenda.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Hochberg moved to suspend the five-day posting rule to allow the Committee on Appropriations, Subcommittee on Article III, to consider house budget recommendations upon adjournment of the Committee on Appropriations meeting Thursday, February 24.

The motion prevailed.

Representative Darby moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Appropriations, Subcommittee on Articles VI, VII, and VIII, to consider house budget recommendations on Article VIII and pending business.

The motion prevailed.

Representative Darby moved to suspend the five-day posting rule to allow the Committee on Appropriations, Subcommittee on Article II, to consider Health and Human Services cost-containment initiatives at 2:30 p.m. today in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, Subcommittee on Article II, 2:30 p.m. today, E1.030, for a public hearing, to consider Health and Human Services cost-containment initiatives.

Appropriations, Subcommittee on Article III, upon adjournment of the Committee on Appropriations meeting Thursday, February 24, E1.030, for a public hearing, to consider house budget recommendations.

Appropriations, Subcommittee on Articles VI, VII, and VIII, 30 minutes after adjournment today, E1.022, for a formal meeting, to consider house budget recommendations on Article VIII and pending business.

PROVIDING FOR ADJOURNMENT

Representatives C. Anderson and McClendon moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(C. Anderson in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:03 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 430 (By Johnson), Relating to the provision of payment history information to consumer reporting agencies.

To Pensions, Investments, and Financial Services.

HB 439 (By T. Smith), Relating to the authority of the Department of Public Safety of the State of Texas and certain local law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.

To Criminal Jurisprudence.

HB 473 (By T. Smith), Relating to the consequences of an arrest for or conviction of certain intoxication offenses.

To Criminal Jurisprudence.

HB 506 (By Callegari), Relating to requiring the use of an ignition interlock device on conviction of certain intoxication offenses.

To Criminal Jurisprudence.

HB 606 (By Farias), Relating to the issuance of Bronze Star Medal specialty license plates.

To Defense and Veterans' Affairs.

HB 611 (By Murphy), Relating to the provision of certain professional services by certain governmental entities.

To Government Efficiency and Reform.

HB 624 (By Bonnen), Relating to requiring a voter to present proof of identification.

To Select Voter Identification and Voter Fraud.

HB 625 (By Solomons), Relating to notice of staff leasing services company workers' compensation claim and payment information; providing an administrative violation.

To State Affairs.

HB 626 (By Woolley), Relating to the issues at a hearing for a person whose driver's license is administratively suspended for refusal to consent to the taking of a specimen following an arrest for certain intoxication offenses.

To Homeland Security and Public Safety.

HB 627 (By Woolley), Relating to a fee collected by a district clerk for certain electronic certified copies.

To Judiciary and Civil Jurisprudence.

HB 628 (By Callegari), Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.

To Government Efficiency and Reform.

HB 629 (By Pickett), Relating to the use of municipal or county sales tax increment financing for a transportation reinvestment zone.

To Transportation.

HB 630 (By Pickett), Relating to the authority of the Texas Department of Transportation, counties, regional tollway authorities, and regional mobility authorities to enter into funding agreements to expedite the entity's environmental review duties related to certain transportation projects.

To Transportation.

HB 631 (By Chisum), Relating to processing certain early voting ballots before election day.

To Elections.

HB 632 (By Chisum), Relating to the authority of the State Board of Dental Examiners to renew certain expired licenses.

To Public Health.

HB 633 (By Chisum), Relating to certain nonrefundable application fees established by the Commission on Law Enforcement Officer Standards and Education.

To Homeland Security and Public Safety.

HB 634 (By McClendon), Relating to toll project information provided by the Texas Department of Transportation.

To Transportation.

HB 635 (By Guillen), Relating to a grace period to cure a default before foreclosure of certain contract liens on the residence of certain surviving spouses of military servicemembers.

To Defense and Veterans' Affairs.

HB 636 (By Zerwas), Relating to creation of the Texas Health Insurance Connector.

To Public Health.

HB 637 (By Eiland), Relating to certain treatment by a physical therapist.

To Public Health.

HB 638 (By Branch), Relating to the elimination of straight-party voting.

To Elections.

HB 639 (By Branch), Relating to school district policies for the care of students at risk for anaphylaxis.

To Public Education.

HB 640 (By Sheets), Relating to an exemption from the motor vehicle sales and use tax for military servicemembers serving on active duty.

To Ways and Means.

HB 641 (By Veasey), Relating to insurance requirements for certain contract carriers.

To Transportation.

HB 642 (By Rodriguez), Relating to free breakfast for certain public school students.

To Public Education.

HB 643 (By Rodriguez), Relating to summer nutrition programs provided for by school districts.

To Agriculture and Livestock.

HB 644 (By Orr), Relating to the period in which a public entity, public work, or state agency must respond to a complaint filed by a person entitled to an employment preference.

To Government Efficiency and Reform.

HB 645 (By Orr), Relating to the information required to be included on a form for an application for an exemption from ad valorem taxation of property owned by a charitable organization.

To Ways and Means.

HB 646 (By Orr), Relating to reporting requirements for salvage motor vehicles by insurance companies.

To Transportation.

HB 647 (By P. King), Relating to the public safety director's appointment of reserve law enforcement officers for the Department of Public Safety.

To Homeland Security and Public Safety.

HB 648 (By Menendez), Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District.

To Natural Resources.

HB 649 (By Gallego), Relating to the issuance and duration of certain protective orders for victims of sexual assault.

To Criminal Jurisprudence.

HB 650 (By Castro), Relating to property held by certain junior colleges and presumed abandoned.

To Higher Education.

HB 651 (By Christian), Relating to certain restrictions on funds administered by the Department of Agriculture.

To Agriculture and Livestock.

HB 652 (By Christian), Relating to the appointment of county auditors.

To County Affairs.

HB 653 (By Christian), Relating to student loan repayment assistance for speech-language pathologists or audiologists employed by a public school or as faculty members of certain graduate programs at public institutions of higher education.

To Higher Education.

HB 654 (By Solomons), Relating to a report regarding the municipality or county of origin of tax revenue collected by the comptroller.

To Ways and Means.

HB 655 (By V. Taylor), Relating to determining eligibility for indigent health care.

To Public Health.

HB 656 (By Farias), Relating to the regulation of activities with respect to certain extensions of consumer credit.

To Pensions, Investments, and Financial Services.

HB 657 (By Lewis), Relating to honorary license plates for certain disabled veterans.

To Defense and Veterans' Affairs.

HB 658 (By Villarreal), Relating to the repeal of state sales tax and franchise tax refunds for certain ad valorem tax payers.

To Ways and Means.

HB 659 (By Villarreal), Relating to voluntary assessment of property owners by a municipality to finance water or energy efficiency improvements.

To Energy Resources.

HB 660 (By Villarreal), Relating to the sale of malt liquor, ale, and beer by the holder of a brewpub license.

To Licensing and Administrative Procedures.

HB 661 (By Rodriguez), Relating to the regulation of activities with respect to certain extensions of consumer credit.

To Pensions, Investments, and Financial Services.

HB 662 (By Rodriguez), Relating to authorizing certain counties to adopt buffer zone regulations and comprehensive land development plans; providing a penalty.

To Land and Resource Management.

HB 663 (By Kleinschmidt), Relating to procedures for amending restrictions governing certain residential subdivisions.

To Business and Industry.

HB 664 (By Larson), Relating to voting eligibility requirements for members of a metropolitan planning organization policy board.

To Transportation.

HB 665 (By Villarreal), Relating to the prohibition of employment discrimination on the basis of sexual orientation or gender identity or expression.

To Economic and Small Business Development.

HB 666 (By Villarreal), Relating to a study regarding sales price disclosure of real property.

To Ways and Means.

HB 667 (By Hochberg), Relating to the payment of wages by an employer through an electronic transfer of funds to a payroll card account.

To Economic and Small Business Development.

HB 668 (By Brown), Relating to procedures regarding the removal and storage of vehicles.

To Licensing and Administrative Procedures.

HB 669 (By White), Relating to informing a patient concerning reconstructive breast surgery before performing certain surgical procedures.

To Public Health.

HB 670 (By Crownover), Relating to the elimination of smoking in certain workplaces and public places; providing penalties.

To Public Health.

HB 671 (By Crownover), Relating to allowing the governor, and the lieutenant governor or another person when acting as governor, to retain executive authority while traveling within the contiguous 48 states of the continental United States.

To State Affairs.

HB 672 (By Christian), Relating to initial claims under the unemployment compensation system.

To Economic and Small Business Development.

HB 673 (By Parker), Relating to the production and use of an instructional video on recreational water safety.

To Culture, Recreation, and Tourism.

HB 674 (By Christian), Relating to the dissolution of certain bail bond boards.

To County Affairs.

HB 675 (By Lucio), Relating to football helmet safety requirements in public schools.

To Public Education.

HB 676 (By Lucio), Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

To Transportation.

HB 677 (By Lucio), Relating to cognitive-linguistic assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

To Public Education.

HB 678 (By Lucio), Relating to coordination between school districts and other governmental agencies regarding necessary transportation infrastructure improvements associated with real property owned or proposed to be purchased by school districts.

To Public Education.

HB 679 (By Button), Relating to change order approval requirements for certain political subdivisions of the state.

To Government Efficiency and Reform.

HB 680 (By Schwertner), Relating to a physician's response to a complaint filed with the Texas Medical Board.

To Public Health.

HB 681 (By Kleinschmidt), Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

To Business and Industry.

HB 682 (By Brown), Relating to leasing advertising space on state agency Internet websites.

To Government Efficiency and Reform.

HB 683 (By Rodriguez), Relating to the ad valorem taxation of property owned by certain organizations and used to provide affordable housing.

To Ways and Means.

HB 684 (By Larson), Relating to housing prisoners in a tent or other facility in lieu of a county jail.

To Corrections.

HB 685 (By Dutton), Relating to the authority of the attorney representing the state to dismiss a criminal action based on the commission of a nonviolent offense.

To Criminal Jurisprudence.

HB 686 (By Dutton), Relating to the secrecy of grand jury proceedings.

To Criminal Jurisprudence.

HB 687 (By Dutton), Relating to liability of a governmental unit for personal injury and death caused by the governmental unit's negligence.

To Judiciary and Civil Jurisprudence.

HB 688 (By Dutton), Relating to restrictions on the disclosure of certain criminal history records and to the duty of law enforcement agencies regarding records associated with certain defendants; creating an offense.

To Criminal Jurisprudence.

HB 689 (By Dutton), Relating to the admissibility of certain evidence in capital cases in which the state seeks the death penalty.

To Criminal Jurisprudence.

HB 690 (By Martinez Fischer), Relating to the punishment for the offense of graffiti.

To Criminal Jurisprudence.

HB 691 (By Hartnett), Relating to testimony or the production of documents before a legislative committee.

To Judiciary and Civil Jurisprudence.

HB 692 (By Farias), Relating to high school graduation requirements for a student who is unable to participate in physical activity due to disability or illness.

To Public Education.

HB 693 (By Christian), Relating to where a justice of the peace court is held.

To Judiciary and Civil Jurisprudence.

HB 694 (By Turner), Relating to the release from the Texas Department of Criminal Justice of certain inmates who complete a rehabilitation program.

To Corrections.

HB 695 (By Allen), Relating to the establishment of a program for the collection, transportation, recycling, and disposal of mercury-added thermostats.

To Environmental Regulation.

HB 696 (By Hunter), Relating to the offense of escape from custody by a person lawfully detained.

To Criminal Jurisprudence.

HB 697 (By Hunter), Relating to the status of certain training programs for peace officers, reserve law enforcement officers, county jailers, and recruits.

To Homeland Security and Public Safety.

HB 698 (By Huberty), Relating to the carrying of concealed handguns by certain persons attending a school board meeting.

To Homeland Security and Public Safety.

HB 699 (By Deshotel), Relating to the Port Authority Advisory Committee and funding of port security, transportation, and facility projects and port studies.

To Transportation.

HB 701 (By Murphy), Relating to the total revenue exemption for the franchise tax.

To Ways and Means.

HB 702 (By D. Howard), Relating to certain restrictions on contributions and expenditures from political funds by a lobbyist; providing penalties.

To Elections.

HB 703 (By Gutierrez), Relating to enhanced penalties for assault of a health care services provider.

To Criminal Jurisprudence.

HB 704 (By Gutierrez), Relating to the rate of a local sales and use tax imposed by certain local governmental entities.

To Ways and Means.

HB 705 (By J. Davis), Relating to certain prohibited practices concerning the payment of copayments and deductibles under health benefit plans; providing a civil penalty and for injunctive relief.

To Insurance.

HB 706 (By J. Davis), Relating to the course levels offered by the University of Houston–Clear Lake.

To Higher Education.

HB 707 (By Laubenberg), Relating to the validation of certain governmental acts and proceedings of certain municipalities relating to certain public improvement districts.

To Urban Affairs.

HB 708 (By Hancock), Relating to licensing, regulation, and prescribing and ordering authority of advanced practice registered nurses and the regulation of registered nurses and physician assistants.

To Public Health.

HB 709 (By Fletcher), Relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 710 (By Walle), Relating to electronic imaging used in the financial assistance and supplemental nutritional assistance programs.

To Human Services.

HB 711 (By Walle), Relating to a study and report by the Texas Education Agency regarding certain public school disciplinary placements.

To Public Education.

HB 712 (By Walle), Relating to employee caseload and call processing standards for the provision of child and adult protective services.

To Human Services.

HB 713 (By Gallego), Relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.

To Judiciary and Civil Jurisprudence.

HB 714 (By C. Anderson), Relating to the acquisition of land and facilities by the Texas State Technical College System.

To Higher Education.

HB 715 (By Hochberg), Relating to automatic voter registration on issuance or change of a driver's license or identification card by the Department of Public Safety.

To Select Voter Identification and Voter Fraud.

HB 716 (By S. Miller), Relating to the taking of certain feral hogs using a helicopter.

To Culture, Recreation, and Tourism.

HB 717 (By S. Miller), Relating to the selection of the board of directors of an appraisal district.

To Ways and Means.

HB 718 (By Fletcher), Relating to the period in which a person commits the offense of funeral service disruption.

To Criminal Jurisprudence.

HB 719 (By Hartnett), Relating to trial by special judge of certain matters.

To Judiciary and Civil Jurisprudence.

HB 720 (By Hartnett), Relating to the designation of a person as a vexatious litigant.

To Judiciary and Civil Jurisprudence.

HCR 62 (By Workman), Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

To Rules and Resolutions.

HCR 64 (By Aycock), Recognizing April 13, 2011, as Leadership Highland Lakes Day at the State Capitol.

To Rules and Resolutions.

HCR 65 (By Aycock), Recognizing April 13, 2011, as Leadership Killeen Day at the State Capitol.

To Rules and Resolutions.

HJR 5 (By Otto), Proposing a constitutional amendment regarding an increase in the maximum amount to be retained in the constitutional economic stabilization fund and dedicating for deposit in that fund certain sales and use tax revenues.

To Ways and Means.

HJR 18 (By Branch), Proposing a constitutional amendment requiring any increase in a franchise tax rate to be approved by two-thirds of all the members elected to each house of the legislature.

To Ways and Means.

HJR 19 (By Branch), Proposing a constitutional amendment relating to the determination of a quorum of the senate or house of representatives.

To State Affairs.

HJR 20 (By Peña), Proposing a constitutional amendment to limit the time in which the legislature may enact or modify districts for the Texas Legislature or the United States House of Representatives.

To Redistricting.

HJR 24 (By Paxton), Proposing a constitutional amendment relating to the rights of individuals to choose or decline to choose to purchase health insurance coverage.

To Select State Sovereignty.

HJR 25 (By Paxton), Proposing a constitutional amendment requiring any increase in a franchise tax rate to be approved by two-thirds of all the members elected to each house of the legislature.

To Ways and Means.

HJR 26 (By Legler), Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage.

To Insurance.

HJR 27 (By Legler), Proposing a constitutional amendment authorizing certain payment for health care services and prohibiting requiring participation in a health care system.

To Select State Sovereignty.

HJR 28 (By Alvarado), Proposing a constitutional amendment requiring the legislature to establish a state gaming commission and to authorize and provide for the regulation of gaming conducted at certain locations in this state, authorizing federally recognized Indian tribes to conduct gaming on certain Indian lands, and requiring the governor to call the legislature into special session to consider gaming legislation.

To Licensing and Administrative Procedures.

HJR 29 (By Callegari), Proposing a constitutional amendment requiring certain tax bills to be approved by two-thirds of all the members elected to each house of the legislature.

To Ways and Means.

HJR 30 (By Laubenberg), Proposing a constitutional amendment authorizing certain payment for health care services and prohibiting requiring participation in a health care system.

To Select State Sovereignty.

HJR 31 (By Raymond), Proposing a constitutional amendment prohibiting the authorization or funding of an elementary or secondary education voucher program.

To Public Education.

HJR 32 (By Raymond), Proposing a constitutional amendment to dedicate net revenue from the state lottery to support educational programs that benefit classroom teaching in the state's public schools and to prohibit certain lottery advertisements and promotions.

To Appropriations.

HJR 34 (By Raymond), Supporting the ratification of a proposed amendment to the Constitution of the United States providing for a balanced federal budget.

To Select State Sovereignty.

HJR 36 (By Raymond), Proposing a constitutional amendment prohibiting the taxation of the sale or use of certain food, drinks, medicine, and child-care services.

To Ways and Means.

HJR 37 (By Hughes), Proposing a constitutional amendment requiring certain tax bills to be approved by two-thirds of all the members elected to each house of the legislature.

To Ways and Means.

HJR 38 (By Berman), Proposing a constitutional amendment to establish English as the official language of Texas and require that official acts of government be performed in English.

To State Affairs.

HJR 40 (By Pickett), Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled.

To Ways and Means.

HJR 43 (By Quintanilla), Proposing a constitutional amendment authorizing the legislature to legalize and regulate the conduct of gaming in this state in counties that by local option election approve the conduct of that gaming.

To Licensing and Administrative Procedures.

HJR 45 (By Parker), Proposing a constitutional amendment to prohibit a state income tax or increase in a state income tax unless there is a two-thirds vote of the legislature to enact and submit to the voters a law imposing an income tax or increasing that tax.

To Ways and Means.

HJR 46 (By White), Proposing a constitutional amendment releasing a school district from the obligation to comply with an unfunded state educational mandate.

To Public Education.

HJR 49 (By C. Anderson), Proposing a constitutional amendment requiring any increase in a rate of the franchise tax be approved by two-thirds of all the members elected to each house of the legislature.

To Ways and Means.

HJR 50 (By Creighton), Applying to Congress to call a convention to propose an amendment to the United States Constitution to permit the repeal of federal law by two-thirds of the legislatures of the several states.

To Select State Sovereignty.

HJR 51 (By Christian), Proposing a constitutional amendment relating to the rights of individuals to choose or decline to choose to purchase health insurance coverage.

To Select State Sovereignty.

HJR 53 (By Christian), Proposing a constitutional amendment prohibiting any political subdivision of this state from imposing ad valorem taxes.

To Ways and Means.

HJR 55 (By Christian), Proposing a constitutional amendment to prohibit a hospital district from using tax revenue to finance the performance of an abortion.

To State Affairs.

HJR 56 (By Solomons), Proposing a constitutional amendment to restrict the power of the legislature to mandate requirements upon certain local governments.

To State Affairs.

HJR 57 (By Berman), Proposing a constitutional amendment prohibiting a court of this state from enforcing, considering, or applying a religious or cultural law.

To State Affairs.

HJR 59 (By Hancock), Proposing a constitutional amendment requiring certain tax bills to be approved by two-thirds of all the members elected to each house of the legislature.

To Ways and Means.

HJR 60 (By Pitts), Applying to the Congress of the United States to call a convention to propose an amendment to the United States Constitution to require a balanced federal budget.

To Select State Sovereignty.

HJR 61 (By Raymond), Proposing a constitutional amendment to increase the terms of district judges to six years.

To Judiciary and Civil Jurisprudence.

HJR 63 (By Pickett), Proposing a constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area.

To Ways and Means.

HJR 64 (By Pickett), Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government.

To Ways and Means.

HJR 65 (By Crownover), Proposing a constitutional amendment to provide that the governor, and the lieutenant governor when acting as governor, retain executive authority unless unavailable as provided by law.

To State Affairs.

HJR 66 (By Pickett), Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government.

To Ways and Means.

HJR 67 (By Hartnett), Proposing a constitutional amendment to authorize the legislature to set the salary of the lieutenant governor and the speaker of the house of representatives.

To State Affairs.

HJR 69 (By Kolkhorst), Applying to the Congress of the United States to call a convention to propose an amendment to the United States Constitution providing that the power to regulate health and education is reserved to the states.

To Select State Sovereignty.

HJR 71 (By Larson), Proposing a constitutional amendment to set the maximum salary of certain elected public officers.

To State Affairs.

HJR 77 (By Harper-Brown), Proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale, use, or rental of motor vehicles to the state highway fund.

To Ways and Means.

HJR 78 (By Harper-Brown), Proposing a constitutional amendment to limit the purposes for which revenues from motor vehicle registration fees and taxes on motor fuels and lubricants may be used.

To Ways and Means.

HJR 80 (By Larson), Proposing a constitutional amendment to limit the time that a person may serve in legislative office or in certain elective executive offices.

To State Affairs.

HJR 81 (By Larson), Applying to the Congress of the United States to call a convention to propose amendments to the United States Constitution to provide for congressional term limits, the line-item veto, a balanced federal budget, a limit on federal debt, and the repeal of federal law by two-thirds of the several states.

To Select State Sovereignty.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, February 21, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 16 Patrick
Relating to informed consent to an abortion.

SCR 17 Whitmire
Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, February 17, 2011, and ending on Tuesday, February 22, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

February 17 - HCR 52

SENT TO THE GOVERNOR

February 17 - HCR 52

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-THIRD DAY — TUESDAY, FEBRUARY 22, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 51).

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

Absent, Excused — Oliveira.

Absent — Smith, T.

The invocation was offered by Representative Hughes.

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

LEAVES OF ABSENCE GRANTED

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

Oliveira on motion of Quintanilla.

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

Peña on motion of Deshotel.

(T. Smith now present)

(Perry in the chair)

HR 525 - ADOPTED
(by Gooden)

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 525**.

The motion prevailed.

The following resolution was laid before the house:

HR 525, Recognizing February 22, 2011, as Athens Day at the State Capitol.

HR 525 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Gooden who introduced a delegation from Athens.

HR 508 - ADOPTED
(by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 508**.

The motion prevailed.

The following resolution was laid before the house:

HR 508, Congratulating Davis White of Paris on being selected to perform at Carnegie Hall as part of the 2011 American High School Honors Performance Series.

HR 508 was adopted.

CAPITOL PHYSICIAN

The chair recognized Representative Keffer who presented Dr. Robert Deluca of Eastland as the "Doctor for the Day."

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

HR 499 - ADOPTED
(by Hardcastle)

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 499**.

The motion prevailed.

The following resolution was laid before the house:

HR 499, Recognizing February 22, 2011, as Texas FFA Day at the State Capitol.

HR 499 was read and was adopted.

On motion of Representative Landtroop, the names of all the members of the house were added to **HR 499** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hardcastle who introduced representatives of the Texas FFA Association.

HR 526 - ADOPTED (by Lavender)

Representative Lavender moved to suspend all necessary rules to take up and consider at this time **HR 526**.

The motion prevailed.

The following resolution was laid before the house:

HR 526, Honoring FFA students from Simms and New Boston on their visit to the State Capitol.

HR 526 was read and was adopted.

HR 418 - ADOPTED (by Quintanilla, Keffer, Gallego, Chisum, and Marquez)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 418**.

The motion prevailed.

The following resolution was laid before the house:

HR 418, Honoring the West Texas Area Health Education Center Program.

HR 418 was read and was adopted.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 418** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Marquez who introduced representatives of the West Texas Area Health Education Center Program.

ADDRESS BY REPRESENTATIVE WEBER ON A MATTER OF PERSONAL PRIVILEGE

The chair recognized Representative Weber who addressed the house on a matter of personal privilege, speaking as follows:

We all are up here to do a job for our constituents and as members, we couldn't be here—nor could we be able to do our jobs—if it weren't for the members of our staff, the help of our staff. For all of those who are new to our ranks, you will soon learn by the end of session that our staff truly becomes

family, as we all do, actually. They stand with us in the trenches, they work beside us, they laugh with us, they cry with us, they help us conquer the challenges we face, and they are truly our partners. From our chiefs of staff to our interns, all play an integral role.

This weekend, we lost one of our own. For those of you who don't know, an intern for a senator—my colleague on the senate side, Mike Jackson, our colleague—Jessica Fertitta was found in the early hours of Sunday morning in Beaumont after the vehicle she was driving caught fire and exploded about one block from her home. She was a second-year law student at The University of Texas and an intern for Senator Jackson. Jessica was only 25 years old. She had returned home that weekend to attend a wedding of a classmate. She was highly accomplished, she was on the path of achievement. She had served as deputy finance director for our great Attorney General Greg Abbott and had worked as a briefings intern at the U.S. Department of Labor. She also was a leader in the University Panhellenic Council on behalf of Pi Beta Phi at The University of Texas and served as a mentor for others.

In the words of Dr. Mary Gagne, director of the Texas Academy of Leadership in the Humanities, she says, and I quote her, "Not only was Jessica a brilliant young lady, she had a deep spirituality. Her faith was evident in everything she did. She devoted many hours to helping others. She was inspirational. She gave words of encouragement to all. You had only to meet her to see that she exuded confidence, intelligence, and beauty. She had an excellent, excellent knowledge and love of people and was loved by all." Great words about the young lady.

There's probably nothing I can say to describe the loss to her friends and family, nothing at all, or to Senator Jackson, for that matter. Her impact was felt everywhere and her loss will ripple throughout this Capitol and way beyond. Perhaps Jessica's mother said it best when she said, "She was a leader. She worked hard for everything and she was a woman of faith. This is a huge gain for heaven." Please join me in a moment of silence on behalf of one of our very own, Jessica Fertitta.

REMARKS ORDERED PRINTED

Representative Weber moved to print his remarks.

The motion prevailed.

HR 484 - ADOPTED

(by Solomons, Parker, and Crownover)

Representative Solomons moved to suspend all necessary rules to take up and consider at this time **HR 484**.

The motion prevailed.

The following resolution was laid before the house:

HR 484, Honoring Leadership Lewisville on the occasion of the group's visit to the State Capitol on February 22, 2011.

HR 484 was read and was adopted.

**HR 368 - ADOPTED
(by Chisum)**

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 368**.

The motion prevailed.

The following resolution was laid before the house:

HR 368, Recognizing February 22, 2011, as Rolling Plains Day at the State Capitol.

HR 368 was read and was adopted.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 368** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Chisum who introduced a delegation from the Rolling Plains.

**HR 228 - ADOPTED
(by Crownover, Parker, and Solomons)**

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 228**.

The motion prevailed.

The following resolution was laid before the house:

HR 228, Recognizing February 22, 2011, as Denton County Day at the State Capitol.

HR 228 was read and was adopted.

On motion of Representative Parker, the names of all the members of the house were added to **HR 228** as signers thereof.

**HR 429 - ADOPTED
(by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 429**.

The motion prevailed.

The following resolution was laid before the house:

HR 429, Recognizing February 22, 2011, as Washington County Day at the State Capitol.

HR 429 was read and was adopted.

(S. Davis in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Kolkhorst who introduced a delegation from Washington County.

HR 479 - ADOPTED**(by Lewis)**

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 479**.

The motion prevailed.

The following resolution was laid before the house:

HR 479, Welcoming members of the Odessa Hispanic Chamber of Commerce to the State Capitol.

HR 479 was read and was adopted.

On motion of Representative Y. Davis, the names of all the members of the house were added to **HR 479** as signers thereof.

HR 510 - ADOPTED**(by Branch)**

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 510**.

The motion prevailed.

The following resolution was laid before the house:

HR 510, Recognizing February 22, 2011, as Commercial Real Estate Development Day at the State Capitol.

HR 510 was adopted.

HR 504 - ADOPTED**(by Price, Smithee, Chisum, and Landtroop)**

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 504**.

The motion prevailed.

The following resolution was laid before the house:

HR 504, Recognizing February 22, 2011, as Panhandle Day at the State Capitol.

HR 504 was read and was adopted.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 504** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Price who introduced a delegation from the Texas Panhandle.

HR 534 - ADOPTED
(by Reynolds)

Representative Reynolds moved to suspend all necessary rules to take up and consider at this time **HR 534**.

The motion prevailed.

The following resolution was laid before the house:

HR 534, Recognizing February 22, 2011, as Leadership Fort Bend Day at the State Capitol.

HR 534 was adopted.

HR 548 - ADOPTED
(by Carter)

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HR 548**.

The motion prevailed.

The following resolution was laid before the house:

HR 548, Honoring Brinker International on the occasion of Texas Restaurant Association Day at the State Capitol.

HR 548 was adopted.

HR 462 - PREVIOUSLY ADOPTED
(by Y. Davis)

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

HR 462, Welcoming Nigerian writer Chike Momah to the State Capitol and recognizing him for his literary achievements.

INTRODUCTION OF GUESTS

The chair recognized Representative Y. Davis who introduced Chike Momah, his wife Ethel, and representatives of the Texas chapter of GCUOBA-USA.

HR 414 - ADOPTED
(by Dukes)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 414**.

The motion prevailed.

The following resolution was laid before the house:

HR 414, Paying tribute to Barbara Jordan in honor of the 75th anniversary of her birth.

HR 414 was read and was adopted.

On motion of Representative Turner, the names of all the members of the house were added to **HR 414** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dukes who introduced representatives of the Barbara Jordan Freedom Foundation.

**HR 515 - ADOPTED
(by Lucio and Hunter)**

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 515**.

The motion prevailed.

The following resolution was laid before the house:

HR 515, Recognizing February 22, 2011, as Justices of the Peace and Constables Day at the State Capitol.

HR 515 was read and was adopted.

On motion of Representative Muñoz, the names of all the members of the house were added to **HR 515** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Lucio who introduced members of the Justices of the Peace and Constables Association of Texas.

**HR 494 - ADOPTED
(by Garza)**

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 494**.

The motion prevailed.

The following resolution was laid before the house:

HR 494, Honoring Blas Maria Herrera for his outstanding contributions to Texas and recognizing his descendants for their generosity in providing the Herrera Gates to the Bob Bullock Texas State History Museum.

HR 494 was read and was adopted.

On motion of Representative Aliseda, the names of all the members of the house were added to **HR 494** as signers thereof.

**HR 424 - ADOPTED
(by Burkett, Sheets, Anchia, Hartnett, et al.)**

Representative Burkett moved to suspend all necessary rules to take up and consider at this time **HR 424**.

The motion prevailed.

The following resolution was laid before the house:

HR 424, Honoring Bruce R. Sherbet for his outstanding service as the elections administrator for Dallas County.

HR 424 was read and was adopted.

On motion of Representative Jackson, the names of all the members of the house were added to **HR 424** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Burkett who introduced Bruce R. Sherbet.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 6).

INTRODUCTION OF GUESTS

REPRESENTATIVE MCCLENDON: Madam Speaker and members, on the dais behind me you're going to see several young men who have opportunities to stand on the dais of the Texas House of Representatives. These men are exonerees and they are here lobbying for prison justice reform legislation. These gentlemen have spent a total of 200 years in prison for crimes they did not commit. Joining them on the podium is Ms. Ruby Cole Session, whose son, Timothy Cole, died in prison—was there for 13 years for a crime that he did not commit. We have Johnnie Lindsey, who served 26 years. We have Billy Smith, who served 19 years. We have Charles Chatman, who served 27 years for a crime he did not commit. We have James Giles, who served 10 years. Thomas M. McGowan, who served 23 years. We have Christopher Scott, who served 13 years. We have Cornelius Dupree, who served 30 years, the longest serving exoneree. And we have Anthony Graves, who served 18 years, and he was on death row. Members, please help me honor these men who served a total of 200 years in prison for crimes that they did not commit.

REPRESENTATIVE TURNER: Ms. Speaker and members, these individuals that are standing before you are to be applauded. Not just for the fact that they are no longer in prison, but for their spirit that they have after serving the many years in prison. I think if you get a chance to talk to them, they do not hold any anger, and if we were in their position probably would. But their spirit and their desire to move forward with their lives is to be admired. And so, let me applaud Representative McClendon for bringing them here for the resolution, and certainly applaud them just for their perseverance and their tenacity and their will to keep moving forward.

REPRESENTATIVE GALLEGO: I want to tell you that in my opportunity as chairman of the Committee on Criminal Jurisprudence, the committee has heard some incredibly moving stories from a lot of people. But there are few stories that have moved me, and moved the members of the committee, and moved the general public, as much as the stories of the men behind me. For those who were able to testify last session, their testimony was really absolutely riveting in terms of how the system failed them. And if you want the opportunity to hear them, they will be in the Criminal Jurisprudence Committee this afternoon, many of them testifying on some bills that hopefully will change the process somewhat. But I would tell you that, that investment of your time in talking to them, even for a few minutes about their experience, about what they went through, because if you think about it and you put it in your own life terms—what it would mean to you to be away from your kids, to be away from your family, your mother, your father, your brothers, and your sisters. To see your career or your life change dramatically with nothing that you can do about it. That feeling of frustration is what they have felt. And yet, as Mr. Turner has noted, there's no rancor, there's no bitterness. There's only really a desire to fully live life and to be grateful for the life they have. Spend some time with them this afternoon in Criminal Jurisprudence if you have the opportunity. And Mr. Speaker, Madam Speaker, I will join with Ms. McClendon and Mr. Turner in welcoming these folks to the Texas House of Representatives. It's very much their house and we are very happy to have them here.

REPRESENTATIVE DUKES: I would like to extend an apology to these young men and I'm sure that many join me in extending apology to these young men in the failure of our criminal justice system.

REMARKS ORDERED PRINTED

Representative Dukes moved to print remarks by Representatives McClendon, Turner, Gallego, and Dukes.

The motion prevailed.

MCCLENDON: I just wanted to thank the lawyers that worked with these exonerees in order to get them free. We owe them all kinds of gratitude and thanks for their work because that work, much was unpaid. Thank you.

RESOLUTIONS ADOPTED

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 488** and **HR 493**.

The motion prevailed.

The following resolutions were laid before the house:

HR 488 (by Gallego), Honoring Gary Dunshee, founder of the Trappings of Texas Custom Cowboy Gear and Western Art Exhibit and Sale, on the occasion of the event's 25th anniversary.

HR 493 (by Gallego), Congratulating Dr. Barbara "Barney" Nelson on the occasion of the 25th anniversary of the Texas Cowboy Poetry Gathering in Alpine.

The resolutions were adopted.

On motion of Representative Gallego, the names of all the members of the house were added to **HR 488** and **HR 493** as signers thereof.

HR 553 - ADOPTED
(by V. Taylor)

Representative V. Taylor moved to suspend all necessary rules to take up and consider at this time **HR 553**.

The motion prevailed.

The following resolution was laid before the house:

HR 553, Congratulating Bruce D. Glasscock on his appointment as Plano city manager.

HR 553 was adopted.

On motion of Representative Laubenberg, the names of all the members of the house were added to **HR 553** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence meeting scheduled for upon adjournment is rescheduled for 1 p.m. today.

PROVIDING FOR ADJOURNMENT

Representatives Lucio and Hardcastle moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Jaime Jorge Zapata of Brownsville, Leland Snow of Wichita Falls, and Jessica Fertitta of Beaumont.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Thompson in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:06 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 9 (By Branch), Relating to student success-based funding for public institutions of higher education.

To Higher Education.

HB 10 (By Branch), Relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.

To Higher Education.

HB 12 (By Solomons), Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To State Affairs.

HB 127 (By Alvarado), Relating to the types of beverages that may be sold to students on public school campuses.

To Public Health.

HB 251 (By Hilderbran), Relating to the regulation of dangerous wild animals.

To Culture, Recreation, and Tourism.

HB 252 (By Hilderbran), Relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

To Ways and Means.

HB 300 (By Kolkhorst), Relating to the privacy of protected health information; providing civil penalties.

To Public Health.

HB 721 (By S. Miller), Relating to the practice of animal husbandry and the performance of certain dental procedures by non-veterinarians.

To Agriculture and Livestock.

HB 722 (By Harless), Relating to the regulation of massage therapists, massage establishments, massage schools, and sexually oriented businesses; providing penalties.

To Public Health.

HB 723 (By Harless), Relating to the Lone Star College System District service area.

To Higher Education.

HB 724 (By Schwertner), Relating to the abolition of the Alternative Fuels Research and Education Division program administered by the Railroad Commission of Texas.

To Energy Resources.

HB 725 (By Callegari), Relating to the operation, powers, and duties of certain water districts.

To Natural Resources.

HB 726 (By Sheffield), Relating to the electronic distribution of information to legislators by state agencies.

To State Affairs.

HB 727 (By Gutierrez), Relating to a voluntary statewide diabetes mellitus registry.

To Public Health.

HB 728 (By Dutton), Relating to the restoration of certain rights to a criminal defendant.

To Criminal Jurisprudence.

HB 729 (By Chisum), Relating to the authority of the board of directors of the Ochiltrie County Hospital District to employ health care providers.

To County Affairs.

HB 730 (By Guillen), Relating to the suspension or removal of certain deputy sheriffs.

To County Affairs.

HB 731 (By Hopson), Relating to the state contribution to and certain annuities under the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 732 (By Hopson), Relating to increasing the amount of the residence homestead exemption from ad valorem taxation by a school district from \$15,000 to \$30,000, providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect the increased exemption amount, and protecting school districts against the resulting loss in local revenue.

To Ways and Means.

HB 733 (By Patrick), Relating to the number of charters the State Board of Education may grant for open-enrollment charter schools.

To Public Education.

HB 734 (By Patrick), Relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.

To Public Education.

HB 735 (By Patrick), Relating to the events eligible to receive funding through a major events trust fund.

To Economic and Small Business Development.

HB 736 (By Patrick), Relating to online institution resumes for public institutions of higher education.

To Higher Education.

HB 737 (By Otto), Relating to the East Montgomery County Improvement District; imposing a tax.

To Natural Resources.

HB 738 (By Otto), Relating to the authority of the Teacher Retirement System of Texas to invest in hedge funds.

To Pensions, Investments, and Financial Services.

HB 739 (By Fletcher), Relating to the elimination of the statute of limitations for certain felony offenses.

To Criminal Jurisprudence.

HB 740 (By Orr), Relating to liability for ad valorem taxes on property that is the subject of a consignment.

To Ways and Means.

HB 741 (By Vo), Relating to criteria for financing certain multifamily housing developments.

To Urban Affairs.

HB 742 (By Hunter), Relating to student information required to be provided at the time of enrollment in public schools.

To Public Education.

HB 743 (By Sheffield), Relating to requiring public institutions of higher education to notify the federal Student Exchange and Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.

To Higher Education.

HB 744 (By Raymond), Relating to exemptions from the sales tax for certain business entities during a limited period.

To Ways and Means.

HB 745 (By Johnson), Relating to requirements for providing documents and written information to certain owners of property subject to the exercise of eminent domain authority.

To Land and Resource Management.

HB 746 (By Johnson), Relating to the assessment of damages to a property owner from condemnation.

To Land and Resource Management.

HB 747 (By Johnson), Relating to the disclosure of certain information by a governmental entity with eminent domain authority in connection with an offer to purchase real property.

To Land and Resource Management.

HB 748 (By Menendez), Relating to a criminal defendant's incompetency to stand trial, to certain related time credits, and to the maximum period allowed for restoration of the defendant to competency.

To Criminal Jurisprudence.

HB 749 (By Menendez), Relating to county law enforcement officer civil service systems; providing penalties.

To County Affairs.

HB 750 (By Driver), Relating to the carrying of concealed handguns on certain premises of or locations associated with schools or institutions of higher education.

To Homeland Security and Public Safety.

HB 751 (By Lewis), Relating to the attendance by a quorum of a legislative standing committee at a caucus meeting.

To State Affairs.

HB 752 (By Lewis), Relating to authorizing the issuance of revenue bonds for a medical education building for the Texas Tech University Health Sciences Center.

To Higher Education.

HB 753 (By Raymond), Relating to the recruitment and retention of certain caseworkers employed by the Department of Family and Protective Services.

To Human Services.

HB 754 (By Flynn), Relating to the regulation of credit reporting bureaus; providing penalties.

To Pensions, Investments, and Financial Services.

HB 755 (By Cook), Relating to eligibility of certain dependents for coverage under the state employee group benefits program.

To Pensions, Investments, and Financial Services.

HB 756 (By Paxton), Relating to the maximum rate of growth of appropriations.

To Appropriations.

HB 757 (By Eiland), Relating to the sale and consumption in this state of raw oysters harvested from Texas waters.

To Culture, Recreation, and Tourism.

HB 758 (By Eiland), Relating to certain limitations in health benefit plans and health insurance policies.

To Insurance.

HB 759 (By Eiland), Relating to the reporting by an owner of a facility used to store certain hydrocarbons to the chief appraiser of an appraisal district of information related to property stored in the facility.

To Ways and Means.

HB 760 (By Eiland), Relating to an exemption from regulation as health spas for certain governmental hospitals and clinics.

To Public Health.

HB 761 (By Lozano), Relating to the availability of free prekindergarten programs in public schools.

To Public Education.

HB 764 (By Lozano), Relating to the authority of general-law municipalities to restrict sex offenders from child safety zones in the municipality.

To Criminal Jurisprudence.

HB 765 (By Lozano), Relating to restrictions on the prices of certain consumer goods and services during an abnormal disruption of the market.

To Business and Industry.

HB 766 (By Lozano), Relating to exempting textbooks for university and college courses from the sales tax.

To Higher Education.

HB 767 (By Lozano), Relating to an exemption from ad valorem taxation of the residence homesteads of certain totally disabled veterans.

To Ways and Means.

HB 769 (By Lozano), Relating to the evaluation of potential foster parents and adoptive parents.

To Human Services.

HJR 68 (By Hopson), Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes from \$15,000 to \$30,000 and providing for a reduction of the limitation on the total amount of taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount.

To Ways and Means.

HJR 70 (By Paxton), Proposing a constitutional amendment regarding the maximum rate of growth of appropriations and the use of unencumbered surplus general revenues to fund the state's rainy day fund and a public school property tax relief fund.

To Appropriations.

SIGNED BY THE SPEAKER

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

Senate List No. 6

SCR 13

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-FOURTH DAY — WEDNESDAY, FEBRUARY 23, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 52).

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

Absent — Aycock; Naishtat.

The invocation was offered by Wayne Wolfe, pastor, Shady Grove Baptist Church, Emory, as follows:

Heavenly Father, I bow before you today and acknowledge you as my Lord. I stand in awe and amazement of your mighty works and your majesty. The Bible gives us evidence of your love, mercy, and grace. It tells us that you know our hearts and our thoughts. It teaches us that "every kingdom divided against itself is brought to desolation; and every city or house divided against itself shall not stand."

I acknowledge that today we have not always done that which was right according to your word. But as we look to the past, I thank you for your kindness and love. I ask that you guide us in the way of the truth, for we need your hand upon us. We are encouraged by your promise never to leave nor forsake us.

I now pray that you abundantly bless each member of this body, and as you work through them, may each and everything they do bring honor to you and be a blessing to others. Prompt us often to seek direction from you in prayer. Lead us on the right road and we will be careful to give you the praise. In Christ's name. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Martinez who presented Dr. Audrey Jones of Alamo as the "Doctor for the Day."

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

(L. Gonzales in the chair)

HR 496 - ADOPTED (by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 496**.

The motion prevailed.

The following resolution was laid before the house:

HR 496, Recognizing February 23, 2011, as Hill County Day at the State Capitol.

HR 496 was read and was adopted.

(Aycock now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Pitts who introduced a delegation from Hill County.

HR 501 - ADOPTED (by Simpson)

Representative Simpson moved to suspend all necessary rules to take up and consider at this time **HR 501**.

The motion prevailed.

The following resolution was laid before the house:

HR 501, Recognizing February 2011 as National AMBUCS Visibility Month and commending the Longview chapter of AMBUCS for their work to foster mobility and independence of people with disabilities.

HR 501 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Flynn who introduced a delegation from Rains County.

HR 155 - ADOPTED (by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 155**.

The motion prevailed.

The following resolution was laid before the house:

HR 155, Recognizing February 23, 2011, as Rains County Day at the State Capitol.

(Naishtat now present)

HR 155 was read and was adopted.

On motion of Representative Pitts, the names of all the members of the house were added to **HR 155** as signers thereof.

HR 497 - ADOPTED (by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 497**.

The motion prevailed.

The following resolution was laid before the house:

HR 497, Honoring the 2010-2011 members and organizers of the Leadership Hillsboro program.

HR 497 was read and was adopted.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. tomorrow.

The motion prevailed.

HR 532 - ADOPTED (by Legler)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **HR 532**.

The motion prevailed.

The following resolution was laid before the house:

HR 532, Recognizing February 23, 2011, as Lions Club Day at the State Capitol.

HR 532 was read and was adopted.

On motion of Representative Weber, the names of all the members of the house were added to **HR 532** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Legler who introduced members of the Texas chapter of Lions Clubs International.

HR 554 - ADOPTED (by Weber)

Representative Weber moved to suspend all necessary rules to take up and consider at this time **HR 554**.

The motion prevailed.

The following resolution was laid before the house:

HR 554, Recognizing February 23, 2011, as Matagorda County Day at the State Capitol.

HR 554 was read and was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HR 554** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Weber who introduced a delegation from Matagorda County.

HR 503 - ADOPTED (by Button)

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 503**.

The motion prevailed.

The following resolution was laid before the house:

HR 503, Recognizing February 23, 2011, as Girl Scouts Day at the State Capitol.

HR 503 was read and was adopted.

HR 428 - ADOPTED (by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 428**.

The motion prevailed.

The following resolution was laid before the house:

HR 428, In memory of Michael Todd Greene of Roans Prairie.

HR 428 was read and was unanimously adopted by a rising vote.

On motion of Representative Berman, the names of all the members of the house were added to **HR 428** as signers thereof.

HR 116 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 116**.

The motion prevailed.

The following resolution was laid before the house:

HR 116, Commemorating the centennial of The University of Texas at Austin Department of Government.

HR 116 was read and was adopted.

On motion of Representative D. Howard, the names of all the members of the house were added to **HR 116** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Naishtat who introduced representatives of The University of Texas at Austin Department of Government.

HR 514 - ADOPTED
(by Hochberg)

Representative Hochberg moved to suspend all necessary rules to take up and consider at this time **HR 514**.

The motion prevailed.

The following resolution was laid before the house:

HR 514, In memory of Deborah Lynn "Debbie" Friedman.

HR 514 was read and was unanimously adopted by a rising vote.

On motion of Representative D. Howard, the names of all the members of the house were added to **HR 514** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Creighton who introduced representatives of the Children's Advocacy Centers of Texas.

HR 161 - ADOPTED
(by Creighton)

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 161**.

The motion prevailed.

The following resolution was laid before the house:

HR 161, Recognizing February 23, 2011, as Children's Advocacy Centers of Texas Day at the Capitol.

HR 161 was read and was adopted.

HR 521 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 521**.

The motion prevailed.

The following resolution was laid before the house:

HR 521, Recognizing February 23, 2011, as Rio Grande City Day at the State Capitol.

HR 521 was read and was adopted.

On motion of Representative Muñoz, the names of all the members of the house were added to **HR 521** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced a delegation from Rio Grande City.

HR 538 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 538**.

The motion prevailed.

The following resolution was laid before the house:

HR 538, Honoring the Texas tourism industry.

HR 538 was read and was adopted.

On motion of Representative Sheffield, the names of all the members of the house were added to **HR 538** as signers thereof.

HR 549 - ADOPTED
(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 549**.

The motion prevailed.

The following resolution was laid before the house:

HR 549, Recognizing February 23, 2011, as Sheriffs' Association of Texas Day at the Capitol.

HR 549 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Kolkhorst who introduced representatives of the Sheriffs' Association of Texas.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 567 - ADOPTED

(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 567**.

The motion prevailed.

The following resolution was laid before the house:

HR 567, Congratulating Robert James Pradia of Houston on the occasion of his 90th birthday.

HR 567 was adopted.

HR 495 - ADOPTED

(by Woolley)

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 495**.

The motion prevailed.

The following resolution was laid before the house:

HR 495, Recognizing February 20 through 27, 2011, as Texas Saves Week.

HR 495 was read and was adopted.

HR 517 - ADOPTED

(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 517**.

The motion prevailed.

The following resolution was laid before the house:

HR 517, Recognizing February 23, 2011, as Osteopathic Medicine Day at the State Capitol.

HR 517 was read and was adopted.

On motion of Representative Shelton, the names of all the members of the house were added to **HR 517** as signers thereof.

SCR 17 - ADOPTED
(Legler - House Sponsor)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **SCR 17**.

The motion prevailed.

The following resolution was laid before the house:

SCR 17, Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, February 17, 2011, and ending on Tuesday, February 22, 2011.

The resolution was adopted by (Record 53): 147 Yeas, 0 Nays, 2 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, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent — Paxton.

MOTION FOR ONE RECORD VOTE

On motion of Representative Legler and by unanimous consent, the house agreed to use the record vote taken on adoption of **SCR 17** for **SCR 21** and for the adoption of all future resolutions granting the legislature permission to adjourn for more than three days during the 82nd Legislature.

SCR 21 - ADOPTED
(Legler - House Sponsor)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **SCR 21**.

The motion prevailed.

The following resolution was laid before the house:

SCR 21, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 23, 2011, and ending on Monday, February 28, 2011.

SCR 21 was adopted. (See Record No. 53, House Journal, 82nd Regular Session (2011), page 468)

COMMITTEE APPOINTED

The chair announced the appointment of the following committee to escort Chief Justice Wallace B. Jefferson to the speaker's rostrum: Jackson, chair; Lewis, Scott, S. Davis, and Hartnett.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Select Committee on Election Contest, 1 p.m. today, E1.010, to consider the master's report.

HOUSE AT EASE

At 11:29 a.m., the chair announced that the house would stand at ease.

**ADDRESS BY THE HONORABLE WALLACE B. JEFFERSON
(The House of Representatives and the Senate in Joint Session)**

At 11:30 a.m. and in accordance with the provisions of **HCR 43**, providing for a joint session of the senate and house of representatives for the purpose of hearing an address by the Honorable Wallace B. Jefferson, chief justice of the Supreme Court of Texas, the Honorable Steve Ogden, president pro tempore of the senate, and the honorable senators were announced at the door of the house and were admitted.

The Honorable Wallace B. Jefferson was announced at the door of the house and, being admitted, was escorted by Senators Harris, chair; Ellis, Huffman, Nichols, and Rodriguez, committee on the part of the senate; and Representatives Jackson, chair; Lewis, Scott, S. Davis, and Hartnett, committee on the part of the house.

The Honorable Steve Ogden, president pro tempore of the senate, called the senate to order and stated that a quorum of the senate was present.

The Honorable Joe Straus, speaker of the house, called the house to order and stated that a quorum of the house of representatives was present.

Speaker Straus announced that the two houses were in joint session pursuant to **HCR 43** for the purpose of hearing an address by the Honorable Wallace B. Jefferson, chief justice of the Supreme Court of Texas.

Speaker Straus recognized members of the Supreme Court of Texas, members of the Court of Criminal Appeals of Texas, members of the Courts of Appeals of Texas, administrative judges, former Chief Justice Jack Pope, and Rhonda Jefferson, wife of Chief Justice Jefferson.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Billy Collins.

President Pro Tempore Ogden introduced Chief Justice Jefferson, who addressed the joint session, speaking as follows:

Senator Ogden, Speaker Straus, representatives and senators, my colleagues on the great courts of Texas, I am honored to stand before you today to deliver my fourth address. I have had the great privilege to lead a conference of the nation's chief justices, to see how their states adapt to the current economic climate, to compare our system of justice to theirs. We have good reason to be proud of our state. Texas is a leader in so many ways. We have the best Judicial Commission on Children, Youth, and Families thanks to the vision of my former colleague, Harriet O'Neill, the leadership of Justice Eva Guzman, and an excellent staff headed by Tina Amberboy. We have one of the strongest Access to Justice Commissions, which provides lawyers to Texans who cannot afford legal representation. We asked Jim Sales to lead that commission, and now Harry Reasoner, and I have to say, it is rare to see such passion from pure volunteers. Leadership, vision, passion—these are essential. Justice also requires action. I have the great privilege of addressing in this room the great leaders of our state who have a vision for a better Texas, the passion to move public policy toward that end. Today, I am calling for action on several fronts.

The Supreme Court of Texas hears only civil matters. But by constitution, custom, and statute, we also have jurisdiction over juvenile cases. Those files cross our desks from time to time. We read the record, apply the law, and move on to the next case. I got a call a few months ago from a judge who said, "Chief, I would like you to see the faces behind those files." And so I sat in on Judge Jeanne Meurer's court and observed a day in the lives of families dealing with juvenile offenders. The experience would change you.

I have seen the faces of little girls addicted to methamphetamine, of teenage car thieves, of bullies. I have heard the pleas of frustrated working mothers and desperate public defenders. Sending juveniles away to remote detention centers is sometimes necessary, but it is not the answer to our societal problem. The future of Texas youth depends on rehabilitative services, on psychiatric care, on vocational training. More than 25 percent of Texas children live in poverty. Thirty-three percent of youth referred to juvenile probation have a diagnosed mental illness, and 60 percent of our sons and daughters incarcerated in the Texas Youth Commission need mental health treatment.

Schools are central to this equation. More than 80 percent of Texas adult prison inmates are school dropouts. Charging kids with criminal offenses for low-level behavioral issues exacerbates the problem. Among those suspended and expelled, minority and special education students are heavily overrepresented. Of course, disruptive behavior must be addressed, but criminal records close doors to opportunities that less punitive intervention would keep open. Let us endeavor to give them a chance at life before setting them on a path into the adult criminal justice system.

So let me announce my first plea for action. This one is easy. Jeanne Meurer is in the trenches; she knows how to reach these kids and she understands the challenges facing our parents and schools. When Jeanne Meurer calls you and asks for your help, file the bill, appropriate the funds, sign the Act.

I mentioned access to justice earlier. The increasing inaccessibility of legal services—for the poor, for even the middle class—undermines the rule of law for us all. We are a nation and state that believes the law provides protection for those who are most powerful, for those who are most vulnerable. But today, the courthouse door is closed to many who have lost their jobs, to military veterans who are on the streets, to women who suffer physical abuse from cowards.

The combination of increased poverty rates, reduced interest rates on legal aid accounts, and a statewide budget crisis threatens to leave Texas' neediest communities without basic access to justice. I commend the State Bar and its president, Terry Tottenham, for creating Texas Lawyers for Texas Veterans, which will provide legal services to those men and women who risked their lives to protect the freedoms we hold dear. How are we, as a state, going to answer the cries of nearly 6 million Texans eligible for legal aid but who are turned away because funding is inadequate?

Here, then, is my second call to action. Even in the face of a tremendous budget crisis, I ask the legislature to duplicate what it courageously did last session and appropriate \$20 million dollars from general revenue for basic civil legal services. Advance legislation that would add a small fee to case filings so that money is available to help Texans secure the legal rights that our constitution and laws give them.

Our commitment to equal justice does not end with civil justice. Recent efforts to find and rectify wrongful convictions in Texas provide a promising example of how our courts are working to free the innocent. The Court of Criminal Appeals of Texas has worked with the Timothy Cole Advisory Panel, established by the legislature last session, to study the causes of and solutions to wrongful convictions in our state. In the last 10 years, more than 40 Texas prisoners have been exonerated based on DNA evidence. This is not just a Texas problem, but no other state has found an equal number of wrongfully convicted prisoners.

Yet Texas ranks among the lowest of the 50 states in how much money it spends per person on indigent defense. Projected cuts to expenditures from the fair defense account created by the legislature would drain the system of resources we need to assure indigent criminal defendants get competent lawyers who make the system fair. We need to fund criminal justice initiatives that will make investigations more accurate, trials more just, and DNA evidence more widely available.

We in the judiciary are trying to do our part. The Court of Criminal Appeals' Criminal Justice Integrity Unit organized a two-day forensic science seminar, educating over 400 attorneys, judges, police officers, legislators, and lab personnel on evidence standards and specific sciences. The judicial Task Force on

Indigent Defense recently helped establish the Harris County Public Defender's Office. Up to that time, Harris County was the largest urban jurisdiction in the country without a public defender office.

My third call for action is to ask this legislature to support these efforts to make our criminal justice system fair. I commend Senator Ellis for his work on these issues, and I commend those of you in this room who will work to pass the bills and fund the projects that will ensure no innocent person languishes in our prisons.

All that I have discussed depends on an impartial system of justice overseen by the judicial branch. We lost one of that branch's greatest leaders, Joe Greenhill, less than two weeks ago. He told me once that he regretted that Texas has continued to elect judges on a partisan basis. I regret it, too. A justice system built on some notion of democratic judging or republican judging is a system that cannot be trusted. I urge the legislature to send the people a constitutional amendment that would allow judges to be selected on their merit.

If we do not reform it completely, judicial elections can at least be changed. And so my final call to action is that we consider common sense solutions to the problems that plague partisan election of judges. First, I would eliminate straight-ticket voting that allows judges to be swept from the bench, not for poor work ethic, not for bad temperament, not even for their controversial but courageous decisions, but because of party affiliation. We saw this in Dallas County four years ago and in Harris County in the 1990s, in 2008, and just last year—hordes of judges replaced for no good reason.

Let's extend terms for state judges from four years to six for district court judges and from six years to eight for appellate court judges. This will avoid some of the overhaul that occurs each election cycle and drastically slows down the system. And let's bring sense to the process to allow a judge appointed to an unexpired term to serve a full term before having to face the voters. That will give her or him experience and, this is important, a record to run on. We can do this, if not more.

Finally, as I reflected on the passing of Joe Greenhill, I wondered what it must have been like to preside over the supreme court in 1957, just a few years after *Brown v. Board of Education*. What was Texas like then? What was it like 100 years earlier? If you are curious, like I am, then you will support our effort to preserve the documents of our past, which currently lie rotting in boxes and file cabinets, literally crumbling on courthouse shelves. Faced with this vanishing history, our supreme court established in 2009 the Texas Court Records Preservation Task Force. Led by public officials and private citizens, the task force has found documents about Sam Houston, litigation surrounding Native American Indians, immigration records in Galveston County—some of your families first came to Texas through that port—and other exciting periods in our history. This session, the legislature will be asked to address whether court clerks should retain such historic records. My recommendation is an emphatic yes. These documents are our living history, the parchment of our past. They prove to us not only that we rose from the severest of circumstances, but that we forged ahead and became stronger for it.

Why does the past matter? Not only because it tells us who we have been, but also because it reminds us who we are, and what we will become. As Texans, we have much to be proud of. Our courts struggle to provide the promptest and most efficient resolutions for litigants. And yet, a system that cannot provide equal access to justice, that does not protect the endangered and the vulnerable; a system that permits politics to take precedence over merit; and one that allows the innocent to remain behind bars—well, that is the reason you are here. I ask you to take action this session. Give us the assurance that, at this crucial juncture, we did not turn our backs on the neediest among us, but continued to serve them as the constitution so strongly demands.

REMARKS ORDERED PRINTED

Senator Harris and Representative Jackson moved to print remarks by Chief Justice Jefferson.

The motion prevailed.

SENATE RECESS

At 12:02 p.m., President Pro Tempore Ogden stated that the purpose for which the joint session was called had been completed and that the senate would, in accordance with a previous motion, stand recessed until 1 p.m. today.

HOUSE AT EASE

At 12:02 p.m., the speaker announced that the house would stand at ease pending the departure of guests.

(Alvarado in the chair)

The chair called the house to order at 12:16 p.m.

PROVIDING FOR ADJOURNMENT

Representative Hardcastle moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Edward L. Lehman, Jr., of Vernon.

The motion prevailed.

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

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

(Speaker in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:32 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 763 (By Lozano), Relating to the creation of the offense of unlawful transport of an undocumented person.

To State Affairs.

HB 768 (By Lozano), Relating to the provision of drug court programs in this state.

To Corrections.

HB 770 (By Lozano), Relating to the punishment prescribed for the offense of bail jumping and failure to appear.

To Criminal Jurisprudence.

HB 772 (By Riddle), Relating to the applicability of certain laws to certain sex offenders.

To Criminal Jurisprudence.

HB 773 (By Anchia), Relating to creating an energy efficiency council to coordinate administration of energy efficiency programs.

To Energy Resources.

HB 774 (By Anchia), Relating to renewable energy capacity, jobs, and trading credits.

To Energy Resources.

HB 775 (By Anchia), Relating to the adoption of energy efficiency, conservation, and indoor air quality standards for the design, construction, and renovation of public school instructional facilities.

To Energy Resources.

HB 776 (By Anchia), Relating to the rights of distributed renewable generation owners and certain parties who provide distributed renewable generation to retail electric customers.

To State Affairs.

HB 777 (By Gonzalez), Relating to court costs imposed on conviction and deposited to the courthouse security fund.

To Criminal Jurisprudence.

HB 778 (By Gonzalez), Relating to the execution of lawful process by county jailers.

To Criminal Jurisprudence.

HB 779 (By P. King), Relating to the state's or a governmental entity's direct or indirect use of state or local tax revenue to finance the performance of an elective abortion or elective abortion-related service.

To State Affairs.

HB 780 (By P. King), Relating to the abolition of school district maintenance and operations ad valorem taxes.

To Ways and Means.

HB 781 (By P. King), Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 782 (By Y. Davis), Relating to a requirement that certain bond issuers obtain an appraisal of property that is to be purchased with bond proceeds.

To Urban Affairs.

HB 783 (By Y. Davis), Relating to certain offenses that involve impersonating a peace officer or other public servant and misrepresenting the nature of certain property.

To Criminal Jurisprudence.

HB 784 (By Y. Davis), Relating to the application of the sunset review process to certain exemptions from property taxes and state taxes.

To Ways and Means.

HB 785 (By Y. Davis), Relating to restrictions on the use of state funds to benefit private entities that outsource jobs to foreign countries.

To Economic and Small Business Development.

HB 786 (By Y. Davis), Relating to HIV and AIDS tests and to health benefit plan coverage of HIV and AIDS tests.

To Insurance.

HB 787 (By Kuempel), Relating to abandoned, wrecked, dismantled, discarded, and inoperable aircraft and watercraft.

To Transportation.

HB 788 (By Kuempel), Relating to the establishment and use of a private family cemetery by certain organizations.

To Public Health.

HB 789 (By Kuempel), Relating to the duties of and the application of the professional prosecutors law to the county attorneys in Gonzales and Lavaca Counties and to the duties of the district attorney for the 25th Judicial District.

To Judiciary and Civil Jurisprudence.

HB 790 (By Kuempel), Relating to the continuing issuance of freshwater fishing stamps by the Parks and Wildlife Department.

To Culture, Recreation, and Tourism.

HB 791 (By Lewis), Relating to prohibiting certain contracts for investment services for state funds.

To Pensions, Investments, and Financial Services.

HB 792 (By Zerwas), Relating to the notice requirements for and effective date of a service plan filed by the Department of Family and Protective Services with regard to a child.

To Human Services.

HB 793 (By Zerwas), Relating to parent education and family stabilization courses in certain suits affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 794 (By Zerwas), Relating to investigations of child abuse or neglect, including the placement of children removed from their homes as a result of an investigation.

To Human Services.

HB 795 (By Zerwas), Relating to the franchise tax and alternative revenue sources and spending priorities for this state.

To Ways and Means.

HB 796 (By Zerwas), Relating to consent before a dentist or dental hygienist may clean teeth without performing an x-ray.

To Public Health.

HB 797 (By P. King), Relating to the venue for the filing of certain applications by a pregnant minor with respect to an abortion.

To State Affairs.

HB 798 (By Creighton), Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Ways and Means.

HB 799 (By Christian), Relating to where certain justice of the peace courts may be held.

To Judiciary and Civil Jurisprudence.

HB 801 (By C. Anderson), Relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.

To Natural Resources.

HB 802 (By Bonnen), Relating to the authority of a municipality to regulate door-to-door solicitation and sales by an alarm systems company.

To Homeland Security and Public Safety.

HB 803 (By Bonnen), Relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.

To Ways and Means.

HB 804 (By Lewis), Relating to the offense of illegal voting by a person who is not a United States citizen.

To State Affairs.

HB 805 (By Callegari), Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

To Natural Resources.

HB 806 (By D. Howard), Relating to the appointment of a campaign treasurer and filing of reports of political contributions and expenditures by certain candidates.

To Elections.

HB 807 (By Parker), Relating to the notice provided to a foster parent before a change in a child's foster care placement.

To Human Services.

HB 808 (By Lozano), Relating to the identification of courses included in the common course numbering system to be offered by and the transferability of those courses among public institutions of higher education.

To Higher Education.

HB 809 (By Darby), Relating to the use of certain fees collected for pretrial intervention programs offered in a county.

To Criminal Jurisprudence.

HB 810 (By Darby), Relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

To Judiciary and Civil Jurisprudence.

HB 811 (By Darby), Relating to the powers and duties of the Scurry County Hospital District.

To County Affairs.

HB 812 (By P. King), Relating to the definition of peace officer for purposes of intercepting or collecting information in relation to certain communications in an investigation of criminal conduct.

To Homeland Security and Public Safety.

HB 813 (By Gutierrez), Relating to the election of the commissioner of insurance.

To Insurance.

HB 814 (By Gutierrez), Relating to the Edwards Aquifer Authority's power to regulate the transportation of groundwater out of certain counties.

To Natural Resources.

HB 815 (By Paxton), Relating to the state highway fund.

To Appropriations.

HB 816 (By Hunter), Relating to health plan and health benefit plan coverage for abortions.

To State Affairs.

HB 817 (By Hughes), Relating to the computation of taxable margin for purposes of the franchise tax by certain taxable entities.

To Ways and Means.

HB 818 (By D. Howard), Relating to use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school.

To Public Education.

HB 819 (By Farrar), Relating to abolishing the death penalty.

To Criminal Jurisprudence.

HB 820 (By Farrar), Relating to monitoring air contaminants under the Texas Clean Air Act.

To Environmental Regulation.

HB 821 (By Farrar), Relating to a prohibition on the disposal of certain used equipment at a municipal solid waste facility; creating an offense.

To Environmental Regulation.

HB 822 (By Farrar), Relating to reducing mercury emissions from electric generating facilities; providing for an administrative penalty.

To Environmental Regulation.

HB 823 (By Farrar), Relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

To Judiciary and Civil Jurisprudence.

HB 824 (By Villarreal), Relating to an outreach campaign to promote fathers' involvement with their children before birth.

To Human Services.

HB 825 (By Anchia), Relating to protective orders for stalking victims.

To Criminal Jurisprudence.

HB 826 (By Farias), Relating to facilitating the enrollment in or transfer to a public school district of a student in the conservatorship of the state.

To Public Education.

HB 827 (By Farias), Relating to requirements for certain human sexuality instruction presentations in public schools.

To Public Education.

HB 828 (By Farias), Relating to notice to parents of public school students regarding human sexuality instruction.

To Public Education.

HB 829 (By Farias), Relating to including in local school health advisory council reports to school district boards of trustees explanations of campus compliance with the requirement for setting, in campus improvement plans, goals and objectives for campus coordinated health programs.

To Public Education.

HB 830 (By Dutton), Relating to the consideration of the cumulative effects of air contaminant emissions in the emissions permitting process.

To Environmental Regulation.

HB 831 (By Craddick), Relating to the authority of certain local governmental entities to borrow money for a public hospital.

To County Affairs.

HB 832 (By Lozano), Relating to a cost of living increase applicable to benefits paid by the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 833 (By Lozano), Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran or the principal residence of the surviving minor children of such a disabled veteran.

To Ways and Means.

HB 834 (By Hernandez Luna), Relating to supplemental breast cancer screening.

To Public Health.

HB 835 (By Parker), Relating to standing for certain individuals to file a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 836 (By Shelton), Relating to certain persons receiving mental health services.

To Public Health.

HB 837 (By V. Taylor), Relating to the authority of peace officers to request thumbprints during motor vehicle stops.

To Homeland Security and Public Safety.

HB 838 (By Elkins), Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To State Affairs.

HB 839 (By Elkins), Relating to treatment under the public school finance system of school district revenue resulting from reduction or elimination of an optional homestead exemption.

To Public Education.

HB 840 (By Gonzalez), Relating to the power and authority of the El Paso County Hospital District, and related entities, to employ physicians and dentists.

To County Affairs.

HB 841 (By Gonzalez), Relating to certain statutory references to the Department of Family and Protective Services.

To Human Services.

HB 1375 (By Bohac), Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To State Affairs.

HJR 72 (By P. King), Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled.

To Ways and Means.

HJR 73 (By P. King), Proposing a constitutional amendment abolishing school district maintenance and operations ad valorem taxes.

To Ways and Means.

HJR 74 (By Creighton), Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or more of the appraised value of the property for the preceding tax year.

To Ways and Means.

HJR 75 (By Paxton), Proposing a constitutional amendment prescribing the purposes for which revenue from motor vehicle registration fees, certain motor vehicle-related taxes, and certain revenues received from the federal government may be used.

To Appropriations.

HJR 76 (By Lozano), Proposing a constitutional amendment authorizing an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a totally disabled veteran or the principal residence of the surviving minor children of such a disabled veteran.

To Ways and Means.

HR 486 (By Gallego), Congratulating Sue Zukowski of Alpine on her retirement from Sul Ross State University.

To Rules and Resolutions.

HR 487 (By Gallego), Congratulating Glenn Ratliff of Monahans on his 100th birthday.

To Rules and Resolutions.

HR 489 (By Gallego), In memory of Lon Felts, Jr., of Uvalde.

To Rules and Resolutions.

HR 490 (By Gallego), In memory of Joyce Ann Probst of Alpine.

To Rules and Resolutions.

HR 491 (By Gallego), In memory of Vernon Neal Billings of Val Verde County.

To Rules and Resolutions.

HR 492 (By Gallego), Honoring the Del Rio High School Mariachi Band for performing at the State Capitol on the opening day of the 82nd Legislative Session.

To Rules and Resolutions.

HR 498 (By Pitts), In memory of longtime Legislative Budget Board analyst Val Shepperd of Austin.

To Rules and Resolutions.

HR 500 (By Hardcastle), In memory of Texas Department of Public Safety Senior Corporal David Ralph Slaton of Bowie.

To Rules and Resolutions.

HR 502 (By Naishtat), Honoring Cindy Morphew of Austin for donating a kidney to a fellow Texan.

To Rules and Resolutions.

HR 505 (By Carter), Commending Jack James for his exemplary service with the Garland Fire Department.

To Rules and Resolutions.

HR 506 (By Carter), Congratulating E. Leon Carter on his receipt of the 2011 Martin Luther King, Jr., Justice Award from the Dallas Bar Association.

To Rules and Resolutions.

HR 507 (By Schwertner), In memory of Makenzi Knickole Papasan of Leander.

To Rules and Resolutions.

HR 509 (By Cain), Congratulating Judge Lester Crutchfield and Irelene Crutchfield on their 50th wedding anniversary.

To Rules and Resolutions.

HR 511 (By Dutton), Congratulating Patricia Lindsey on her retirement from the City of Houston Health and Human Services Department.

To Rules and Resolutions.

HR 512 (By Phillips), In memory of Donato P. Rodriguez, Jr.

To Rules and Resolutions.

HR 513 (By Phillips), Recognizing February 24, 2011, as Texas Farm Bureau District 4 Day at the State Capitol.

To Rules and Resolutions.

HR 516 (By Anchia), Honoring Ambassador Ron Kirk for his service as United States trade representative.

To Rules and Resolutions.

HR 518 (By Eiland), In memory of James Polk Simpson.

To Rules and Resolutions.

HR 519 (By McClendon), In memory of Diana S. Dupre of San Antonio.
To Rules and Resolutions.

HR 520 (By McClendon), In memory of Florence Alcoser of San Antonio.
To Rules and Resolutions.

HR 522 (By Aliseda), Recognizing March 16, 2011, as Karnes County Day
at the State Capitol.

To Rules and Resolutions.

HR 524 (By Hunter), Commending the Patriot Guard Riders of South Texas
for outstanding service in behalf of American military personnel and their
families.

To Rules and Resolutions.

HR 527 (By Aliseda), Recognizing March 17, 2011, as Bee County Day at
the State Capitol.

To Rules and Resolutions.

HR 528 (By Aliseda), Recognizing March 29, 2011, as Goliad County Day
at the State Capitol.

To Rules and Resolutions.

HR 529 (By Cain), Congratulating Aaron and Melba Brannon of Sulphur
Springs on their 65th wedding anniversary.

To Rules and Resolutions.

HR 530 (By Schwertner), In memory of J. D. Thomas, Jr., of Georgetown.

To Rules and Resolutions.

HR 531 (By Madden), Welcoming members of the McDermott Scholars
Program to the State Capitol.

To Rules and Resolutions.

HR 533 (By Frullo), Congratulating Lonnie Balch on being named the 2011
Lubbock Area United Way Agency Volunteer of the Year.

To Rules and Resolutions.

HR 535 (By Murphy), Commemorating the 19th anniversary of the Khojaly
Massacre in Azerbaijan.

To Rules and Resolutions.

HR 537 (By Flynn), Congratulating Ray and Euna Rugg of Canton on their
68th wedding anniversary.

To Rules and Resolutions.

HR 539 (By Eiland), Honoring the Texas Physical Therapy Association.

To Rules and Resolutions.

HR 540 (By T. King), Commemorating the 2011 Fort Clark Days and the
Lipan Apache Band of Texas Pow Wow.

To Rules and Resolutions.

HR 541 (By T. Smith), Honoring Lois Steele Newsom of Donie.

To Rules and Resolutions.

HR 542 (By Marquez), In memory of Hector Raul Bermudez of El Paso.
To Rules and Resolutions.

HR 543 (By Marquez), In memory of Eugene Calabro, Sr., of El Paso.
To Rules and Resolutions.

HR 544 (By Marquez), In memory of Magdalena Rodriguez Ybarra of El Paso.
To Rules and Resolutions.

HR 545 (By Marquez), Recognizing the "Getting to the Heart of the Matter" program sponsored by The Arc of Texas.
To Rules and Resolutions.

HR 546 (By Marquez), Honoring the City of El Paso for earning a 2011 Gold Leadership Circle Award from the Texas Comptroller Leadership Circle program in recognition of the city's online financial transparency.
To Rules and Resolutions.

HR 547 (By Marquez), Commemorating the 125th anniversary of the founding of the El Paso YMCA.
To Rules and Resolutions.

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

HB 636 (By Zerwas), Relating to creation of the Texas Health Insurance Connector.
To Insurance.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, February 23, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 21 Whitmire SPONSOR: Legler
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 23, 2011, and ending on Monday, February 28, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-FIFTH DAY — THURSDAY, FEBRUARY 24, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 54).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; 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; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Driver; Oliveira; Smith, W.; Truitt.

Absent — Anchia.

The invocation was offered by Terry Pugh, pastor, First United Pentecostal Church, Odessa, as follows:

Our Father, which art in heaven, hallowed be thy name. Thy kingdom come. Thy will be done, on earth as it is in heaven.

I pray, O God, that your will and your purpose will be fulfilled in our nation. I pray that you will direct the decisions and the actions of those who are leaders of our country.

I pray, Father, that you would guide the men and women who have been elected to serve in leadership roles in the State of Texas. The leaders in this room are faced with difficult challenges and tough decisions. They are dealing with issues that do not have simple solutions. I ask that you will give the leaders in this room wisdom, so they will know what is best for Texas. Also give them the

courage to do what is best for Texas. Give to each of them the confidence to stand alone, the boldness to make tough decisions, and the compassion to listen to the needs of the powerless. I pray, Savior, that you will not only give them wisdom and courage, but I pray that you will bless them and their families. Keep your hand of protection upon them. Let the peace that passes all understanding rule in their hearts and in their homes.

O God of heaven, I pray that you will be with all of our soldiers. But be especially close to those who are stationed in Iraq, Afghanistan, and the other hot spots around the world. Protect them from harm. Shield their minds from overwhelming fear, and let them find a shelter in your presence. In Jesus' name, I pray. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Driver on motion of Brown.

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

Oliveira on motion of Deshotel.

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

W. Smith on motion of Brown.

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

Truitt on motion of Brown.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Kleinschmidt who presented Dr. Steven Yount of Bastrop as the "Doctor for the Day."

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

LEAVE OF ABSENCE GRANTED

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

Lucio on motion of V. Gonzales.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Anchia now present)

**HR 516 - ADOPTED
(by Anchia and Sheets)**

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 516**.

The motion prevailed.

The following resolution was laid before the house:

HR 516, Honoring Ambassador Ron Kirk for his service as United States trade representative.

HR 516 was read and was adopted.

On motion of Representative Reynolds, the names of all the members of the house were added to **HR 516** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Anchia who introduced Ambassador Ron Kirk, who briefly addressed the house.

(Workman in the chair)

**HR 458 - ADOPTED
(by Cain)**

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 458**.

The motion prevailed.

The following resolution was laid before the house:

HR 458, Congratulating Earl and Evelyn Glenn of Sulphur Springs on their 70th wedding anniversary.

HR 458 was adopted.

**HR 472 - ADOPTED
(by Lavender)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 472**.

The motion prevailed.

The following resolution was laid before the house:

HR 472, Honoring the Joseph "Jo Jo" Westmoreland Scholarship Fund BBQ in Hughes Springs.

HR 472 was adopted.

HR 591 - ADOPTED
(by Bonnen)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 591**.

The motion prevailed.

The following resolution was laid before the house:

HR 591, Commemorating the dedication of the John Dewey Municipal Justice Center in Lake Jackson.

HR 591 was adopted.

HR 555 - ADOPTED
(by Weber)

Representative Weber moved to suspend all necessary rules to take up and consider at this time **HR 555**.

The motion prevailed.

The following resolution was laid before the house:

HR 555, Recognizing February 23, 2011, as Pearland Day at the State Capitol.

HR 555 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Weber who introduced a delegation from Pearland.

HR 449 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 449**.

The motion prevailed.

The following resolution was laid before the house:

HR 449, Welcoming the AP U.S. politics and government class from the New Braunfels Christian Academy to the State Capitol.

HR 449 was read and was adopted.

HR 540 - ADOPTED
(by T. King, et al.)

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 540**.

The motion prevailed.

The following resolution was laid before the house:

HR 540, Commemorating the 2011 Fort Clark Days and the Lipan Apache Band of Texas Pow Wow.

HR 540 was adopted.

LEAVE OF ABSENCE GRANTED

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

L. Gonzales on motion of Otto.

HR 592 - ADOPTED (by Hughes, et al.)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 592**.

The motion prevailed.

The following resolution was laid before the house:

HR 592, Recognizing February 24, 2011, as Responsible Pet Owners Alliance Day at the State Capitol.

HR 592 was read and was adopted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Otto moved to suspend the five-day posting rule to allow the Committee on Appropriations, Subcommittee on Article III, to meet upon adjournment of the Committee on Appropriations meeting tomorrow in E1.030.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Callegari requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 59 (by Berman), Designating February 28 to March 1, 2011, as East Texas Coalition Days at the State Capitol.

HR 18 was withdrawn.

HR 20 (by Flynn), Commemorating the 100th anniversary of the First State Bank of Ben Wheeler.

HR 21 (by Alonzo), Congratulating Reynaldo Lopez on being named Coach of the Year by NTSA-USA.

HR 28 (by Alonzo), Recognizing the 24th annual Grand Prairie Cinco de Mayo celebration.

HR 29 (by Alonzo), Recognizing the 25th annual Grand Prairie Cinco de Mayo celebration.

HR 30 (by Alonzo), Commemorating the 108th anniversary of Oak Cliff's annexation to Dallas.

HR 31 (by Alonzo), Commemorating the 109th anniversary of Oak Cliff's annexation to Dallas.

HR 34 (by Menendez), Commemorating the 75th anniversary of the Texas Alcoholic Beverage Commission.

HR 35 (by Hardcastle, et al.), Commemorating the 100th anniversary of the Vernon Chamber of Commerce.

HR 36 (by Alonzo), Commemorating the 42nd anniversary of the 1969 Crystal City student walkout.

HR 37 (by Alonzo), Commemorating the 43rd anniversary of the 1969 Crystal City student walkout.

HR 40 (by Alonzo), Honoring the Dallas Association for Bilingual Education for its outstanding record of service to the community and congratulating its 2011 officers.

HR 41 (by Alonzo), Honoring the Dallas Association for Bilingual Education for its outstanding record of service to the community and congratulating its 2012 officers.

HR 42 (by Alonzo), Commemorating the fifth anniversary of the Dallas Mega March for American Values and Justice on April 9, 2011.

HR 43 (by Alonzo), Commemorating the sixth anniversary of the Dallas Mega March for American Values and Justice on April 9, 2012.

HR 46 (by Alonzo), Honoring participants in the University of North Texas Roberto R. Alonzo Bilingual/ESL Education Scholars Program for 2011.

HR 47 (by Alonzo), Honoring participants in the University of North Texas Roberto R. Alonzo Bilingual/ESL Education Scholars Program for 2012.

HR 49 (by Hochberg), Congratulating Rushan Gao of Houston on his achievements in and support of senior games competition.

HR 50 (by Craddick), Congratulating State Representative Beverly Woolley and Lynn Woolley on their 50th wedding anniversary.

HR 52 (by Craddick), Congratulating Sherman and Elaine Wright of Midland on their 50th wedding anniversary.

HR 53 (by Craddick), Congratulating Lester and Carole Headrick of Midland on their 45th wedding anniversary.

HR 54 (by Hilderbran), Congratulating Doyle and Doris Thomas of Kerrville on their 70th wedding anniversary.

HR 56 (by Hilderbran), Congratulating Mary and Howard Conoway of Kerrville on their 77th wedding anniversary.

HR 61 (by Hilderbran), Congratulating Noel and Frances Marie Bryant of Kerrville on their 71st wedding anniversary.

HR 67 (by Solomons), Congratulating Dr. Lee Oneacre on being named 2010 Dentist of the Year by the Dallas County Dental Society.

HR 76 (by Alonzo), Honoring the 2011 and former presidents of the Mexican American Democrats.

HR 77 (by Alonzo), Honoring the 2012 and former presidents of the Mexican American Democrats.

HR 78 (by Alonzo), Commemorating the 163rd anniversary of the date the Treaty of Guadalupe Hidalgo was signed, ending the Mexican War.

HR 79 (by Alonzo), Commemorating the 164th anniversary of the date the Treaty of Guadalupe Hidalgo was signed, ending the Mexican War.

HR 80 (by Alonzo), Commemorating Cinco de Mayo 2011.

HR 81 (by Alonzo), Commemorating Cinco de Mayo 2012.

HR 86 (by Alonzo), Commending members of the Texas Dental Association and Texas Dental Association Smiles Foundation and recognizing the 2011 Texas Missions of Mercy.

HR 87 (by Alonzo), Commending members of the Texas Dental Association and Texas Dental Association Smiles Foundation and recognizing the 2012 Texas Missions of Mercy.

HR 93 (by Craddick), Honoring George and Frances Ratliff of Midland on their 50th wedding anniversary.

HR 94 (by Craddick), Congratulating Ed and Nancy Billingsley of Lamesa on their 50th wedding anniversary.

HR 95 (by Craddick), Congratulating Billy and Sarah Edwards of O'Donnell on their 50th wedding anniversary.

HR 96 (by Craddick), Congratulating Wesley and Donna Teague of Lamesa on their 50th wedding anniversary.

HR 97 (by Craddick), Congratulating Joe and Sheila Matlock of Midland on their 45th wedding anniversary.

HR 98 (by Craddick), Honoring Carriel and Jannette Nipp on their 60th wedding anniversary.

HR 99 (by Christian), Commemorating the dedication of a Texas State Historical Marker at the First United Methodist Church of Buna.

HR 103 was withdrawn.

HR 106 (by Hilderbran), Congratulating Lyle and Colleen McGuffin of Kerrville on their 75th wedding anniversary.

HR 109 (by Hilderbran), Honoring Katie Bridges of Marble Falls for creating the Operation Cover a Friend initiative.

HR 112 (by McClendon), Congratulating Sebastian Lang-Lessing on being named music director of the San Antonio Symphony.

HR 113 (by Solomons), Congratulating Silas Nathaniel Huff on his selection as a U.S. Army band officer.

HR 114 (by Solomons), Congratulating the volleyball team of Hebron High School in Carrollton on winning the UIL 5A state championship.

HR 116 was previously adopted.

HR 119 was withdrawn.

HR 121 was withdrawn.

HR 122 was withdrawn.

HR 123 was withdrawn.

HR 124 was withdrawn.

HR 130 was withdrawn.

HR 132 was withdrawn.

HR 134 (by Button), Honoring Dover Elementary School in Richardson on being named a 2010 Blue Ribbon School by the U.S. Department of Education.

HR 138 was withdrawn.

HR 152 (by Raymond), Honoring former Texas Longhorn Daniel "Colt" McCoy on his achievements as an athlete and volunteer.

HR 153 (by Flynn), Congratulating Larry and Linda Harper of Commerce on their 40th wedding anniversary.

HR 154 (by Flynn), Congratulating Tony and Linda Gavin of Caddo Mills on their 50th wedding anniversary.

HR 155 was previously adopted.

HR 166 (by Callegari), Commemorating the dedication of Stan C. Stanley Elementary School in Katy.

HR 167 (by Callegari), Congratulating David Roy Bull on his graduation from Mountain Vista High School.

HR 168 (by Callegari), Honoring the City of Katy on its receipt of a 2010 Governor's Community Achievement Award.

HR 170 (by Hughes), Congratulating Agnes Eve Pulk Farmer of Wood County on the occasion of her 90th birthday.

HR 173 (by Darby), Honoring Bill Tullos of Arden on being chosen as the recipient of the 2010 National Golden Spur Award.

HR 186 (by Craddick), Commending Carolyn Turner, former district clerk of Dawson County, for her 33 years of service to the county.

HR 191 (by Menendez), Commemorating the 50th anniversary of the founding of VFW Lackland Memorial Post 9174.

HR 207 (by Raymond), Honoring Drew Brees for his outstanding achievements in football and for his charitable works.

HR 208 (by Raymond), Congratulating Ana Rodriguez on her selection as Miss Texas USA 2011.

HR 214 (by Sheffield), Congratulating Bob and Sue Stone of Temple on their 50th wedding anniversary.

HR 217 (by Kolkhorst), Congratulating Dorothy Morgan on her retirement as Washington County judge.

HR 220 (by Hochberg), Honoring the Azerbaijani residents of Houston.

HR 226 (by Callegari), Honoring Daniel Cardinal DiNardo, Archbishop of Galveston-Houston.

HR 227 (by Callegari), Recognizing the opening of Texas Children's Hospital West Campus in Katy.

HR 233 (by Hochberg), Honoring Briarmeadow Charter School in the Houston Independent School District on its selection as a 2010 Blue Ribbon School by the U.S. Department of Education.

HR 234 (by Guillen), Honoring Ruperto Canales, Jr., of San Diego, Texas, for his many years of exemplary service as a coach and teacher.

HR 237 was withdrawn.

HR 246 (by Flynn), Congratulating Brigadier General Victor Ortiz on the occasion of his retirement from the Texas State Guard.

HR 247 (by Flynn), Congratulating Penny Smeltzer of Round Rock ISD on her receipt of the 2010 O'Donnell Texas AP Teacher Award.

HR 249 (by Marquez), Commemorating the opening of the new baseball and softball athletic fields at El Paso High School.

HR 250 (by Marquez), Congratulating Nandie Adams of Canutillo High School in El Paso on her outstanding play during the 2010-2011 basketball season.

HR 255 (by Sheffield), Congratulating Jim and Maxine Howell of Temple on their 50th wedding anniversary.

HR 256 (by Sheffield), Congratulating Robert and Alice Hoelscher of Red Ranger on their 50th wedding anniversary.

HR 257 (by Sheffield), Congratulating Roy and Iris Kneese of Belton on their 60th wedding anniversary.

HR 258 (by Schwertner), Honoring Nicholas Charles McAtee on becoming an Eagle Scout.

HR 259 (by Schwertner), Congratulating Kyle Westley Deal, Jr., on achieving the rank of Eagle Scout.

HR 260 (by Schwertner), Congratulating Jason Andrew Deal on achieving the rank of Eagle Scout.

HR 266 (by Riddle), Honoring Fred and Mary Jane Parrow of Spring on their 50th wedding anniversary.

HR 270 (by Flynn), Congratulating Orville and Becky Gentry of Greenville on their 50th wedding anniversary.

HR 271 (by Flynn), Congratulating Colonel Manuel Rodriguez on his promotion to brigadier general and his assignment as deputy commander, Army, Texas State Guard.

HR 272 (by Shelton), Congratulating the Texas Christian University football team on its undefeated 2010-2011 season.

HR 275 (by McClendon), Congratulating the Reverend Dr. Ronald and Sister Lillian R. Benson on their 30th pastoral anniversary with Bethany First Baptist Church in San Antonio.

HR 290 (by Orr), Commemorating the 150th anniversary of the First Presbyterian Church of Clifton.

HR 291 (by Strama), Congratulating the Hendrickson High School Marching Band of Pflugerville on being named the 2010-2011 Grand Master Champion at the Fiesta Bowl Band Championship in Arizona.

HR 293 (by Craddick), Congratulating Melven and JoAn Lobstein of Sparenburg on their 50th wedding anniversary.

HR 298 (by Hardcastle), Recognizing March 24, 2011, as Wilbarger County and City of Vernon Day at the State Capitol.

HR 299 (by Hardcastle), Congratulating the Vernon College men's rodeo team on winning the 2010 national championship at the College National Finals Rodeo.

HR 302 (by Button, et al.), Recognizing Richardson Republican Women as its members visit the State Capitol for Texas Federation of Republican Women Day on March 3, 2011.

HR 303 (by Button, et al.), Honoring Dr. Carolyn Bukhair for her outstanding service in behalf of the Richardson Independent School District.

HR 305 (by Schwertner), Congratulating Jonathon Douglas Deal of Cameron on attaining the rank of Eagle Scout.

HR 307 (by Marquez), Commending Dr. Andres S. Enriquez for his service as 2010-2011 president of the El Paso County Medical Society.

HR 311 (by Anchia), Commending Sara Reidy of Dallas for her contributions as a community advocate.

HR 312 (by Workman), Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

HR 314 (by McClendon), Commemorating the 100th anniversary of New Hope Missionary Baptist Church in San Antonio.

HR 315 (by McClendon), Congratulating retired U.S. Army Sergeant Major Turner N. McGarity on receiving the Veterans Braintrust Award from the Congressional Black Caucus.

HR 317 (by Flynn), Congratulating John and Charlotte Turner on their 40th wedding anniversary.

HR 319 (by Flynn), Honoring the Canton Autumn Stroll Barbecue Cook-off.

HR 320 (by L. Gonzales), Recognizing March 23, 2011, as Hutto Day at the State Capitol.

HR 321 (by Craddick), Honoring the late William D. Kleine for his posthumous induction into the Petroleum Hall of Fame.

HR 322 (by Craddick), Congratulating Gerald and Nancy Parsons of Lamesa on their 60th wedding anniversary.

HR 323 (by Morrison), Congratulating Robby Burdge on being named the Victoria Chamber of Commerce Citizen of the Year for 2010.

HR 325 (by Christian), Honoring Malcolm Samuel Weaver of Center for his contributions to East Texas.

HR 327 (by Sheffield), Congratulating Bill and Marjorie Knight of Belton on their 60th wedding anniversary.

HR 328 (by Sheffield), Honoring Louis DeLaRosa, Jr., and Ophelia DeLaRosa of Temple on their 50th wedding anniversary.

HR 332 (by Aliseda, et al.), Recognizing February 10, 2011, as Jim Wells County Day at the State Capitol.

HR 338 (by C. Anderson), Recognizing February 9, 2011, as Waco Day at the State Capitol.

HR 344 (by McClendon), Congratulating Dr. Carl Johnson on his retirement as pastor of Greater Corinth Baptist Church in San Antonio.

HR 346 (by McClendon), Congratulating Mentoria Lewis Sherfield on her retirement from the San Antonio Independent School District.

HR 347 (by McClendon), Congratulating Joseph C. Walsh, Jr., on his retirement from Laurel Street Church of Christ in San Antonio.

HR 351 (by McClendon), Congratulating James Hudson on his retirement from VIA Metropolitan Transit in San Antonio.

HR 352 (by McClendon), Commemorating the 75th anniversary of the Antioch Missionary Baptist Church in San Antonio.

HR 356 (by McClendon), Commemorating the 50th anniversary of the San Antonio Chapter of The Links, Incorporated.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HCR 32 (by Craddick), In memory of Lindley Paul Latham of Midland.

HCR 38 (by Eiland), Paying tribute to the life of Texas heroine Jane Herbert Wilkinson Long.

HCR 47 (by Guillen), In memory of U.S. Army Private First Class Ira Benjamin Laningham IV of Zapata.

HR 17 (by Raymond), In memory of former Laredo city councilman Joe A. Guerra.

HR 22 (by Alonzo), Paying tribute to the life of Irma Rangel and honoring the students of the Irma Lerma Rangel Young Women's Leadership School on the seventh anniversary of the opening of the school.

HR 23 (by Alonzo), Paying tribute to the life of Irma Rangel and honoring the students of the Irma Lerma Rangel Young Women's Leadership School on the eighth anniversary of the opening of the school.

HR 26 (by Alonzo), Honoring the life of Cesar Chavez and commemorating the 84th anniversary of his birth on March 31, 2011.

HR 27 (by Alonzo), Honoring the life of Cesar Chavez and commemorating the 85th anniversary of his birth on March 31, 2012.

HR 38 (by Alonzo), In memory of Tejano Legend Laura Canales of Kingsville on April 16, 2011, the sixth anniversary of her death.

HR 39 (by Alonzo), In memory of Tejano Legend Laura Canales of Kingsville on April 16, 2012, the seventh anniversary of her death.

HR 44 (by Alonzo), Honoring the life of Selena Quintanilla Perez on March 31, 2011, the 16th anniversary of her passing.

HR 45 (by Alonzo), Honoring the life of Selena Quintanilla Perez on March 31, 2012, the 17th anniversary of her passing.

HR 57 (by Hilderbran), In memory of Eleanor Dozier of Kerrville.

HR 58 (by Hilderbran), In memory of William H. Williams, Kerr County commissioner.

HR 59 (by Hilderbran), In memory of Mary Terry of Georgetown.

HR 60 (by Hilderbran), In memory of U.S. Marine Corporal Jacob Carl Leicht of Kerrville.

HR 62 (by Hilderbran), In memory of Allyn Paul Roussel of New Orleans, Louisiana.

HR 64 (by Hilderbran), In memory of longtime Kerrville resident Linda Lashley Trisch.

HR 65 (by Hilderbran), In memory of Jacquelynn Richardson Kyle of Pipe Creek.

HR 68 (by Hilderbran), In memory of John V. Spikes of Hunt.

HR 69 (by Hilderbran), In memory of Kenneth W. Arthur of Concan.

HR 70 (by Hilderbran), In memory of Elaine Hart Dortch of Longview.

HR 71 (by Hilderbran), In memory of Sharon Ann Dykes of Horseshoe Bay.

HR 72 (by Hilderbran), In memory of Edward Allen North of Kerrville.

HR 84 (by Alonzo), Honoring the life of Benito Juarez on March 21, 2011, the 205th anniversary of his birth.

HR 85 (by Alonzo), Honoring the life of Benito Juarez on March 21, 2012, the 206th anniversary of his birth.

HR 90 (by Alonzo), Paying tribute to the life of William C. Velasquez, founder of the Southwest Voter Registration Education Project, on June 15, 2011, the 23rd anniversary of his death.

HR 91 (by Alonzo), Paying tribute to the life of William C. Velasquez, founder of the Southwest Voter Registration Education Project, on June 15, 2012, the 24th anniversary of his death.

HR 105 (by Hilderbran), In memory of U.S. Army Staff Sergeant Michael C. Murphrey.

HR 108 (by Hilderbran), In memory of U.S. Army Private First Class Benjamin Glen Chisholm.

HR 110 (by Hopson), In memory of Cecil Alvis Staples of Palestine.

HR 115 (by Woolley), In memory of U.S. Army Specialist Pedro Antonio Maldonado of Houston.

HR 135 was withdrawn.

HR 139 was withdrawn.

HR 142 (by Hunter), In memory of Dr. Billy Jim Blankenship of Corpus Christi.

HR 144 (by Patrick), In memory of Willie Belle Porter of Longview.

HR 146 (by Paxton), In memory of U.S. Army Private First Class Cody A. Board of McKinney.

HR 147 (by Giddings), Honoring the life of Dan S. Petty of Dallas.

HR 165 (by Callegari, et al.), In memory of Dr. Susan Diane Jackson.

HR 169 (by Hughes), In memory of Donald Keith Dubbs of Mineola.

HR 176 (by Naishtat), In memory of Susan Bright of Austin.

HR 187 (by Schwertner), In memory of Vernon Hunter of Cedar Park.

HR 188 (by Schwertner), In memory of Leonard Allen Reed of Cedar Park.

HR 190 (by Schwertner), In memory of U.S. Army Second Lieutenant Darryn Deen Andrews.

HR 196 (by Woolley), In memory of Steven Patrick Kanaly of Houston.

HR 197 (by P. King), In memory of U.S. Army Private First Class Austin Garrett Staggs.

HR 199 (by Schwertner), In memory of Michael Grant Cahill of Cameron.

HR 212 (by Harper-Brown), In memory of Otto William Bielss, Jr., of Irving.

HR 215 (by Zedler), In memory of Jean May Keller of Arlington.

HR 223 (by Rodriguez), In memory of David "Lee" Walker of Dripping Springs.

HR 236 (by Callegari, et al.), In memory of Floyd A. Mechler, Jr., of Spring.

HR 240 was withdrawn.

HR 242 was withdrawn.

HR 244 (by Hilderbran), In memory of Robert R. Woodward of Kerrville.

HR 248 (by Marquez), In memory of Artemisa "Arte" Salinas of El Paso.

HR 265 was withdrawn.

HR 267 (by Callegari, et al.), In memory of Richard Dix Diehl of Dickinson.

HR 268 was withdrawn.

HR 273 (by McClendon), In memory of Juan Sergio Camacho of San Antonio.

HR 274 (by McClendon), In memory of Major Marcus Marion Davis, Jr., of San Antonio.

HR 276 (by McClendon), In memory of Dr. Lanier Byrd of San Antonio.

HR 277 (by McClendon), In memory of the Reverend Dr. Lawrence A. Crenshaw of San Antonio.

HR 278 (by McClendon), In memory of Albert Walter Coy of San Antonio.

HR 279 (by McClendon), In memory of Trina Bonds of San Antonio.

HR 280 (by McClendon), In memory of Dr. Dana Bryant Donatto.

HR 304 (by Button, et al.), In memory of Jennifer Yuyin Hwang of Humble.

HR 308 (by Marquez), In memory of Ray Gilbert of El Paso.

HR 309 (by Marquez), In memory of former state representative Anita Blair.

HR 329 (by Hilderbran), In memory of Silas B. Ragsdale, Jr., of Hunt.

HR 330 (by Hilderbran), In memory of Frances Gail Sears of Kerrville.

HR 345 (by McClendon), In memory of Albert W. McKnight of San Antonio.

HR 348 (by McClendon), In memory of Audrae Helen Adams of San Antonio.

HR 349 (by McClendon), In memory of U.S. Marine Lance Corporal Christopher Shawn Baltazar, Jr., of San Antonio.

HR 350 (by McClendon), In memory of Dr. William Hicks Hadnott, Jr., of San Antonio.

HR 353 (by McClendon), In memory of Beverly Ann Johnson Dudley of San Antonio.

HR 354 (by McClendon), In memory of Minnie Christinia Jones of San Antonio.

HR 355 (by McClendon), In memory of Thea Williams-Douglas of San Antonio.

HR 357 (by McClendon), In memory of James Charles Fanner, Sr., of San Antonio.

HR 358 (by McClendon), In memory of Henrietta Eugene Roberts Stevenson of San Antonio.

HR 359 (by McClendon), In memory of Laura "Honey" Hunt Jones.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

WILLIAM B. TRAVIS LETTER FROM THE ALAMO

The speaker announced that the original William B. Travis Appeal for Aid at the Alamo letter, provided by the Texas State Library and Archives Commission, was on display on the speaker's podium in honor of its 175th anniversary.

The speaker recognized Representative Woolley who read the text of the letter as follows:

To the people of Texas and all Americans in the world, fellow citizens, and compatriots—I am besieged, by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of liberty, of patriotism, and everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—victory or death.

William Barret Travis
Lt. Col. Comdt.

LEAVE OF ABSENCE GRANTED

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

Cook on motion of Hunter.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, Subcommittee on Article III, upon adjournment of the Committee on Appropriations meeting tomorrow, E1.030, for a public hearing, to consider house budget recommendations.

**ADDRESS BY REPRESENTATIVE LOZANO
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Lozano who addressed the house on a matter of personal privilege, speaking as follows:

Fellow members of the Texas House of Representatives, it is with a heavy heart that I report the death of my only remaining grandparent—my maternal grandfather—at the age of 83, at 2 a.m. this morning, Lorenzo Huitron of Guadalajara, Jalisco, Mexico.

He had a graduate degree in engineering. He worked with the Ferrocarriles de Mexico Pacific until his retirement from the railway as an engineer. He was a high school teacher and served as mayor of a suburb of Guadalajara. He and my grandmother raised 10 children, four boys and six girls. He named one of his daughters America, who graduated with a 4.0 GPA from Texas A&M University-Kingsville. Among his other children, there is an assistant attorney general for the State of Jalisco, an author, an accountant, an administrator, and a businessman. He always emphasized the grand importance of education.

He first visited the Capitol here in Austin with me when I graduated from The University of Texas. He knew then of my desire to one day serve in this chamber. He was not a big and physically strong man, but he had an incredibly high IQ and he always told me to learn everything there is to know about something before I speak. As early as I can remember, even when I was 10 years old, our conversations centered on politics and economics. He last visited our Capitol a little over a month ago for our swearing-in ceremony. He sat just behind the rail on the south side of the Capitol, where he witnessed with his own eyes his grandson's oath of office to the Texas House of Representatives. He raised the best mother that the Lord could have given me and my five sisters. His values of hard work, persistence, and perseverance live on. Thank you, and I ask for a brief moment of silence.

REMARKS ORDERED PRINTED

Representative Guillen moved to print remarks by Representative Lozano.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representative Branch moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 11:30 a.m. Monday, February 28 in memory of Lorenzo Huitron of Premont and in honor of the 175th anniversary of the William B. Travis Appeal for Aid at the Alamo letter.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Hochberg in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:35 p.m., adjourned until 11:30 a.m. Monday, February 28.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 253 (By Hilderbran), Relating to the protection of children by enforcing compulsory public school attendance requirements, ensuring reports of abuse or neglect, protecting children from abuse and neglect, ensuring that births are reported, and prosecuting the offense of bigamy; providing criminal penalties.

To Human Services.

HB 762 (By Lozano), Relating to establishing a pill splitting program to reduce health plan costs for certain public employees.

To Insurance.

HB 842 (By J. Davis), Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients.

To Public Health.

HB 843 (By Geren), Relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.

To Ways and Means.

HB 844 (By Geren), Relating to the sale or lease of property by certain municipalities owning land near the shoreline of certain lakes.

To Urban Affairs.

HB 845 (By Murphy), Relating to the computation of public high school grade point averages.

To Public Education.

HB 846 (By Aycock), Relating to the civil liability of a political party on primary election day.

To Elections.

HB 847 (By Aycock), Relating to the date for a political party's precinct conventions.

To Elections.

HB 848 (By Guillen), Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.

To Human Services.

HB 849 (By S. Miller), Relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

To Natural Resources.

HB 850 (By Craddick), Relating to the Rankin County Hospital District.

To County Affairs.

HB 851 (By S. Miller), Relating to the Hamilton County Hospital District.

To County Affairs.

HB 852 (By Dutton), Relating to abolishing the death penalty.

To Criminal Jurisprudence.

HB 853 (By Dutton), Relating to the penalty for certain offenders for possession of a small amount of certain controlled substances.

To Criminal Jurisprudence.

HB 854 (By Dutton), Relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.

To State Affairs.

HB 855 (By Dutton), Relating to the extent of a defendant's criminal responsibility for the conduct of a coconspirator in certain felony cases.

To Criminal Jurisprudence.

HB 856 (By Dutton), Relating to the powers and duties of the Texas Commission on Environmental Quality and other entities regarding water and sewer utilities.

To Environmental Regulation.

HB 857 (By Hughes), Relating to exempting certain judicial officers from certain requirements for obtaining or renewing a concealed handgun license and to the authority of certain judicial officers to carry certain weapons.

To Homeland Security and Public Safety.

HB 858 (By Gonzalez), Relating to the authority of the El Paso County Hospital District to employ and commission peace officers.

To County Affairs.

HB 859 (By Hunter), Relating to the educational scope of Texas A&M University—Corpus Christi.

To Higher Education.

HB 860 (By Patrick), Relating to the categories of performance for which a public school campus may receive a distinction designation.

To Public Education.

HB 861 (By Patrick), Relating to membership of the state continuing advisory committee for special education services.

To Public Education.

HB 862 (By Patrick), Relating to placing the State Board of Education and the State Board for Educator Certification under periodic review by the Sunset Advisory Commission.

To Public Education.

HB 863 (By Christian), Relating to the creation of the Timber Springs Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

To Urban Affairs.

HB 864 (By Fletcher), Relating to the punishment for the offense of evading arrest or detention.

To Criminal Jurisprudence.

HB 865 (By Creighton), Relating to the composition and use of money in the rural water assistance fund.

To Natural Resources.

HB 866 (By Flynn), Relating to tuition assistance for members of the Texas State Guard.

To Higher Education.

HB 867 (By Darby), Relating to the eligibility of a person convicted of certain sex offenses for jury-recommended community supervision.

To Criminal Jurisprudence.

HB 868 (By Huberty), Relating to the calculation of the rollback tax rate of a taxing unit other than a school district.

To Ways and Means.

HB 869 (By Creighton), Relating to the franchise tax and alternative revenue sources and spending priorities for this state.

To Ways and Means.

HB 870 (By Y. Davis), Relating to creating an offense for the trapping of wild deer by a deer breeder and to the civil and criminal consequences of engaging in certain conduct associated with deer breeding; providing penalties.

To Culture, Recreation, and Tourism.

HB 871 (By Y. Davis), Relating to indigent health care services provided by a county.

To County Affairs.

HB 872 (By Y. Davis), Relating to the right of a person exempt from registration as a property tax consultant who files a protest with the appraisal review board on behalf of a property owner to receive notices from the board regarding the property subject to the protest.

To Ways and Means.

HB 873 (By Y. Davis), Relating to the deadline for filing a suit to compel an appraisal review board to change an appraisal roll.

To Ways and Means.

HB 874 (By C. Howard), Relating to the provision of information by tax officials related to ad valorem tax rates.

To Ways and Means.

HB 875 (By C. Howard), 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.

To State Affairs.

HB 876 (By C. Howard), Relating to the filing of personal financial disclosure statements by municipal officers and candidates, members of the boards of trustees of school districts, and directors of sports and community venue districts.

To Elections.

HB 877 (By C. Howard), Relating to the definition of controlling interest for purposes of the franchise tax.

To Ways and Means.

HB 878 (By C. Howard), Relating to the participation of governmental entities and other employers in a federal work authorization verification program; establishing an unlawful employment practice.

To State Affairs.

HB 879 (By C. Howard), Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem tax purposes.

To Ways and Means.

HB 880 (By Alonzo), Relating to making an appropriation to the Texas Department of Transportation for a streetcar line in Dallas.

To Appropriations.

HB 881 (By Alonzo), Relating to abolishing the State Board of Education and transferring the functions of the board to the Texas Education Agency and the commissioner of education.

To Public Education.

HB 882 (By Alvarado), Relating to the creation of an offense prohibiting certain transactions involving caffeinated malt beverages.

To Licensing and Administrative Procedures.

HB 883 (By Alvarado), Relating to minimum efficiency standards for certain products; providing a civil penalty.

To Energy Resources.

HB 884 (By D. Howard), Relating to a limited waiver of sovereign immunity for state and local governmental entities in certain employment lawsuits filed by nurses.

To Public Health.

HB 885 (By Rodriguez), Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.

To Transportation.

HB 886 (By W. Smith), Relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 887 (By Geren), Relating to registration of a motor vehicle alleged to have been involved in a violation detected by a photographic traffic signal enforcement system.

To Transportation.

HB 888 (By Guillen), Relating to considering ownership interests of disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.

To State Affairs.

HB 889 (By Lewis), Relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

To Ways and Means.

HB 890 (By C. Howard), Relating to the registration and compulsory inspection of certain street rods and custom vehicles.

To Transportation.

HB 891 (By C. Howard), Relating to the computation of cost of goods sold for purposes of the franchise tax by certain affiliated taxable entities.

To Ways and Means.

HB 892 (By C. Howard), Relating to the creation of the offense of unlawful transport of an illegal alien.

To State Affairs.

HB 893 (By C. Howard), Relating to the meetings of certain property owners' associations.

To Business and Industry.

HB 894 (By C. Howard), Relating to the composition of the board of directors of the Gulf Coast Water Authority.

To Natural Resources.

HB 895 (By C. Howard), Relating to certain project powers and duties of the Fort Bend County Levee Improvement District No. 7.

To Natural Resources.

HB 896 (By C. Howard), Relating to auxiliary members of an appraisal review board.

To Ways and Means.

HB 897 (By C. Howard), Relating to restrictions on the automatic renewal of contracts.

To Business and Industry.

HB 898 (By C. Howard), Relating to certain requirements relating to the issuance of a marriage license or the recording of a declaration of informal marriage and to the maintenance of marriage and divorce indexes by the bureau of vital statistics.

To Judiciary and Civil Jurisprudence.

HB 899 (By Gutierrez), Relating to the use of certain professional titles by licensed specialists in school psychology.

To Public Health.

HB 901 (By Thompson), Relating to spousal maintenance.

To Judiciary and Civil Jurisprudence.

HB 902 (By Thompson), Relating to consideration of a bidder's principal place of business in awarding certain municipal contracts.

To Urban Affairs.

HB 903 (By Thompson), Relating to the payment of certain costs and expenses of a juvenile case manager.

To Judiciary and Civil Jurisprudence.

HB 904 (By Thompson), Relating to court costs imposed on conviction and deposited to the municipal court building security fund.

To Judiciary and Civil Jurisprudence.

HB 905 (By Thompson), Relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.

To Judiciary and Civil Jurisprudence.

HB 906 (By Thompson), Relating to appointments made in and the appeal of certain suits affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 907 (By Thompson), Relating to the duration of a protective order against family violence.

To Judiciary and Civil Jurisprudence.

HB 908 (By Thompson), Relating to the division of community property on dissolution of marriage.

To Judiciary and Civil Jurisprudence.

HB 909 (By Thompson), Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

To Judiciary and Civil Jurisprudence.

HB 910 (By Thompson), Relating to gestational agreements.

To Judiciary and Civil Jurisprudence.

HB 911 (By Berman), Relating to the application of foreign laws and foreign forum selection in this state.

To Judiciary and Civil Jurisprudence.

HB 912 (By Dutton), Relating to the foreclosure of certain liens on real property.

To Business and Industry.

HB 913 (By Dutton), Relating to the automatic expunction of criminal records.

To Criminal Jurisprudence.

HB 914 (By Hancock), Relating to the applicability of certain laws to open-enrollment charter schools.

To Public Education.

HB 915 (By Christian), Relating to the authority of advanced practice registered nurses to make medical diagnoses and to prescribe and order prescription drugs and devices.

To Public Health.

HB 916 (By Allen), Relating to corporal punishment in public schools.

To Public Education.

HB 917 (By Allen), Relating to benefits paid by the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 918 (By Allen), Relating to permit application requirements for solid waste facilities.

To Environmental Regulation.

HB 919 (By Allen), Relating to monitoring, permitting, and reducing emissions of certain air contaminants and pollutants.

To Environmental Regulation.

HB 920 (By Allen), Relating to educational involvement agreements setting forth the respective responsibilities of students, parents, teachers, and principals in public schools.

To Public Education.

HB 921 (By Lewis), Relating to the reimbursement of certain medical, dental, or health-related services as a condition of community supervision and to the revocation of community supervision for failure to make certain payments.

To Criminal Jurisprudence.

HB 922 (By Riddle), Relating to the penalty for theft of an automated teller machine.

To Criminal Jurisprudence.

HB 923 (By Frullo), Relating to the board of hospital managers of the Lubbock County Hospital District.

To County Affairs.

HB 924 (By Bonnen), Relating to the eligibility of certain Texas Rangers for burial in the state cemetery.

To Culture, Recreation, and Tourism.

HB 925 (By Bonnen), Relating to credit in the Texas Municipal Retirement System for certain service as a reserve police officer.

To Pensions, Investments, and Financial Services.

HB 926 (By Harper-Brown), Relating to the use of information from the internal verification system of the Department of Public Safety for voter registration purposes.

To Elections.

HB 927 (By Harper-Brown), Relating to the punishment for the offense of indecent exposure.

To Criminal Jurisprudence.

HB 928 (By Harper-Brown), Relating to requiring the use of an ignition interlock device on conviction of certain intoxication offenses.

To Criminal Jurisprudence.

HB 929 (By Darby), Relating to the execution docket and other records of certain court clerks.

To Judiciary and Civil Jurisprudence.

HB 930 (By Darby), Relating to the requirements for an application for a tax warrant authorizing the seizure of personal property for the payment of ad valorem taxes.

To Ways and Means.

HB 932 (By Paxton), Relating to the franchise tax liability of certain taxable entities.

To Ways and Means.

HB 933 (By T. Smith), Relating to the imposition and use of certain court costs for breath alcohol testing programs.

To Criminal Jurisprudence.

HB 934 (By T. Smith), Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.

To Criminal Jurisprudence.

HB 935 (By Phillips), Relating to the protection of water quality in certain bodies of water.

To Natural Resources.

HB 936 (By Harless), Relating to the establishment, operation, and funding of open-enrollment charter schools.

To Public Education.

HB 937 (By Harless), Relating to the issuance and renewal of a real estate inspector license.

To Licensing and Administrative Procedures.

HB 938 (By Smithee), Relating to the issuance of specialty license plates for women veterans.

To Defense and Veterans' Affairs.

HB 939 (By Gonzalez), Relating to the amount of the fee paid by a defendant for certain services performed by a peace officer.

To Criminal Jurisprudence.

HB 940 (By Dukes), Relating to persons subject to prosecution for improper relationship between educator and student.

To Criminal Jurisprudence.

HB 941 (By Dukes), Relating to use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school.

To Public Education.

HB 942 (By Dukes), Relating to an exemption for school districts from security for court costs and appeal bond.

To Judiciary and Civil Jurisprudence.

HB 943 (By Dukes), Relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.

To Human Services.

HB 944 (By Dukes), Relating to membership and duties of local school health advisory councils.

To Public Health.

HB 945 (By Dukes), Relating to the establishment of an interagency council for addressing disproportionality.

To Human Services.

HB 946 (By Guillen), Relating to the identification of courses included in the common course numbering system to be offered by and the transferability of those courses among public institutions of higher education.

To Higher Education.

HB 947 (By Lozano), Relating to a pilot program to expand access to career and technical education partnerships in rural areas.

To Agriculture and Livestock.

HB 948 (By Lozano), Relating to the creation of a county court at law in Willacy County.

To Judiciary and Civil Jurisprudence.

HB 949 (By Lozano), Relating to consumer goods and services covered under the Texas Telemarketing Disclosure and Privacy Act.

To Business and Industry.

HB 950 (By Lozano), Relating to eligibility for and the establishment of service credit in the Employees Retirement System of Texas for military service.

To Pensions, Investments, and Financial Services.

HB 1752 (By Larson), Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District.

To Natural Resources.

HCR 70 (By Coleman), Recognizing February 28, 2011, as Texas Southern University Day at the State Capitol.

To Rules and Resolutions.

HCR 175 (By Branch), Commemorating the 175th anniversary of the adoption of the Texas Declaration of Independence.

To Rules and Resolutions.

HJR 79 (By C. Howard), Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or more of the appraised value of the property for the preceding tax year.

To Ways and Means.

HJR 96 (By Alonzo), Proposing a constitutional amendment abolishing the State Board of Education and transferring the board's constitutional functions to the Texas Education Agency.

To Public Education.

HJR 100 (By Creighton), Applying to the Congress of the United States to call a convention to propose an amendment to the United States Constitution to require a balanced federal budget.

To Select State Sovereignty.

HR 550 (By Schwertner), Congratulating Blake A. Vanier on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 551 (By Rodriguez), Welcoming visitors from YMCAs across Texas to the State Capitol on February 23, 2011.

To Rules and Resolutions.

HR 552 (By Kolkhorst), In memory of John Henry Fuchs, Jr., of Huntsville.

To Rules and Resolutions.

HR 556 (By Weber), Recognizing March 8, 2011, as Brazoria County Day at the State Capitol.

To Rules and Resolutions.

HR 558 (By Hamilton), Recognizing February 28 to March 1, 2011, as Golden Triangle Days at the State Capitol.

To Rules and Resolutions.

HR 559 (By Straus), Commemorating the 20th anniversary of the Caring for Children Foundation of Texas and commending all those associated with that organization.

To Rules and Resolutions.

HR 560 (By Martinez), Recognizing Dr. Audrey Jones for her contributions to the medical profession and her service to the Texas Legislature as Physician of the Day for February 23, 2011.

To Rules and Resolutions.

HR 561 (By Martinez), Recognizing March 9, 2011, as Mid-Valley Day at the State Capitol.

To Rules and Resolutions.

HR 562 (By Giddings), Honoring the volunteer service organization The Links, Incorporated, and its members from the Western Area.

To Rules and Resolutions.

HR 563 (By Hopson), Congratulating the Carthage High School football team for winning its third consecutive UIL 3A Division 2 state championship.

To Rules and Resolutions.

HR 564 (By Kuempel), Congratulating the football team of Byron P. Steele II High School in Cibolo on winning the UIL 5A Division II state championship.

To Rules and Resolutions.

HR 565 (By S. King), In memory of Officer Rodney Holder of the Abilene Police Department.

To Rules and Resolutions.

HR 566 (By Perry), Congratulating the Idalou High School football team on winning the 2010 UIL 2A Division 2 state championship.

To Rules and Resolutions.

HR 568 (By Phillips), In memory of Gregory Scott Coleman of Austin.

To Rules and Resolutions.

MESSAGES FROM THE SENATE

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

Message No. 1MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, February 24, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SJR 1

Ogden

Urging the Congress of the United States to propose and submit to the states for ratification a federal balanced budget amendment to the Constitution of the United States and, in the event that Congress does not submit such an amendment on or before December 31, 2011, applying to Congress to call a convention for the specific and exclusive purpose of proposing an amendment to that constitution to provide, in the absence of a national emergency and on a two-thirds vote of Congress, for a federal balanced budget and requesting that the legislatures of each of the several states that compose the United States apply to Congress to call a convention to propose such an amendment.

Respectfully,

Patsy Spaw

Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SIXTH DAY — MONDAY, FEBRUARY 28, 2011

The house met at 11:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 55).

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

Absent, Excused — Anchia; Lucio.

The invocation was offered by Father Jimmy Drennan, pastor, St. Joseph Catholic Church—Honey Creek, Spring Branch, as follows:

Faithful God and creator of our world. Today we gather to first give you thanks for all that you have created and all that you have given us. We acknowledge that in giving us this world, you have called each of us to be faithful stewards of everything. May we always realize that in our faithful stewardship of our communities and our state, we are to serve each other with uncommon courage and love.

Lord, as we gather today in the halls of our State Capitol, we remember the events of our past. For during these same days of February, in 1836, 175 years ago, a group of Texans defended the cause of justice and freedom in the halls of Mission San Antonio de Valero, known to us all as the Alamo. From their sacrificial love and duty of service to our beloved state, a spirit arose. This spirit,

rising from the fire of their last stand, lives in the hearts and minds of Texans to this very day. From age to age and generation to generation, we have remembered their sacrifice and their loyalty to our people. This very spirit is what has called each of us here today. It is the same spirit that has called our young and our old, our men and women, to serve as teachers, construction workers, religious leaders, police officers, political leaders, nurses, doctors, lawyers, secretaries, and the complex set of vocations which knit us together as the greatest state in our nation. Rising from the fires of what seemed defeat at the Alamo 175 years ago, is the spirit which challenges us to do greater things with our lives. We are to serve with greater love; we are to live with greater courage; we are to unite with greater resolve. The line traced in the sand 175 years ago in front of the Alamo divided those who would stand against injustice and injustice itself.

The lines traced in the sand today often divide the spirit of the people of Texas. Too often republicans are divided against democrats, rich against the poor, native born against immigrant, one religious tradition against another. We pray that this day we remove all the lines that divide us as Texans, and today let us draw the lines between all who live in this state and injustice. Let us put on the other side of the lines anything that would harm our schools, access to health care, education, housing, equality for everyone in our state, living wages, and the preservation of our natural resources.

Lord, we ask you to unite us as one body in this state, that in our diversity we will find lasting unity. As we consider the many different cultures, ethnicities, religious traditions, and nations of origin that create our great state, may we always resolve to protect this diversity. Lord, remind us always that the strength of our state exists in our diversity. We ask all this in your holy name, you who live and reign forever and ever. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Anchia on motion of Martinez Fischer.

Lucio on motion of Walle.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Isaac who presented Dr. Brent Sanderlin of Kyle as the "Doctor for the Day."

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

(Harper-Brown in the chair)

HR 576 - ADOPTED
(by Dukes)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 576**.

The motion prevailed.

The following resolution was laid before the house:

HR 576, Recognizing February 28, 2011, as Alpha Kappa Alpha Day at the State Capitol.

HR 576 was read and was adopted.

On motion of Representative Thompson, the names of all the members of the house were added to **HR 576** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dukes who introduced members of the Alpha Kappa Alpha Sorority.

HR 566 - ADOPTED
(by Perry)

Representative Perry moved to suspend all necessary rules to take up and consider at this time **HR 566**.

The motion prevailed.

The following resolution was laid before the house:

HR 566, Congratulating the Idalou High School football team on winning the 2010 UIL 2A Division 2 state championship.

HR 566 was read and was adopted.

RESOLUTIONS ADOPTED

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HCR 70** and **HR 569**.

The motion prevailed.

The following resolutions were laid before the house:

HCR 70 (by Coleman), Recognizing February 28, 2011, as Texas Southern University Day at the State Capitol.

HR 569 (by Coleman), Congratulating the Texas Southern University football team on winning the 2010 Southwestern Athletic Conference championship.

The resolutions were read and were adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HCR 70** and **HR 569** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Coleman who introduced representatives of Texas Southern University.

HR 615 - ADOPTED **(by L. Taylor)**

Representative L. Taylor moved to suspend all necessary rules to take up and consider at this time **HR 615**.

The motion prevailed.

The following resolution was laid before the house:

HR 615, Congratulating the Friendswood Mustangs Challenger baseball team on its appearance in an exhibition game at the 2010 Little League World Series.

HR 615 was read and was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HR 615** as signers thereof.

HR 562 - ADOPTED **(by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 562**.

The motion prevailed.

The following resolution was laid before the house:

HR 562, Honoring the volunteer service organization The Links, Incorporated, and its members from the Western Area.

HR 562 was read and was adopted.

On motion of Representative Dukes, the names of all the members of the house were added to **HR 562** as signers thereof.

(McClendon in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Giddings who introduced representatives of The Links, Incorporated.

(Pickett in the chair)

HR 632 - ADOPTED **(by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 632**.

The motion prevailed.

The following resolution was laid before the house:

HR 632, Recognizing February 2011 as Black History Month.

HR 632 was read and was adopted.

On motion of Representative Thompson, the names of all the members of the house were added to **HR 632** as signers thereof.

HR 648 - ADOPTED
(by Farias)

Representative Farias moved to suspend all necessary rules to take up and consider at this time **HR 648**.

The motion prevailed.

The following resolution was laid before the house:

HR 648, Honoring the Northeast Partnership for Economic Development.

HR 648 was read and was adopted.

On motion of Representative Gutierrez, the names of all the members of the house were added to **HR 648** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Agriculture and Livestock, 7 p.m. today, 111 Lavaca Street, Austin, for a work session.

Calendars, 2 p.m. today, 3W.9, for a formal meeting, to consider the calendar.

HR 558 - ADOPTED
(by Hamilton)

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 558**.

The motion prevailed.

The following resolution was laid before the house:

HR 558, Recognizing February 28 to March 1, 2011, as Golden Triangle Days at the State Capitol.

HR 558 was read and was adopted.

HR 585 - ADOPTED
(by Bohac)

Representative Bohac moved to suspend all necessary rules to take up and consider at this time **HR 585**.

The motion prevailed.

The following resolution was laid before the house:

HR 585, Honoring DeVry University for 80 years of service.

HR 585 was read and was adopted.

HR 646 - ADOPTED**(by S. Miller, Berman, D. Miller, and Chisum)**

Representative S. Miller moved to suspend all necessary rules to take up and consider at this time **HR 646**.

The motion prevailed.

The following resolution was laid before the house:

HR 646, Honoring the Shriners of North America and International House of Pancakes for their charitable support of children on National Pancake Day.

HR 646 was read and was adopted.

On motion of Representative D. Miller, the names of all the members of the house were added to **HR 646** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative S. Miller who introduced representatives of the Shriners of North America.

HR 590 - ADOPTED**(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 590**.

The motion prevailed.

The following resolution was laid before the house:

HR 590, Honoring the recipients of the 2011 Texas Medal of Arts Awards.

HR 590 was read and was adopted.

HR 633 - ADOPTED**(by Raymond)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 633**.

The motion prevailed.

The following resolution was laid before the house:

HR 633, Commending the Images for Conservation Fund on the occasion of the Pro-Tour of Nature Photography exhibit at the State Capitol from February 28 to March 4, 2011.

HR 633 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Raymond who introduced representatives of the Images for Conservation.

RESOLUTIONS ADOPTED

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 625 - HR 627, HR 630, HR 631, HR 647, and HR 649 - HR 654.**

The motion prevailed.

The following resolutions were laid before the house:

HR 625 (by Turner), Honoring actress Loretta Devine and commemorating the presentation of a scholarship in her name at the 2011 African American Legislative Summit to be held in Austin.

HR 626 (by Turner), Honoring Debra Lee on the occasion of her keynote address at the Scholarship Banquet at the 2011 African American Leadership Summit.

HR 627 (by Turner), Honoring journalist Roland Martin for his participation in the African American Legislative Summit in Austin on February 28 and March 1, 2011.

HR 630 (by Dutton), Congratulating Mary Etta Berry Delaney of Houston on her receipt of a 2011 Outstanding Community Leader Award from the Texas Legislative Black Caucus.

HR 631 (by Dutton), Congratulating the Fifth Ward Enrichment Program of Houston on its receipt of the 2011 Outstanding Community Leader Award from the Texas Legislative Black Caucus.

HR 647 (by V. Taylor), Congratulating Pizza Hut and Yum! Restaurants International on the dedication of their new corporate headquarters in Plano.

HR 649 (by Y. Davis), Congratulating Tiara Nicole Fizer of Dallas on her receipt of a 2011 Texas Legislative Black Caucus scholarship.

HR 650 (by Y. Davis), Congratulating Colby Edward Jamieson Pitts on his receipt of a Texas Legislative Black Caucus scholarship for Legislative District 111.

HR 651 (by Y. Davis), Congratulating Eli Davis for being named an Outstanding Community Leader of House District 111 by the Texas Legislative Black Caucus.

HR 652 (by Y. Davis), Congratulating Dorothy L. Stoker-Starks on being named an Outstanding Community Leader of House District 111 by the Texas Legislative Black Caucus.

HR 653 (by Y. Davis), Congratulating Stephanie Garza of Dallas on her receipt of a Texas Legislative Black Caucus scholarship.

HR 654 (by Y. Davis), Congratulating former state representatives Fred Blair, Lanell Cofer, Zan W. Holmes, Jr., Samuel Hudson III, Jesse Jones, Jerald H. Larry, Jesse D. Oliver, and Paul Ragsdale on their receipt of Trailblazer Awards from the Texas Legislative Black Caucus.

The resolutions were adopted.

On motion of Representative Allen, the names of all the members of the house were added to **HR 625 - HR 627, HR 630, HR 631, HR 647, and HR 649 - HR 654** as signers thereof.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Oliveira requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

HR 587 - ADOPTED

(by Allen)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 587**.

The motion prevailed.

The following resolution was laid before the house:

HR 587, Honoring Tammie Lang Campbell of Houston for her many contributions to her community.

HR 587 was read and was adopted.

On motion of Representative Y. Davis, the names of all the members of the house were added to **HR 587** as signers thereof.

RESOLUTIONS ADOPTED

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HCR 175, HR 579, HR 637, and HR 643**.

The motion prevailed.

The following resolutions were laid before the house:

HCR 175 (by Branch), Commemorating the 175th anniversary of the adoption of the Texas Declaration of Independence.

HR 579 (by Laubenberg and Driver), Welcoming the Rowlett Chamber of Commerce Government Affairs Committee to the State Capitol.

HR 637 (by Laubenberg), Recognizing February 28, 2011, as Rockwall County Day at the State Capitol.

HR 643 (by Gallego), Honoring the Del Rio Chamber of Commerce on the 75th anniversary of its founding.

The resolutions were adopted.

On motion of Representative Flynn, the names of all the members of the house were added to **HCR 175 and HR 643** as signers thereof.

FIVE-DAY POSTING RULE SUSPENDED

Representative Flynn moved to suspend all necessary rules and the five-day posting rule to allow the Committee on Land and Resource Management to consider eminent domain issues upon adjournment today in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Land and Resource Management, upon adjournment today, E2.012, for a public hearing, to consider eminent domain issues.

PROVIDING FOR ADJOURNMENT

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

The motion prevailed.

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

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

(C. Anderson in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:40 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 471 (By C. Anderson), Relating to election through secret ballot of a labor union as the exclusive bargaining representative.

To Economic and Small Business Development.

HB 771 (By Vo), Relating to the exemption of school district property from charges for drainage service imposed by certain municipalities and from related ordinances, resolutions, and rules adopted by those municipalities.

To Natural Resources.

HB 931 (By Darby), Relating to the disposal of certain naturally occurring radioactive material waste resulting from the treatment of drinking water.

To Energy Resources.

HB 951 (By Lozano), Relating to the establishment of the Texas Rural Development Fund and to the establishment, operation, and funding of certain programs for rural economic development.

To Agriculture and Livestock.

HB 952 (By Lozano), Relating to the creation of the offense of obstruction of or retaliation against a process server.

To Criminal Jurisprudence.

HB 953 (By Lozano), Relating to consumer debt owed by certain military servicemembers.

To Pensions, Investments, and Financial Services.

HB 954 (By Lozano), Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

To Homeland Security and Public Safety.

HB 955 (By Lozano), Relating to the composition of the board of trustees of the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 956 (By Marquez), Relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.

To Urban Affairs.

HB 957 (By Hunter), Relating to regulation of the import, export, and management of mule deer; providing penalties.

To Culture, Recreation, and Tourism.

HB 958 (By Workman), Relating to damages in an action arising out of a deficiency in the construction or repair of an improvement to real property.

To Business and Industry.

HB 959 (By Harper-Brown), Relating to transportation of loose materials.

To Transportation.

HB 960 (By Turner), Relating to the powers of the Central Harris County Regional Water Authority.
To Natural Resources.

HB 961 (By Turner), Relating to the sealing of and restricting access to juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision.
To Corrections.

HB 962 (By Hartnett), Relating to rules regarding return of service.
To Judiciary and Civil Jurisprudence.

HB 963 (By Hartnett), Relating to the costs associated with proceedings regarding cruelly treated animals.
To Judiciary and Civil Jurisprudence.

HB 964 (By Hartnett), Relating to the effect of indexing notices of lis pendens.
To Business and Industry.

HB 965 (By Callegari), Relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality.
To Government Efficiency and Reform.

HB 966 (By Murphy), Relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility.
To State Affairs.

HB 967 (By Otto), Relating to the computation of the state debt limit.
To Appropriations.

HB 968 (By Strama), Relating to expulsion from school or placement in a disciplinary alternative education program for certain conduct.
To Public Education.

HB 969 (By Lewis), Relating to the election of directors of the board of the Ector County Hospital District.
To County Affairs.

HB 970 (By L. Gonzales), Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.
To Ways and Means.

HB 971 (By P. King), Relating to removal of the requirement that an electric utility designate a preferred route for a transmission line in an application for a certificate of convenience and necessity.
To State Affairs.

HB 972 (By Hartnett), Relating to the cancellation of travel club membership agreements; providing a civil penalty.
To Business and Industry.

HB 973 (By Kleinschmidt), Relating to awards for certain members of the state military forces who were inducted into, served in, or volunteered for federal service in support of Operations Iraqi Freedom, New Dawn, and Enduring Freedom.

To Defense and Veterans' Affairs.

HB 974 (By Dutton), Relating to the compensation of an election judge or clerk.

To Elections.

HB 975 (By Dutton), Relating to eligibility to serve on the appraisal review board of an appraisal district.

To Ways and Means.

HB 976 (By Carter), Relating to the issuance of a warrant or summons by a magistrate.

To Criminal Jurisprudence.

HB 977 (By Burnam), Relating to the development of a climate adaptation plan by certain entities.

To State Affairs.

HB 978 (By Villarreal), Relating to local control over reforming school board governance of academically unacceptable school districts of a certain size.

To Public Education.

HB 979 (By Smithee), Relating to the inspection of portable fire extinguishers.

To Insurance.

HB 980 (By Walle), Relating to the basis for apportioning annual per capita payments from the available school fund.

To Public Education.

HB 981 (By Guillen), Relating to the creation of local mobility credit programs.

To Transportation.

HB 982 (By Carter), Relating to creating an offense for failure to install and maintain an ignition interlock device for persons convicted of certain intoxication offenses.

To Criminal Jurisprudence.

HB 983 (By Menendez), Relating to health insurance coverage for eligible survivors of certain public servants killed in the line of duty.

To Pensions, Investments, and Financial Services.

HB 984 (By Truitt), Relating to agreements between contiguous municipalities regarding jurisdiction of cases in municipal courts.

To Judiciary and Civil Jurisprudence.

HB 985 (By Menendez), Relating to the abuse, neglect, and exploitation of residents of certain facilities; creating an offense; providing penalties.

To Human Services.

HB 986 (By Christian), Relating to certain amounts payable by the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.
To Insurance.

HB 987 (By Shelton), Relating to a physician residency grant program and other programs to support graduate medical education.
To Higher Education.

HB 988 (By Kolkhorst), Relating to compensatory time accrued by a correctional officer employed by the Texas Department of Criminal Justice.
To Corrections.

HB 989 (By Kolkhorst), Relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.
To Business and Industry.

HB 990 (By Rodriguez), Relating to certain homestead preservation reinvestment zones.
To Urban Affairs.

HB 991 (By Castro), Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.
To Higher Education.

HB 992 (By Castro), Relating to excess undergraduate credit hours at public institutions of higher education.
To Higher Education.

HB 993 (By Rodriguez), Relating to the closure of a road or highway by certain firefighters.
To Transportation.

HB 994 (By Castro), Relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.
To Criminal Jurisprudence.

HB 995 (By Gutierrez), Relating to provision by the secretary of state of notice to a candidate of the form of the candidate's name that will appear on the general election ballot.
To Elections.

HB 996 (By Gutierrez), Relating to the composition of the board of trustees of the Teacher Retirement System of Texas.
To Pensions, Investments, and Financial Services.

HB 997 (By Truitt), Relating to the restructuring of fund obligations and accounts of the Texas Municipal Retirement System and related actuarial and accounting procedures.
To Pensions, Investments, and Financial Services.

HB 998 (By McClendon), Relating to the civil liability of and insurance requirements for owners of certain dogs; providing penalties.
To Judiciary and Civil Jurisprudence.

HB 999 (By Berman), Relating to requiring a court of this state to uphold and apply certain laws, including the doctrine requiring courts to refrain from involvement in religious doctrinal interpretation or application.

To State Affairs.

HB 1001 (By Morrison), Relating to the appropriation of certain unclaimed money.

To Appropriations.

HB 1002 (By Guillen), Relating to allocation of state and federal funds for adult basic education.

To Public Education.

HB 1003 (By Hopson), Relating to a deferred retirement option for certain members of the Employees Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 1004 (By Hopson), Relating to the hotel occupancy tax rate in certain municipalities.

To Ways and Means.

HB 1005 (By Hopson), Relating to the procedures for registering to vote and accepting a voter at a polling place; providing a criminal penalty.

To Elections.

HB 1006 (By Turner), Relating to the requirement that electric utilities offer a standard retail service package on a standard form with standard terms to a customer.

To State Affairs.

HB 1007 (By Larson), Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District.

To Natural Resources.

HB 1009 (By Callegari), Relating to procedures for obtaining informed consent before certain postmortem examinations or autopsies.

To Criminal Jurisprudence.

HB 1010 (By Bonnen), Relating to enforcement of commercial motor vehicle safety standards in certain municipalities.

To Transportation.

HB 1011 (By Bonnen), Relating to the addition of certain synthetic derivatives of marihuana and Saliva divinorum and its derivatives and extracts to the Texas Controlled Substances Act.

To Criminal Jurisprudence.

HB 1012 (By Lavender), Relating to the name and powers of the Red River Redevelopment Authority.

To County Affairs.

HB 1013 (By Brown), Relating to the powers and duties of the Texas Medical Board.

To Public Health.

HB 1014 (By Legler), Relating to appointment of a municipal judge to serve as a visiting justice of the peace in certain proceedings involving misdemeanor traffic offenses.

To Judiciary and Civil Jurisprudence.

HB 1015 (By Harper-Brown), Relating to the consolidation of the regional poison control centers into the Texas Poison Control Center.

To Public Health.

HB 1016 (By Castro), Relating to a requirement that public school counselors demonstrate knowledge of counseling regarding higher education to obtain a school counselor certificate.

To Public Education.

HB 1017 (By Castro), Relating to a notification requirement if a counselor is not assigned to a public school campus.

To Public Education.

HB 1018 (By Castro), Relating to a notification requirement if a counselor is not assigned to a public school campus.

To Public Education.

HB 1019 (By Castro), Relating to distinct certificate classes for public elementary school counselors and public secondary school counselors.

To Public Education.

HB 1020 (By S. Miller), Relating to minimum liability insurance coverage amounts for persons convicted of offenses related to the operation of a motor vehicle while intoxicated.

To Insurance.

HB 1022 (By Dutton), Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

To Natural Resources.

HB 1023 (By Dutton), Relating to requiring notice and the dissemination of criminal history record information to the subject of the information in certain circumstances.

To Homeland Security and Public Safety.

HB 1024 (By Dutton), Relating to the regulation of metal recycling entities; providing penalties.

To Environmental Regulation.

HB 1025 (By Phillips), Relating to the trapping and transport of surplus white-tailed deer.

To Culture, Recreation, and Tourism.

HB 1026 (By Phillips), Relating to the review, notice, and hearing requirements associated with certain deer permits.

To Culture, Recreation, and Tourism.

HB 1027 (By Phillips), Relating to the identification of breeder deer by microchips.

To Culture, Recreation, and Tourism.

HB 1028 (By Phillips), Relating to certain contact between a criminal defendant and the victim of the offense of which the defendant is convicted or a member of the victim's family.

To Criminal Jurisprudence.

HB 1029 (By Carter), Relating to the conditions of release on bond for certain defendants charged with the offense of burglary.

To Criminal Jurisprudence.

HB 1030 (By D. Miller), Relating to the powers and duties of certain emergency services districts.

To County Affairs.

HB 1031 (By S. King), Relating to the Texas State Technical College System.

To Higher Education.

HB 1032 (By Smithee), Relating to a rescission period for annuity contracts.

To Insurance.

HB 1033 (By Craddick), Relating to the authority of certain counties to impose a county hotel occupancy tax.

To Ways and Means.

HB 1034 (By Shelton), Relating to unlawful acts against and criminal offenses involving the Medicaid program.

To Public Health.

HB 1035 (By Legler), Relating to the proof of identity required of an applicant for a driver's license.

To State Affairs.

HB 1036 (By Legler), Relating to eligibility to file a sworn complaint with the Texas Ethics Commission.

To Elections.

HB 1038 (By Reynolds), Relating to prohibited deceptive or disenfranchising practices regarding an election; providing criminal penalties.

To Elections.

HB 1039 (By Alvarado), Relating to death benefits for eligible survivors of certain Texas National Guard members.

To Defense and Veterans' Affairs.

HB 1040 (By Gallego), Relating to the validation of the creation of, and certain acts related to, a venue project.

To Ways and Means.

HB 1041 (By Workman), Relating to the waiver of sovereign immunity for certain claims arising under written contracts with state agencies.

To State Affairs.

HB 1042 (By Lewis), Relating to authorizing the issuance of revenue bonds for a medical education building for the Texas Tech University Health Sciences Center.

To Higher Education.

HB 1043 (By Christian), Relating to creating an offense for engaging in certain conduct relating to cockfighting and to the criminal and civil consequences of committing that offense.

To Criminal Jurisprudence.

HB 1044 (By Solomons), Relating to categories of information presumed to be public under the public information law.

To State Affairs.

HB 1045 (By Fletcher), Relating to proficiency certificates issued by the Commission on Law Enforcement Officer Standards and Education.

To Homeland Security and Public Safety.

HB 1046 (By Fletcher), Relating to the confidentiality of certain personal information.

To State Affairs.

HB 1047 (By Schwertner), Relating to the impoundment of a motor vehicle if operated without financial responsibility and a driver's license.

To Transportation.

HB 1048 (By Cain), Relating to the terms of the 102nd District Court in Red River County.

To Judiciary and Civil Jurisprudence.

HB 1049 (By Woolley), Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

To Criminal Jurisprudence.

HB 1050 (By Woolley), Relating to initial claims under the unemployment compensation system.

To Economic and Small Business Development.

HB 1051 (By Kleinschmidt), Relating to the collection and use of fingerprints of an applicant for a driver's license, personal identification certificate, or commercial driver's license.

To Homeland Security and Public Safety.

HB 1052 (By Patrick), Relating to criminal background checks on users of online dating services and to disclosures of online dating safety measures; providing a civil penalty.

To Technology.

HB 1053 (By Patrick), Relating to the tuition exemption offered by public institutions of higher education to firefighters enrolled in certain courses.

To Higher Education.

HB 1054 (By Patrick), Relating to continuing education requirements for educators.

To Public Education.

HB 1055 (By Villarreal), Relating to a fee by certain municipalities for the management and preservation of municipal records.

To Urban Affairs.

HB 1056 (By Villarreal), Relating to the ad valorem taxation of property used to provide low-income or moderate-income housing and clarifying legislative intent.

To Ways and Means.

HB 1057 (By Anchia), Relating to business leave time for certain municipal firefighters and police officers.

To Urban Affairs.

HB 1058 (By Frullo), Relating to the authority of a municipality or county to contract with another entity to collect certain assessments levied by the municipality or county.

To Ways and Means.

HB 1059 (By Menendez), Relating to bullying, including cyberbullying, in public schools.

To Public Education.

HB 1060 (By Kleinschmidt), Relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.

To Natural Resources.

HB 1061 (By Otto), Relating to the expiration of certain investment authority of the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 1062 (By Murphy), Relating to the exercise of the power of eminent domain by certain local governmental entities.

To Land and Resource Management.

HB 1063 (By Murphy), Relating to enhancing the penalties for certain repeat and habitual misdemeanor offenders.

To Criminal Jurisprudence.

HB 1064 (By Pitts), Relating to exempting certain customers from certain demand charges by transmission and distribution utilities.

To State Affairs.

HB 1065 (By Riddle), Relating to the murder of a child as a capital offense.

To Criminal Jurisprudence.

HB 1066 (By Workman), Relating to requiring the use of display timers with certain traffic-control signals.

To Urban Affairs.

HB 1067 (By Brown), Relating to the purchase of replacement personal computers by state agencies.

To Government Efficiency and Reform.

HB 1068 (By Brown), Relating to the number of license plates to be issued for and displayed on a motor vehicle.

To Transportation.

HB 1069 (By Menendez), Relating to the provision of and payment for certain health care services provided through workers' compensation health care networks to fire protection personnel.

To State Affairs.

HB 1071 (By S. Davis), Relating to the extension of deed restrictions in certain residential real estate subdivisions.

To Business and Industry.

HB 1072 (By Solomons), Relating to the State Bar of Texas membership dues for an attorney employed by this state's government.

To Judiciary and Civil Jurisprudence.

HB 1073 (By Madden), Relating to discharging or releasing inmates of the Texas Department of Criminal Justice from regional release facilities.

To Corrections.

HB 1074 (By Vo), Relating to the hours during which the polls are open for early voting by personal appearance.

To Elections.

HB 1075 (By R. Anderson), Relating to the consolidation of certain alert systems into a single statewide alert system and to the addition of other factors that will prompt an alert under the consolidated system.

To Homeland Security and Public Safety.

HB 1076 (By Shelton), Relating to the student to teacher ratio applicable to accelerated instruction groups for certain public school students.

To Public Education.

HB 1077 (By Shelton), Relating to accelerated instruction for certain public school students.

To Public Education.

HB 1078 (By P. King), Relating to the appointment of a guardian ad litem and attorney ad litem for a minor in an application for a court order authorizing the minor to consent to an abortion.

To State Affairs.

HB 1079 (By P. King), Relating to a limitation on increases in the appraised value for ad valorem tax purposes of commercial or industrial real property.

To Ways and Means.

HB 1080 (By Gallego), Relating to an exemption for active duty personnel and certain veterans from the requirement to complete a hunter education program.

To Culture, Recreation, and Tourism.

HB 1081 (By Gallego), Relating to reports and complaints filed with the Texas Ethics Commission.

To Elections.

HB 1082 (By Vo), Relating to authority for certain school districts to provide public notice by posting the notice on the district's Internet website.

To Public Education.

HB 1083 (By Elkins), Relating to the issuance of an identification card to certain honorably retired peace officers.

To Homeland Security and Public Safety.

HB 1084 (By Lewis), Relating to creation of the offense of registering to vote by persons who are not citizens of the United States.

To State Affairs.

HB 1085 (By V. Taylor), Relating to the eligibility for service retirement annuities from the Employees Retirement System of Texas of certain public officers and employees convicted of serious crimes.

To Pensions, Investments, and Financial Services.

HB 1086 (By D. Miller), Relating to water districts in Bandera County.

To Natural Resources.

HB 1087 (By Workman), Relating to the number of charters the State Board of Education may grant for open-enrollment charter schools.

To Public Education.

HB 1088 (By C. Howard), Relating to appraisal review board members.

To Ways and Means.

HB 1089 (By Martinez Fischer), Relating to the authority of a county or municipality to require the removal of graffiti by a property owner.

To Urban Affairs.

HB 1090 (By Gonzalez), Relating to the calculation of interest on certain ad valorem tax refunds.

To Ways and Means.

HB 1091 (By J. Davis), Relating to the authority of certain hospital districts to contract for the performance of administrative functions and services.

To County Affairs.

HB 1092 (By Christian), Relating to the exemption from certain construction requirements for volunteer fire departments in certain counties.

To Licensing and Administrative Procedures.

HB 1093 (By Farias), Relating to reporting individual student performance on a physical fitness assessment instrument to the Texas Education Agency.

To Public Education.

HB 1094 (By Farias), Relating to the availability on the Internet of reports of political expenditures and contributions filed in connection with certain county and municipal offices.

To Elections.

HB 1095 (By Farias), Relating to a requirement of a commitment to serve a certain minimum term before a person may be appointed as a member of a local school health advisory council.

To Public Education.

HB 1096 (By Farias), Relating to considering ownership interests of certain disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.

To Defense and Veterans' Affairs.

HB 1097 (By Farias), Relating to including in the annual report of a local school health advisory council to a school district board of trustees information related to funding of programs designed to promote improved student health.

To Public Education.

HB 1098 (By Farias), Relating to the number of times each year local school health advisory councils are required to meet.

To Public Education.

HB 1099 (By Farias), Relating to creating an advisory committee on child protective services in the region that includes Bexar County for the Department of Family and Protective Services.

To Human Services.

HB 1100 (By Farias), Relating to the correction of voter registration records following a change of address submitted to the United States Postal Service.

To Elections.

HB 1101 (By Lucio), Relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.

To Criminal Jurisprudence.

HB 1102 (By Lucio), Relating to the penalty for theft of a pet.

To Criminal Jurisprudence.

HB 1103 (By Lucio), Relating to payment of a fee as a required condition of community supervision for certain criminal offenses involving animal cruelty.

To Criminal Jurisprudence.

HB 1104 (By Paxton), Relating to the phasing out of ad valorem taxes on the residence homesteads of elderly persons by 2021.

To Ways and Means.

HB 1105 (By Harper-Brown), Relating to the adoption and implementation of a policy by the Texas Transportation Commission providing for the accommodation of pedestrians, bicyclists, persons with disabilities, children, senior citizens, users of public transportation, movers of commercial goods, and motorists on streets and highways.

To Transportation.

HB 1106 (By Johnson), Relating to providing certain information to criminal defendants before a plea is entered and at the time of the dismissal of certain proceedings against the defendant.

To Criminal Jurisprudence.

HB 1107 (By Zerwas), Relating to the creation, administration, powers, and duties of a county assistance district.

To Ways and Means.

HB 1108 (By Zerwas), Relating to the regulation of medical radiologic technology.

To Public Health.

HB 1109 (By Christian), Relating to the time at which life begins.

To State Affairs.

HB 1110 (By Craddick), Relating to the contracting authority of the Midland County Hospital District.

To County Affairs.

HB 1111 (By Hartnett), Relating to a tenant's failure to pay rent during an appeal of an eviction for nonpayment of rent.

To Judiciary and Civil Jurisprudence.

HB 1112 (By Phillips), Relating to the authority and powers of regional mobility authorities.

To Transportation.

HB 1113 (By Raymond), Relating to the sentencing hearing or deferred adjudication hearing and conditions of community supervision for defendants convicted of certain offenses involving controlled substances.

To Criminal Jurisprudence.

HB 1114 (By Parker), Relating to public school and child-care facility policies addressing sexual abuse and other maltreatment of children.

To Public Education.

HB 1115 (By Paxton), Relating to a franchise or insurance premium tax credit for contributions made to certain nonprofit educational assistance organizations.

To Ways and Means.

HB 1116 (By Harper-Brown), Relating to prohibiting the sale and use of certain radar interference devices; creating an offense.

To Transportation.

HB 1117 (By Callegari), Relating to a waiver for certain school districts from first day of instruction requirements.

To Public Education.

HB 1119 (By Weber), Relating to the maintenance tax rate of the Brazoria County Conservation and Reclamation District Number Three.

To Natural Resources.

HB 1120 (By Weber), Relating to the dissolution of the Country Place Management District.

To Natural Resources.

HB 1123 (By Dutton), Relating to the regulation of athlete agents; providing administrative and criminal penalties.

To Licensing and Administrative Procedures.

HB 1124 (By Burnam), Relating to safety requirements applicable to gas pipelines in certain counties.

To Energy Resources.

HB 1125 (By Burnam), Relating to a study regarding the odorization of natural gas transported in gathering and transmission lines located in populated areas.

To Energy Resources.

HB 1127 (By Gutierrez), Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.

To Defense and Veterans' Affairs.

HB 1128 (By Menendez), Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.

To Public Health.

HB 1129 (By Kolkhorst), Relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.

To Select State Sovereignty.

HB 1130 (By Huberty), Relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.

To Public Education.

HB 1131 (By Larson), Relating to the permissible uses of the state highway fund.

To Transportation.

HB 1132 (By Larson), Relating to the time permitted for the abatement of a public nuisance.

To County Affairs.

HB 1133 (By Walle), Relating to the creation of a review board to study maternal mortality and severe maternal morbidity.

To Public Health.

HB 1134 (By Kolkhorst), Relating to the use of radio frequency identification technology to transmit information regarding public school students.

To Public Education.

HB 1135 (By Aycock), Relating to an application to run for political office.

To Elections.

HB 1136 (By Aycock), Relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

To Elections.

HB 1137 (By Darby), Relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.

To Homeland Security and Public Safety.

HB 1139 (By Rodriguez), Relating to the regulation of cottage food products and cottage food production operations.

To Public Health.

HB 1140 (By D. Howard), Relating to the creation of the Permanent School Fund Management Council to manage the permanent school fund; providing a criminal penalty.

To Public Education.

HB 1141 (By Turner), Relating to the permitting of certain small commercial development sewage collection, treatment, and disposal systems as on-site sewage disposal systems.

To Environmental Regulation.

HB 1142 (By Turner), Relating to regulation of fire protection sprinkler technicians.

To Licensing and Administrative Procedures.

HB 1143 (By Gonzalez), Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

To Natural Resources.

HB 1144 (By Cain), Relating to the Hopkins County Hospital District.

To County Affairs.

HB 1145 (By Geren), Relating to air monitors in Texas Commission on Environmental Quality Regions 3 and 4 to be funded through the Texas emissions reduction plan.

To Environmental Regulation.

HB 1146 (By Kuempel), Relating to the registration and regulation of appraisal management companies; providing administrative penalties.

To Licensing and Administrative Procedures.

HB 1148 (By W. Smith), Relating to an exemption for certain disabled veterans from the payment of a fee for the issuance of a personal identification certificate.

To Transportation.

HB 1149 (By Lozano), Relating to a moratorium on increases paid to certain employees of and investment managers for the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 1150 (By Riddle), Relating to an affidavit required to be filed in a cause of action against a licensed attorney.

To Judiciary and Civil Jurisprudence.

HB 1151 (By Raymond), Relating to prohibiting the purchase of certain food items under the supplemental nutritional assistance program.

To Human Services.

HJR 82 (By P. King), Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of commercial or industrial real property for ad valorem tax purposes to 110 percent or more of the appraised value of the property for the preceding tax year.

To Ways and Means.

HJR 83 (By Paxton), Proposing a constitutional amendment to phase out ad valorem taxes on the residence homesteads of elderly persons by 2021.

To Ways and Means.

HJR 84 (By Larson), Proposing a constitutional amendment to limit the purposes for which revenues from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenues received from the federal government may be used.

To Transportation.

HJR 85 (By D. Howard), Proposing a constitutional amendment to create the Permanent School Fund Management Council to assume the duty of the State Board of Education to manage the permanent school fund.

To Public Education.

HJR 86 (By Murphy), Proposing a constitutional amendment denying bail to certain persons who are unlawfully present in the United States and are taken into custody for committing a felony.

To State Affairs.

HJR 88 (By Elkins), Proposing a constitutional amendment to provide for legislative review of the process of rulemaking by agencies in the executive department.

To State Affairs.

HR 523 (By Aliseda), Honoring the legacy of community service of the post office in Campbellton and urging Congress to direct the U.S. Postal Service to continue operating the Campbellton Post Office in Atascosa County.

To County Affairs.

HR 570 (By Flynn), Commemorating the 70th anniversary of the Texas State Guard.

To Rules and Resolutions.

HR 571 (By V. Taylor), Congratulating Ian Martinez-Negrete of Carrollton on receiving the Cub Scout Arrow of Light Award.

To Rules and Resolutions.

HR 572 (By Cain), Congratulating Mount Vernon Rotary Club members who have been named Paul Harris Fellows.

To Rules and Resolutions.

HR 573 (By D. Miller), Honoring Youth Leadership New Braunfels for its promotion of civic leadership and volunteerism.

To Rules and Resolutions.

HR 574 (By Craddick), Congratulating Emily Barton on earning the 2010 Volunteer Lifetime Achievement Award from the American Cancer Society's High Plains Division.

To Rules and Resolutions.

HR 575 (By Gutierrez), In memory of San Antonio Police Officer John Anthony "Rocky" Riojas.

To Rules and Resolutions.

HR 578 (By Rodriguez), Congratulating Primetime Tejano for 20 years of programming in the Austin metro area.

To Rules and Resolutions.

HR 580 (By Flynn), Recognizing May 2011 as Motorcycle Safety and Awareness Month.

To Rules and Resolutions.

HR 581 (By Aliseda), Recognizing April 6, 2011, as Atascosa County Day at the State Capitol.

To Rules and Resolutions.

HR 582 (By Alonzo), Congratulating Frances King on her retirement from Dallas County Criminal Court No.3.

To Rules and Resolutions.

HR 583 (By Legler), Honoring the Pasadena Volunteer Fire Department.

To Rules and Resolutions.

HR 584 (By Ritter), Recognizing April 27, 2011, as Texas Water Conservation Day at the State Capitol.

To Rules and Resolutions.

HR 586 (By Schwertner), Congratulating Jerry and Yvonne Graham of Georgetown on their 50th wedding anniversary.

To Rules and Resolutions.

HR 588 (By Guillen), Congratulating Ruben Reyes on his retirement as constable for Precinct 2 of Webb County.

To Rules and Resolutions.

HR 589 (By Guillen), Congratulating Diana Pena of Rio Grande City on her retirement as vice president of finance and administrative services for South Texas College.

To Rules and Resolutions.

HR 593 (By Workman), Congratulating the football team from Lake Travis High School in Austin on winning the UIL Class 4A Division 1 state championship for 2010.

To Rules and Resolutions.

HR 594 (By Workman), Congratulating the Lake Travis High School volleyball team on winning the UIL 4A state championship for 2010.

To Rules and Resolutions.

HR 595 (By S. Davis), Recognizing March 3, 2011, as Rice University Day at the State Capitol.

To Rules and Resolutions.

HR 596 (By Muñoz), Congratulating Alda T. Benavides on being named the Distinguished Bilingual Educator of the Year by the Rio Grande Valley-Texas Association for Bilingual Education.

To Rules and Resolutions.

HR 597 (By Keffer), Honoring Eudean and Patricia Howard of Brownwood on their 50th wedding anniversary.

To Rules and Resolutions.

HR 598 (By Keffer), Congratulating Leta Andrews of Granbury High School on becoming the most victorious coach in American high school basketball history.

To Rules and Resolutions.

HR 599 (By Aliseda), Recognizing March 23, 2011, as McMullen County Day at the State Capitol.

To Rules and Resolutions.

HR 600 (By Price), Recognizing March 2, 2011, as Texas Flag Day.

To Rules and Resolutions.

HR 601 (By Price), Commemorating Mother's Day 2011 and honoring all mothers.

To Rules and Resolutions.

HR 602 (By Price), Commemorating Father's Day 2011 and honoring all fathers.

To Rules and Resolutions.

HR 603 (By Price), Commemorating Flag Day on June 14, 2011.

To Rules and Resolutions.

HR 604 (By McClendon), Recognizing March 8, 2011, as The University of Texas at San Antonio Day at the State Capitol and commending the UTSA Alumni Association for its support.

To Rules and Resolutions.

HR 605 (By Kleinschmidt), Honoring Andrew Dean Livingston on his 65th birthday.

To Rules and Resolutions.

HR 606 (By Orr), Welcoming members of the Cleburne Chamber of Commerce and the Cleburne Tuesday Forum to the State Capitol on March 1, 2011.

To Rules and Resolutions.

HR 607 (By Frullo), Congratulating Jon Stephens on his selection as the 2011 Lubbock Area United Way Campaign Volunteer of the Year.

To Rules and Resolutions.

HR 608 (By Frullo), Honoring Harold Jones on his selection as the recipient of the 2011 Rita Harmon Volunteer Service Award by the Lubbock Area United Way.

To Rules and Resolutions.

HR 609 (By Harless), Honoring Harris County Clerk Beverly Kaufman on her retirement.

To Rules and Resolutions.

HR 611 (By P. King), Recognizing March 2011 as American Red Cross Month and honoring the Parker County Branch of the Chisholm Trail Regional Chapter of the American Red Cross.

To Rules and Resolutions.

HR 612 (By Paxton), Commemorating the 100th anniversary of the Allen Independent School District.

To Rules and Resolutions.

HR 613 (By Bonnen), Honoring Our Lady Queen of Peace Catholic School in Richwood on the 25th anniversary of its opening.

To Rules and Resolutions.

HR 614 (By Bonnen), Honoring Dr. Benjamin Weiner for his outstanding medical career.

To Rules and Resolutions.

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

HCR 21 (By Gallego), Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

To Select State Sovereignty.

HCR 61 (By Callegari), Expressing opposition to federal interference in state management of Texas' water resources.

To Select State Sovereignty.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

February 25

State Affairs - **HB 15**

Transportation - **HB 71, HB 314, HB 367, HB 388, HB 591**

SIGNED BY THE GOVERNOR

February 24 - HCR 48, HCR 51, HCR 52, HCR 53

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SEVENTH DAY — TUESDAY, MARCH 1, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 56).

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

Absent, Excused — Miller, D.

Absent — King, T.

The invocation was offered by Ronnie Norman, pastor, First Colony Church of Christ, Sugar Land.

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

LEAVE OF ABSENCE GRANTED

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

D. Miller on motion of Button.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative W. Smith who presented Dr. Rebecca Gladu, Dr. Marcus Wheeler, and Dr. Bo Allaire of Baytown as the "Doctor for the Day."

The house welcomed Drs. Gladu, Wheeler, and Allaire and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Scott in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HCR 59 - PREVIOUSLY ADOPTED

(by Berman)

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

HCR 59, Designating February 28 to March 1, 2011, as East Texas Coalition Days at the State Capitol.

On motion of Representatives Simpson, Berman, Flynn, Cain, Hopson, Lavender, Patrick, and Beck, the names of all the members of the house were added to **HCR 59** as signers thereof.

(T. King now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Berman who introduced a delegation from East Texas.

HR 668 - ADOPTED

(by R. Anderson)

Representative R. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 668**.

The motion prevailed.

The following resolution was laid before the house:

HR 668, Recognizing March 1, 2011, as Grand Prairie Day at the State Capitol.

HR 668 was read and was adopted.

On motion of Representative Nash, the names of all the members of the house were added to **HR 668** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative R. Anderson who introduced a delegation from Grand Prairie.

INTRODUCTION OF GUESTS

The chair recognized Representative Flynn who introduced a delegation from Hunt County.

**HR 132 - ADOPTED
(by Flynn)**

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 132**.

The motion prevailed.

The following resolution was laid before the house:

HR 132, Recognizing March 1, 2011, as Hunt County Day at the State Capitol.

HR 132 was read and was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 132** as signers thereof.

**HR 606 - ADOPTED
(by Orr)**

Representative Orr moved to suspend all necessary rules to take up and consider at this time **HR 606**.

The motion prevailed.

The following resolution was laid before the house:

HR 606, Welcoming members of the Cleburne Chamber of Commerce and the Cleburne Tuesday Forum to the State Capitol on March 1, 2011.

HR 606 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Orr who introduced a delegation from Johnson County.

**HR 236 - PREVIOUSLY ADOPTED
(by Callegari and Fletcher)**

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

HR 236, In memory of Floyd A. Mechler, Jr., of Spring.

On motion of Representative S. Miller, the names of all the members of the house were added to **HR 236** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced family members and friends of Floyd A. Mechler, Jr.

HR 672 - ADOPTED**(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 672**.

The motion prevailed.

The following resolution was laid before the house:

HR 672, Commending the Boys & Girls Clubs in Texas for their outstanding efforts in behalf of youth and their families.

(Carter in the chair)

HR 672 was read and was adopted.

On motion of Representative Sheffield, the names of all the members of the house were added to **HR 672** as signers thereof.

HR 644 - ADOPTED**(by Anchia)**

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 644**.

The motion prevailed.

The following resolution was laid before the house:

HR 644, Recognizing March 1, 2011, as City of Dallas Day at the State Capitol.

HR 644 was read and was adopted.

On motion of Representative Branch, the names of all the members of the house were added to **HR 644** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Anchia who introduced a delegation from Dallas.

HR 666 - ADOPTED**(by Branch)**

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 666**.

The motion prevailed.

The following resolution was laid before the house:

HR 666, Welcoming members of the Dallas Regional Chamber and its Young Professionals program to the State Capitol.

HR 666 was adopted.

HR 636 - ADOPTED
(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 636**.

The motion prevailed.

The following resolution was laid before the house:

HR 636, Recognizing March 1, 2011, as Austin County Day at the State Capitol.

HR 636 was read and was adopted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Branch moved to suspend the five-day posting rule to allow the Committee on Higher Education to consider **HB 743** at 2 p.m. or upon adjournment tomorrow in E1.014.

The motion prevailed.

HCR 72 - ADOPTED
(by Zerwas)

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HCR 72**.

The motion prevailed.

The following resolution was laid before the house:

HCR 72, Recognizing March 1, 2011, as Donate Life Texas Day at the State Capitol.

HCR 72 was read and was adopted.

On motion of Representative D. Howard, the names of all the members of the house were added to **HCR 72** as signers thereof.

SCR 19 - ADOPTED
(S. King - House Sponsor)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **SCR 19**.

The motion prevailed.

The following resolution was laid before the house:

SCR 19, Commending the doctors, educators, and parents who participate in the Reach Out and Read program.

SCR 19 was read and was adopted.

HR 385 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 385**.

The motion prevailed.

The following resolution was laid before the house:

HR 385, Recognizing March 1, 2011, as Coastal Bend Day at the State Capitol.

HR 385 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Hunter who introduced a delegation from the Coastal Bend area.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 7).

HR 663 - ADOPTED
(by Harless and S. Davis)

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 663**.

The motion prevailed.

The following resolution was laid before the house:

HR 663, Welcoming members of the Greater Houston Women's Chamber of Commerce to the State Capitol on March 1, 2011.

HR 663 was read and was adopted.

SCR 22 - ADOPTED
(Y. Davis - House Sponsor)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **SCR 22**.

The motion prevailed.

The following resolution was laid before the house:

SCR 22, Recognizing February 28, 2011, as Texas Southern University Day at the State Capitol.

SCR 22 was adopted.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Fletcher requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee

postings. For purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10:30 a.m. Thursday, March 3.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, during bill referral today, 3W.15.

PROVIDING FOR ADJOURNMENT

Representative S. Davis moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Pitts in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:27 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 275 (By Pitts), Relating to making an appropriation of money from the economic stabilization fund for expenditure during the current state fiscal biennium.

To Appropriations.

HB 1070 (By Scott), Relating to the taking of a defendant's bail bond by county jailers.

To Criminal Jurisprudence.

HB 1154 (By Walle), Relating to the assessment of a civil penalty against owners and operators of coin-operated machines who commit certain gambling offenses.

To Licensing and Administrative Procedures.

HB 1155 (By Walle), Relating to the establishment by the Texas Workforce Commission of a pilot program to create voluntary internship opportunities for certain persons receiving unemployment benefits.

To Economic and Small Business Development.

HB 1156 (By Cook), Relating to reports filed with the comptroller regarding certain alcoholic beverage sales.

To Licensing and Administrative Procedures.

HB 1157 (By Hancock), Relating to the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

To Insurance.

HB 1158 (By Eissler), Relating to additional optional training and course work for public school principals.

To Public Education.

HB 1159 (By Eissler), Relating to repeal on a periodic basis of the provisions of Titles 1 and 2 of the Education Code to provide for legislative review of the primary state statutes governing public education.

To Public Education.

HB 1160 (By Eissler), Relating to certification to teach public school students who have visual impairments.

To Public Education.

HB 1161 (By Bonnen), Relating to granting limited state law enforcement authority to commissioned law enforcement officers of the United States Fish and Wildlife Service.

To Culture, Recreation, and Tourism.

HB 1162 (By Bonnen), Relating to the provision of notice to vacate to certain commercial tenants in an eviction suit.

To Business and Industry.

HB 1163 (By Keffer), Relating to tuition and fee exemptions at public institutions of higher education for certain peace officers and firefighters.

To Higher Education.

HB 1164 (By Keffer), Relating to enforcement actions by the Texas Board of Professional Engineers against political subdivisions and certain public officials.

To Licensing and Administrative Procedures.

HB 1165 (By Keffer), Relating to the exemption of certain electric cooperatives from certain regulations.

To State Affairs.

HB 1166 (By Zerwas), Relating to tobacco cessation programs for certain public employees and their dependents and to the assessment of a fee on certain public employees who use tobacco.

To Insurance.

HB 1167 (By V. Taylor), Relating to the carrying of concealed handguns on certain premises of or locations associated with schools or public junior colleges and public technical institutes.

To Homeland Security and Public Safety.

HB 1168 (By D. Miller), Relating to smoke alarms and fire extinguishers in residential rental units.

To Business and Industry.

HB 1169 (By Morrison), Relating to the issuance of certain permits for the movement of oversize or overweight vehicles.

To Transportation.

HB 1170 (By Madden), Relating to the computation of the franchise tax by certain taxable entities that rent or lease equipment.

To Ways and Means.

HB 1171 (By Shelton), Relating to the deadline for providing notice to public school teachers regarding renewal or nonrenewal of term contracts.

To Public Education.

HB 1172 (By Fletcher), Relating to resources available to the Texas Veterans Commission.

To Defense and Veterans' Affairs.

HB 1173 (By Riddle), Relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.

To Criminal Jurisprudence.

HB 1174 (By Workman), Relating to the expiration of a county burn ban.

To County Affairs.

HB 1175 (By Workman), Relating to the election of the governing body of certain municipalities.

To Urban Affairs.

HB 1176 (By Brown), Relating to the use of motion sensor technology in certain state buildings, public school facilities, and higher education facilities.

To Energy Resources.

HB 1177 (By Gallego), Relating to the election of members of the board of directors of the Middle Pecos Groundwater Conservation District.

To Natural Resources.

HB 1178 (By Flynn), Relating to employment protection for members of the state military forces.

To Defense and Veterans' Affairs.

HB 1179 (By Flynn), Relating to certification requirements for certain property tax professionals.

To Licensing and Administrative Procedures.

HB 1180 (By Flynn), Relating to the appointment of certain representatives to regional water planning groups.

To Natural Resources.

HB 1181 (By Deshotel), Relating to abolishing the Texas Department of Rural Affairs and transferring its functions to the Texas Department of Housing and Community Affairs, Department of State Health Services, and Department of Agriculture.

To Government Efficiency and Reform.

HB 1182 (By Muñoz), Relating to disclosure of calorie content and nutrition information by certain food establishments; providing an administrative penalty.

To Public Health.

HB 1183 (By Raymond), Relating to local option elections to legalize or prohibit the operation of eight-liners and the imposition of a fee on eight-liner owners; providing penalties.

To Licensing and Administrative Procedures.

HB 1184 (By Legler), Relating to a limitation on the maximum appraised value of real property for ad valorem tax purposes of 105 percent of the appraised value of the property for the preceding tax year.

To Ways and Means.

HB 1185 (By Solomons), Relating to determination of state contributions for participation by certain junior college employees in the state employees group benefits program.

To Appropriations.

HB 1186 (By C. Howard), Relating to documentary evidence of citizenship or other status as a requirement for issuance of certain identification documents.

To State Affairs.

HB 1187 (By C. Howard), Relating to the retention of the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

HB 1188 (By Aliseda), Relating to state assistance for certain county health care expenditures.

To Appropriations.

HB 1189 (By Callegari), Relating to school district consideration of a vendor's principal place of business in making a contract award determination.
To Public Education.

HB 1190 (By Christian), Relating to the continuing education requirements for optometrists and therapeutic optometrists.
To Public Health.

HB 1191 (By Castro), Relating to the sheriff's department civil service commission appointments in certain counties.
To County Affairs.

HB 1192 (By Castro), Relating to the requirement and study of insurance coverage for serious emotional disturbance of a child.
To Insurance.

HB 1193 (By Woolley), Relating to the eligibility requirements for automatic admission of undergraduate students to four-year public institutions of higher education and to certain scholarship and reporting and notice requirements relating to automatic admission.
To Higher Education.

HB 1194 (By Zerwas), Relating to investigations and other procedures with respect to allegations of child abuse and neglect.
To Human Services.

HB 1195 (By McClendon), Relating to the qualifications and duties of the chief financial officer, the internal auditor, and legal counsel of the Texas Department of Transportation.
To Transportation.

HB 1196 (By Dutton), Relating to foreclosure of a property owners' association's assessment lien.
To Business and Industry.

HB 1197 (By Keffer), Relating to an action on certain contracts for information about property recoverable by the state.
To State Affairs.

HB 1198 (By Keffer), Relating to a credit against the access fee for a private dock charged by the Brazos River Authority in the event of a drought.
To Natural Resources.

HB 1199 (By Gallego), Relating to the penalty for certain intoxication assaults.
To Criminal Jurisprudence.

HB 1200 (By McClendon), Relating to the creation of the offense of improper photography or visual recording of certain identifying information.
To Criminal Jurisprudence.

HB 1201 (By Kolkhorst), Relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.
To Transportation.

HB 1202 (By Riddle), Relating to the creation of the offense of employing or contracting with an unauthorized alien.

To State Affairs.

HB 1203 (By Harper-Brown), Relating to idling the diesel engine of a school bus while the bus is parked at a public school or in a school crossing zone.

To Public Education.

HB 1204 (By Turner), Relating to the removal of certain restrictions on the ability to switch retail electric providers.

To State Affairs.

HB 1205 (By Turner), Relating to the establishment of certain time credits through which a defendant's period of community supervision is reduced.

To Criminal Jurisprudence.

HB 1206 (By Guillen), Relating to training for members of governing boards of public junior college districts.

To Higher Education.

HB 1207 (By S. Davis), Relating to adoption of the Uniform Child Abduction Prevention Act.

To Judiciary and Civil Jurisprudence.

HB 1208 (By Martinez Fischer), Relating to the deadline for providing notice to public school teachers regarding renewal or nonrenewal of term contracts.

To Public Education.

HB 1209 (By L. Taylor), Relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

To Judiciary and Civil Jurisprudence.

HB 1210 (By L. Taylor), Relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

To Natural Resources.

HB 1211 (By Fletcher), Relating to lobbying by former members of the legislature; creating an offense.

To Elections.

HB 1212 (By Fletcher), Relating to the collection and use of certain applicant information by public institutions of higher education.

To Higher Education.

HB 1213 (By Fletcher), Relating to increasing the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

To Criminal Jurisprudence.

HB 1214 (By McClendon), Relating to certain fees imposed in connection with the operation of overweight and oversize vehicles.

To Transportation.

HB 1215 (By McClendon), Relating to the creation of the offense of unauthorized acquisition or transfer of certain financial information.

To Criminal Jurisprudence.

HB 1216 (By Miles), Relating to required attendance at a dropout prevention seminar by a student older than the age of compulsory school attendance who intends to drop out of school.

To Public Education.

HB 1217 (By Miles), Relating to a residential tenant's right to vacate a dwelling and avoid liability for rent following the declaration of a state of disaster; providing a civil penalty.

To Business and Industry.

HB 1218 (By Miles), Relating to foreclosure sales of residential real property occupied by a tenant.

To Business and Industry.

HB 1219 (By Miles), Relating to the right of an employee to time off from work if the employee or the employee's child is a victim of family violence or a violent felony offense.

To Economic and Small Business Development.

HB 1220 (By Miles), Relating to the restoration of certain inmates' good conduct time that is forfeited during a term of imprisonment.

To Corrections.

HB 1221 (By Miles), Relating to providing financial assistance to certain kinship caregivers.

To Human Services.

HB 1222 (By Anchia), Relating to the regulation of debt management services providers; providing a penalty.

To Pensions, Investments, and Financial Services.

HB 1223 (By Workman), Relating to the procedures by which certain small water and sewer utilities may change rates.

To Natural Resources.

HB 1224 (By Reynolds), Relating to expulsion of a public school student who commits certain criminal acts involving a computer, computer network, or computer system owned by or operated on behalf of a school district.

To Public Education.

HB 1225 (By Menendez), Relating to requirements for private passenger vehicle rental companies regarding child safety seats; providing a penalty.

To Transportation.

HB 1226 (By Dutton), Relating to the eligibility of certain persons who have received deferred adjudication to vote.

To Elections.

HB 1227 (By Dutton), Relating to the inclusion of an incarcerated person in the population data used for redistricting according to the person's last residence before incarceration.

To Redistricting.

HB 1228 (By Dutton), Relating to foreclosure of a property owners' association assessment lien.

To Business and Industry.

HB 1229 (By Legler), Relating to equal parenting orders in suits affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 1230 (By Hopson), Relating to reimbursement under the Medicaid vendor drug program for pharmacy care management services provided in connection with specialty pharmacy products.

To Public Health.

HB 1231 (By Hopson), Relating to the exemption from certain construction requirements for volunteer fire departments in certain counties.

To Licensing and Administrative Procedures.

HB 1232 (By Dukes), Relating to outsourcing a service performed by a state agency to a private commercial contractor.

To State Affairs.

HB 1233 (By Gonzalez), Relating to the amount of the state traffic fine.

To Transportation.

HB 1234 (By D. Miller), Relating to the authority of certain counties to impose a county hotel occupancy tax.

To Ways and Means.

HB 1235 (By Schwertner), Relating to the transfer of certain state property from the Texas Department of Transportation to the Parks and Wildlife Department.

To Culture, Recreation, and Tourism.

HB 1236 (By Zedler), Relating to the availability of certain school district financial information on districts' Internet websites.

To Public Education.

HB 1237 (By Zedler), Relating to Internet access to checking account transactions of a public institution of higher education.

To Higher Education.

HB 1238 (By Zedler), Relating to the determination of resident status of students by public institutions of higher education.

To State Affairs.

HB 1239 (By Zedler), Relating to a prohibition against the construction or operation by a local governmental entity of a day labor center used to facilitate the employment of aliens not lawfully present in the United States.

To State Affairs.

HB 1240 (By Zedler), Relating to the application of foreign and international laws and doctrines in this state.

To Select State Sovereignty.

HB 1241 (By Zedler), Relating to surety bond requirements for reserve deputy constables.

To Homeland Security and Public Safety.

HB 1242 (By Geren), Relating to the regulation of certain metal dealers; providing criminal penalties.

To Environmental Regulation.

HB 1243 (By D. Miller), Relating to the creation of the criminal offense of ingesting a controlled substance while pregnant or introducing a controlled substance into the body of a person who is pregnant and the consequences of the commission of that offense in a suit affecting the parent-child relationship.

To Criminal Jurisprudence.

HB 1244 (By Castro), Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

To Higher Education.

HB 1245 (By Callegari), Relating to the repeal of the authorization to establish a super collider facility research authority.

To Government Efficiency and Reform.

HB 1246 (By Callegari), Relating to the repeal of certain laws regulating the sale or transfer of secondhand watches.

To Government Efficiency and Reform.

HB 1247 (By Callegari), Relating to the repeal of certain prohibitions on purchases of paper supplies and cabinets by state agencies.

To Government Efficiency and Reform.

HB 1248 (By Villarreal), Relating to the provision of certain dental services to children at certain schools under the medical assistance program.

To Public Health.

HB 1249 (By Callegari), Relating to certain reports, communications, and publications involving the attorney general.

To Government Efficiency and Reform.

HB 1250 (By Frullo), Relating to the use of facsimile signatures for certain documents involving certain municipalities.

To Urban Affairs.

HB 1251 (By Deshotel), Relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.

To Transportation.

HB 1252 (By T. Smith), Relating to the powers and duties of criminal law magistrates in Tarrant County.

To Judiciary and Civil Jurisprudence.

HB 1253 (By Smithee), Relating to notice to an enrollee of a modification in a small or large employer health benefit plan.

To Insurance.

HB 1254 (By Pickett), Relating to consideration of the consolidation of school district peace officers and security personnel in certain counties.

To Border and Intergovernmental Affairs.

HB 1255 (By Strama), Relating to programs, services, and information related to women's health, family planning, and human sexuality.

To Public Health.

HB 1256 (By Pickett), Relating to consideration of the consolidation of school bus operations in certain counties.

To Public Education.

HB 1258 (By Kolkhorst), Relating to the eligibility of federally qualified health centers for certain grants.

To Public Health.

HB 1259 (By S. Miller), Relating to the enforcement of a self-service storage facility lien; providing a penalty.

To Business and Industry.

HB 1260 (By Thompson), Relating to family violence and protective orders.

To Judiciary and Civil Jurisprudence.

HB 1261 (By Thompson), Relating to court costs imposed on conviction and deposited to the municipal court technology fund.

To Judiciary and Civil Jurisprudence.

HB 1262 (By Thompson), Relating to a court order for the possession of or access to a child under three years of age.

To Judiciary and Civil Jurisprudence.

HB 1263 (By Lucio), Relating to the powers, duties, and financing of certain facilities finance corporations.

To Ways and Means.

HB 1264 (By Craddick), Relating to establishing a separate provider type for prosthetic and orthotic providers under the medical assistance program.

To Public Health.

HB 1265 (By Smithee), Relating to the amount of outstanding total liability of a mortgage guaranty insurer.

To Insurance.

HB 1266 (By Coleman), Relating to licensing of advanced practice registered nurses and the authority of those nurses to prescribe and order prescription drugs.

To Public Health.

HB 1267 (By Smithee), Relating to the authority of certain counties and intergovernmental pools to require reimbursement for punitive damage coverage.
To Insurance.

HB 1268 (By Murphy), Relating to the computation of public high school grade point averages.
To Public Education.

HB 1269 (By Murphy), Relating to the eligibility requirements of deputy voter registrars.
To Elections.

HB 1270 (By Murphy), Relating to residency requirements for deputy voter registrars.
To Elections.

HB 1271 (By Morrison), Relating to community assistance and economic development program activities of the Lavaca-Navidad River Authority.
To Transportation.

HB 1272 (By D. Miller), Relating to requiring employers to participate in the federal electronic verification of work authorization program or E-Verify; establishing an unlawful employment practice and providing criminal penalties.
To State Affairs.

HB 1273 (By Workman), Relating to the regulation of propane utility companies.
To Energy Resources.

HB 1274 (By Peña), Relating to an exemption from the payment of a toll for unmarked military vehicles conducting or training for emergency operations.
To Transportation.

HB 1275 (By Harless), Relating to the suspension of certain licenses held by employers for the knowing employment of persons not lawfully present in the United States.
To State Affairs.

HB 1276 (By Guillen), Relating to state actions necessary to maximize federal funding for certain transportation projects and activities in this state.
To Transportation.

HB 1277 (By Guillen), Relating to the requirement that certain excavation equipment have a decal to promote safety issued by the Texas Underground Facility Notification Corporation; providing an administrative penalty.
To Energy Resources.

HB 1278 (By Coleman), Relating to regulation by a property owners' association of certain religious displays.
To Business and Industry.

HB 1279 (By D. Miller), Relating to the administration, powers, duties, and operation of the Edwards Aquifer Authority.
To Natural Resources.

HB 1280 (By Kolkhorst), Relating to the payment of an examination fee to the attorney general for the legal sufficiency review of a comprehensive development agreement.

To Transportation.

HB 1281 (By Workman), Relating to changes in the single-member district boundaries of the Barton Springs-Edwards Aquifer Conservation District.

To Natural Resources.

HB 1282 (By Kleinschmidt), Relating to the selection of the chief appraiser of an appraisal district.

To Ways and Means.

HB 1283 (By Craddick), Relating to consideration of a bidder's principal place of business in awarding certain municipal contracts.

To Urban Affairs.

HB 1284 (By Menendez), Relating to the transfer of the powers, duties, and programs of the Texas State Affordable Housing Corporation to the Texas Department of Housing and Community Affairs and to the establishment of certain other programs and divisions within the department.

To Urban Affairs.

HB 1285 (By Kleinschmidt), Relating to the payment by the holder of abandoned mineral proceeds of the ad valorem taxes on the mineral interest to which the proceeds are attributable.

To Ways and Means.

HB 1286 (By D. Howard), Relating to adoption of rules by the University Interscholastic League.

To Public Education.

HB 1287 (By Villarreal), Relating to refunds of ad valorem taxes made following the final determination of an appeal that decreases a property owner's tax liability.

To Ways and Means.

HB 1288 (By Paxton), Relating to ad valorem tax lien transfers.

To Ways and Means.

HB 1289 (By Gonzalez), Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

To Natural Resources.

HB 1290 (By Kolkhorst), Relating to food safety.

To Public Health.

HB 1291 (By Hochberg), Relating to the operation of toll projects.

To Transportation.

HB 1292 (By Coleman), Relating to coverage of certain eating disorders as serious mental illnesses under certain group health benefit plans.

To Insurance.

HB 1293 (By Price), Relating to the Moore County Hospital District.
To County Affairs.

HB 1294 (By Shelton), Relating to the eligibility of certain persons to receive a sentence of community supervision, including deferred adjudication community supervision.

To State Affairs.

HB 1296 (By Shelton), Relating to a public school teacher's entitlement to a certain number of planning and preparation days each school year.

To Public Education.

HB 1297 (By Paxton), Relating to the enforcement of certain laws governing immigration and to certain requirements concerning illegal criminal aliens in the custody of the Texas Department of Criminal Justice.

To State Affairs.

HB 1298 (By Kolkhorst), Relating to reporting of lobbying activities and restrictions on lobbying activities by certain persons; creating an offense.

To Elections.

HB 1299 (By Guillen), Relating to the supervised reentry into the community of certain inmates nearing their date of discharge from the Texas Department of Criminal Justice.

To Corrections.

HB 1300 (By Guillen), Relating to funding for state sites through private contributions and partnerships and to commercial advertising on certain state sites.

To Culture, Recreation, and Tourism.

HB 1301 (By Guillen), Relating to making a voluntary contribution to the Parks and Wildlife Department when registering a motor vehicle or renewing a motor vehicle registration.

To Culture, Recreation, and Tourism.

HB 1302 (By Larson), Relating to the establishment of the Texas Energy and Communications Commission to consolidate the functions of the Public Utility Commission of Texas and the Railroad Commission of Texas.

To Energy Resources.

HB 1303 (By Sheets), Relating to retirement benefits for state employees who return to work with the state.

To Pensions, Investments, and Financial Services.

HB 1304 (By Bonnen), Relating to requirements for a personal financial literacy component in the public high school curriculum.

To Public Education.

HB 1305 (By Bonnen), Relating to the issuance of oversize or overweight vehicle permits by certain port authorities.

To Transportation.

HB 1306 (By Sheffield), Relating to a person's eligibility for appointment as a volunteer deputy voter registrar.

To Elections.

HB 1307 (By Villarreal), Relating to alternative assessment of certain public school students under the public school accountability system.

To Public Education.

HB 1308 (By Villarreal), Relating to a periodic review of state and local tax preferences.

To Ways and Means.

HB 1309 (By Craddick), Relating to the creation of the offense of electronic transmission of certain visual material depicting a minor and to certain educational programs concerning the prevention and awareness of that offense.

To Criminal Jurisprudence.

HB 1310 (By Smithee), Relating to the office of public insurance counsel's authority to initiate a hearing on or object to insurance rates or rate filings.

To Insurance.

HB 1311 (By Shelton), Relating to certain open-enrollment charter schools dedicated to serving certain students at risk of dropping out of school.

To Public Education.

HB 1312 (By Castro), Relating to the categories of performance for which a public school campus may receive a distinction designation.

To Public Education.

HB 1313 (By Gonzalez), Relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.

To Judiciary and Civil Jurisprudence.

HB 1314 (By Raymond), Relating to the operation of the 111th District Court.

To Judiciary and Civil Jurisprudence.

HB 1315 (By Aliseda), Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

To Ways and Means.

HB 1316 (By Torres), Relating to the imposition and use of the municipal hotel occupancy tax by certain eligible central municipalities.

To Ways and Means.

HB 1317 (By Naishtat), Relating to a presumption that certain retailers are engaged in business in this state for the purpose of the use tax.

To Ways and Means.

HB 1318 (By Coleman), Relating to meetings of the University of Houston System Board of Regents.

To Higher Education.

HB 1319 (By Laubenberg), Relating to the calculation and reporting of water usage and conservation by municipalities and water utilities.

To Natural Resources.

HB 1321 (By Allen), Relating to health benefit plan coverage for certain children diagnosed with autism spectrum disorder.

To Insurance.

HB 1322 (By Scott), Relating to the possession of fish in the tidal water of this state.

To Culture, Recreation, and Tourism.

HB 1323 (By Johnson), Relating to the regulation of activities with respect to certain extensions of consumer credit.

To Pensions, Investments, and Financial Services.

HB 1324 (By Landtroop), Relating to the regulation of public grain warehouse operators.

To Agriculture and Livestock.

HB 1325 (By Hartnett), Relating to payment of the costs for services of a guardian ad litem and attorney ad litem in a guardianship proceeding.

To Judiciary and Civil Jurisprudence.

HB 1326 (By Guillen), Relating to authorization to operate school districts on the basis of a four-day instructional week.

To Public Education.

HB 1327 (By Darby), Relating to the creation of a grant program to defray the cost of constructing a new health facility in a rural county.

To County Affairs.

HB 1328 (By Raymond), Relating to the training for and use of electromagnetic pulse devices by peace officers and reserve law enforcement officers.

To Homeland Security and Public Safety.

HB 1329 (By Raymond), Relating to a waiver of concealed handgun license fees for certain veterans of the military.

To Homeland Security and Public Safety.

HB 1330 (By Raymond), Relating to the use of safety guards or flaps on certain vehicles or vehicle combinations.

To Transportation.

HB 1331 (By Creighton), Relating to the availability of certain school district financial information on certain districts' Internet websites.

To Public Education.

HB 1332 (By Creighton), Relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

To Criminal Jurisprudence.

HB 1333 (By Zerwas), Relating to expedited credentialing of certain physicians by managed care plans.

To Insurance.

HB 1334 (By Allen), Relating to the effect of a delay by the State Board for Educator Certification in renewing an educator's certification.

To Public Education.

HB 1335 (By Allen), Relating to certain resources available to teachers of a public school student with a disability under the statewide plan for delivery of services to public school students with disabilities.

To Public Education.

HB 1336 (By Allen), Relating to the authority of a school district to implement a school bus monitoring system that records images, including images of vehicles that pass a stopped school bus; providing for the imposition of penalties.

To Public Education.

HB 1337 (By Allen), Relating to the use of state institutions of higher education to provide training to state agency employees.

To State Affairs.

HB 1339 (By Lyne), Relating to the student fees for the university center at Midwestern State University.

To Higher Education.

HB 1340 (By Walle), Relating to the use of positive behavioral interventions and supports in public schools.

To Public Education.

HB 1341 (By Walle), Relating to the manner of payment of tuition and mandatory fees at public institutions of higher education.

To Higher Education.

HB 1342 (By Walle), Relating to employee caseload and call processing standards for the provision of child and adult protective services.

To Human Services.

HB 1343 (By Carter), Relating to proper venue for certain criminal prosecutions of mortgage fraud.

To Criminal Jurisprudence.

HB 1344 (By Burkett), Relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

To Criminal Jurisprudence.

HB 1345 (By Veasey), Relating to the statute of limitations on prosecution of the offenses of kidnapping and aggravated kidnapping of a minor.

To Criminal Jurisprudence.

HB 1346 (By Guillen), Relating to the consistent use of the term "game warden" throughout the Parks and Wildlife Code.

To Culture, Recreation, and Tourism.

HB 1347 (By Hughes), Relating to a refund of registration fees paid by home builders to the Texas Residential Construction Commission.
To Business and Industry.

HB 1348 (By Marquez), Relating to policies, procedures, and training to address bullying of public school students.
To Public Education.

HB 1349 (By Marquez), Relating to the services included in a retail price list provided by a funeral establishment.
To Public Health.

HB 1350 (By Marquez), Relating to authorization for a caregiver who is a relative to enroll a child in school.
To Judiciary and Civil Jurisprudence.

HB 1351 (By Farias), Relating to Voter Education Week.
To Elections.

HB 1352 (By Farias), Relating to a study on the number of taxpayers claiming the federal earned income tax credit.
To Ways and Means.

HB 1353 (By Elkins), Relating to speed limits.
To Transportation.

HB 1354 (By S. Davis), Relating to liability of certain certified municipal inspectors for services rendered during an emergency or disaster.
To Judiciary and Civil Jurisprudence.

HB 1355 (By Orr), Relating to title insurance coverage for certain damage to the surface of land.
To Insurance.

HB 1356 (By Gooden), Relating to the carrying of concealed handguns on certain premises of or locations associated with schools or institutions of higher education.
To Homeland Security and Public Safety.

HB 1357 (By Eiland), Relating to coverage for certain towing and storage expenses under a motor vehicle insurance policy.
To Insurance.

HB 1358 (By C. Howard), Relating to the exclusion of certain flow-through funds by qualified courier and logistics companies in determining total revenue for purposes of the franchise tax.
To Ways and Means.

HB 1359 (By Veasey), Relating to authorization for a caregiver who is a relative to enroll a child in school.
To Judiciary and Civil Jurisprudence.

HB 1360 (By Coleman), Relating to the regulation of off-premise signs in the unincorporated area of a county.
To County Affairs.

HB 1361 (By Landtroop), Relating to the regulation of public grain warehouse operators.

To Agriculture and Livestock.

HB 1362 (By Laubenberg), Relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

To Insurance.

HB 1363 (By McClendon), Relating to the transfer of certain functions related to oversize and overweight vehicles from the Texas Department of Transportation to the Texas Department of Motor Vehicles.

To Transportation.

HB 1364 (By Driver), Relating to a credit or refund for diesel fuel taxes paid on diesel fuel used in this state by auxiliary power units or power take-off equipment.

To Ways and Means.

HB 1365 (By Callegari), Relating to requiring flashing lights to be posted before an intersection at which a photographic system is used to enforce compliance with traffic-control signals.

To Urban Affairs.

HB 1366 (By Truitt), Relating to the amount of wine certain wineries may sell directly to consumers.

To Licensing and Administrative Procedures.

HB 1367 (By Hancock), Relating to a school district exemption from state requirements, restrictions, and prohibitions.

To Public Education.

HB 1368 (By Hancock), Relating to the nonrenewal of, and the assessment of premium surcharges against, certain insurance policies.

To Insurance.

HB 1369 (By Hancock), Relating to the establishment of open-enrollment charter schools and of new campuses of existing charter schools.

To Public Education.

HB 1370 (By Workman), Relating to establishment of the Texas Construction Academy as a residential construction training and high school center for certain public high school students and high school graduates.

To Public Education.

HB 1371 (By Gonzalez), Relating to vehicle parking requirements in certain municipal housing authority communities.

To Border and Intergovernmental Affairs.

HB 1372 (By Christian), Relating to the appointment of a tenant representative as a commissioner of a municipal housing authority.

To Urban Affairs.

HB 1373 (By Bohac), Relating to the computation of the franchise tax by certain taxable entities.

To Ways and Means.

HB 1374 (By Bohac), Relating to information that must be included on certain electric bills.

To State Affairs.

HB 1376 (By Bohac), Relating to the definition of a junked vehicle for purposes of abatement of a public nuisance.

To Transportation.

HB 1377 (By V. Taylor), Relating to the authority of peace officers to request fingerprints during motor vehicle stops.

To Homeland Security and Public Safety.

HB 1378 (By Frullo), Relating to the amount of the discount allowed for prepayment of sales and use taxes.

To Ways and Means.

HB 1379 (By Anchia), Relating to the purchasing of a firearm from the county by an honorably retired law enforcement officer.

To Homeland Security and Public Safety.

HB 1380 (By Truitt), Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.

To Public Health.

HB 1381 (By Madden), Relating to the service of civil process on an inmate of the Texas Department of Criminal Justice.

To Judiciary and Civil Jurisprudence.

HB 1382 (By Bohac), Relating to the duty of a law enforcement agency to verify the immigration status of an arrested person.

To State Affairs.

HB 1383 (By Quintanilla), Relating to the territory of the El Paso County Water Control and Improvement District No. 4.

To Natural Resources.

HB 1384 (By Kleinschmidt), Relating to the eligibility of land for appraisal for ad valorem tax purposes as qualified open-space land on the basis of its use for wildlife management.

To Ways and Means.

HB 1385 (By Harless), Relating to personalization of certain license plates issued to veterans with disabilities.

To Defense and Veterans' Affairs.

HB 1386 (By Coleman), Relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, bullying, and cyberbullying.

To Public Education.

HB 1387 (By Cain), Relating to a requirement of lawful presence in the United States for receipt of state educational benefits and to the determination of resident status of students by public institutions of higher education.

To State Affairs.

HB 1388 (By Hopson), Relating to the prohibition of certain regulations by a municipality in its extraterritorial jurisdiction involving trees and vegetation.

To Urban Affairs.

HB 1389 (By Hopson), Relating to the criminal penalties for the owner of a dog that attacks another person.

To Criminal Jurisprudence.

HB 1390 (By Deshotel), Relating to retainage under certain construction contracts.

To Business and Industry.

HB 1391 (By Deshotel), Relating to persons authorized to access or use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate.

To Homeland Security and Public Safety.

HB 1392 (By Naishtat), Relating to a fee imposed on the transfer of property following a foreclosure sale to fund civil legal services for indigents.

To County Affairs.

HB 1393 (By Hancock), Relating to the operation of certain managed care plans with respect to health care providers.

To Insurance.

HB 1394 (By Castro), Relating to reports concerning the number of full-time librarians, counselors, and school nurses who are employed at a public school.

To Public Education.

HB 1395 (By Parker), Relating to the requirements to operate personal watercraft and certain boats.

To Culture, Recreation, and Tourism.

HB 1396 (By Farias), Relating to a report required to be submitted by a campus intervention team assigned to a public school campus.

To Public Education.

HB 1397 (By Farias), Relating to prohibiting nonjudicial foreclosure by a property owners' association on residences owned by certain members of the military.

To Defense and Veterans' Affairs.

HB 1398 (By Farias), Relating to federal funding for personal responsibility education programs.

To Public Education.

HB 1399 (By Farias), Relating to making a voluntary contribution to the Parks and Wildlife Department when registering a motor vehicle or renewing a motor vehicle registration.

To Culture, Recreation, and Tourism.

HB 1400 (By Elkins), Relating to payment of costs of improvements of a public improvement district designated by a municipality or county.

To County Affairs.

HB 1401 (By Laubenberg), Relating to who may participate in certain local option elections to prohibit or authorize the sale of alcoholic beverages.

To Licensing and Administrative Procedures.

HB 1402 (By Guillen), Relating to the applicability of the law on the consequences of a criminal conviction to law enforcement officer license holders and applicants.

To Homeland Security and Public Safety.

HB 1403 (By Rodriguez), Relating to eligibility to participate in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

To Environmental Regulation.

HB 1404 (By Sheffield), Relating to certain temporary orders in a suit affecting the parent-child relationship during a parent's military deployment.

To Judiciary and Civil Jurisprudence.

HB 1405 (By Smithee), Relating to provision by a health benefit plan of prescription drug coverage specified by formulary.

To Insurance.

HB 1406 (By Riddle), Relating to the persons authorized to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.

To Criminal Jurisprudence.

HB 1407 (By Lavender), Relating to tuition rates and formula funding for certain nonresident students enrolled at Texas A&M University–Texarkana.

To Higher Education.

HB 1408 (By Flynn), Relating to resident fishing license fees for military personnel.

To Culture, Recreation, and Tourism.

HB 1409 (By Flynn), Relating to the designation of a segment of State Highway 243 in Van Zandt County as the Veterans Memorial Parkway.

To Transportation.

HB 1410 (By Bonnen), Relating to the punishment for the offense of attempted murder.

To Criminal Jurisprudence.

HB 1411 (By Bonnen), Relating to the retention of the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

HB 1413 (By Chisum), Relating to the powers and duties of the Castro County Hospital District.

To County Affairs.

HB 1414 (By Chisum), Relating to authorizing the sale of certain state land along the Canadian River bed.

To Land and Resource Management.

HB 1415 (By Chisum), Relating to county road materials.

To Appropriations.

HB 1416 (By Chisum), Relating to the authority of the Childress County Hospital District to provide facilities and services for persons who are elderly or disabled; providing authority to issue bonds and notes.

To County Affairs.

HB 1417 (By Chisum), Relating to the Swisher Memorial Hospital District.

To County Affairs.

HB 1418 (By Hughes), Relating to inmate litigation.

To Judiciary and Civil Jurisprudence.

HB 1419 (By Hughes), Relating to the use of direct recording electronic voting machines.

To Elections.

HB 1420 (By Price), Relating to limitations on the number of courses that students may drop under certain circumstances at certain public institutions of higher education.

To Higher Education.

HB 1421 (By Anchia), Relating to the classification and use of energy storage equipment or facilities and the provision of studies and reports regarding energy storage equipment or those facilities.

To State Affairs.

HB 1422 (By Truitt), Relating to the issuance of titles for certain motor vehicles that are the subject of insurance claims.

To Transportation.

HB 1423 (By Garza), Relating to restrictions on written information required to be provided by public school teachers and a study by the commissioner of education concerning implementation of the restrictions.

To Public Education.

HB 1424 (By Garza), Relating to the appointment of a retired judge or former judge as a visiting judge in certain courts.

To Judiciary and Civil Jurisprudence.

HB 1425 (By Garza), Relating to the authority of a county or municipality to require the removal of graffiti by a property owner.

To Urban Affairs.

HB 1426 (By Farias), Relating to the collection of court costs, fees, fines, and other money by the commissioners courts of certain counties.

To County Affairs.

HB 1427 (By Lewis), Relating to the designation of a responsible third party.

To Judiciary and Civil Jurisprudence.

HB 1428 (By Deshotel), Relating to trust fund protection for retainage for the benefit of certain claimants under a construction loan or financing agreement.

To Business and Industry.

HB 1429 (By Deshotel), Relating to rights and remedies of certain residential tenants and landlords; providing civil penalties.

To Business and Industry.

HB 1430 (By Strama), Relating to the reapportionment of state legislative, congressional, and judicial districts and the creation, function, and duties of the Texas Redistricting Commission.

To Redistricting.

HB 1431 (By Strama), Relating to the selection of candidates for the State Board of Education through a unitary primary election.

To Public Education.

HB 1432 (By Strama), Relating to the creation, operation, and funding of the Texas Sustainable Youth Program.

To Economic and Small Business Development.

HB 1433 (By Strama), Relating to the exemption from ad valorem taxation of property used by a charitable organization that provides access to affordable financial products and services to certain individuals.

To Ways and Means.

HB 1434 (By Strama), Relating to contributions to the retirement systems for certain police officers in certain municipalities.

To Pensions, Investments, and Financial Services.

HB 1435 (By Elkins), Relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

To Ways and Means.

HB 1436 (By Price), Relating to a joint election for trustees of an independent school district.

To Elections.

HB 1437 (By Eissler), Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.

To Ways and Means.

HB 1438 (By Lewis), Relating to service of process on certain domestic and foreign entities for the collection of delinquent property taxes.

To Judiciary and Civil Jurisprudence.

HB 1439 (By Berman), Relating to the franchise tax liability of certain taxable entities.

To Ways and Means.

HB 1440 (By Y. Davis), Relating to free trial offers on consumer goods and services.

To Business and Industry.

HB 1441 (By Y. Davis), Relating to the correction of an ad valorem tax appraisal roll.

To Ways and Means.

HB 1442 (By Y. Davis), Relating to certain disclosures regarding the terms of a credit card agreement.

To Pensions, Investments, and Financial Services.

HB 1443 (By Y. Davis), Relating to prohibiting the use of opt-out notices by businesses to obtain the consent of consumers to transfer or share their personal identifying information.

To Business and Industry.

HB 1444 (By Y. Davis), Relating to electronic contracts and solicitations offered to consumers for goods or services.

To Business and Industry.

HB 1445 (By Y. Davis), Relating to the prices a retail electric provider charges certain residential customers.

To State Affairs.

HB 1446 (By Y. Davis), Relating to the regulation of certain commercial mobile service contracts.

To State Affairs.

HB 1447 (By Dukes), Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

To Urban Affairs.

HB 1448 (By Guillen), Relating to the approval of designs, plans, and specifications of industrialized housing and buildings.

To Business and Industry.

HB 1449 (By Guillen), Relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.

To Culture, Recreation, and Tourism.

HB 1450 (By Guillen), Relating to Parks and Wildlife Department tort liability relating to a volunteer's operation of a department vehicle.

To Culture, Recreation, and Tourism.

HB 1915 (By Madden), Relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman for the Texas Youth Commission.

To Corrections.

HCR 69 (By Hopson), Directing the Texas Facilities Commission to name the Department of State Health Services Laboratory Services Section building in Austin in honor of former state representative Dr. Bob Glaze.

To State Affairs.

HCR 71 (By Martinez Fischer), Conferring the Texas Legislative Medal of Honor on U.S. Marine Corporal Roy Cisneros of San Antonio.

To Defense and Veterans' Affairs.

HCR 76 (By S. King), In memory of William B. Decker of Abilene.

To Rules and Resolutions.

HJR 41 (By Raymond), Proposing a constitutional amendment authorizing local option elections to legalize or prohibit the operation of eight-liners.

To Licensing and Administrative Procedures.

HJR 87 (By Legler), Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of real property for ad valorem tax purposes to 105 percent or more of the appraised value of the property for the preceding tax year.

To Ways and Means.

HJR 89 (By Coleman), Proposing a constitutional amendment allowing a state mandate imposed on a county to have effect only if the state provides for payment to the county of the cost of the mandate.

To County Affairs.

HJR 90 (By Hartnett), Proposing a constitutional amendment providing for an exception from the limitation on the maximum principal amount of home equity loans and home equity lines of credit for the refinancing of certain loans secured by the homestead.

To Business and Industry.

HJR 91 (By Menendez), Proposing a constitutional amendment dissolving the State Board of Education and creating the Texas Education Commission.

To Public Education.

HJR 92 (By Marquez), Proposing a constitutional amendment authorizing the legislature to permit conservation and reclamation districts in El Paso County to issue bonds supported by ad valorem taxes to fund the development and maintenance of parks and recreational facilities.

To Natural Resources.

HJR 93 (By Christian), Proposing a constitutional amendment exempting residential real property from ad valorem taxation.

To Ways and Means.

HJR 94 (By Cain), Proposing a constitutional amendment relating to elections for directors in certain groundwater conservation districts.

To Natural Resources.

HJR 95 (By Strama), Proposing a constitutional amendment establishing the Texas Redistricting Commission to establish legislative and congressional districts and revising constitutional redistricting procedures.

To Redistricting.

HJR 97 (By Naishtat), Proposing a constitutional amendment relating to a moratorium on the execution of persons convicted of capital offenses.

To Criminal Jurisprudence.

HJR 98 (By Burkett), Proposing a constitutional amendment denying bail to certain persons charged with a violent or sexual offense after having been previously convicted of a violent or sexual offense.

To Criminal Jurisprudence.

HR 216 (By Kolkhorst), Recognizing the Teens in the Driver Seat program.

To Rules and Resolutions.

HR 243 (By C. Howard), Expressing opposition to H.R. 3424 and to any other tax proposal that would limit the use of reinsurance by non-U.S.-based insurance companies.

To Select State Sovereignty.

HR 306 (By Marquez), Expressing support for the conservation of Castner Range.

To Culture, Recreation, and Tourism.

HR 369 (By Lucio), Encouraging greater public awareness of the risks of pertussis and of the importance of adolescents and adults receiving the Tdap vaccine.

To Public Health.

HR 443 (By Christian), Commemorating the 31st anniversary of Young Conservatives of Texas.

To State Affairs.

HR 454 (By Christian), Recognizing the members of the Young Conservatives of Texas who are serving as interns and legislative aides for the first time during the 82nd Texas Legislature.

To State Affairs.

HR 557 (By Larson), Granting the Texas College Republicans permission to use the house chamber on March 24, 2012.

To State Affairs.

HR 577 (By Rodriguez), Recognizing March 2, 2011, as the Day of the Fallen and promoting workplace safety in the construction industry.

To State Affairs.

HR 616 (By Button), Commemorating the 2011 DFW Dragon Boat, Kite, and Lantern Festival in Irving.

To Rules and Resolutions.

HR 617 (By Landroop), Honoring Oliver Elementary School of the Stamford Independent School District on its nomination for a 2011 Blue Ribbon School award.

To Rules and Resolutions.

HR 618 (By Landroop), Recognizing March 1, 2011, as Texas Farm Bureau District 2 Day at the State Capitol.

To Rules and Resolutions.

HR 619 (By Riddle), In memory of John L. Kingston of Spring.

To Rules and Resolutions.

HR 620 (By Sheffield), Congratulating Bob and Bernice Priddy of Troy on their 60th wedding anniversary.

To Rules and Resolutions.

HR 621 (By Sheffield), Congratulating Eddie and Gladys Dantzler of Holland, Texas, on their 70th wedding anniversary.

To Rules and Resolutions.

HR 622 (By C. Anderson), Recognizing March 2, 2011, as West Day at the State Capitol.

To Rules and Resolutions.

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

To Rules and Resolutions.

HR 624 (By Isaac), Congratulating the Dripping Springs High School Marching Band on winning the 2009 University Interscholastic League Class 4A state championship.

To Rules and Resolutions.

HR 628 (By Hamilton), Honoring country music singer Mark Chesnutt in conjunction with Golden Triangle Days at the State Capitol.

To Rules and Resolutions.

HR 634 (By Eiland), Honoring state district court judge Susan Criss of Galveston on the occasion of her 50th birthday.

To Rules and Resolutions.

HR 635 (By Eiland), Congratulating NuStar Energy on earning The Spirit of Caring Award from United Way Galveston County Mainland.

To Rules and Resolutions.

HR 638 (By Hughes), In memory of Carl Lester Merritt of Mineola.

To Rules and Resolutions.

HR 639 (By Guillen), Recognizing March 2, 2011, as Texas Transit Association Day at the State Capitol.

To Rules and Resolutions.

HR 640 (By Shelton), Honoring the Paschal High School Choir of the Fort Worth Independent School District on the occasion of its performance at the State Capitol.

To Rules and Resolutions.

HR 641 (By Shelton), Recognizing March 14 through 20, 2011, as Multiple Sclerosis Awareness Week in Texas.

To Rules and Resolutions.

HR 642 (By Pitts), Congratulating Raylan and Dinah Weable of Waxahachie on their 50th wedding anniversary.

To Rules and Resolutions.

HR 645 (By T. Smith), Recognizing March 3, 2011, as Tarrant County Day at the State Capitol.

To Rules and Resolutions.

HR 655 (By T. King), In memory of former Dilley Chief of Police Santos Martinez.

To Rules and Resolutions.

HR 656 (By Lavender), Welcoming students from Texas Middle School in Texarkana to the State Capitol.

To Rules and Resolutions.

HR 658 (By Zerwas), Welcoming members of the West I-10 Chamber of Commerce to the State Capitol.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

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

Senate List No. 7

SCR 17, SCR 21

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, March 1, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 49 Rodriguez, Eddie SPONSOR: Watson
Commemorating the 20th anniversary of Austin Energy Green Building.

HCR 70 Coleman SPONSOR: Ellis
Recognizing February 28, 2011, as Texas Southern University Day at the State Capitol.

HCR 175 Branch SPONSOR: Carona
Commemorating the 175th anniversary of the adoption of the Texas Declaration of Independence.

SCR 19 Van de Putte SPONSOR: King, Susan
Commending the doctors, educators, and parents who participate in the Reach Out and Read program.

SCR 22 Ellis S P O N S O R :
Davis, Yvonne
Recognizing February 28, 2011, as Texas Southern University Day at the State Capitol.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

February 28

Transportation - **HB 367**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-EIGHTH DAY — WEDNESDAY, MARCH 2, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 57).

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

Absent, Excused — Gallego; Mallory Caraway; Smith, T.

The invocation was offered by Reverend Kevin P. Fausz, pastor, Holy Redeemer Catholic Church, San Antonio, as follows:

Let us unite our prayers to those of the many men, women, and children from our communities throughout the state asking God, our Father, who guides everything in wisdom and love to accept the prayers we offer for our state and for the Texas House of Representatives. By the wisdom of our leaders and the integrity of our citizens, may harmony and justice be secured and may there be lasting prosperity and peace.

Let us bow our heads and pray, and in a special way for the Lord's richest blessings on the membership of the Texas House of Representatives. Lord God, we ask your blessings upon us this day as we gather to do the work entrusted to us. We ask you to give us wisdom and understanding, charity, peace, and unity, that we might always seek the common good. Help us, Lord, to put all of our

gifts and talents at your service, that we might be worthy public servants seeking what is right and just as we strive to represent all of the citizens of the State of Texas.

Lord, send down your blessings upon these, your servants, who so generously devote themselves to the service of our state, her citizens, and to helping and serving others. May you reward them for the good that they do. Lord, bless all who are serving in the Texas House of Representatives and in all of our state offices. And may God bless the great State of Texas. We make this prayer in the name of the Lord. Amen.

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

LEAVES OF ABSENCE GRANTED

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

T. Smith on motion of J. Davis.

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

Mallory Caraway on motion of Quintanilla.

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

Gallego on motion of Martinez.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Strama who presented Dr. Larry Kravitz of Austin as the "Doctor for the Day."

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

(Kuempel in the chair)

HR 272 - PREVIOUSLY ADOPTED (by Shelton)

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

HR 272, Congratulating the Texas Christian University football team on its undefeated 2010-2011 season.

On motion of Representatives Kolkhorst and Veasey, the names of all the members of the house were added to **HR 272** as signers thereof.

RESOLUTIONS ADOPTED

Representatives Shelton and Geren moved to suspend all necessary rules to take up and consider at this time **HR 343**, **HR 670**, and **HR 671**.

The motion prevailed.

The following resolutions were laid before the house:

HR 343 (by Shelton), Welcoming the Texas Christian University Student Government Association to the State Capitol.

HR 670 (by Geren), Congratulating the Texas Christian University baseball team on its outstanding 2010 season.

HR 671 (by Geren), Congratulating the Texas Christian University rifle team on winning the 2010 NCAA national championship.

The resolutions were read and were adopted.

On motion of Representatives Kolkhorst and Veasey, the names of all the members of the house were added to **HR 343**, **HR 670**, and **HR 671** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representatives Shelton and Geren who introduced representatives of Texas Christian University.

HR 661 - ADOPTED (by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 661**.

The motion prevailed.

The following resolution was laid before the house:

HR 661, Congratulating the Hardin-Simmons University women's soccer team on winning the 2010 NCAA Division III national championship.

HR 661 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative S. King who introduced members of the Hardin-Simmons University women's soccer team.

RESOLUTIONS ADOPTED

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 642**, **HR 662**, and **HR 667**.

The motion prevailed.

The following resolutions were laid before the house:

HR 642 (by Pitts), Congratulating Raylan and Dinah Weable of Waxahachie on their 50th wedding anniversary.

HR 662 (by Pitts), Honoring Mary Alice Warrington of Waxahachie on her retirement from Southwest Securities, FSB.

HR 667 (by Pitts), Welcoming members of Leadership Waxahachie to the State Capitol on March 2, 2011, and commending them for their contributions to Texas.

The resolutions were read and were adopted.

HR 598 - ADOPTED
(by Keffer)

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HR 598**.

The motion prevailed.

The following resolution was laid before the house:

HR 598, Congratulating Leta Andrews of Granbury High School on becoming the most victorious coach in American high school basketball history.

HR 598 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Keffer who introduced Leta Andrews and members of her family.

HR 600 - ADOPTED
(by Price)

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 600**.

The motion prevailed.

The following resolution was laid before the house:

HR 600, Recognizing March 2, 2011, as Texas Flag Day.

HR 600 was adopted.

HR 687 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 687**.

The motion prevailed.

The following resolution was laid before the house:

HR 687, Honoring Mark Clanton of San Antonio for his service in the United States Air Force and in the public school system.

HR 687 was adopted.

On motion of Representative C. Anderson, the names of all the members of the house were added to **HR 687** as signers thereof.

HR 622 - ADOPTED**(by C. Anderson)**

Representative C. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 622**.

The motion prevailed.

The following resolution was laid before the house:

HR 622, Recognizing March 2, 2011, as West Day at the State Capitol.

HR 622 was read and was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HR 622** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative C. Anderson who introduced a delegation from West.

HR 673 - ADOPTED**(by Muñoz)**

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 673**.

The motion prevailed.

The following resolution was laid before the house:

HR 673, Congratulating Lieutenant Governor David Dewhurst on being named the 2011 Border Texan of the Year by the Hidalgo Chamber of Commerce.

HR 673 was adopted.

HR 577 - ADOPTED**(by Rodriguez)**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 577**.

The motion prevailed.

The following resolution was laid before the house:

HR 577, Recognizing March 2, 2011, as the Day of the Fallen and promoting workplace safety in the construction industry.

HR 577 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Zerwas who introduced members of the West I-10 Chamber of Commerce.

RESOLUTIONS ADOPTED

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 582** and **HR 660**.

The motion prevailed.

The following resolutions were laid before the house:

HR 582 (by Alonzo), Congratulating Frances King on her retirement from Dallas County Criminal Court No. 3.

HR 660 (by Burnam), Honoring the centennial of the Ryan Place neighborhood in Fort Worth.

The resolutions were adopted.

HR 683 - ADOPTED
(by Johnson)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 683**.

The motion prevailed.

The following resolution was laid before the house:

HR 683, In memory of Eulah Hill of Dallas.

HR 683 was unanimously adopted by a rising vote.

HR 639 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 639**.

The motion prevailed.

The following resolution was laid before the house:

HR 639, Recognizing March 2, 2011, as Texas Transit Association Day at the State Capitol.

HR 639 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced members of the Texas Transit Association.

HCR 175 - PREVIOUSLY ADOPTED
(by Branch)

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

HCR 175, Commemorating the 175th anniversary of the adoption of the Texas Declaration of Independence.

On motion of Representative Kolkhorst, the names of all the members of the house were added to **HCR 175** as signers thereof.

HR 311 - PREVIOUSLY ADOPTED
(by Anchia)

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

HR 311, Commending Sara Reidy of Dallas for her contributions as a community advocate.

On motion of Representative Anchia, the names of all the members of the house were added to **HR 311** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Anchia who introduced Sara Reidy and Linda Brown.

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. 8).

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Hunter requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

(Speaker in the chair)

EMERGENCY CALENDAR

HOUSE BILLS

SECOND READING

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

CSHB 15 ON SECOND READING

(by S. Miller, Callegari, Harless, Kolkhorst, Patrick, et al.)

CSHB 15, A bill to be entitled An Act relating to providing a sonogram before an abortion; providing penalties.

(L. Taylor in the chair)

Amendment No. 1

Representative Alvarado offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by striking the enacting clause (line 4), page 1.

CSHB 15 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 15** under Rule 4, Section 11 of the House Rules on the grounds that proper notice of the committee meeting was not given.

(Speaker in the chair)

HOUSE AT EASE

At 2:06 p.m., the speaker announced that the house would stand at ease.

(L. Taylor in the chair)

The chair called the house to order at 3:02 p.m.

CSHB 15 - POINT OF ORDER DISPOSITION

The point of order was withdrawn.

CSHB 15 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 15** under Rule 4, Section 32(b)(10) of the House Rules on the grounds that the committee report is incorrect.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CSHB 15 - (consideration continued)**CSHB 15 - RECOMMITTED
RULES SUSPENDED**

Representative S. Miller moved to suspend all necessary rules and to recommit **CSHB 15** to the Committee on State Affairs and to allow the Committees on State Affairs and Calendars to meet today and for the Committee on Calendars to set a calendar for 10 a.m. tomorrow.

The motion prevailed by (Record 58): 141 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; 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, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield;

Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.(C); Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Burnam; Gutierrez.

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego; Mallory Caraway; Smith, T.

Absent — Eissler; Miles; Torres.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation will reconvene during bill referral today.

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

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

(Speaker in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule and all necessary rules to allow the Committee on State Affairs to consider **HB 15** 30 minutes after adjournment today in JHR 140.

The motion prevailed.

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations to hear invited testimony from the comptroller regarding revenue estimates at 8 a.m. tomorrow in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, 8 a.m. tomorrow, E1.030, for a public hearing, to hear invited testimony from the comptroller regarding revenue estimates.

State Affairs, 30 minutes after adjournment today, JHR 140, for a public hearing, to consider **HB 15** and posted business.

PROVIDING FOR ADJOURNMENT

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

The motion prevailed.

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

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

(C. Anderson in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:46 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 255 (By Hilderbran), Relating to the enforcement of tax laws; providing a criminal penalty.

To Ways and Means.

HB 1451 (By Thompson), Relating to the licensing and regulation of commercial dog and cat breeders; providing penalties.

To Licensing and Administrative Procedures.

HB 1452 (By Schwertner), Relating to the repeal of the designation of the Little River reservoir and the Little River off-channel reservoir as sites of unique value for the construction of a reservoir.

To Natural Resources.

HB 1453 (By Farias), Relating to funding for state sites through private contributions and partnerships and to commercial advertising on certain state sites.

To Culture, Recreation, and Tourism.

HB 1454 (By Murphy), Relating to the hotel occupancy tax on the price paid for a hotel room.

To Ways and Means.

HB 1455 (By Kolkhorst), Relating to the release or discharge by a law enforcement agency of certain illegal immigrants at the office of a United States senator or United States representative.

To State Affairs.

HB 1456 (By Orr), Relating to the waiver and release of a mechanic's, contractor's, or materialman's lien or payment bond claim.

To Business and Industry.

HB 1457 (By Fletcher), Relating to interception of wire, oral, or electronic communications for law enforcement purposes.

To Homeland Security and Public Safety.

HB 1459 (By Gallego), Relating to the Texas Academy of Fine Arts, Culture, and Sciences at Sul Ross State University.

To Higher Education.

HB 1460 (By Branch), Relating to measures to increase cost efficiency at public institutions of higher education and the Texas Higher Education Coordinating Board, including the elimination of certain reporting and other requirements imposed on institutions or the coordinating board.

To Higher Education.

HB 1461 (By Gallego), Relating to the regulation of certain water wells by the Brewster County Groundwater Conservation District.

To Natural Resources.

HB 1462 (By Huberty), Relating to the inclusion of professional staff who educate students with disabilities on district-level and campus-level planning and decision-making committees.

To Public Education.

HB 1463 (By Kleinschmidt), Relating to the application of certain concealed handgun license laws to statewide elected officials and certain current and former members of the legislature.

To Homeland Security and Public Safety.

HB 1464 (By Quintanilla), Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

To Natural Resources.

HB 1465 (By Callegari), Relating to the abolition of the Joint Advisory Committee on the Practice of Engineering and Architecture.

To Licensing and Administrative Procedures.

HB 1466 (By Hernandez Luna), Relating to authorizing a suit to declare that certain young people have been abused, neglected, or abandoned and extending the jurisdiction of certain courts making such a declaration.

To State Affairs.

HB 1467 (By Hernandez Luna), Relating to bullying and cyberbullying in public schools; providing penalties.

To Public Education.

HB 1469 (By Hernandez Luna), Relating to exempting certain fraternal and veterans organizations from certain bond requirements to obtain an alcoholic beverage permit or license.

To Licensing and Administrative Procedures.

HB 1470 (By Miles), Relating to the creation of the Texas State Civilian Complaint Review Board to investigate certain allegations of peace officer misconduct.

To Homeland Security and Public Safety.

HB 1471 (By Miles), Relating to the penalty prescribed for official oppression.

To Criminal Jurisprudence.

HB 1472 (By Miles), Relating to the retention of and the required disclosure under the public information law of certain complaints alleging official oppression.

To Urban Affairs.

HB 1473 (By Scott), Relating to creating the offense of altering a disabled parking placard.

To Transportation.

HB 1474 (By Alonzo), Relating to regulation of residential tenancies by local governments.

To State Affairs.

HB 1475 (By Alonzo), Relating to longevity pay for judicial staff counsel and assistant public defenders.

To Appropriations.

HB 1476 (By Riddle), Relating to the grounds for revocation of an emergency medical services personnel certification.

To Public Health.

HB 1477 (By Allen), Relating to awarding credit to certain inmates for time between release on and revocation of parole, mandatory supervision, or conditional pardon.

To Corrections.

HB 1479 (By Morrison), Relating to the coverage by health benefit plans of expenses or procedures that violate certain religious convictions.

To Insurance.

HB 1480 (By Truitt), Relating to the replacement or transfer of certain retail wine stock sold for off-premises consumption.

To Licensing and Administrative Procedures.

HB 1481 (By Truitt), Relating to the use of person first respectful language in reference to individuals with disabilities.

To Human Services.

HB 1482 (By Beck), Relating to groundwater conservation district management plans.

To Natural Resources.

HB 1483 (By Patrick), Relating to the collection of unpaid tolls by a regional tollway authority.

To Transportation.

HB 1484 (By Patrick), Relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.

To Public Education.

HB 1485 (By Patrick), Relating to discounted utility rates for school districts.

To State Affairs.

HB 1486 (By Gutierrez), Relating to signs posted under the memorial sign program for victims of certain vehicle accidents.

To Transportation.

HB 1487 (By Gutierrez), Relating to a study comparing the effects on retail water and sewer utility service rates of acquiring by certain means additional water for Bexar County retail water and sewer utility service consumers.

To Natural Resources.

HB 1488 (By Gutierrez), Relating to examinations for hiring in certain municipal fire departments.

To Urban Affairs.

HB 1489 (By Naishtat), Relating to an oral statement regarding the impact of an offense in certain cases involving a violent crime.

To Criminal Jurisprudence.

HB 1490 (By Naishtat), Relating to the accumulation and payment of sick leave for employees in certain sheriff's departments.

To County Affairs.

HB 1491 (By Naishtat), Relating to the medical use of marihuana.

To Public Health.

HB 1492 (By Naishtat), Relating to the authority of certain university systems to provide benefits to certain qualified individuals.

To Insurance.

HB 1493 (By Naishtat), Relating to the duration of the interagency task force on ensuring appropriate care settings for persons with disabilities.

To Human Services.

HB 1494 (By Ritter), Relating to a prohibition against use of school district resources for a hotel.

To Public Education.

HB 1495 (By Muñoz), Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.

To Higher Education.

HB 1496 (By Gallego), Relating to the contracting authority of the Val Verde County Hospital District.

To County Affairs.

HB 1497 (By D. Howard), Relating to the allocation of certain federal career and technical education funds.

To Higher Education.

HB 1498 (By Raymond), Relating to the adoption of the Agreement Among the States to Elect the President by National Popular Vote.

To Elections.

HB 1499 (By Larson), Relating to the designation of the Scenic Loop Road–Boerne Stage Road–Toutant Beauregard Road Historic Corridor.

To Transportation.

HB 1500 (By White), Relating to allowing the commissioners court of a county to deliberate in a closed meeting regarding business and financial issues related to a contract being negotiated.

To County Affairs.

HB 1501 (By White), Relating to a landowner's exemption from the requirement to have a hunting license for hunting on the landowner's property.

To Culture, Recreation, and Tourism.

HB 1502 (By White), Relating to allowing military voters on active duty overseas to receive and cast a ballot electronically.

To Elections.

HB 1503 (By White), Relating to the qualifications to serve as a special peace officer at a polling place.

To Elections.

HB 1504 (By Muñoz), Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.

To Technology.

HB 1505 (By Muñoz), Relating to librarians employed by school districts.

To Public Education.

HB 1506 (By Christian), Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.

To Economic and Small Business Development.

HB 1507 (By Christian), Relating to the issuance of certain search warrants in certain counties.

To Criminal Jurisprudence.

HB 1508 (By Legler), Relating to authorizing certain public junior colleges to offer a baccalaureate degree in nursing.

To Higher Education.

HB 1509 (By Pickett), Relating to notice of the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation.

To Defense and Veterans' Affairs.

HB 1510 (By Hamilton), Relating to the regulation of manufactured housing.

To Licensing and Administrative Procedures.

HB 1511 (By Dutton), Relating to a requirement that interviews conducted in connection with school district personnel matters be recorded by a certified shorthand reporter.

To Public Education.

HB 1512 (By Dutton), Relating to an electronic record of eligibility for Medicaid benefits.

To Public Health.

HB 1513 (By Dutton), Relating to hearings on certain public school employee employment decisions before the board of trustees of a school district.

To Public Education.

HB 1514 (By Isaac), Relating to the issuance to veterans of specially marked driver's licenses.

To Defense and Veterans' Affairs.

HB 1515 (By Isaac), Relating to temporary limitations on the total amount of tuition charged to a student by a four-year public institution of higher education.

To Higher Education.

HB 1516 (By Isaac), Relating to excused absences from public school for the purpose of enlisting in the armed services.

To Public Education.

HB 1517 (By Isaac), Relating to the disposition of fines for traffic violations collected by certain municipalities.

To Transportation.

HB 1518 (By Isaac), Relating to the disposition of fines for traffic violations collected by certain municipalities.

To Transportation.

HB 1519 (By Isaac), Relating to the disposition of fines for traffic violations collected by certain municipalities.

To Transportation.

HB 1520 (By D. Howard), Relating to the determination of student priority in awarding TEXAS grants.

To Higher Education.

HB 1521 (By Otto), Relating to re-creating the scholarship trust fund for fifth-year accounting students as a trust fund outside the treasury.

To Higher Education.

HB 1522 (By Otto), Relating to the regulation of the practice of public accountancy.

To Licensing and Administrative Procedures.

HB 1523 (By Phillips), Relating to the offense of transporting household goods without registration; providing a penalty.

To Transportation.

HB 1524 (By Phillips), Relating to the creation of the Case Creek Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 1525 (By Alvarado), Relating to the board of directors of the Greater East End Management District.

To County Affairs.

HB 1526 (By D. Miller), Relating to the prevention of automobile burglary and theft.

To Transportation.

HB 1527 (By S. Miller), Relating to the certification of the state's primary standards of weights and measures.

To Agriculture and Livestock.

HB 1528 (By S. Miller), Relating to consolidating precincts in a primary election.

To Elections.

HB 1529 (By S. Miller), Relating to the offense of fraudulent use or possession of identifying information.

To Criminal Jurisprudence.

HB 1530 (By S. Miller), Relating to the carrying of concealed handguns by county commissioners attending a meeting of the commissioners court.

To Homeland Security and Public Safety.

HB 1531 (By Ritter), Relating to the exemption from ad valorem taxation of real property leased to and used by certain schools.

To Ways and Means.

HB 1532 (By Eiland), Relating to the expiration of certain parts of the Texas Economic Development Act.

To Ways and Means.

HB 1534 (By Eiland), Relating to regulation of certain health care provider network contract arrangements.

To Insurance.

HB 1535 (By Eiland), Relating to the participation of this state in the Surplus Lines Insurance Multi-State Compliance Compact.

To Insurance.

HB 1536 (By Eiland), Relating to the creation of DNA records for the DNA database system.

To Homeland Security and Public Safety.

HB 1537 (By Eiland), Relating to the reporting of criminal offenses to prosecuting attorneys, to any failure by law enforcement agencies to properly consider those reports, and to allegations regarding a law enforcement officer's corruption or abuse of power.

To Criminal Jurisprudence.

HB 1538 (By Pickett), Relating to certain fees imposed in connection with the operation of overweight and oversize vehicles.

To Transportation.

HB 1539 (By Hochberg), Relating to state ownership of school textbooks.

To Public Education.

HB 1540 (By Aliseda), Relating to the hours of sale for liquor.

To Licensing and Administrative Procedures.

HB 1541 (By McClendon), Relating to the prevention of automobile burglary and theft.

To Transportation.

HB 1542 (By Schwertner), Relating to street repair and maintenance by a municipal utility district.

To Natural Resources.

HB 1543 (By Schwertner), Relating to the eligibility of the surviving spouse of an elderly or disabled person to receive a limitation of school district, county, municipal, or junior college district ad valorem taxes on the person's residence homestead.

To Ways and Means.

HB 1544 (By Hunter), Relating to the design of specialty license plates issued to members and former members of the United States armed forces.

To Defense and Veterans' Affairs.

HB 1545 (By Lewis), Relating to the authority of certain political subdivisions to change the date of their general elections.

To Elections.

HB 1546 (By Larson), Relating to the regulation of dangerous wild animals.

To Culture, Recreation, and Tourism.

HB 1547 (By Larson), Relating to the desired future conditions of groundwater resources within groundwater management areas.

To Natural Resources.

HB 1548 (By Sheets), Relating to adding certain synthetic substances to Penalty Group 2 of the Texas Controlled Substances Act.
To Criminal Jurisprudence.

HB 1549 (By C. Howard), Relating to certification and continuing education requirements for certain public education administrators.
To Public Education.

HB 1550 (By Aycock), Relating to participation in state travel service contracts by open-enrollment charter schools.
To Public Education.

HB 1551 (By Aycock), Relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.
To Natural Resources.

HB 1552 (By Madden), Relating to the monitoring of and the provision of certain information regarding certain high-risk sex offenders.
To Corrections.

HB 1553 (By Larson), Relating to citizenship information reported by persons, including state agencies, political subdivisions of this state, nonprofit organizations, and public and private entities, who receive local or state money to provide services.

To State Affairs.

HJR 99 (By Ritter), Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation real property leased to certain schools organized and operated primarily for the purpose of engaging in educational functions.

To Ways and Means.

HJR 101 (By Schwertner), Proposing a constitutional amendment to allow the surviving spouse of a disabled person to receive a limitation on school district ad valorem taxes on the person's residence homestead if the spouse is 55 years of age or older at the time of the person's death.

To Ways and Means.

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

HB 1386 (By Coleman), Relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, bullying, and cyberbullying.

To Public Health.

HR 557 (By Larson), Granting the Texas College Republicans permission to use the house chamber on March 24, 2012.

To House Administration.

SIGNED BY THE SPEAKER

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

House List No. 8

HCR 49, HCR 70, HCR 175

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, March 2, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 23

Whitmire

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 2, 2011, and ending on Monday, March 7, 2011.

Respectfully,

Patsy Spaw

Secretary of the Senate



HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-NINTH DAY — THURSDAY, MARCH 3, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 59).

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

Absent, Excused — Gallego.

The invocation was offered by Representative R. Anderson.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative C. Howard who presented Dr. Joe Anzaldua of Sugar Land as the "Doctor for the Day."

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

HR 288 - ADOPTED

(by Harless, Kolkhorst, Crownover, Truitt, Woolley, et al.)

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 288**.

The motion prevailed.

The following resolution was laid before the house:

HR 288, Recognizing March 3, 2011, as Texas Federation of Republican Women Day at the Capitol.

HR 288 was read and was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 288** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Harless who introduced representatives of the Texas Federation of Republican Women.

(L. Gonzales in the chair)

HR 595 - ADOPTED

(by S. Davis and Hochberg)

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 595**.

The motion prevailed.

The following resolution was laid before the house:

HR 595, Recognizing March 3, 2011, as Rice University Day at the State Capitol.

HR 595 was read and was adopted.

(Burkett in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative S. Davis who introduced representatives of Rice University.

HR 645 - ADOPTED

(by T. Smith)

Representative T. Smith moved to suspend all necessary rules to take up and consider at this time **HR 645**.

The motion prevailed.

The following resolution was laid before the house:

HR 645, Recognizing March 3, 2011, as Tarrant County Day at the State Capitol.

HR 645 was adopted.

HR 583 - ADOPTED
(by Legler)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **HR 583**.

The motion prevailed.

The following resolution was laid before the house:

HR 583, Honoring the Pasadena Volunteer Fire Department.

HR 583 was read and was adopted.

On motion of Representative J. Davis, the names of all the members of the house were added to **HR 583** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Legler who introduced representatives of the Pasadena Volunteer Fire Department.

HR 103 - ADOPTED
(by Laubenberg)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 103**.

The motion prevailed.

The following resolution was laid before the house:

HR 103, Recognizing March 3, 2011, as Lone Star Association of Charitable Clinics Day.

HR 103 was read and was adopted.

On motion of Representative Carter, the names of all the members of the house were added to **HR 103** as signers thereof.

HR 382 - ADOPTED
(by Turner, et al.)

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HR 382**.

The motion prevailed.

The following resolution was laid before the house:

HR 382, Recognizing March 3, 2011, as Texas Association of Black Personnel in Higher Education Day.

HR 382 was read and was adopted.

On motion of Representative Turner, the names of all the members of the house were added to **HR 382** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dukes who introduced representatives of the Texas Association of Black Personnel in Higher Education.

**HR 669 - ADOPTED
(by Crownover)**

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 669**.

The motion prevailed.

The following resolution was laid before the house:

HR 669, Recognizing March 3, 2011, as Little Elm Day at the State Capitol.

HR 669 was adopted.

**HR 177 - ADOPTED
(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 177**.

The motion prevailed.

The following resolution was laid before the house:

HR 177, Recognizing March 2011 as Professional Social Work Month.

HR 177 was adopted.

**HR 676 - ADOPTED
(by Lucio)**

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 676**.

The motion prevailed.

The following resolution was laid before the house:

HR 676, Honoring Dhani Jones for his NFL and media careers and his many philanthropic contributions.

HR 676 was read and was adopted.

On motion of Representative C. Howard, the names of all the members of the house were added to **HR 676** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Lucio who introduced Dhani Jones and Jeff Blake.

HR 664 - ADOPTED
(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 664**.

The motion prevailed.

The following resolution was laid before the house:

HR 664, Recognizing March 3, 2011, as Sam Houston Day at the State Capitol.

HR 664 was adopted.

On motion of Representative Fletcher, the names of all the members of the house were added to **HR 664** as signers thereof.

HCR 28 - ADOPTED
(by Branch and Cain)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HCR 28**.

The motion prevailed.

The following resolution was laid before the house:

HCR 28, In memory of Don Meredith, former SMU and Dallas Cowboys quarterback and longtime sportscaster.

HCR 28 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The chair recognized Representative Branch who introduced family members and friends of Don Meredith.

(McClendon in the chair)

HR 694 - ADOPTED
(by Carter)

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HR 694**.

The motion prevailed.

The following resolution was laid before the house:

HR 694, Recognizing the members of the Garland City Council on the occasion of their visit to the State Capitol on March 3, 2011.

HR 694 was adopted.

On motion of Representative Sheets, the names of all the members of the house were added to **HR 694** as signers thereof.

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 62 (by Workman), Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

HR 16 (by Cook), Recognizing March 10, 2011, as Corsicana/Navarro County Day at the State Capitol.

HR 360 (by McClendon), Congratulating Ira McNeil of San Antonio on his 100th birthday.

HR 362 (by McClendon), Congratulating Rosemary Deen on her receipt of a 2009 Spirit Award from the San Antonio Metropolitan Chapter of Top Ladies of Distinction.

HR 364 (by McClendon), Congratulating Dianne McNeil-Henderson on her retirement from the San Antonio Independent School District.

HR 365 (by Hopson), Recognizing April 12, 2011, as Panola County Day at the State Capitol.

HR 366 (by Craddick), Honoring Sam Gavin Gibbs of Midland for his induction into the Petroleum Hall of Fame.

HR 367 (by Schwertner), Congratulating Garrett Matthew Betros of Cameron on achieving the rank of Eagle Scout.

HR 370 (by Zedler, et al.), Congratulating the citizens of Burleson on their city's recognition as one of the 100 Best Communities for Young People.

HR 376 (by D. Miller), Honoring Leadership Gillespie County for its promotion of civic leadership and volunteerism.

HR 377 (by D. Miller), Recognizing the 45th annual Texas Legislative Conference in New Braunfels on March 24 and 25, 2011.

HR 379 (by D. Miller), Honoring Leadership Bulverde-Spring Branch for its promotion of civic leadership and volunteerism.

HR 381 (by Peña), Honoring Emilio De Los Santos III on being chosen as the recipient of the 2010 Dan Garcia Memorial Achievement Award presented by the Veterans County Service Officers Association of Texas.

HR 416 (by Huberty), Congratulating Scott Frost of Atascocita on the occasion of his 46th birthday.

HR 425 (by Marquez), Congratulating the El Paso High School girls' swimming team on winning the District 1-4A championship.

HR 426 (by Marquez), Congratulating Major General Dana Pittard on his appointment as commanding general of Fort Bliss.

HR 435 (by Cain), Recognizing the chartering of the Benjamin Clark Society of the Children of the American Revolution at Paris High School.

HR 436 (by Landtroop), Congratulating the Garden City High School football team on winning the 2010 UIL Six-Man Division 1 state championship.

HR 437 (by Landtroop), Recognizing CASA of the South Plains volunteers for their service to area children in need.

HR 438 (by Landtroop), Congratulating Garden City High School in Glasscock ISD for its selection as a 2010 Blue Ribbon School and its receipt of TEA's "Exemplary" rating.

HR 441 (by McClendon), Recognizing February 16, 2011, as Trucking Day at the State Capitol.

HR 445 (by Cain), Congratulating Robert and Patsy Skidmore of Paris on their 50th wedding anniversary.

HR 446 was withdrawn.

HR 447 (by Schwertner), Congratulating the football team of Yoe High School in Cameron on its successful 2010 season.

HR 448 (by V. Gonzales), Congratulating Judge Nelva Gonzales Ramos on her nomination to the U.S. District Court for the Southern District of Texas.

HR 450 was withdrawn.

HR 459 (by Sheffield), Commemorating the 50th wedding anniversary of Paul and Oralia Luna of Belton.

HR 460 (by Sheffield), Congratulating Jesse and Rosa Garcia of Temple on their 50th wedding anniversary.

HR 461 (by Sheffield), Congratulating the Reverend Tommy Davis and Marilyn Davis of Belton on their 50th wedding anniversary.

HR 464 (by Marquez), Congratulating the Honorable Veronica Escobar of El Paso on her election as county judge of El Paso County.

HR 467 (by Price), Recognizing May 21, 2011, as Armed Forces Day.

HR 468 (by Price), Commemorating Memorial Day 2011.

HR 470 (by Craddick), Honoring the O'Donnell First United Methodist Church on the 100th anniversary of its founding.

HR 473 (by Hughes), Honoring Debra Sue Miers on her retirement as secretary of the Quitman Rotary Club and as director of Wood County Adult Probation.

HR 474 (by Zerwas), Congratulating Lori L. Gunn on earning the 2010 Exceptional Service Award from the Katy Area Chamber of Commerce.

HR 475 (by Zerwas), Congratulating Amegy Bank on being named the 2010 Business of the Year by the Katy Area Chamber of Commerce.

HR 476 (by Zerwas), Congratulating Richard MacDonald on being named the 2010 Katy Area Chamber of Commerce Volunteer of the Year.

HR 477 (by Zerwas), Congratulating the Honorable Bob Hebert on being named the 2010 Citizen of the Year by the Katy Area Chamber of Commerce.

HR 480 (by Carter), Congratulating Steve and Cissy Powell of Dallas on their 50th wedding anniversary.

HR 482 (by Gutierrez), Honoring musician Ramon Ayala for his work in presenting the annual Ramon Ayala Christmas Posada in Hidalgo.

HR 486 (by Gallego), Congratulating Sue Zukowski of Alpine on her retirement from Sul Ross State University.

HR 487 (by Gallego), Congratulating Glenn Ratliff of Monahans on his 100th birthday.

HR 492 (by Gallego), Honoring the Del Rio High School Mariachi Band for performing at the State Capitol on the opening day of the 82nd Legislative Session.

HR 502 (by Naishtat), Honoring Cindy Morphew of Austin for donating a kidney to a fellow Texan.

HR 505 (by Carter), Commending Jack James for his exemplary service with the Garland Fire Department.

HR 506 (by Carter), Congratulating E. Leon Carter on his receipt of the 2011 Martin Luther King, Jr., Justice Award from the Dallas Bar Association.

HR 509 (by Cain), Congratulating Judge Lester Crutchfield and Irelene Crutchfield on their 50th wedding anniversary.

HR 511 (by Dutton), Congratulating Patricia Lindsey on her retirement from the City of Houston Health and Human Services Department.

HR 524 was withdrawn.

HR 528 (by Aliseda), Recognizing March 29, 2011, as Goliad County Day at the State Capitol.

HR 529 (by Cain), Congratulating Aaron and Melba Brannon of Sulphur Springs on their 65th wedding anniversary.

HR 531 (by Madden), Welcoming members of the McDermott Scholars Program to the State Capitol.

HR 533 (by Frullo), Congratulating Lonnie Balch on being named the 2011 Lubbock Area United Way Agency Volunteer of the Year.

HR 535 (by Murphy), Commemorating the 19th anniversary of the Khojaly Massacre in Azerbaijan.

HR 537 (by Flynn), Congratulating Ray and Euna Rugg of Canton on their 68th wedding anniversary.

HR 539 (by Eiland), Honoring the Texas Physical Therapy Association.

HR 541 (by T. Smith), Honoring Lois Steele Newsom of Donie.

HR 545 (by Marquez), Recognizing the "Getting to the Heart of the Matter" program sponsored by The Arc of Texas.

HR 546 (by Marquez), Honoring the City of El Paso for earning a 2011 Gold Leadership Circle Award from the Texas Comptroller Leadership Circle program in recognition of the city's online financial transparency.

HR 547 (by Marquez), Commemorating the 125th anniversary of the founding of the El Paso YMCA.

HR 550 (by Schwertner), Congratulating Blake A. Vanier on attaining the rank of Eagle Scout.

HR 551 (by Rodriguez), Welcoming visitors from YMCAs across Texas to the State Capitol on February 23, 2011.

HR 559 (by Straus), Commemorating the 20th anniversary of the Caring for Children Foundation of Texas and commending all those associated with that organization.

HR 560 (by Martinez), Recognizing Dr. Audrey Jones for her contributions to the medical profession and her service to the Texas Legislature as Physician of the Day for February 23, 2011.

HR 561 (by Martinez, et al.), Recognizing March 9, 2011, as Mid-Valley Day at the State Capitol.

HR 563 (by Hopson), Congratulating the Carthage High School football team for winning its third consecutive UIL 3A Division 2 state championship.

HR 564 (by Kuempel), Congratulating the football team of Byron P. Steele II High School in Cibolo on winning the UIL 5A Division II state championship.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 363 (by McClendon), In memory of Dorothy Dee Nicholson of San Antonio.

HR 371 (by Zedler), In memory of Kathleen Jeanne Jones Gilles of Arlington.

HR 386 (by Patrick), In memory of James Edward Starrett of Arlington.

HR 387 (by Patrick), In memory of Pearl Lilley Fincher of Spring.

HR 388 (by Patrick), In memory of Ann Olson Ivey of Arlington.

HR 389 (by Patrick), In memory of Michael Lee Gore of Arlington.

HR 390 (by Patrick), In memory of Dr. Henry Ward Bendel, Jr., of Arlington.

HR 391 (by Patrick), In memory of Judge Clyde Robert Ashworth of Arlington.

HR 392 (by Patrick), In memory of Susan M. Jones of Arlington.

HR 393 (by Patrick), In memory of Pantego mayor Dorothy Gail Aderholt.

HR 394 (by Patrick), In memory of Mayfield Workman of Arlington.

HR 395 (by Patrick), In memory of Wanda Faye Hart of Arlington.

HR 396 (by Patrick), In memory of Johnnie Ray High, Jr., of Bedford.

HR 397 (by Patrick), In memory of Margaret Bingham Galloway of Arlington.

HR 398 (by Patrick), In memory of Alex Wilson of Arlington.

HR 399 (by Patrick), In memory of longtime Arlington school administrator Roy Wood.

HR 400 (by Patrick), In memory of Lieutenant Colonel (Ret.) Richard H. Rencurrel of Arlington.

HR 401 (by Patrick), In memory of Barbara West of Keller.

HR 402 (by Patrick), In memory of Nita Scheble Cox of Arlington.

HR 403 (by Patrick), In memory of John E. Meek of Arlington.

HR 404 (by Patrick), In memory of former Arlington mayor S. J. Stovall.

HR 405 (by Patrick), In memory of Trent Thompson of Brownwood.

HR 406 (by Patrick), In memory of William "Mike" McClellan of Arlington.

HR 407 (by Patrick), In memory of Arlington police officer Craig Gordon Story.

HR 408 (by Patrick), In memory of June James III of Arlington.

HR 409 (by Patrick), In memory of Anna Waynette Vandergriff of Arlington.

HR 427 (by Marquez), In memory of Irma Perez of El Paso.

HR 431 (by Flynn), In memory of Harrison M. "Harry" Sewell of Mesquite.

HR 440 (by McClendon), In memory of Lillie Mae Wilson Harris of San Antonio.

HR 442 was withdrawn.

HR 471 (by Hilderbran), In memory of Phyllis A. Baumgartner of Kerrville.

HR 483 (by Straus), In memory of Janette Overton Dixon of San Antonio.

HR 485 (by S. Davis, et al.), In memory of Joseph W. Samuels of Houston.

HR 489 (by Gallego), In memory of Lon Felts, Jr., of Uvalde.

HR 490 (by Gallego), In memory of Joyce Ann Probst of Alpine.

HR 491 (by Gallego), In memory of Vernon Neal Billings of Val Verde County.

HR 498 (by Pitts), In memory of longtime Legislative Budget Board analyst Val Shepperd of Austin.

HR 500 (by Hardcastle), In memory of Texas Department of Public Safety Senior Corporal David Ralph Slaton of Bowie.

HR 507 (by Schwertner), In memory of Makenzi Knickole Papasan of Leander.

HR 512 (by Phillips), In memory of Donato P. Rodriguez, Jr.

HR 518 (by Eiland), In memory of James Polk Simpson.

HR 519 (by McClendon), In memory of Diana S. Dupre of San Antonio.

HR 520 (by McClendon), In memory of Florence Alcoser of San Antonio.

HR 530 was withdrawn.

HR 542 (by Marquez), In memory of Hector Raul Bermudez of El Paso.

HR 543 (by Marquez), In memory of Eugene Calabro, Sr., of El Paso.

HR 544 (by Marquez), In memory of Magdalena Rodriguez Ybarra of El Paso.

HR 552 (by Kolkhorst), In memory of John Henry Fuchs, Jr., of Huntsville.

HR 568 (by Phillips, et al.), In memory of Gregory Scott Coleman of Austin.

The resolutions were unanimously adopted by a rising vote.

NAMES ADDED

On motion of Representative Gallego, the names of all the members of the house were added to **HR 486**, **HR 487**, **HR 489**, **HR 490**, **HR 491**, and **HR 492** as signers thereof.

FIVE-DAY POSTING RULE SUSPENDED

Representative Creighton moved to suspend the five-day posting rule to allow the Select Committee on State Sovereignty to consider **HCR 18**, **HCR 50**, **HJR 34**, and **HJR 100** at 2 p.m. or upon adjournment in E2.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Select Committee on State Sovereignty, 2 p.m. or upon adjournment today, E2.010, for a public hearing, to consider **HCR 18**, **HCR 50**, **HJR 34**, and **HJR 100**.

RECESS

At 11:55 a.m., the chair announced that the house would stand recessed until 1:45 p.m. today.

AFTERNOON SESSION

The house met at 1:45 p.m. and was called to order by the speaker.

EMERGENCY CALENDAR

HOUSE BILLS

SECOND READING

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

CSHB 15 ON SECOND READING**(by S. Miller, Callegari, Harless, Kolkhorst, Patrick, et al.)**

CSHB 15, A bill to be entitled An Act relating to providing a sonogram before an abortion; providing penalties.

Amendment No. 1

Representative Alvarado offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by striking the enacting clause (line 4), page 1.

Pursuant to Rule 5, Section 28 of the House Rules, Representative Castro requested to extend speaking time on Amendment No. 1.

The request was not granted by (Record 60): 70 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Branch; Burnam; Callegari; Castro; Chisum; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Hughes; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Laubenberg; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Miller, S.; Muñoz; Naishtat; Oliveira; Orr; Otto; Peña; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Simpson; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Aycoc; Beck; Berman; Bohac; Brown; Burkett; Button; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Morrison; Murphy; Nash; Parker; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Bonnen; Cain; Hopson; Lyne; Martinez Fischer; Patrick.

STATEMENTS OF VOTE

When Record No. 60 was taken, I was in the house but away from my desk. I would have voted no.

Cain

When Record No. 60 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

Representative S. Miller moved to table Amendment No. 1.

The motion to table prevailed by (Record 61): 106 Yeas, 41 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg.

Amendment No. 2

Representative S. Miller offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) on page 1, line 13, by striking "itself".

AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE D. HOWARD: I just want to ask a few questions to establish legislative intent regarding this exception for medical emergencies. **CSHB 15** states that a physician may perform an abortion without performing a sonogram only in a medical emergency. Is that correct?

REPRESENTATIVE S. MILLER: That is correct.

D. HOWARD: So the exception could include, now, life-threatening physical conditions that are not caused by a pregnancy, such as trauma like that which might occur in a car accident, or from being assaulted?

S. MILLER: Yes.

D. HOWARD: Or a life-threatening physical condition, such as a stroke, or ruptured spleen that results from some kind of pre-existing condition like heart disease?

S. MILLER: Yes.

D. HOWARD: So—thank you for clarifying this—I just want to make sure we're understanding that we're broadening the definition of medical emergency to include those that are not arising from the pregnancy itself.

REMARKS ORDERED PRINTED

Representative D. Howard moved to print remarks between Representative S. Miller and Representative D. Howard.

The motion prevailed.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Anchia offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 1, lines 12-13, strike "life-threatening physical condition caused by or arising from a pregnancy itself" and substitute "condition".

Representative S. Miller moved to table Amendment No. 3.

The motion to table prevailed by (Record 62): 99 Yeas, 47 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg; Mallory Caraway.

STATEMENT OF VOTE

I was shown voting no on Record No. 62. I intended to vote yes.

Lozano

Amendment No. 4

Representative Hernandez Luna offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

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

Sec. 171.052. APPLICABILITY. This subchapter does not apply to an abortion performed on a pregnant woman if:

(1) the woman's pregnancy is a result of a violation of Section 22.011 or 25.02, Penal Code, incest, or other violation of the Penal Code that:

(A) has been reported to law enforcement authorities; or

(B) has not been reported to law enforcement authorities because the woman reasonably believes that doing so would place the woman at risk of retaliation resulting in serious bodily injury; or

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

Pursuant to Rule 5, Section 28 of the House Rules, Representative Lucio requested to extend speaking time on Amendment No. 1.

The request was not granted by (Record 63): 59 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Branch; Burnam; Castro; Chisum; Coleman; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Howard, D.; Hughes; Johnson; Keffer; King, T.; Kolkhorst; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Brown; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Nash; Orr; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Burkett; Geren; Hochberg; Otto; Peña; Smith, W.

STATEMENT OF VOTE

When Record No. 63 was taken, I was in the house but away from my desk. I would have voted no.

Geren

Representative S. Miller moved to table Amendment No. 4.

The motion to table prevailed by (Record 64): 97 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg; Peña.

STATEMENT OF VOTE

I was shown voting no on Record No. 64. I intended to vote yes.

Lozano

Amendment No. 5

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by adding the following new subsection on page 3, between line 9 and line 10:

(d) a physician or abortion provider fulfills the requirements of Section 171.014 and of this Section if the physician or abortion provider has not been furnished with copies of the applicable materials, and if the physician or abortion provider has made a good-faith effort to contact the Department for the purpose of requesting the materials.

Representative S. Miller moved to table Amendment No. 5.

The motion to table prevailed by (Record 65): 101 Yeas, 43 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Carter; Dutton; Hochberg; Isaac.

STATEMENTS OF VOTE

When Record No. 65 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 65 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

I was shown voting yes on Record No. 65. I intended to vote no.

Lozano

I was shown voting no on Record No. 65. I intended to vote yes.

Muñoz

Amendment No. 6

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by inserting the following text on page 3, between line 9 and line 10:

Sec. 171.0522. Delivery by Referring Physician. A physician who refers a patient for abortion services but does not perform the abortion may deliver the materials described by Section 171.014 and Section 171.052, and such delivery shall substitute for delivery of the materials by the physician to perform the abortion.

(Solomons in the chair)

Representative S. Miller moved to table Amendment No. 6.

The motion to table prevailed by (Record 66): 101 Yeas, 45 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Gallego.

Absent — Hochberg.

STATEMENTS OF VOTE

I was shown voting no on Record No. 66. I intended to vote yes.

Lozano

I was shown voting no on Record No. 66. I intended to vote yes.

Muñoz

Amendment No. 7

Representative Castro offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 2, line 11, strike "and".

(2) On page 2, line 21, strike ":" and substitute "; and".

(3) On page 2, between lines 21 and 22, insert the following:

(4) provide the pregnant woman on whom the abortion is to be performed with medically accurate information regarding methods of contraception.

Amendment No. 7 failed of adoption by (Record 67): 45 Yeas, 101 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Gallego.

Absent — Hochberg.

STATEMENTS OF VOTE

I was shown voting no on Record No. 67. I intended to vote yes.

Farias

I was shown voting yes on Record No. 67. I intended to vote no.

Lozano

I was shown voting yes on Record No. 67. I intended to vote no.

Muñoz

Amendment No. 8

Representative Castro offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 3, line 11, strike "begins and" and substitute "begins,".

(2) On page 3, line 13, between "woman," and "the", insert "and after the physician who is to perform the abortion informs the pregnant woman of the woman's right under Section 171.055 to refuse the information under this subsection without penalty,".

Representative S. Miller moved to table Amendment No. 8.

The motion to table prevailed by (Record 68): 99 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg.

STATEMENTS OF VOTE

I was shown voting no on Record No. 68. I intended to vote yes.

Lozano

I was shown voting no on Record No. 68. I intended to vote yes.

Muñoz

Amendment No. 9

Representative Martinez offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee report) as follows:

(1) On page 3, lines 14-15, strike "certified by a national registry of medical sonographers" and substitute "licensed by the department under Sec. 171.057".

(2) On page 4, strike proposed Section 171.053(b) and substitute the following:

(b) During a visit made to a facility to fulfill the requirements of Subsection (a), the facility and any person at the facility may not accept any form of payment, deposit, or exchange for the service required by Subsection (a).

(3) On page 7, between lines 9 and 10, insert a new Section 171.057, Health and Safety Code, and renumber subsequent proposed Sections accordingly:

Sec. 171.057. LICENSING OF SONOGRAPHERS PERFORMING ABORTIONS. The department shall issue rules for the licensing of sonographers performing abortions under the department's licensing authority under Chapter 401. The department may not adopt a rule that permits a person to be licensed by the department because of the person's performance on an examination administered by a non-governmental entity. Any licensing examination adopted by the department must test the examinee's knowledge of all state laws related to abortion.

(Branch in the chair)

Representative S. Miller moved to table Amendment No. 9.

The motion to table prevailed by (Record 69): 98 Yeas, 47 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Elkins; Hilderbran; Hochberg.

STATEMENTS OF VOTE

When Record No. 69 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting no on Record No. 69. I intended to vote yes.

Lozano

Amendment No. 10

Representative Walle offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee report) on page 4, lines 4-12, by striking proposed Section 171.053(b) and substituting the following:

(b) The department shall pay for the costs of the sonogram required under Subsection (a) as charged by the sonogram provider. The amount charged for a service required by Subsection (a) may not exceed the reimbursement rate established for the service by the Health and Human Services Commission for statewide medical reimbursement programs.

Representative S. Miller moved to table Amendment No. 10.

The motion to table prevailed by (Record 70): 105 Yeas, 42 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg.

STATEMENT OF VOTE

I was shown voting no on Record No. 70. I intended to vote yes.

Lozano

Amendment No. 11

Representative Hernandez Luna offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 4, after line 12, by inserting the following:

(c) the pregnant woman may waive the requirements of subsection (a) by signing a waiver in substantially the following form:

"I understand that state law requires my physician, abortion provider, or certified sonographer to perform a live, real-time obstetric sonogram which displays images of the fetus or embryo in a quality consistent with current medical practice and in a manner in which I may view the images, and that my physician, abortion provider, or certified sonographer must provide a medical description of the dimensions of the embryo or fetus, including a description of the presence of cardiac activity, and the presence of arms, legs, external members, and internal organs. I understand that state law requires my physician, abortion provider, or certified sonographer must make audible the real-time heart auscultation and provide a simultaneous verbal explanation of the live, real-time heart auscultation. I hereby waive my right to receive this information, and I hereby affirm that if this information is offered, I will choose not to receive the information."

(d) a waiver executed by the pregnant woman under subsection (c) may substitute for the certification required by Section 171.054. A copy of the waiver shall be placed in the pregnant woman's medical file and retained in lieu of the certification under the procedures set forth in Section 171.054 (d).

Representative S. Miller moved to table Amendment No. 11.

The motion to table prevailed by (Record 71): 103 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bohac; Bonnen; Branch(C); Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla;

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

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

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg.

STATEMENT OF VOTE

I was shown voting no on Record No. 71. I intended to vote yes.

Lozano

Amendment No. 12

Representative Lucio offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) on page 4, between lines 12 and 13, by inserting the following:

(c) The state shall pay the cost of providing the service required under Subsection (a), at no cost to the pregnant woman, if the woman's residence is not located within 45 miles of a health care provider, facility, or clinic included in the list described by Section 171.052(a)(3).

Representative S. Miller moved to table Amendment No. 12.

The motion to table prevailed by (Record 72): 101 Yeas, 45 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg; Peña.

STATEMENT OF VOTE

I was shown voting no on Record No. 72. I intended to vote yes.

Lozano

Amendment No. 13

Representative Dutton offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 11 and 12, insert the following:

Sec. 171.055. COLLEGE TUITION FOR UNBORN CHILD. If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the state shall pay the unborn child's tuition for four years of enrollment at a college or university.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

Representative S. Miller moved to table Amendment No. 13.

The motion to table prevailed by (Record 73): 106 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bohac; Bonnen; Branch(C); Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Nash; Orr; Otto; 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; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg; Menendez; Murphy.

STATEMENT OF VOTE

I was shown voting no on Record No. 73. I intended to vote yes.

Lozano

(Speaker in the chair)

Amendment No. 14

Representative Dutton offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 11 and 12, insert the following:

Sec. 171.055. HEALTH CARE FOR UNBORN CHILD. If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the state shall provide, at no cost, health care for the unborn child until the child's 18th birthday.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

Representative S. Miller moved to table Amendment No. 14.

The motion to table prevailed by (Record 74): 100 Yeas, 45 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King,

T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Burkett; Hochberg; Murphy.

STATEMENTS OF VOTE

When Record No. 74 was taken, my vote failed to register. I would have voted yes.

Burkett

I was shown voting no on Record No. 74. I intended to vote yes.

Lozano

CSHB 15 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 15** under Rule 4, Section 32(c) and (f) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Martinez Fischer raises a point of order against further consideration of the bill under Rule 4, Section 32(c) and (f) of the Texas House Rules and under various due process provisions of the Texas and United States Constitutions. Representative Martinez Fischer contends that the bill analysis accompanying the bill is materially or substantially misleading in that it fails to capture the effect of or conflict between the number of references to the phrase "medical emergency" contained in other statutory provisions. Representative Martinez Fischer also argues that the conflict between the definitions of the phrase "medical emergency" may raise issues conflicting with or violating due process provisions of the Texas or United States Constitutions. The chair thanks both parties for their thoughtful arguments.

The chair has reviewed the bill analysis and the bill. The chair believes that the analysis is not materially or substantially misleading. The bill analysis properly notes that the bill defines a "medical emergency" and properly notes that an exception to the sonogram requirement for a physician performing an abortion is a "medical emergency."

As to Representative Martinez Fischer's second point, due process violations, through many sessions, speakers have followed the plan of refusing to rule on constitutional points not related to legislative procedure by overruling the points directly then passing them on to the house for determination, in effect, on the vote involved. I will continue the plan. Accordingly, the chair respectfully overrules the points of order.

Amendment No. 15

Representative Dutton offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 11 and 12, insert the following:

Sec. 171.055. HEALTH CARE FOR UNBORN CHILD. If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the state shall provide, at no cost, health care for the unborn child until the child's sixth birthday.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

Amendment No. 16

Representative Raymond offered the following amendment to Amendment No. 15:

Amend Amendment No. 15 to **CSHB 15** by Dutton on page 1, line 4, by striking "HEALTH CARE FOR UNBORN CHILD" and substituting "TEXAS PRO LIFE HEALTH PROGRAM".

Amendment No. 16 failed of adoption by (Record 75): 45 Yeas, 101 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg; Mallory Caraway.

Representative S. Miller moved to table Amendment No. 15.

The motion to table prevailed by (Record 76): 103 Yeas, 40 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Burnam; Gutierrez; Hochberg; Marquez; Torres.

STATEMENT OF VOTE

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

Amendment No. 17

Representatives Marquez and Gonzalez offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 16 and 17, insert the following:

Sec. 171.056. INFORMATION RELATED TO VASECTOMY. If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the physician or an agent of the physician shall notify the woman that she may apply for an order under Section 171.057.

Sec. 171.057. MANDATORY VASECTOMY. On an application under Section 171.056, a court shall order a man to undergo a vasectomy if it is shown that:

(1) the man is the father of the pregnant woman's child outside of marriage; and

(2) previous to the date of application, the man was a father to two or more other children by two or more other women outside of marriage.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

Representative S. Miller moved to table Amendment No. 17.

The motion to table prevailed by (Record 77): 99 Yeas, 37 Nays, 4 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Castro; Coleman; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Giddings; Gonzalez; Hernandez Luna; Hopson; Lavender; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Villarreal; Walle; White; Woolley.

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

Absent, Excused — Gallego.

Absent — Burnam; Crownover; Gutierrez; Harper-Brown; Hilderbran; Hochberg; King, T.; Smithee; Vo.

STATEMENTS OF VOTE

When Record No. 77 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

When Record No. 77 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

Amendment No. 18

Representative Castro offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 16 and 17, insert the following:

Sec. 171.056. PATERNITY AND CHILD SUPPORT INFORMATION. (a)

If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the physician or an agent of the physician shall provide the pregnant woman with a publication developed by the Title IV-D agency that provides information about paternity establishment and child support, including:

(1) the steps necessary for unmarried parents to establish legal paternity;

(2) the benefits of paternity establishment for children;

(3) the steps necessary to obtain a child support order;

(4) the benefits of establishing a legal parenting order; and

(5) financial and legal responsibilities of parenting.

(2) Renumber sections of Subchapter C, 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

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

SECTION _____. The Title IV-D agency shall publish the information required by Section 171.056, Health and Safety Code, as added by this Act, not later than the 60th day after the effective date of this Act.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Castro offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 16 and 17, insert the following:

Sec. 171.056. MEDICAID APPLICATION AND INFORMATION. (a) In this section, "commission" means the Health and Human Services Commission.

(b) If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the physician or an agent of the physician shall provide the woman with:

(1) an application for expedited eligibility and enrollment in the state Medicaid program; and

(2) information regarding the state Medicaid program.

(c) The information required to be provided under Subsection (b)(2) must include:

(1) an explanation of the benefits and services available under the program, including prenatal services; and

(2) a toll-free telephone number for the commission that the woman may contact if the woman has a question regarding the program.

(d) The commission shall:

(1) publish the application and information required to be provided under Subsection (b); and

(2) make the application and information available to the physicians in this state.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

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

SECTION _____. The Health and Human Services Commission shall publish the application and information required by Section 171.056, Health and Safety Code, as added by this Act, not later than the 60th day after the effective date of this Act.

Representative S. Miller moved to table Amendment No. 19.

The motion to table prevailed by (Record 78): 100 Yeas, 47 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg.

Amendment No. 20

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee report) on page 6, between lines 16 and 17, by inserting the following new Section 171.056, Health and Safety Code, and renumber subsequent sections accordingly:

Sec. 171.056. ASSISTANCE FOR PREGNANT WOMAN DECLINING ABORTION AFTER SONOGRAM. If, after receiving the information required to be provided under Section 171.053, the pregnant woman declines to have an abortion, the physician who was to perform the abortion shall certify that fact to the department.

(b) On receipt of the physician's certificate, the department shall pay for all reasonable and necessary expenses for the medical care of the woman and unborn child, including the reasonable and necessary expenses of childbirth and post-delivery recovery. The department may not require the woman to use a particular health care provider.

(c) The department shall adopt rules to implement this section.

AMENDMENT NO. 20 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE COLEMAN: Mr. Miller, in terms of the cost of government, do you believe that children being born with birth defects and low birth weight and disabled is something that is not appropriate to spend money on in this state?

REPRESENTATIVE S. MILLER: I believe that every, every life is precious.

COLEMAN: Well, if a life is precious, why isn't making sure that life is a precious and long and good one appropriate under the bill that you have, since you have brought forward a bill about life? At least that's what you—right? A bill about life and making sure that women don't have abortions?

S. MILLER: This amendment is not confined to just those narrow circumstances. It's the expenses incurred for the care of all women and unborn children, including reasonable necessary expenses at childbirth and post-delivery recovery. So it's very wide-sweeping—would cost a huge fiscal note, which at this time our budget would not—

COLEMAN: But, Mr. Miller, don't you believe that children are priceless? Or do you only believe they're priceless when nobody else has the responsibility for them?

S. MILLER: I don't believe it's the government's job to do all for everyone. There is some personal responsibility involved in the process.

COLEMAN: So answer this question then—why are you using the government to interfere in the lives of women and their decisions then, if you don't believe it's the government's job to provide for those things? You seem to think this is the government's job, so why don't you think it's the government's job to do those other things, Mr. Miller?

S. MILLER: This bill is about informed consent, making sure that the mother-to-be—it goes to the abortion provider—provide all the available information to her. I wouldn't call that an intrusion.

COLEMAN: Well, it appears to me that this bill has a cost, as well.

S. MILLER: Actually, there is no fiscal note on this bill. That's incorrect, there is no cost.

COLEMAN: But, Mr. Miller, then you've shoved an unfunded mandate on somebody else to pay for something that the state isn't paying for, in terms of a sonogram.

S. MILLER: I would beg to disagree. It doesn't do that either, Mr. Coleman.

COLEMAN: Well, tell me why it doesn't then.

S. MILLER: Okay, the standard medical care practice before any abortion is performed requires a sonogram to be performed. My bill does not create any more sonogram procedures. Those are being performed now.

COLEMAN: Then why do you have to require it under the law, sir, if it's already standard procedure?

S. MILLER: What the bill does is require that information be made available to the women.

COLEMAN: So do you believe that doctors don't make information available to their patients? They just do procedures and then walk away and throw the stuff in the trash?

S. MILLER: Exactly! Thank you for bringing that up, that was the exact testimony that we received in committee—women, who actually asked to view these sonograms and were denied, even though they paid for it out of their own pocket. That is the purpose of the bill.

COLEMAN: Well, I'm sorry, I think that must be one circumstance, because I don't believe that any doctor would keep their patient from viewing something that they paid for. You must have had the only person that happened to come into the committee.

S. MILLER: There was multiple testimony on that and actually there was testimony that they never were even able to talk to the doctor about the procedure.

COLEMAN: So they weren't even able to talk to the doctor about the abortion and that's the reason they—because they couldn't talk to the—about the sonogram or have the information, so they went on and had the abortion?

S. MILLER: That's what the testimony was. Many of them relayed to the committee that they were rushed through the procedure, they never have met their doctor, they never got to question the doctor about the procedure, or the implications, or the possible side effects of it.

COLEMAN: So, in terms of informed consent, they knew they were going to get an abortion, they knew they had a sonogram, the sonogram would have stopped them from having an abortion, and so this bill is designed to do that, right?

S. MILLER: This bill is designed to make sure that the woman is fully informed about the medical procedure that she is about to have performed.

COLEMAN: But you had just said previously, when I had asked you the question, you said that, "Yes, that's the reason they went on and had the abortion." So it appears to me that you've admitted that this bill is for that purpose.

S. MILLER: The testimony in committee was that once the women saw a sonogram of a fetus the same age they aborted, many of those in the testimony regretted having the operation done. And testified, under oath, that if they had

seen and been able to see their sonogram, they would have made a different decision.

COLEMAN: I certainly do understand. That's why I support the amendment that Ms. Farrar has. I think that all life counts, including the life of someone who wants to be born in a way that they live a good life.

REMARKS ORDERED PRINTED

Representative Coleman moved to print remarks between Representative S. Miller and Representative Coleman.

The motion prevailed.

Representative S. Miller moved to table Amendment No. 20.

The motion to table prevailed by (Record 79): 103 Yeas, 43 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg; King, T.

Amendment No. 21

Representative Hernandez Luna offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 6 between lines 16 and 17, by inserting the following new Section 171.056, Health and Safety Code, and renumber subsequent section accordingly:

Sec. 171.056. INFORMATION AFTER SONOGRAM. If, after having a sonogram performed under this subchapter, the pregnant woman decides to have an abortion and the abortion is performed, the physician who performed the abortion shall provide the woman with a comprehensive list of health care providers, facilities, and clinics that offer family planning services at little or no cost. The information on family planning services shall be prepared by the department and the department shall provide the information upon request and without charge to the requestor. The woman shall certify by her signature that she received the information. The department shall prepare a form to be used to make this certification.

CSHB 15 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 15** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative S. Miller moved to table Amendment No. 21.

The motion to table prevailed by (Record 80): 104 Yeas, 38 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Burnam; Gutierrez; Hochberg; Martinez Fischer; Veasey; Villarreal.

STATEMENTS OF VOTE

When Record No. 80 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

When Record No. 80 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

Amendment No. 22

Representative Anchia offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, line 19, strike "only".

(2) On page 7, between lines 9 and 10, insert the following:

Sec. 171.0565. EXCEPTION FOR CERTAIN FETUSES. (a) In this section:

(1) "Irreversible condition" has the meaning assigned by Section 166.002.

(2) "Viable" has the meaning assigned by Section 170.001.

(b) A physician may perform an abortion without providing the sonogram required under Section 171.053 if the physician concludes in good faith according to the physician's best medical judgment that the fetus:

(1) has an irreversible condition, as previously identified by reliable diagnostic procedures and documented in the woman's medical file; and

(2) is not viable.

(c) This section does not prohibit a physician from performing a sonogram or any other diagnostic procedure necessary before or during the performance of an abortion.

LEAVE OF ABSENCE GRANTED

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

Eissler on motion of Hunter.

CSHB 15 - (consideration continued)

Representative S. Miller moved to table Amendment No. 22.

The motion to table prevailed by (Record 81): 98 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eissler; Gallego.

Amendment No. 23

Representative Coleman offered the following amendment to **CSHB 15**:

Amend **CSHB 15** as follows:

1. On page 7, beginning on line 12, strike "shall be revoked under Chapter 164, Occupations Code" and insert "shall be referred for discipline to the Texas Medical Board or other appropriate professional oversight authority".

2. On page 7, beginning at line 15, strike "shall revoke the license" and insert "may assess a penalty against".

3. On page 7, line 17, insert the following between "subchapter" and the period: "which may include a fine, a censure, additional continuing education, or suspension of the provider's license".

Representative S. Miller moved to table Amendment No. 23.

The motion to table prevailed by (Record 82): 99 Yeas, 47 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eissler; Gallego.

Absent — Shelton.

LEAVE OF ABSENCE GRANTED

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

Chisum on motion of Hancock.

CSHB 15 - (consideration continued)

Amendment No. 24

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 7, between line 17 and line 18, by adding the following text:

"Sec. 171.059. Notwithstanding any provision of this Subchapter, no government mandate or government-mandated procedure described in this Subchapter shall preclude any physician from acting in the best interest of the physician's patient, or take precedence over what the physician determines to be medically necessary."

Representative S. Miller moved to table Amendment No. 24.

The motion to table prevailed by (Record 83): 102 Yeas, 42 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Eissler; Gallego.

Absent — Branch; Eiland.

Amendment No. 25

Representative S. Miller offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) on page 8, lines 21-25, by striking the text and substituting the following:

SECTION 8. Each provision of this Act and every application of this Act's provisions to any person or circumstance shall be construed as severable as a matter of state law. If any application of this Act to any person or circumstance is held invalid by any court, the valid applications shall be severed and remain in force.

Amendment No. 25 was adopted.

Amendment No. 26

Representative Hughes offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. (a) The legislature finds the following purposes and justifications for this law:

(1) States have "a substantial government interest justifying a requirement that a woman be apprised of the health risks of abortion and childbirth," including mental health considerations. Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 882 (1992). "It cannot be questioned that psychological well-being is a facet of health. Nor can it be doubted that most women considering an abortion would deem the impact on the fetus relevant, if not dispositive, to the decision. In attempting to ensure that a woman apprehend the full consequences of her decision, the State furthers the legitimate purpose of reducing the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed. If the information the State requires to be made available to the woman is truthful and not misleading, the requirement may be permissible." Id.

(2) The consideration of an abortion's consequences to a fetus is not contingent on the consideration of the health of the mother. Rather, those considerations provide a stand-alone basis for informed consent legislation. There is "no reason why the State may not require doctors to inform a woman seeking an abortion of the availability of materials relating to the consequences to the fetus, even when those consequences have no direct relation to her health." Id.

(3) In addition to the state's substantial interest in promoting the health and well-being of a pregnant woman, the state also has a "profound interest in potential life" of the unborn fetus. Id. at 878; see also Gonzales v. Carhart, 550 U.S. 124, 125 (2007) (recognizing that the state has a legitimate interest "in protecting the life of the fetus that may become a child").

(4) A statute furthering a state's "legitimate goal of protecting the life of the unborn" by "ensuring a decision that is mature and informed" is permitted "even when in so doing the State expresses a preference for childbirth over abortion." Planned Parenthood, 505 U.S. at 883.

(5) In addition, the Supreme Court has held that "[r]egulations which do no more than create a structural mechanism by which the State, or the parent or guardian of a minor, may express profound respect for the life of the unborn are permitted, if they are not a substantial obstacle to the woman's exercise of the right to choose." Id. at 877. "Unless it has that effect on her right of choice, a state measure designed to persuade her to choose childbirth over abortion will be upheld if reasonably related to that goal." Id. at 878.

(6) "The State also has an interest in protecting the integrity and ethics of the medical profession." Washington v. Glucksberg, 521 U.S. 702, 731 (1997). An abortion performed without a medical professional's full disclosure to a pregnant woman of the impact on the fetus and the potential health consequences of an abortion could undermine the woman's trust in medical professionals. This Act is intended to protect the integrity and ethics of the medical profession by establishing clear requirements that are designed to ensure the health and informed consent of a pregnant woman who is contemplating an abortion.

(b) Therefore, it is the legislature's intent in enacting this Act to further the purposes stated in Subsection (a) of this section.

(c) Furthermore, with regard to the severability clause contained in this Act, the legislature finds:

(1) As the United States Supreme Court has explained, when reviewing an abortion statute, "the proper means to consider exceptions is by as-applied challenge." Gonzales, 550 U.S. at 167. Moreover, when reviewing abortion statutes, "[t]he latitude given facial challenges in the First Amendment context is inapplicable." Id. See also U.S. v. Salerno, 481 U.S. 739, 745 (1987) ("The fact that [a legislative Act] might operate unconstitutionally under some conceivable set of circumstances is insufficient to render it wholly invalid, since we have not recognized an 'overbreadth' doctrine outside the limited context of the First Amendment.").

(2) The United States Supreme Court has made the role of the court clear when reviewing statutes: "It is neither our obligation nor within our traditional institutional role to resolve questions of constitutionality with respect to each potential situation that might develop." Gonzales, 550 U.S. at 168. "[I]t would indeed be undesirable for this Court to consider every conceivable situation which might possibly arise in the application of complex and comprehensive legislation." Id. (quoting U.S. v. Raines, 362 U.S. 17, 21 (1960) (internal quotation marks omitted)). "For this reason, '[a]s-applied challenges are the basic building blocks of constitutional adjudication.'" Gonzales, 550 U.S. at 168 (quoting Richard Fallon, As-Applied and Facial Challenges and Third-Party Standing, 113 Harv. L. Rev. 1321, 128 (2000)).

(3) Severability must be considered not only with respect to certain clauses or provisions of a statute but also with respect to applications of a statute or provision when some of the applications are unconstitutional. See Norman J. Singer, Statutes and Statutory Construction, Section 44.02 (4th ed. rev. 1986).

(4) Severability clauses in federal statutes treat severability of clauses and applications the same. See, e.g., 2 U.S.C. Section 1438 ("If any provision of this chapter or the application of such provision to any person or circumstance is

held to be invalid, the remainder of this chapter and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby."); Section 1103 of the Social Security Act (42 U.S.C. Section 1303); Section 15 of the National Labor Relations Act (29 U.S.C. Section 165); Section 11 of the Railway Labor Act (45 U.S.C. Section 161); Section 14 of the Agricultural Adjustment Act (7 U.S.C. Section 614).

(5) Courts have treated severability of clauses and applications the same. See Robert L. Stern, Separability and Separability Clauses in the Supreme Court, 51 Harv. L. Rev. 76 (1937).

SECTION _____. The purposes of this Act are to:

- (1) protect the physical and psychological health and well-being of pregnant women;
- (2) provide pregnant women access to information that would allow a pregnant woman to consider the impact an abortion would have on the pregnant woman's fetus; and
- (3) protect the integrity and ethical standards of the medical profession.

SECTION _____. Every provision in this Act and every application of the provisions in this Act are severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

(2) On page 8, strike lines 21-25.

(3) Renumber SECTIONS of the bill appropriately.

AMENDMENT NO. 26 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MARTINEZ FISCHER: Representative Hughes, I was just curious, as a member of the committee, why didn't you ask those background and purpose facts back at the committee level?

REPRESENTATIVE HUGHES: I am not a member of the committee.

MARTINEZ FISCHER: You're not a member of the committee?

HUGHES: No, sir.

MARTINEZ FISCHER: So how is it that you are in a position to state what the background and purpose is if you weren't a member of the committee?

HUGHES: Well, this of course is a proposed amendment. This body will decide whether I'm in a position to do that. If we adopt this amendment, then we'll know the answer to that. I think, based on the debate we've heard and the issues we've talked about, this is very consistent with the bill's intent.

MARTINEZ FISCHER: Well, I respect your opinion, but I think I heard you earlier that this is like a background and purpose. And so if I heard wrong, then I apologize, but if you said that, I don't know how you can effectively say that if you weren't part of the committee process and part of the committee deliberations, and so I don't want to send a false impression that that amendment represents the mood of the committee, and those would have been the proposed findings in the background and purpose of the committee. Unless that's what the committee wanted to do. Since it didn't come out of the committee like that, I have to assume that it was neither thought of, or, more importantly, something they wanted to be part of the bill.

HUGHES: If this amendment becomes part of the bill, it will be an expression of this entire body's background and purpose for this act. It'll become part of this statute and we, as the house, members of the committee, and all the rest of us will be expressing our will. And that's how the system works, you know that.

MARTINEZ FISCHER: And so, we as a body accepting that, we don't, we're not going to supplant our judgment for that of the committee. We can't do that, I can't do that, you can't do that. Can you?

HUGHES: What's the question?

MARTINEZ FISCHER: The question is, when you say we may adopt this as a body as a statement of our belief in what this background and purpose is, but you're not suggesting that we can supplant our judgment for the committee's judgment? I mean, we're not doing this at the request of the committee, we're doing this in lieu of the committee, correct?

HUGHES: It will be no different than you asking the author of the bill questions for legislative intent, and those being reduced to writing and placed in the journal. That's the author's impression, based on your questions about intent. If they're placed in the journal, they of course can look at that. We want to make it stronger by putting it in the statute itself. I know that you, like I, have been frustrated when courts ignored the legislative intent. This is to avoid that from happening.

MARTINEZ FISCHER: I sort of subscribe to the separation of powers, and I recognize that we have the ability to act right now and they have the ultimate decision when they interpret our acts, but I don't see in your amendment anywhere where it even dictates or suggests that this is the intention of the legislature. I'm looking at it, it's saying the legislature is making these findings, and I didn't realize that we made findings in statute.

HUGHES: As a matter of fact, you can look at Section 29.302 of the Education Code, where the legislature finds it is essential to the well-being and growth of the students who are deaf or hard of hearing that educational programs recognize the nature of deafness and hard of hearing condition and ensure all students who are deaf or hard of hearing have appropriate, ongoing, and fully accessible educational opportunities. We could go to the Health and Safety Code, Chapter 32, Chapters 85, 257, 361, and on and on. We could go to the Alcoholic

Beverage Code. There are three pages in Section 6.03 of background of legislative intent.

MARTINEZ FISCHER: Would you just help me understand, that if these are proposed findings, can you explain to me how we found, on page 4, line 18, how this bill protects the physical and psychological health and well being of a pregnant woman?

HUGHES: I would say that is based on the testimony heard in committee, as you described, and based on comments made by the author and other members from this podium and the back mic about how women testified before the committee that they wanted all the information before making this decision.

MARTINEZ FISCHER: Okay, and that will speak to their physical and psychological health and well being?

HUGHES: That will certainly be part of it, and it's about informed consent—women having all the facts before they make this big, big decision.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Hughes and Representative Martinez Fischer.

The motion prevailed.

Amendment No. 26 was adopted. (The vote was reconsidered later today, and Amendment No. 26 was adopted by Record No. 89.)

(Brown in the chair)

Amendment No. 27

Representative P. King offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by inserting a new SECTION 4 and renumbering subsequent SECTIONS accordingly:

SECTION 4. Sec. 245.006(a), Health and Safety Code, is amended to read as follows:

Sec. 245.006 INSPECTIONS. (a) The department ~~may~~ shall inspect an abortion facility at reasonable times as necessary to ensure compliance with this chapter and Subchapter C, Chapter 171.

Amendment No. 28

Representative Anchia offered the following amendment to Amendment No. 27:

Amend Amendment No. 27 to **CSHB 15** by P. King by adding the following item:

() Insert the following appropriately numbered SECTION to the bill and renumber SECTIONS of the bill appropriately:

SECTION _____. This Act does not make an appropriation. Section 245.006, Health and Safety Code, as amended by this Act takes effect only if a specific appropriation for the implementation of that provision is provided in a general appropriations act of the 82nd Legislature.

Representative P. King moved to table Amendment No. 28.

The motion to table prevailed by (Record 84): 100 Yeas, 45 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Chisum; Eissler; Gallego.

Amendment No. 29

Representative Castro offered the following amendment to Amendment No. 27:

Amend Amendment No. 27 to **CSHB 15** by P. King on page 1, line 8, following "171." by inserting "The inspection must also ensure that the facility has taken appropriate measures to ensure that persons visiting the facility receive appropriate protection to access the facility."

Representative P. King moved to table Amendment No. 29.

The motion to table prevailed by (Record 85): 97 Yeas, 47 Nays, 2 Present, not voting.

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

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

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

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

Absent, Excused — Chisum; Eissler; Gallego.

Absent — Peña.

Amendment No. 27 was adopted.

Amendment No. 30

Representatives Sheets and Hughes offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 1, line 13, by striking "caused by" and substituting "aggravated by, caused by,".

Amendment No. 30 was adopted.

Amendment No. 31

Representative Veasey offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) on page 2, line 23, between the period and "The", by inserting "The department may not include in the list a health care provider, facility, or clinic that provides false, misleading, or deceptive health information."

Representative S. Miller moved to table Amendment No. 31.

The motion to table prevailed by (Record 86): 98 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts;

Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Chisum; Eissler; Gallego.

STATEMENT OF VOTE

I was shown voting yes on Record No. 86. I intended to vote no.

Hilderbran

Amendment No. 32

Representative Veasey offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 3, between lines 5 and 6, insert the following:

(c) A health care provider, facility, or clinic may not be included on the list described by Subsection (a)(3) unless the health care provider, facility, or clinic:

(1) clearly informs a client that the health care provider, facility, or clinic does not:

(A) perform abortions or provide abortion-related services; or

(B) make referrals to any abortion provider or to any provider of birth control;

(2) discloses, verbally and in writing, before providing a pregnancy test or counseling related to a pregnancy, that the health care provider, facility, or clinic is not qualified to diagnose or accurately date a pregnancy and inform the woman that only a licensed medical provider can confirm a pregnancy and provide medical advice about a pregnancy if the provider, facility, or clinic is not qualified to diagnose or accurately date a pregnancy;

(3) clarifies in advertising and consumer contacts that a pregnancy test provided at the health care provider, facility, or clinic is self-administered if the provider, facility, or clinic provides a self-administered pregnancy test; and

(4) informs persons who call or visit the health care provider, facility, or clinic that the provider, facility, or clinic is not a medical facility if the provider, facility, or clinic is not a medical facility.

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

Representative S. Miller moved to table Amendment No. 32.

The motion to table prevailed by (Record 87): 98 Yeas, 43 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Chisum; Eissler; Gallego.

Absent — Davis, S.; Farias; Hartnett; King, T.

Amendment No. 33

Representative Callegari offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 1, line 23, between "shall" and the underlined semicolon, insert "in person and in a private, confidential setting".

(2) On page 2, line 2, between "Section 171.014" and the underlined semicolon, insert "and orally provide the woman the information required by Section 171.012(a)(1)".

(3) On page 2, line 3, between "(2)" and "inform", insert "orally".

Amendment No. 33 was adopted.

Amendment No. 34

Representative Eiland offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 171.002, Health and Safety Code, is amended to read as follows:

Sec. 171.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Abortion" [~~"abortion"~~] means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant with the intention that the termination of the pregnancy by those means will, with reasonable likelihood, cause the death of the fetus.

(2) "Medical emergency" means a condition exists that, in a physician's good faith clinical judgment, complicates the medical condition of the pregnant woman and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function.

SECTION 2. Sections 171.012(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) Consent ~~[Except in the case of a medical emergency, consent]~~ to an abortion is voluntary and informed only if:

(1) the physician who is to perform the abortion ~~[or the referring physician]~~ informs the pregnant woman on whom the abortion is to be performed of:

(A) the physician's name ~~[of the physician who will perform the abortion];~~

(B) the particular medical risks associated with the particular abortion procedure to be employed, including, when medically accurate:

(i) the risks of infection and hemorrhage;

(ii) the potential danger to a subsequent pregnancy and of infertility; and

(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer;

(C) the probable gestational age of the unborn child at the time the abortion is to be performed; and

(D) the medical risks associated with carrying the child to term;

(2) the physician who is to perform the abortion or the physician's agent informs the pregnant woman that:

(A) medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(B) the father is liable for assistance in the support of the child without regard to whether the father has offered to pay for the abortion; and

(C) public and private agencies provide pregnancy prevention counseling and medical referrals for obtaining pregnancy prevention medications or devices, including emergency contraception for victims of rape or incest; ~~[and]~~

(3) the physician who is to perform the abortion or the physician's agent:

(A) provides ~~[(D)]~~ the pregnant woman with ~~[has the right to review]~~ the printed materials described by Section 171.014; and

(B) informs the pregnant woman~~[-]~~ that those materials:

(i) have been provided by the ~~[Texas]~~ Department of State Health Services;

(ii) ~~[and]~~ are accessible on an Internet website sponsored by the department;

(iii) ~~[-and that the materials]~~ describe the unborn child and list agencies that offer alternatives to abortion; and

(iv) include a list of agencies that offer sonogram services at no cost to the pregnant woman;

(4) at least two hours before the abortion:

(A) the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers performs a sonogram on the pregnant woman on whom the abortion is to be performed;

(B) the physician who is to perform the abortion displays the sonogram images in a quality consistent with current medical practice in a manner that the pregnant woman may view them;

(C) the physician who is to perform the abortion provides, in a manner understandable to a layperson, a verbal explanation of the results of the sonogram images, including a medical description of the dimensions of the embryo or fetus, the presence of cardiac activity, and the presence of external members and internal organs; and

(D) the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers makes audible the heart auscultation for the pregnant woman to hear, if present, in a quality consistent with current medical practice and provides, in a manner understandable to a layperson, a simultaneous verbal explanation of the heart auscultation;

(5) before receiving a sonogram under Subdivision (4)(A) and [~~(3) the woman certifies in writing~~] before the abortion is performed, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(a)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES. I ELECT TO VIEW NOT TO VIEW THE SONOGRAM IMAGES.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION. I ELECT TO HEAR NOT TO HEAR THE HEART AUSCULTATION.

(5) I ELECT TO RECEIVE NOT RECEIVE A VERBAL EXPLANATION OF THE SONOGRAM IMAGES (CHECK ONE OF THE FOLLOWING):

 BECAUSE I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN

REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

BECAUSE I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

BECAUSE MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

SIGNATURE

DATE"

[that the information described by Subdivisions (1) and (2) has been provided to her and that she has been informed of her opportunity to review the information described by Section 171.014]; [and]

(6) [(4)] before the abortion is performed, the physician who is to perform the abortion receives a copy of the signed, written certification required by Subdivision (5); and

(7) the pregnant woman is provided the name of each person who provides or explains the information required under this subsection [(3)].

(b) The information required to be provided under Subsections (a)(1) and (2) may not be provided by audio or video recording and must be provided:

(1) orally by telephone or in person; and

(2) at least 24 hours before the abortion is to be performed.

(c) When providing the information under Subsection (a)(3) [(a)(2)(D)], the physician or the physician's agent must provide the pregnant woman with the address of the Internet website on which the printed materials described by Section 171.014 may be viewed as required by Section 171.014(e).

SECTION 3. Subchapter B, Chapter 171, Health and Safety Code, is amended by adding Sections 171.0121 and 171.0122 to read as follows:

Sec. 171.0121. VIEWING PRINTED MATERIALS AND SONOGRAM IMAGE; HEARING HEART AUSCULTATION OR VERBAL EXPLANATION. (a) A pregnant woman may choose not to view the printed materials provided under Section 171.012(a)(3) after she has been provided the materials.

(b) A pregnant woman may choose not to view the sonogram images required to be provided to and reviewed with the pregnant woman under Section 171.012(a)(4).

(c) A pregnant woman may choose not to hear the heart auscultation required to be provided to and reviewed with the pregnant woman under Section 171.012(a)(4).

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

(e) The physician and the pregnant woman are not subject to a penalty under this chapter solely because the pregnant woman chooses not to view the printed materials or the sonogram images, hear the heart auscultation, or receive the verbal explanation, as described by this section.

Sec. 171.0122. EXCEPTION FOR MEDICAL EMERGENCY. A physician may perform an abortion without obtaining informed consent under this subchapter in a medical emergency. A physician who performs an abortion in a medical emergency shall:

(1) include in the patient's medical records a statement signed by the physician certifying the nature of the medical emergency; and

(2) not later than the 30th day after the date the abortion is performed, certify to the Department of State Health Services the specific medical condition that constituted the emergency.

SECTION 4. Section 171.013(a), Health and Safety Code, is amended to read as follows:

(a) The [If the woman chooses to view the materials described by Section 171.014, the] physician or the physician's agent shall furnish copies of the materials described by Section 171.014 to the pregnant woman [her] at least 24 hours before the abortion is to be performed and shall direct the pregnant woman to the Internet website required to be published under Section 171.014(e). The [A] physician or the physician's agent may furnish the materials to the pregnant woman by mail if the materials are mailed, restricted delivery to addressee, at least 72 hours before the abortion is to be performed.

SECTION 5. Section 171.015, Health and Safety Code, is amended to read as follows:

Sec. 171.015. INFORMATION RELATING TO PUBLIC AND PRIVATE AGENCIES. The informational materials must include [either]:

(1) geographically indexed materials designed to inform the pregnant woman of public and private agencies and services that:

(A) are available to assist a woman through pregnancy, childbirth, and the child's dependency, including:

(i) a comprehensive list of adoption agencies;

(ii) a description of the services the adoption agencies offer;

[and]

(iii) a description of the manner, including telephone numbers, in which an adoption agency may be contacted; and

(iv) a comprehensive list of agencies and organizations that offer sonogram services at no cost to the pregnant woman;

(B) do not provide abortions or abortion-related services or make referrals to abortion providers; and

(C) are not affiliated with organizations that provide abortions or abortion-related services or make referrals to abortion providers; and ~~[or]~~

(2) a toll-free, 24-hour telephone number that may be called to obtain an oral list and description of agencies described by Subdivision (1) that are located near the caller and of the services the agencies offer.

SECTION 6. Section 164.055(a), Occupations Code, is amended to read as follows:

(a) The board may take an appropriate disciplinary action against a physician who violates Section 170.002 or Chapter 171, Health and Safety Code. The board may refuse to admit to examination or refuse to issue a license or renewal license to a person who violates that section or chapter.

SECTION 7. The purposes of this Act include, but are not limited to:

(1) protecting the physical and psychological health and well-being of pregnant women;

(2) providing pregnant women access to information that would allow her to consider the impact an abortion would have on her unborn child; and

(3) protecting the integrity and ethical standards of the medical profession.

SECTION 8. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of the Act are severable.

SECTION 9. 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.

Representative S. Miller moved to table Amendment No. 34.

The motion to table prevailed by (Record 88): 113 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; McClendon; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets;

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

Nays — Allen; Anchia; Burnam; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Oliveira; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal.

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

Absent, Excused — Chisum; Eissler; Gallego.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 88. I intended to vote no.

Lozano

I was shown voting yes on Record No. 88. I intended to vote no.

Muñoz

(Speaker in the chair)

Amendment No. 26 - Vote Reconsidered

Representative Martinez Fischer moved to reconsider the vote by which Amendment No. 26 was adopted.

The motion to reconsider prevailed.

Amendment No. 26 was adopted by (Record 89): 101 Yeas, 44 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Eissler; Gallego.

Absent — King, T.

CSHB 15, as amended, was passed to engrossment by (Record 90): 103 Yeas, 42 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Eissler; Gallego.

Absent — King, S.

STATEMENTS OF VOTE

When Record No. 90 was taken, I was excused because of important business. I would have voted yes.

Eissler

When Record No. 90 was taken, my vote failed to register. I voted yes.

On Thursday, March 3, 2011, I was sitting at my desk on the floor of the Texas House of Representatives when I cast an aye vote (Record No. 90) for **HB 15** on second reading. Upon adjournment, I was informed that my vote had not registered.

S. King

REASON FOR VOTE

This bill makes no exceptions for victims of rape or incest. This bill makes no exceptions for a woman who is carrying a fetus that isn't viable and will not survive after birth. This bill also intrudes into the doctor-patient relationship,

dictating that a doctor must perform a vaginal probe procedure, whether or not the doctor thinks that is medically necessary. And, ultimately, politicians in Austin should not make decisions that should be between a woman, her doctor, her family, and her God.

Anchia

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, Subcommittee on Article III, during bill referral today, Appropriations Committee Room.

FIVE-DAY POSTING RULE SUSPENDED

Representative Deshotel moved to suspend the five-day posting rule to allow the Committee on Business and Industry to consider **HB 1196** and **HB 1228** at 2 p.m. or upon final adjournment Monday, March 7 in E2.016.

The motion prevailed.

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider house budget recommendations for Article II at 8 a.m. Monday, March 7 in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Efficiency and Reform, during bill referral today, E1.014.

County Affairs is cancelled.

Select Committee on State Sovereignty, upon adjournment today, E2.010.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative L. Taylor requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

SCR 23 - ADOPTED (Hochberg - House Sponsor)

Representative Hochberg moved to suspend all necessary rules to take up and consider at this time **SCR 23**.

The motion prevailed.

The following resolution was laid before the house:

SCR 23, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 2, 2011, and ending on Monday, March 7, 2011.

SCR 23 was adopted. (See Record No. 53, House Journal, 82nd Regular Session (2011), page 468)

HR 700 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 700**.

The motion prevailed.

The following resolution was laid before the house:

HR 700, Congratulating Michelle Wittenburg on her 40th birthday.

HR 700 was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 700** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, 8 a.m. Monday, March 7, E1.030, for a public hearing, to consider house budget recommendations for Article II.

Business and Industry, 2 p.m. or upon final adjournment Monday, March 7, E2.016, for a public hearing, to consider **HB 1196**, **HB 1228**, and posted items.

PROVIDING FOR ADJOURNMENT

Representative Legler moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 1 p.m. Monday, March 7.

The motion prevailed.

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

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

(Geren in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 10:03 p.m., adjourned until 1 p.m. Monday, March 7.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 124 (By Legler), Relating to payment for health care services and participation in a health care system.

To Select State Sovereignty.

HB 144 (By Laubenberg), Relating to payment for health care services and participation in a health care system.

To Select State Sovereignty.

HB 203 (By Hughes), Relating to payment for health care services and participation in a health care system.

To Select State Sovereignty.

HB 254 (By Hilderbran), Relating to establishing the Texas Derby.

To Licensing and Administrative Procedures.

HB 256 (By Hilderbran), Relating to state-issued certificates of franchise authority to provide cable service and video service.

To State Affairs.

HB 257 (By Hilderbran), Relating to the periods for presumed abandonment of certain unclaimed personal property.

To Business and Industry.

HB 258 (By Gonzalez), Relating to the amount of the state traffic fine.

To Ways and Means.

HB 394 (By V. Gonzales), Relating to the authority of certain counties to provide health care services.

To Border and Intergovernmental Affairs.

HB 419 (By Villarreal), Relating to the automatic enrollment of certain women in the demonstration project for women's health care services.

To Human Services.

HB 1008 (By Lewis), Relating to the State of Texas entering into the Interstate Medicaid Reform Compact.

To Select State Sovereignty.

HB 1021 (By Guillen), Relating to considering ownership interests of disabled persons in determining whether a business is a historically underutilized business for purposes of state contracting.

To State Affairs.

HB 1037 (By Otto), Relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.

To Environmental Regulation.

HB 1126 (By Burnam), Relating to the control of emissions from crude oil and condensate storage tanks in certain areas of this state.

To Environmental Regulation.

HB 1138 (By Rodriguez), Relating to the expansion of the Women's Health Program demonstration project and implementation of related outreach activities.

To Public Health.

HB 1147 (By W. Smith), Relating to notice by a governmental entity regarding certain geospatial data products.

To Technology.

HB 1152 (By Guillen), Relating to payments by the comptroller of public accounts to employees, vendors, annuitants, and other recipients of state-issued payments through the electronic funds transfer system or by electronic pay card.

To Ways and Means.

HB 1153 (By Paxton), Relating to public access to financial and tax rate information of political subdivisions.

To Ways and Means.

HB 1478 (By Woolley), Relating to the extension of the women's health program demonstration project.

To Public Health.

HB 1554 (By Thompson), Relating to immunity for reporting insurance fraud.

To Insurance.

HB 1555 (By Thompson), Relating to the first day of instruction in certain school districts that provide additional days of instruction financed with local funds.

To Public Education.

HB 1556 (By Burnam), Relating to a prohibition on the issuance of a drilling permit for an oil or gas well that is proposed to be located within a specified distance of a public school.

To Energy Resources.

HB 1557 (By Reynolds), Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.

To Higher Education.

HB 1558 (By Reynolds), Relating to applications for permits issued by the Texas Commission on Environmental Quality for certain new or expanded facilities in certain low-income and minority communities.

To Environmental Regulation.

HB 1559 (By S. Davis), Relating to a prohibition on the destruction of certain court documents.

To Judiciary and Civil Jurisprudence.

HB 1560 (By Scott), Relating to the authority of counties to nominate projects in the extraterritorial jurisdictions of certain municipalities for designation as enterprise projects.

To Economic and Small Business Development.

HB 1561 (By Orr), Relating to the authority of a municipality to implement a photographic traffic signal enforcement system and impose civil penalties.

To Urban Affairs.

HB 1562 (By Guillen), Relating to authorizing state agencies to establish a four-day workweek.

To State Affairs.

HB 1563 (By Flynn), Relating to the period of time between certain local option elections to legalize or prohibit the sale of alcoholic beverages.

To Licensing and Administrative Procedures.

HB 1564 (By Coleman), Relating to the authority of the Harris County Hospital District to appoint, contract for, or employ physicians.

To County Affairs.

HB 1565 (By Coleman), Relating to the employment of physicians by hospital districts.

To County Affairs.

HB 1566 (By Coleman), Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

To County Affairs.

HB 1567 (By Coleman), Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

To County Affairs.

HB 1568 (By Coleman), Relating to the authority of certain local governmental entities in certain populous counties to appoint, contract for, or employ physicians.

To County Affairs.

HB 1569 (By Coleman), Relating to the authority of a dental hygienist to provide services in certain facilities and schools.

To Public Health.

HB 1570 (By Murphy), Relating to training for deputy voter registrars.
To Elections.

HB 1571 (By S. Miller), Relating to the operation and movement of motorcycles during periods of traffic congestion.
To Homeland Security and Public Safety.

HB 1572 (By Lozano), Relating to the applicability of certain restrictions on the location and operation of concrete crushing facilities.
To Environmental Regulation.

HB 1573 (By Gallego), Relating to certain pretrial and post-trial procedures in a criminal case.
To Criminal Jurisprudence.

HB 1574 (By Garza), Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.
To State Affairs.

HB 1575 (By Garza), Relating to personal property that is exempt from garnishment, attachment, execution, or other seizure.
To Business and Industry.

HB 1576 (By Garza), Relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.
To Ways and Means.

HB 1577 (By Anchia), Relating to the sunset review of regional tollway authorities.
To Transportation.

HB 1578 (By Brown), Relating to energy aggregation by state agencies.
To State Affairs.

HB 1579 (By Brown), Relating to information resources technologies of state agencies.
To State Affairs.

HB 1580 (By Brown), Relating to the training and certification of state agency employees or contractors performing service work on pressure vessels.
To State Affairs.

HB 1581 (By Brown), Relating to the regulation of dental assistants.
To Public Health.

HB 1582 (By Farias), Relating to authorization for the operation in certain counties of an educator preparation program with an internship program component.
To Public Education.

HB 1583 (By Farias), Relating to safety equipment requirements for certain cyclists; providing a penalty.
To Homeland Security and Public Safety.

HB 1584 (By Farias), Relating to an electronic means for voters to determine the status of ballots submitted by mail.

To Elections.

HB 1585 (By Farias), Relating to certain eligibility requirements of the Teach for Texas Loan Repayment Assistance Program.

To Higher Education.

HB 1586 (By Hunter), Relating to the boundaries of the Ingleside Cove Wildlife Sanctuary.

To Culture, Recreation, and Tourism.

HB 1587 (By Eissler), Relating to the evaluation of public school teachers.

To Public Education.

HB 1588 (By Eissler), Relating to the establishment, operation, and funding of open-enrollment charter schools.

To Public Education.

HB 1589 (By Eissler), Relating to the study of productivity and cost-effectiveness in public education.

To Public Education.

HB 1590 (By Turner), Relating to a suspension of the imposition of certain fees under certain conditions.

To Appropriations.

HB 1591 (By Turner), Relating to reporting regarding state fees by the comptroller and in the general appropriations bill.

To Appropriations.

HB 1592 (By Legler), Relating to the members of the State Securities Board.

To Pensions, Investments, and Financial Services.

HB 1593 (By Isaac), Relating to the inclusion of a candidate's e-mail address on an official application for a place on the ballot.

To Elections.

HB 1594 (By Isaac), Relating to disposition of fines imposed by certain municipalities for traffic violations.

To Transportation.

HB 1596 (By Isaac), Relating to documentation acceptable as proof of identification for voting.

To Select Voter Identification and Voter Fraud.

HB 1597 (By Menendez), Relating to a temporary increase in the rate of the state sales and use tax and dedicating the amount of the temporary increase to the foundation school fund.

To Ways and Means.

HB 1599 (By Rodriguez), Relating to the sale of prison-made products to nonprofit organizations.

To Corrections.

HB 1600 (By Rodriguez), Relating to the eligibility of land for appraisal for ad valorem tax purposes as qualified open-space land.

To Ways and Means.

HB 1601 (By Price), Relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

To Criminal Jurisprudence.

HB 1602 (By Zedler), Relating to reporting requirements regarding the provision of an abortion or treatment for complications resulting from the provision of an abortion; creating criminal offenses; providing penalties.

To State Affairs.

HB 1603 (By Zedler), Relating to the number of charters the State Board of Education may grant for open-enrollment charter schools.

To Public Education.

HB 1604 (By Guillen), Relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.

To County Affairs.

HB 1605 (By Guillen), Relating to the use of telemonitoring in the medical assistance program.

To Public Health.

HB 1606 (By Guillen), Relating to the designation of a qualified transportation benefit as a supplemental optional benefits program for state employees by the Employees Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 1607 (By Guillen), Relating to the lease of certain state parking facilities to other persons.

To State Affairs.

HB 1608 (By Strama), Relating to participation in and contributions to the state employee charitable campaign by retired state employees.

To Pensions, Investments, and Financial Services.

HB 1609 (By L. Gonzales), Relating to the repeal of the driver responsibility program.

To Homeland Security and Public Safety.

HB 1610 (By L. Gonzales), Relating to employment termination procedures applicable to a teacher who is convicted of a felony.

To Public Education.

HB 1611 (By L. Gonzales), Relating to notice of contract renewal or nonrenewal provided by a school district to teachers employed under a term contract.

To Public Education.

HB 1612 (By Crownover), Relating to the regulation of the practice of dental hygiene.

To Public Health.

HB 1613 (By Gooden), Relating to regulation of traffic in a conservation and reclamation district by a commissioners court.

To Transportation.

HB 1614 (By Gooden), Relating to fees for process server certification.

To Judiciary and Civil Jurisprudence.

HB 1615 (By Brown), Relating to the administering of medications to children in certain facilities; providing criminal penalties.

To Human Services.

HB 1616 (By Geren), Relating to the reporting of political contributions and expenditures.

To Elections.

HB 1617 (By Deshotel), Relating to uniform law on secured transactions.

To Business and Industry.

HB 1618 (By Callegari), Relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

To Government Efficiency and Reform.

HB 1620 (By Menendez), Relating to the deadline for providing notice to public school teachers regarding renewal or nonrenewal of term contracts.

To Public Education.

HB 1621 (By Truitt), Relating to the licensing and regulation of diagnostic imaging facilities and fluoroscopy-guided pain management procedure centers; providing penalties.

To Public Health.

HB 1623 (By Villarreal), Relating to certain information regarding paternity required to be provided to certain pregnant women and mothers of newborns.

To Public Health.

HB 1624 (By Castro), Relating to health education curriculum and instruction in public schools.

To Public Education.

HB 1625 (By Brown), Relating to the renewal of electrical sign apprentice licenses.

To Licensing and Administrative Procedures.

HB 1626 (By Flynn), Relating to the use of alternate electronic reporting databases for over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine.

To Homeland Security and Public Safety.

HB 1627 (By Flynn), Relating to the eligibility requirements of election judges.

To Elections.

HB 1628 (By Larson), Relating to the crediting of appropriated funds from the collection of taxes imposed on the sale of sporting goods.

To Ways and Means.

HB 1629 (By Anchia), Relating to energy efficiency goals and public information regarding energy efficiency programs.

To Energy Resources.

HB 1630 (By Thompson), Relating to funding the TEXAS grant program at public institutions of higher education.

To Higher Education.

HB 1631 (By Thompson), Relating to expedited credentialing for certain podiatrists providing services under a managed care plan.

To Insurance.

HB 1632 (By L. Gonzales), Relating to the dates by which public school teachers must provide notification of resignation from employment.

To Public Education.

HB 1633 (By Bonnen), Relating to a person's ability to read and write in English as a qualification for service as a petit juror.

To Judiciary and Civil Jurisprudence.

HB 1634 (By Bonnen), Relating to the applicability of certain unfunded mandates on political subdivisions.

To Government Efficiency and Reform.

HB 1635 (By Paxton), Relating to exceptions to the prohibition of certain fees for a future transfer of residential real property.

To Business and Industry.

HB 1636 (By Paxton), Relating to certain financial requirements of regional tollway authorities.

To Transportation.

HB 1637 (By Hamilton), Relating to the professions regulated by the Texas Real Estate Commission.

To Licensing and Administrative Procedures.

HB 1638 (By Aliseda), Relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.

To Criminal Jurisprudence.

HB 1639 (By Dutton), Relating to the recovery of attorney's fees in foreclosure actions by property owners' associations.

To Business and Industry.

HB 1640 (By Dutton), Relating to the prosecution of and punishment for the offense of official oppression.

To Criminal Jurisprudence.

HB 1641 (By Dutton), Relating to the creation of a commission to study capital punishment in Texas and to a moratorium on executions.

To Criminal Jurisprudence.

HB 1642 (By Zerwas), Relating to the sexual assault program fund and to the fee imposed on certain sexually oriented businesses.

To Ways and Means.

HB 1643 (By Zerwas), Relating to development agreements governing land in a municipality's extraterritorial jurisdiction.

To Land and Resource Management.

HB 1644 (By Zerwas), Relating to health benefit plan coverage for certain tests for the early detection of cardiovascular disease in certain children.

To Insurance.

HB 1645 (By Zerwas), Relating to efficiencies and cost-savings in the health and human services and other related regulatory agencies, including the state medical assistance and child health plan programs.

To Appropriations.

HB 1646 (By Gallego), Relating to representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

To Criminal Jurisprudence.

HB 1647 (By Gallego), Relating to discovery in a criminal case.

To Criminal Jurisprudence.

HB 1648 (By W. Smith), Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.

To Environmental Regulation.

HB 1649 (By Marquez), Relating to the enforcement of building code standards for new residential construction in the unincorporated area of a county; providing a fee.

To County Affairs.

HB 1650 (By Hopson), Relating to a preference in governmental purchasing for building materials offered by resident bidders.

To Government Efficiency and Reform.

HB 1651 (By Alonzo), Relating to the North Oak Cliff Municipal Management District.

To Urban Affairs.

HB 1652 (By Alonzo), Relating to collective bargaining by firefighters and police officers.

To Urban Affairs.

HB 1653 (By Alonzo), Relating to the inclusion of optometrists, therapeutic optometrists, and ophthalmologists in the health care provider networks of Medicaid managed care organizations.

To Public Health.

HB 1654 (By Castro), Relating to the creation of a commission to study drowsy driving.

To Transportation.

HB 1655 (By Y. Davis), Relating to the preference given by state agencies to goods offered by bidders in this state or manufactured, produced, or grown in this state or in the United States.

To State Affairs.

HB 1656 (By Y. Davis), Relating to the purchase of iron, steel, and manufactured goods made in the United States for state construction projects.

To State Affairs.

HB 1657 (By Y. Davis), Relating to the reporting of health care associated infections.

To Public Health.

HB 1658 (By Y. Davis), Relating to the refund of a cash bond to a defendant in a criminal case.

To Criminal Jurisprudence.

HB 1659 (By Y. Davis), Relating to conditions of employment for an employee of certain sheriff's departments.

To County Affairs.

HB 1660 (By Y. Davis), Relating to the provision of video programming service to consumers.

To Business and Industry.

HB 1661 (By Y. Davis), Relating to the provision of Internet service to consumers.

To Technology.

HB 1662 (By S. King), Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

To Higher Education.

HB 1663 (By S. King), Relating to the regulation of the practice of nursing.

To Public Health.

HB 1664 (By S. King), Relating to the authority of the Texas Commission on Environmental Quality to require metering of certain water uses in connection with a water conservation plan submitted by certain applicants for or holders of a water right.

To Natural Resources.

HB 1665 (By S. King), Relating to the notification requirements regarding certain land use regulations in an area near military facilities.

To Land and Resource Management.

HB 1666 (By Castro), Relating to the prosecution of the offense of online harassment.

To Criminal Jurisprudence.

HB 1667 (By Harper-Brown), Relating to the authority of the Texas Department of Motor Vehicles to contract with certain entities to provide a department service.

To Transportation.

HB 1668 (By Harper-Brown), Relating to authority for school districts to provide public notice by posting the notice on the district's Internet website.

To Public Education.

HB 1669 (By Harper-Brown), Relating to the establishment of an electric motor vehicle mileage fee pilot program by the Texas Department of Motor Vehicles.

To Transportation.

HB 1670 (By Coleman), Relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.

To Criminal Jurisprudence.

HB 1671 (By Marquez), Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

To State Affairs.

HB 1672 (By Jackson), Relating to the education of public school students with dyslexia, the education and training of educators who teach students with dyslexia, and the assessment of students with dyslexia attending an institution of higher education.

To Public Education.

HB 1673 (By Jackson), Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

To Licensing and Administrative Procedures.

HB 1674 (By Jackson), Relating to procedures for establishment, modification, and enforcement of child support obligations.

To Judiciary and Civil Jurisprudence.

HB 1675 (By Naishtat), Relating to the fee for a personal identification certificate for a homeless individual.

To Homeland Security and Public Safety.

HB 1676 (By Hochberg), Relating to certain penalties on personal property tax delinquencies.

To Ways and Means.

HB 1677 (By Rodriguez), Relating to the administration and funding of retirement systems for firefighters in certain municipalities.

To Pensions, Investments, and Financial Services.

HB 1678 (By Burkett), Relating to the appointment of a county election administrator.

To Elections.

HB 1679 (By Burkett), Relating to aid provided to certain voters; providing criminal penalties.

To Elections.

HB 1680 (By Geren), Relating to self-directed and semi-independent status of the Texas Real Estate Commission; making an appropriation.

To Licensing and Administrative Procedures.

HB 1681 (By Harless), Relating to the composition of the Finance Commission of Texas.

To Pensions, Investments, and Financial Services.

HB 1682 (By Weber), Relating to prohibiting school districts from requiring or coercing school district employees to make charitable contributions.

To Public Education.

HB 1683 (By Fletcher), Relating to specialized license plates and parking placards for vehicles of persons with disabilities.

To Transportation.

HB 1684 (By Fletcher), Relating to the regulation of fireworks in areas annexed by a municipality for limited purposes.

To Urban Affairs.

HB 1685 (By Fletcher), Relating to a credit against the ad valorem taxes imposed by certain taxing units on commercial or industrial real property based on the cost of constructing a building on the property.

To Ways and Means.

HB 1686 (By Fletcher), Relating to the discharge of a surety's liability on a bail bond in a criminal case.

To Criminal Jurisprudence.

HB 1688 (By Raymond), Relating to the right of a municipality to require that a certificated telecommunications utility bear the expense of relocating a utility facility.

To State Affairs.

HB 1690 (By Flynn), Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

To Ways and Means.

HB 1691 (By Flynn), Relating to the licensing and regulation of motor vehicle towing, booting, and storage.

To Licensing and Administrative Procedures.

HB 1692 (By Flynn), Relating to the dismissal of complaints against property tax professionals.

To Licensing and Administrative Procedures.

HB 1693 (By Cain), Relating to the jurisdiction of, civil fees assessed by, and administration of the county court at law of Lamar County.

To Judiciary and Civil Jurisprudence.

HB 1694 (By Coleman), Relating to the purchasing and contracting authority of counties.

To County Affairs.

HB 1695 (By Zedler), Relating to the deadline for providing notice to public school teachers regarding renewal or nonrenewal of term contracts and termination of probationary contracts.

To Public Education.

HB 1696 (By Zedler), Relating to the authority of the attorney general to investigate election-related offenses.

To Elections.

HB 1697 (By P. King), Relating to the eligibility of certain overseas voters to receive a full ballot.

To Elections.

HB 1698 (By W. Smith), Relating to representation of certain state agencies by the office of the attorney general in certain law suits.

To Licensing and Administrative Procedures.

HB 1699 (By Menendez), Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

To Pensions, Investments, and Financial Services.

HB 1701 (By Legler), Relating to an exemption from the physical demonstration of proficiency portion of the proficiency examination to obtain or renew a concealed handgun license for certain persons.

To Homeland Security and Public Safety.

HB 1702 (By Martinez Fischer), Relating to reporting donations received by a school district and public school campus.

To Public Education.

HB 1703 (By Martinez Fischer), Relating to the schedule for administration of state-administered assessment instruments in public schools.

To Public Education.

HB 1704 (By Martinez Fischer), Relating to a pilot project to assess public school students by alternative methods.

To Public Education.

HB 1705 (By Martinez Fischer), Relating to providing a parent of a public school student with notice of student performance in the parent's native language.

To Public Education.

HB 1706 (By Gutierrez), Relating to the punishment for the offense of criminal mischief.

To Criminal Jurisprudence.

HB 1707 (By Gutierrez), Relating to the punishment for the offense of theft.

To Criminal Jurisprudence.

HB 1708 (By Gutierrez), Relating to the regulation of funeral directing and embalming.

To Public Health.

HB 1709 (By Dukes), Relating to the creation of the individual development account program to provide savings incentives and opportunities for certain foster children to pursue home ownership, postsecondary education, and business development.

To Human Services.

HB 1710 (By Dukes), Relating to the creation of the Rio de Vida Planning and Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

To Urban Affairs.

HB 1711 (By J. Davis), Relating to disaster remediation contracts; providing penalties.

To Economic and Small Business Development.

HB 1712 (By Christian), Relating to the creation of a public integrity unit in the office of the attorney general to prosecute offenses against public administration, including ethics offenses, and offenses involving insurance fraud.

To State Affairs.

HB 1713 (By Christian), Relating to payment of expenses for certain elections.

To Elections.

HB 1714 (By Laubenberg), Relating to the Rockwall County Juvenile Board.

To Corrections.

HB 1715 (By Laubenberg), Relating to the rights of victims of property crimes.

To Criminal Jurisprudence.

HB 1716 (By Garza), Relating to regulations on certain complementary and alternative health care services.

To Public Health.

HB 1717 (By Garza), Relating to the selection of the board of directors of an appraisal district.

To Ways and Means.

HB 1718 (By Garza), Relating to consolidation of emergency services districts in certain counties.

To County Affairs.

HB 1719 (By Rodriguez), Relating to the regulation of health care interpreters.

To Public Health.

HB 1721 (By Lucio), Relating to protective orders for certain victims of stalking or sexual assault.

To Criminal Jurisprudence.

HB 1722 (By Lucio), Relating to the prosecution and punishment of offenses related to the failure to stop or report certain crimes committed against a child.

To Criminal Jurisprudence.

HB 1723 (By Lucio), Relating to the penalties prescribed for a single violation or repeated violations of certain court orders or conditions of bond in a family violence case.

To Criminal Jurisprudence.

HB 1724 (By Hamilton), Relating to economically driven mobility projects.

To Transportation.

HB 1725 (By Hernandez Luna), Relating to the maximum number of registered voters contained in a county election precinct.

To Elections.

HB 1726 (By Hernandez Luna), Relating to the creation of DNA records for the DNA database system and to an offense involving the release of a DNA sample to an unauthorized recipient.

To Corrections.

HB 1727 (By Brown), Relating to the sale and leaseback of certain state property.

To State Affairs.

HB 1729 (By Keffer), Relating to the sale of surplus leased land by a governmental entity to a private party.

To State Affairs.

HB 1730 (By Ritter), Relating to the vested ownership interest in groundwater beneath the surface and the right to produce that groundwater.

To Natural Resources.

HB 1731 (By Ritter), Relating to the management of groundwater resources in this state and the rights of landowners in groundwater.

To Natural Resources.

HB 1732 (By Ritter), Relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.

To Natural Resources.

HB 1733 (By Ritter), Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

To Ways and Means.

HB 1734 (By Ritter), Relating to the authority of the Texas Water Development Board to provide financial assistance for certain projects if the applicant has failed to complete a request for information relevant to the project.

To Natural Resources.

HB 1735 (By Bohac), Relating to the requirement of orange frames on certain speed limit signs erected by a municipality.

To Transportation.

HB 1736 (By Bohac), Relating to the penalty for illegally passing stationary authorized emergency vehicles.

To Transportation.

HB 1737 (By Bohac), Relating to the installation of a speed feedback sign by a property owners' association.

To Transportation.

HB 1739 (By Walle), Relating to required workers' compensation insurance coverage for building and construction contractors.

To State Affairs.

HB 1740 (By Walle), Relating to providing information to parents regarding changes in state law affecting public school students.

To Public Education.

HB 1741 (By Walle), Relating to a parental involvement pilot program in certain school districts.

To Public Education.

HB 1742 (By Harper-Brown), Relating to the authority of a regional transportation authority to create a local government corporation.

To Transportation.

HB 1743 (By Martinez Fischer), Relating to the information provided by a peace officer before requesting a specimen to determine intoxication.

To Homeland Security and Public Safety.

HB 1744 (By Allen), Relating to health benefit plan coverage for certain children diagnosed with autism spectrum disorder.

To Insurance.

HB 1745 (By Coleman), Relating to the authority of certain municipalities to impose term limits on the members of their governing bodies.

To Urban Affairs.

HB 1747 (By Veasey), Relating to retaliation as an unlawful employment practice.

To Economic and Small Business Development.

HB 1748 (By Kuempel), Relating to the refund of a cash bond to a defendant in a criminal case.

To Criminal Jurisprudence.

HB 1749 (By Kuempel), Relating to county roads mistakenly established and maintained by an adjoining county.

To Transportation.

HB 1750 (By Darby), Relating to the authority of the Texas Department of Transportation to lease and contract for the operation of rolling stock during certain emergencies.

To Transportation.

HB 1751 (By Hartnett), Relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

To Natural Resources.

HB 1753 (By Gallego), Relating to the threshold amount at which public utilities are required to report a transaction.

To State Affairs.

HB 1754 (By Gallego), Relating to the reorganization of powers and duties among entities in this state that provide representation to indigent defendants in criminal cases and to the reorganization of funding sources for indigent defense.

To Criminal Jurisprudence.

HB 1755 (By Callegari), Relating to the authority of a groundwater conservation district to adopt different rules for the management of groundwater resources located in different areas of the district.

To Natural Resources.

HB 1756 (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 1757 (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 1758 (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 1759 (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 1760 (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 1761 (By Harper-Brown), Relating to instructions included on balloting materials for a ballot to be voted by mail.

To Elections.

HB 1762 (By Harper-Brown), Relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority; providing penalties.

To Transportation.

HB 1763 (By Harper-Brown), Relating to the timely transfer of certain inmates from county jails to the Texas Department of Criminal Justice.

To Corrections.

HB 1764 (By Harper-Brown), Relating to the periods for presumed abandonment of certain unclaimed personal property.

To Business and Industry.

HB 1765 (By S. Miller), Relating to an emergency public service messaging network.

To Homeland Security and Public Safety.

HB 1766 (By Crownover), Relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

To Pensions, Investments, and Financial Services.

HB 1767 (By Muñoz), Relating to the enforcement of county subdivision regulations prohibiting more than one residential dwelling on each subdivision lot.

To County Affairs.

HB 1768 (By Muñoz), Relating to the regulation of roadside vendors and solicitors in certain counties.

To County Affairs.

HB 1769 (By Muñoz), Relating to the enforcement of building code standards for new residential construction in the unincorporated area of a county; providing a fee.

To County Affairs.

HB 1770 (By Madden), Relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.

To Corrections.

HB 1771 (By Madden), Relating to the establishment of the Specialty Courts Advisory Council.

To Judiciary and Civil Jurisprudence.

HB 1772 (By L. Taylor), Relating to the regulation of certain exclusive provider benefit plans.

To Insurance.

HB 1773 (By L. Taylor), Relating to the eligibility of certain overseas voters to receive a full ballot.

To Elections.

HB 1774 (By L. Taylor), Relating to the continuation and functions of the office of injured employee counsel under the workers' compensation program.

To State Affairs.

HB 1775 (By Allen), Relating to a study on waste reduction and a statewide waste reduction plan.

To Environmental Regulation.

HB 1776 (By Lozano), Relating to contracts between dentists and health maintenance organizations or insurers.

To Insurance.

HB 1777 (By Lozano), Relating to requiring dental support for a child subject to a child support order.

To Judiciary and Civil Jurisprudence.

HB 1778 (By C. Howard), Relating to the transfer of the assets of and the dissolution of the Fort Bend County Water Control and Improvement District No. 1.

To Natural Resources.

HB 1779 (By Naishtat), Relating to an exemption from private security regulation for social workers engaged in the practice of social work.

To Human Services.

HB 1780 (By Price), Relating to exemptions from jury service.

To Judiciary and Civil Jurisprudence.

HB 1781 (By Price), Relating to obsolete or redundant reporting requirements applicable to state agencies.

To Government Efficiency and Reform.

HB 1782 (By Farias), Relating to a report on efforts made by the Department of Family and Protective Services to place children in adoptive homes.

To Human Services.

HB 1783 (By Farias), Relating to creating a portal on the comptroller's Internet website related to obesity and wellness.

To Public Health.

HB 1784 (By Farias), Relating to requiring an interagency memorandum of understanding regarding the Public Assistance Reporting Information System and the use of data from that system.

To Human Services.

HB 1785 (By Farias), Relating to requiring the comptroller to assess ways to expand the provision of information about the federal earned income tax credit.

To Ways and Means.

HB 1786 (By Farias), Relating to the availability of certain information concerning dropout prevention on a district's Internet website.

To Public Education.

HB 1787 (By Farias), Relating to establishing a restorative justice pilot program for juvenile offenders in certain counties.

To Corrections.

HB 1788 (By Farias), Relating to capturing reptiles and amphibians by nonlethal means; providing a penalty.

To Culture, Recreation, and Tourism.

HB 1789 (By Farias), Relating to the payment of state funds directly to an entity that conducts a primary election under contract in certain counties.

To Elections.

HB 1790 (By Guillen), Relating to a limitation on the sales and use tax imposed on a boat.

To Ways and Means.

HB 1793 (By Gutierrez), Relating to the practice of cosmetology.

To Licensing and Administrative Procedures.

HB 1794 (By Gutierrez), Relating to the exemption from ad valorem taxation of motor vehicles leased for noncommercial use by persons 65 years of age or older.

To Ways and Means.

HB 1795 (By Aliseda), Relating to permits issued for moving certain oil well servicing or drilling machinery.

To Transportation.

HB 1796 (By Paxton), Relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

To Ways and Means.

HB 1797 (By Naishtat), Relating to the licensing and practice of social work.

To Human Services.

HB 1798 (By Reynolds), Relating to districts in certain municipalities.

To Natural Resources.

HB 1799 (By Bonnen), Relating to the exemption of certain real estate professionals from registration as property tax consultants.

To Licensing and Administrative Procedures.

HB 1800 (By Bonnen), Relating to the detection and reporting of unauthorized immigration, the collection and dissemination of information concerning unauthorized immigration, and the enforcement of certain laws governing immigration.

To State Affairs.

HB 1801 (By Menendez), Relating to notice of utility rate increases.

To State Affairs.

HB 1802 (By Kleinschmidt), Relating to the registration and regulation of equine dental technicians, advertising by veterinarians and equine dental technicians, and the confidentiality of investigation files maintained by the State Board of Veterinary Medical Examiners; providing penalties.

To Agriculture and Livestock.

HB 1803 (By Hancock), Relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance; providing penalties.

To Insurance.

HB 1804 (By Hancock), Relating to certificates of insurance required for certain plumbing contractors.

To Licensing and Administrative Procedures.

HB 1805 (By Huberty), Relating to a public school student's eligibility for a public education grant to attend another public school.

To Public Education.

HB 1806 (By Flynn), Relating to fishing tournament fraud; providing penalties.

To Culture, Recreation, and Tourism.

HB 1808 (By Cook), Relating to the continuation and functions of the State Soil and Water Conservation Board.

To Agriculture and Livestock.

HB 1810 (By Burnam), Relating to the repeal of the driver responsibility program and to the replacement of the revenue derived from the driver responsibility program through an increase in the tax on cigarettes.

To Homeland Security and Public Safety.

HB 1811 (By Burnam), Relating to the establishment of a program for the collection, transportation, recycling, and disposal of mercury-containing lights.

To Environmental Regulation.

HB 1812 (By Phillips), Relating to the type of newspaper required for publication of notice in certain counties.

To Government Efficiency and Reform.

HB 1814 (By Lucio), Relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

To Natural Resources.

HB 1815 (By Hilderbran), Relating to competition in the electric utility market of certain municipalities.

To State Affairs.

HB 1816 (By C. Howard), Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.

To Public Health.

HB 1817 (By Gonzalez), Relating to protective orders.

To Judiciary and Civil Jurisprudence.

HB 1820 (By R. Anderson), Relating to the number of hours certain employees must work to be eligible to participate in the Texas Municipal Retirement System.

To Pensions, Investments, and Financial Services.

HB 1821 (By R. Anderson), Relating to the delivery of subdivision information by a property owners' association to purchasers.

To Business and Industry.

HB 1824 (By Price), Relating to the management of groundwater production by groundwater conservation districts.

To Natural Resources.

HB 1825 (By Price), Relating to permit application and amendment hearings conducted by groundwater conservation districts and the State Office of Administrative Hearings.

To Natural Resources.

HB 1826 (By McClendon), Relating to the use of unapproved or disapproved insurance or health maintenance organization forms.

To Insurance.

HB 1827 (By McClendon), Relating to the ability of a nonexempt employee to participate in certain academic, extracurricular, and developmental activities of the employee's child.

To Business and Industry.

HB 1828 (By V. Gonzales), Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.

To Border and Intergovernmental Affairs.

HB 1829 (By Naishtat), Relating to the transfer to a mental hospital of a person admitted to a facility for emergency detention.

To Public Health.

HB 1830 (By Naishtat), Relating to the method of delivery of certain notices sent by statutory probate court associate judges.

To Judiciary and Civil Jurisprudence.

HB 1831 (By Hartnett), Relating to public school child care.

To Public Education.

HB 1832 (By Ritter), Relating to the law governing the Lower Neches Valley Authority; providing authority to issue bonds.

To Natural Resources.

HB 1833 (By Shelton), Relating to notice requirements for certain hearings and meetings of the board of trustees of a school district.

To Public Education.

HB 1834 (By Shelton), Relating to elimination of certain requirements for increasing community awareness of prekindergarten programs offered by or in partnership with school districts.

To Public Education.

HB 1835 (By Hartnett), Relating to trusts.

To Judiciary and Civil Jurisprudence.

HB 1836 (By Hughes), Relating to the sale of fireworks on and before Texas Independence Day.

To County Affairs.

HB 1837 (By Hartnett), Relating to guardianships and alternatives to guardianship for persons who have physical disabilities or who are incapacitated.

To Judiciary and Civil Jurisprudence.

HB 1838 (By Eiland), Relating to the repeal of franchise tax rates.

To Ways and Means.

HB 1839 (By Phillips), Relating to excluding a provider of recreational classes that do not lead to an educational credential from regulation as a career school or college.

To Higher Education.

HB 1840 (By Phillips), Relating to the creation of the grain producer indemnity fund.

To Agriculture and Livestock.

HB 1841 (By Hartnett), Relating to the taxability of Internet hosting.

To Ways and Means.

HB 1842 (By Coleman), Relating to prior approval of residential property insurance rates of certain insurers.

To Insurance.

HB 1843 (By Guillen), Relating to the discontinuation of management and efficiency reviews by the Parks and Wildlife Department.

To Culture, Recreation, and Tourism.

HB 1844 (By Guillen), Relating to storage of local government records by the Texas State Library and Archives Commission.

To Culture, Recreation, and Tourism.

HB 1845 (By Castro), Relating to counseling in response to alcoholic beverage violations by students at public and private institutions of higher education.

To Higher Education.

HB 1846 (By Guillen), Relating to state interventions and sanctions under the public school accountability system.

To Public Education.

HB 1847 (By Farrar), Relating to an additional fee for the disposal of construction or demolition waste.

To Environmental Regulation.

HB 1848 (By Farrar), Relating to the use of environmentally sensitive cleaning products in primary and secondary schools.

To Public Education.

HB 1849 (By Farrar), Relating to a franchise tax deduction for the cost of certain sustainable commercial buildings.

To Ways and Means.

HCR 23 (By Raymond), Memorializing Congress to propose and submit to the states for ratification an amendment to the United States Constitution to provide for a federal balanced budget.

To Select State Sovereignty.

HCR 25 (By T. Smith), Urging Congress to remove confidentiality mandates for minors from family planning services programs operating under Title X of the Public Health Service Act and Medicaid.

To Public Health.

HJR 103 (By Fletcher), Proposing a constitutional amendment authorizing the legislature to provide for a credit against the ad valorem taxes imposed by certain taxing units on commercial or industrial real property based on the cost of constructing a building on the property.

To Ways and Means.

HJR 106 (By Christian), Proposing a constitutional amendment giving the attorney general exclusive authority to prosecute offenses against public administration, including ethics offenses, and offenses involving insurance fraud.

To State Affairs.

HJR 107 (By Ritter), Proposing a constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

To Ways and Means.

HR 675 (By Jackson), Honoring Sergeant Jack Walker for his valiant service in the United States Army during World War II.

To Rules and Resolutions.

HR 677 (By Marquez), Congratulating Robert and Carol Callis of El Paso on their 60th wedding anniversary.

To Rules and Resolutions.

HR 678 (By Marquez), Congratulating El Paso native John Skelton on his outstanding football accomplishments.

To Rules and Resolutions.

HR 679 (By Morrison), Recognizing March 8, 2011, as Victoria Day at the State Capitol.

To Rules and Resolutions.

HR 681 (By Landtroop), Honoring Johnny Mac and Jeanne Brown of Wellman for the establishment of the Remember Alex Brown Foundation.

To Rules and Resolutions.

HR 682 (By Shelton), Commemorating the 100th birthday of the leader of the Dawoodi Bohra community, His Holiness Dr. Syedna Mohammed Burhanuddin.

To Rules and Resolutions.

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

HB 1203 (By Harper-Brown), Relating to idling the diesel engine of a school bus while the bus is parked at a public school or in a school crossing zone.

To Transportation.

HB 1431 (By Strama), Relating to the selection of candidates for the State Board of Education through a unitary primary election.

To Elections.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 2

Criminal Jurisprudence - **HB 215**

State Affairs - **HB 15**

ENROLLED

March 2 - HCR 49, HCR 70, HCR 175

SENT TO THE GOVERNOR

March 2 - HCR 175

SIGNED BY THE GOVERNOR

March 2 - HCR 175

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTIETH DAY — MONDAY, MARCH 7, 2011

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

The roll of the house was called and a quorum was announced present (Record 91).

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

The invocation was offered by Sonny Foraker, senior pastor, First Baptist Church, Pearland.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Paxton who presented Dr. Christopher Lawrence of McKinney as the "Doctor for the Day."

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

(Harper-Brown in the chair)

HR 737 - ADOPTED
(by Gooden)

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 737**.

The motion prevailed.

The following resolution was laid before the house:

HR 737, Paying tribute to the life of Randy Snow and recognizing March 7, 2011, as a day in his honor.

HR 737 was read and was unanimously adopted by a rising vote.

On motion of Representative Gooden, the names of all the members of the house were added to **HR 737** as signers thereof.

HR 736 - ADOPTED
(by Gooden)

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 736**.

The motion prevailed.

The following resolution was laid before the house:

HR 736, Recognizing March 7, 2011, as Kaufman County Day at the State Capitol.

HR 736 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Gooden who introduced a delegation from Kaufman County and family members of Randy Snow.

HR 754 - ADOPTED
(by Castro)

Representative Castro moved to suspend all necessary rules to take up and consider at this time **HR 754**.

The motion prevailed.

The following resolution was laid before the house:

HR 754, Congratulating the Information Technology and Security Academy team of the Alamo Colleges on earning the inaugural Mayor's Cyber Cup at the CyberPatriot III competition.

HR 754 was read and was adopted.

HR 682 - ADOPTED
(by Shelton)

Representative Shelton moved to suspend all necessary rules to take up and consider at this time **HR 682**.

The motion prevailed.

The following resolution was laid before the house:

HR 682, Commemorating the 100th birthday of the leader of the Dawoodi Bohra community, His Holiness Dr. Syedna Mohammed Burhanuddin.

HR 682 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Shelton who introduced representatives of the Dawoodi Bohra community.

HR 575 - ADOPTED
(by Gutierrez)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 575**.

The motion prevailed.

The following resolution was laid before the house:

HR 575, In memory of San Antonio Police Officer John Anthony "Rocky" Riojas.

HR 575 was read and was unanimously adopted by a rising vote.

On motion of Representative Farias, the names of all the members of the house were added to **HR 575** as signers thereof.

REMARKS ORDERED PRINTED

Representative Hernandez Luna moved to print all remarks on **CSHB 15**.

The motion prevailed. [Please refer to the supplement to the House Journal, Thursday, March 3 for the text of the debate on **CSHB 15**.]

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 10:30 a.m. or upon final adjournment tomorrow, JHR 120, for a public hearing, to consider **HB 41**, **HB 115**, **HB 350**, **HB 688**, **HB 994**, and **HB 1215**.

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 **HB 41**, **HB 115**, **HB 350**, **HB 688**, **HB 994**, and **HB 1215** at 10:30 a.m. or upon final adjournment tomorrow in JHR 120.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Bonnen requested permission for the Select Committee on Voter Identification and Voter Fraud to meet while the house is in session, during bill referral today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Select Committee on Voter Identification and Voter Fraud, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative L. Taylor requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

Representative Turner requested permission for the Committee on Appropriations to meet while the house is in session, during bill referral today, in E1.030, to consider house budget recommendations for Article II.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Coleman moved to suspend the five-day posting rule to allow the Committee on County Affairs to hear invited testimony upon adjournment tomorrow in E1.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, upon final adjournment tomorrow, E1.010, for a public hearing, to hear invited testimony.

EMERGENCY CALENDAR HOUSE BILLS THIRD READING

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

HB 15 ON THIRD READING

(by S. Miller, Callegari, Harless, Kolkhorst, Patrick, et al.)

HB 15, A bill to be entitled An Act relating to providing a sonogram before an abortion; providing penalties.

(Speaker in the chair)

HB 15 was passed by (Record 92): 107 Yeas, 42 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 8).

FIVE-DAY POSTING RULE SUSPENDED

Representative Hilderbran moved to suspend the five-day posting rule to allow the Committee on Ways and Means to consider **HB 258** at 2 p.m. or upon adjournment today in E2.014.

The motion prevailed.

HR 761 - ADOPTED (by Gutierrez)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 761**.

The motion prevailed.

The following resolution was laid before the house:

HR 761, Recognizing March 7-11, 2011, as National School Breakfast Week.

HR 761 was adopted.

PROVIDING FOR ADJOURNMENT

Representative J. Davis moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Reverend Clint Dobson of Webster.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Hughes in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:26 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 11 (By Cook), Relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.

To Ways and Means.

HB 14 (By Murphy), Relating to the qualification for unemployment benefits of a person receiving severance pay.

To Economic and Small Business Development.

HB 1850 (By Elkins), Relating to requiring legislative approval of administrative rules.

To State Affairs.

HB 1851 (By Reynolds), Relating to historically underutilized businesses and the preference given for goods and services purchased by state agencies; providing penalties.

To State Affairs.

HB 1852 (By D. Miller), Relating to the applicability to certain regional water districts of provisions concerning bond approval by the Texas Commission on Environmental Quality.

To Natural Resources.

HB 1853 (By Hamilton), Relating to the licensing and regulation of fire protection sprinkler technicians; providing a penalty.

To Licensing and Administrative Procedures.

HB 1854 (By Rodriguez), Relating to certain arrangements to provide care for a child during an investigation of abuse or neglect.

To Human Services.

HB 1855 (By D. Howard), Relating to a study regarding school district practices in selecting sites for new school campuses.

To Public Education.

HB 1856 (By Woolley), Relating to the prosecution of and punishment for the offense of tampering with a witness.

To Criminal Jurisprudence.

HB 1857 (By Perry), Relating to the determination of resident status of students by public institutions of higher education.

To Higher Education.

HB 1858 (By Hartnett), Relating to the creation, administration, and interpretation of powers of attorney, including statutory powers of attorney.

To Judiciary and Civil Jurisprudence.

HB 1859 (By Hochberg), Relating to the applicability of architectural barrier standards.

To Licensing and Administrative Procedures.

HB 1860 (By Deshotel), Relating to a mechanic's, contractor's, or materialman's lien for removables.

To Business and Industry.

HB 1862 (By Anchia), Relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.

To Business and Industry.

HB 1863 (By Anchia), Relating to utilities' expenditures for recharging stations for electric vehicles.

To State Affairs.

HB 1864 (By Smithee), Relating to a prohibition on the coercion of therapeutic optometrists and ophthalmologists by managed care plans.

To Insurance.

HB 1865 (By R. Anderson), Relating to a franchise tax exclusion for contractual flow-through funds paid to certain performing artists.

To Ways and Means.

HB 1866 (By Gonzalez), Relating to the designation of State Highway 20 as a historic highway.

To Transportation.

HB 1867 (By Fletcher), Relating to the regulation of certain private security companies and occupations.

To Homeland Security and Public Safety.

HB 1868 (By Paxton), Relating to payment of delinquent property owners' association assessments and foreclosure of a property owners' association assessment lien.

To Business and Industry.

HB 1869 (By Giddings), Relating to local governments that may consider a bidder's principal place of business when awarding a contract.

To County Affairs.

HB 1870 (By Giddings), Relating to judicial review in district court of certain workers' compensation disputes.

To State Affairs.

HB 1871 (By Giddings), Relating to the amount and payment of attorney's fees in certain workers' compensation cases.

To State Affairs.

HB 1872 (By Giddings), Relating to requirements regarding information to be provided to employees covered by workers' compensation health care networks.

To State Affairs.

HB 1873 (By Giddings), Relating to business entities and associations.

To Business and Industry.

HB 1874 (By Zedler), Relating to an improper relationship between certain educators and students.

To Criminal Jurisprudence.

HB 1875 (By Kolkhorst), Relating to the repeal of certain health programs, task forces, and councils, and to the review of certain health programs, councils, and divisions under the Texas Sunset Act.

To Public Health.

HB 1876 (By Truitt), Relating to the authority of certain municipalities to require fire protection sprinkler systems in certain residences.

To Urban Affairs.

HB 1877 (By Coleman), Relating to the imposition of a fee for certain plastic bags provided to customers by retailers to fund a grant program to support local recycling efforts.

To Ways and Means.

HB 1878 (By D. Miller), Relating to emergency service districts.

To County Affairs.

HB 1879 (By Madden), Relating to the use of money appropriated out of the general revenue fund for the provision of postsecondary educational programs to persons confined or imprisoned in the Texas Department of Criminal Justice.

To Appropriations.

HB 1880 (By Madden), Relating to a limitation on the appraised value for ad valorem tax purposes of certain residence homesteads of certain veterans.

To Ways and Means.

HB 1881 (By Gallego), Relating to elections to confirm the creation of certain water districts.

To Natural Resources.

HB 1882 (By Garza), Relating to the meetings and records of certain property owners' associations.

To Business and Industry.

HB 1883 (By Garza), Relating to the release and transfer of extraterritorial jurisdiction by certain municipalities.

To Land and Resource Management.

HB 1884 (By Garza), Relating to the determination of the market value of a residence homestead for ad valorem taxation.

To Ways and Means.

HB 1885 (By Hardcastle), Relating to the authority of the board of directors of the Knox County Hospital District to employ physicians and other health care providers.

To County Affairs.

HB 1886 (By Morrison), Relating to unclaimed property.

To Business and Industry.

HB 1887 (By Villarreal), Relating to procedural changes to property tax protests and appeals.

To Ways and Means.

HB 1888 (By S. Miller), Relating to requiring employers to participate in the federal electronic verification of work authorization program, or E-Verify.

To State Affairs.

HB 1889 (By Burkett), Relating to the creation of municipal courts of record in the city of Mesquite.

To Judiciary and Civil Jurisprudence.

HB 1890 (By Fletcher), Relating to the offense of prohibited barratry and solicitation, liability for contingent fee contracts for legal services, and attorney general prosecution of certain offenses.

To Judiciary and Civil Jurisprudence.

HB 1891 (By S. Davis), Relating to the execution of a search warrant for data or information contained in or on certain devices.

To Criminal Jurisprudence.

HB 1892 (By S. Davis), Relating to authorizing the issuance of revenue bonds to fund capital projects at certain health-related institutions of The University of Texas System.

To Higher Education.

HB 1893 (By Zerwas), Relating to the licensure of anesthesiologist assistants; providing penalties.

To Public Health.

HB 1895 (By Farias), Relating to the conduct of early voting by personal appearance on weekends in general and primary elections.

To Elections.

HB 1896 (By Harper-Brown), Relating to the designation of the Irving Diamond Interchange.

To Transportation.

HB 1897 (By Flynn), Relating to the jurisdiction of, number of jurors in, and the clerk serving the County Court at Law of Van Zandt County.

To Judiciary and Civil Jurisprudence.

HB 1898 (By Pickett), Relating to optional fees for the registration of motor vehicles in certain municipalities.

To Transportation.

HB 1899 (By Pickett), Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

To Transportation.

HB 1900 (By Burnam), Relating to the applicability of certain unfunded mandates on political subdivisions.

To State Affairs.

HB 1901 (By Keffer), Relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water entities.

To Natural Resources.

HB 1902 (By Keffer), Relating to the authority of certain counties to regulate outdoor lighting near astronomical observation facilities.

To County Affairs.

HB 1903 (By Keffer), Relating to the sale of delinquent tax receivables by certain local governments.

To Ways and Means.

HB 1904 (By Sheffield), Relating to the deadlines for write-in candidates for the office of county or precinct chair of a political party.

To Elections.

HB 1905 (By Perry), Relating to public school textbooks for career and technology education.

To Public Education.

HB 1906 (By D. Howard), Relating to the idling of motor vehicles; providing a criminal penalty.

To Environmental Regulation.

HB 1907 (By Madden), Relating to notification requirements concerning offenses committed by students and school district discretion over admission or placement of certain students.

To Corrections.

HB 1908 (By Madden), Relating to student loan repayment assistance for certain providers of correctional health care.

To Corrections.

HB 1909 (By Coleman), Relating to the prosecution of the offense of indecency with a child.

To Criminal Jurisprudence.

HB 1910 (By Veasey), Relating to requiring the Legislative Budget Board to disclose proposed discontinuation of funding for public institutions.

To Appropriations.

HB 1911 (By Bonnen), Relating to the liability of certain persons for damages arising from training exercises to prepare the persons to respond to certain emergencies.

To Judiciary and Civil Jurisprudence.

HB 1913 (By Hancock), Relating to requirements for businesses that offer plastic checkout bags to customers.

To Environmental Regulation.

HB 1914 (By W. Smith), Relating to financial assurance required for certain commercial solid waste facilities by the Texas Commission on Environmental Quality.

To Environmental Regulation.

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

To Government Efficiency and Reform.

HB 1917 (By Schwertner), Relating to the removal of appointed emergency services commissioners by a commissioners court.

To County Affairs.

HB 1918 (By Larson), Relating to the appointment of counsel to represent an indigent defendant in a capital case and to the reimbursement of certain expenses incurred by appointed counsel.

To Criminal Jurisprudence.

HB 1919 (By Price), Relating to a defense to prosecution for the offense of cruelty to nonlivestock animals under certain circumstances.

To Criminal Jurisprudence.

HB 1920 (By Pickett), Relating to transportation planning and funding allocations.

To Transportation.

HB 1921 (By Pickett), Relating to the composition of a board of directors of a regional mobility authority created by a municipality.

To Transportation.

HB 1922 (By Zedler), Relating to a temporary exemption for school districts from the obligation to comply with certain unfunded state educational mandates.

To Public Education.

HB 1924 (By Zedler), Relating to the investigation and resolution of complaints filed against physicians.

To Public Health.

HB 1925 (By Zedler), Relating to voter registration; creating an offense.

To Elections.

HB 1926 (By Zedler), Relating to the administration of elections; creating an offense.

To Elections.

HB 1927 (By Zedler), Relating to a requirement of lawful presence in the United States for receipt of state educational benefits and to the determination of resident status of and tuition rates for students by public institutions of higher education.

To State Affairs.

HB 1931 (By Hartnett), Relating to a person who may serve as a special judge in certain civil and family law matters.

To Judiciary and Civil Jurisprudence.

HB 1932 (By Schwertner), Relating to the powers and duties of the Williamson-Liberty Hill Municipal Utility District.

To Natural Resources.

HB 1933 (By W. Smith), Relating to the regulation of metal recycling entities; providing penalties.

To Environmental Regulation.

HB 1934 (By Woolley), Relating to an allowance from a decedent's estate for devisees in and beneficiaries of a will who defend and prosecute certain proceedings relating to the will.

To Judiciary and Civil Jurisprudence.

HB 1935 (By Gutierrez), Relating to the award of damages for certain deceptive, unfair, and prohibited practices by an insurer.

To Insurance.

HB 1936 (By Gutierrez), Relating to importation and shipment of alcoholic beverages for personal consumption.

To Licensing and Administrative Procedures.

HB 1937 (By Simpson), Relating to the offensive touching of persons seeking access to public buildings and transportation; providing penalties.

To Criminal Jurisprudence.

HB 1938 (By Simpson), Relating to the prohibition of whole-body scanners in airports; providing criminal and civil penalties.

To Transportation.

HB 1939 (By Menendez), Relating to the creation of an advisory committee to assist the board of trustees of the Texas Municipal Retirement System.

To Pensions, Investments, and Financial Services.

HB 1940 (By Perry), Relating to the requirement of a preliminary hearing for certain persons released from the Texas Department of Criminal Justice who are alleged to have violated a condition of release.

To Corrections.

HB 1941 (By Geren), Relating to certain comprehensive development agreements of the Texas Department of Transportation.

To Transportation.

HB 1942 (By Patrick), Relating to bullying in public schools.

To Public Education.

HB 1943 (By Murphy), Relating to liability of certain public utilities that allow recreational use of land that the public utility owns, occupies, or leases.

To Land and Resource Management.

HB 1944 (By Hilderbran), Relating to the election of the board of directors of the Crockett County Water Control and Improvement District.

To Natural Resources.

HB 1945 (By Hilderbran), Relating to the election of directors of the Real-Edwards Conservation and Reclamation District.

To Natural Resources.

HB 1947 (By Gonzalez), Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

To Human Services.

HB 1948 (By Gonzalez), Relating to the sheriff's department civil service commission appointments in certain counties.

To County Affairs.

HB 1949 (By Gonzalez), Relating to the provision of notice by an insurer to the Department of Public Safety that a motor vehicle liability insurance policy is no longer in effect and related driver's license suspensions.

To Insurance.

HB 1952 (By Kuempel), Relating to alcoholic beverage seller training programs.

To Licensing and Administrative Procedures.

HB 1953 (By Kuempel), Relating to notice by sign of an alcoholic beverage permit or license application.

To Licensing and Administrative Procedures.

HB 1954 (By Thompson), Relating to the application of the franchise tax to certain S corporations.

To Ways and Means.

HB 1955 (By Thompson), Relating to contracting with a lottery operator by the Texas Lottery Commission.

To Licensing and Administrative Procedures.

HB 1956 (By Thompson), Relating to appeal of an order of the Texas Alcoholic Beverage Commission or the commission's administrator refusing, canceling, or suspending a private club registration permit.

To Licensing and Administrative Procedures.

HB 1957 (By Thompson), Relating to appeal from certain orders of the Texas Alcoholic Beverage Commission or the commission's administrator.

To Licensing and Administrative Procedures.

HB 1958 (By Thompson), Relating to investigations of violations of and complaints and protests under the Alcoholic Beverage Code.

To Licensing and Administrative Procedures.

HB 1959 (By Thompson), Relating to appeal of the refusal of an alcoholic beverage license or permit based on a certification of an area's wet or dry status.

To Licensing and Administrative Procedures.

HB 1961 (By Deshotel), Relating to provision of workers' compensation medical benefits to a peace officer or firefighter injured in the line of duty; providing an administrative violation.

To State Affairs.

HB 1962 (By Villarreal), Relating to the programs that a justice or municipal court may require a juvenile offender to attend and to the payment of related program costs.

To Corrections.

HB 1964 (By Villarreal), Relating to discharging fines and costs assessed against certain juvenile defendants through community service.

To Corrections.

HB 1965 (By Kolkhorst), Relating to the expansion of faith- and community-based health and human services initiatives.

To Public Health.

HB 1966 (By Chisum), Relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.

To Environmental Regulation.

HB 1967 (By Chisum), Relating to the contracting authority of the Collingsworth County Hospital District.

To County Affairs.

HB 1968 (By Chisum), Relating to regulation of gas pipelines; providing penalties.

To Energy Resources.

HB 1969 (By Christian), Relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains.

To Agriculture and Livestock.

HB 1970 (By Jackson), Relating to the periodic review of the child support guidelines.

To Judiciary and Civil Jurisprudence.

HB 1973 (By Lucio), Relating to the admissibility of certain statements in the prosecution of murder or capital murder.

To Criminal Jurisprudence.

HB 1975 (By P. King), Relating to the submission of election changes under Section 5 of the Voting Rights Act of 1965.

To Elections.

HB 1976 (By P. King), Relating to voting in the precinct of former residence.

To Elections.

HB 1977 (By P. King), Relating to the requirement that a voter sign the signature roster at the polling place.

To Elections.

HB 1978 (By P. King), Relating to requiring a voter who is on the suspense list of voters to cast a provisional ballot.

To Elections.

HB 1979 (By Laubenberg), Relating to strategic partnerships for the continuation of certain water districts annexed by a municipality.

To Natural Resources.

HB 1980 (By Laubenberg), Relating to the practice of podiatry.

To Public Health.

HB 1981 (By W. Smith), Relating to measuring, monitoring, and reporting emissions.

To Environmental Regulation.

HB 1983 (By Kolkhorst), Relating to certain labor inductions performed on recipients under the Medicaid program.

To Public Health.

HB 1984 (By Hancock), Relating to an insurance company's access to and removal of a motor vehicle stored in a vehicle storage facility.

To Licensing and Administrative Procedures.

HB 1985 (By Turner), Relating to the collection of criminal and civil court costs, fees, and fines by a municipality or county.

To Judiciary and Civil Jurisprudence.

HB 1986 (By Turner), Relating to the authority of the Public Utility Commission of Texas to ensure the Electric Reliability Council of Texas has adequate reserve power to prevent blackout conditions.

To State Affairs.

HB 1987 (By Workman), Relating to required workers' compensation insurance coverage for building and construction contractors.

To State Affairs.

HB 1988 (By Gallego), Relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.

To Criminal Jurisprudence.

HB 1989 (By Gallego), Relating to the minimum standards for the certifications of sexual assault training programs and sexual assault nurse examiners and for certification renewal by those entities.

To Judiciary and Civil Jurisprudence.

HB 1990 (By Hardcastle), Relating to the authority of the board of directors of the Hardeman County Hospital District to employ physicians and other health care providers.

To County Affairs.

HB 1991 (By Hardcastle), Relating to the repeal of certain laws regulating the registration of animal tattoo marks with the Department of Public Safety.

To Agriculture and Livestock.

HB 1992 (By Hardcastle), Relating to the authority of the Texas Animal Health Commission to set and collect fees.

To Agriculture and Livestock.

HB 1993 (By Hardcastle), Relating to the redemption and impoundment of estrays.

To Agriculture and Livestock.

HB 1995 (By Weber), Relating to the prosecution of certain offenses involving environmental quality.

To Environmental Regulation.

HB 1996 (By D. Howard), Relating to the licensure of a person practicing muscle activation techniques; providing administrative penalties.

To Public Health.

HB 1997 (By Shelton), Relating to customer choice for certain state agencies served by a municipally owned electric utility.

To State Affairs.

HB 1998 (By Shelton), Relating to county authority to enforce minimum infrastructure standards for manufactured home rental communities; providing penalties.

To County Affairs.

HB 2000 (By Garza), Relating to taxation of property owned or controlled by a public facility corporation.

To Ways and Means.

HB 2001 (By Burnam), Relating to the exemption or tax reduction for certain high-cost gas.

To Ways and Means.

HB 2002 (By Marquez), Relating to the county ethics commission for certain counties.

To County Affairs.

HB 2003 (By Price), Relating to safety measures for certain public and private school extracurricular activities.

To Public Education.

HB 2004 (By Bonnen), Relating to the sale of certain state property in Brazoria County by the Texas Board of Criminal Justice.

To Corrections.

HB 2005 (By Bonnen), Relating to the exchange of certain state property in Brazoria County by the Texas Board of Criminal Justice.

To Corrections.

HB 2007 (By Shelton), Relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.

To Natural Resources.

HB 2008 (By Otto), Relating to automated sales and use tax remittances by retailers.

To Ways and Means.

HB 2009 (By Quintanilla), Relating to postponement of jury service in certain counties.

To Judiciary and Civil Jurisprudence.

HB 2011 (By Sheets), Relating to the admission of persons who are not legal residents of the United States to public institutions of higher education.

To State Affairs.

HB 2012 (By Thompson), Relating to certain prohibited dealings between a wholesaler and retailer of alcoholic beverages.

To Licensing and Administrative Procedures.

HB 2013 (By Hardcastle), Relating to the disposal of demolition waste from abandoned or nuisance buildings in certain areas.

To Environmental Regulation.

HB 2015 (By Thompson), Relating to the definition of conduct indicating a need for supervision.

To Judiciary and Civil Jurisprudence.

HB 2016 (By Martinez Fischer), Relating to the operation of certain rapid transit authorities, including the power to repeal the local sales and use tax exemption for telecommunications services and the use of revenue from the tax.

To Ways and Means.

HB 2017 (By McClendon), Relating to the organization, governance, duties, and functions of the Texas Department of Motor Vehicles.

To Transportation.

HB 2018 (By McClendon), Relating to certain automobile insurance loss adjustment and claims settlement practices and the collection and use of certain data by insurers regarding automobile loss and damage claims; providing administrative penalties.

To Insurance.

HB 2019 (By McClendon), Relating to the establishment, operation, and funding of victim-offender mediation programs.

To Criminal Jurisprudence.

HB 2020 (By McClendon), Relating to state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements.

To Appropriations.

HB 2022 (By Pitts), Relating to state fiscal matters; creating an offense.

To Appropriations.

HB 2023 (By McClendon), Relating to county regulation of sound levels; providing a criminal penalty.

To County Affairs.

HB 2024 (By McClendon), Relating to the creation of the health benefit plan innovations program in the Texas Department of Insurance.

To Insurance.

HB 2025 (By McClendon), Relating to the implementation of county solid waste management programs.

To Environmental Regulation.

HB 2026 (By McClendon), Relating to the proof of identity and residency required of an applicant for a driver's license or personal identification certificate.

To State Affairs.

HB 2027 (By McClendon), Relating to a declaration of origin.

To State Affairs.

HB 2028 (By Hartnett), Relating to an additional fee for filing civil cases in certain Rockwall County courts.

To Judiciary and Civil Jurisprudence.

HB 2029 (By Flynn), Relating to the sale of a cemetery plot; providing penalties.

To Pensions, Investments, and Financial Services.

HB 2030 (By Madden), Relating to the use of money made available to certain counties by the Texas Commission on Environmental Quality for local initiative air quality projects.

To Environmental Regulation.

HB 2031 (By Madden), Relating to the establishment of a voluntary compensation plan as an alternative to litigation.

To Judiciary and Civil Jurisprudence.

HB 2032 (By Darby), Relating to performance and payment security for certain comprehensive development agreements.

To Transportation.

HB 2033 (By Hamilton), Relating to the separate statement of the mixed beverage tax.

To Licensing and Administrative Procedures.

HB 2034 (By D. Miller), Relating to asbestos and silica litigation.

To Judiciary and Civil Jurisprudence.

HB 2035 (By Hamilton), Relating to the temporary relocation of an alcoholic beverage distributor's or wholesaler's premises during a period of emergency and delivery of alcoholic beverages to a distributor's or wholesaler's premises.

To Licensing and Administrative Procedures.

HB 2036 (By Hochberg), Relating to certain competitive scholarships at public institutions of higher education.

To Higher Education.

HB 2037 (By Madden), Relating to the court-ordered administration of psychoactive medication or other care or treatment with respect to certain criminal defendants determined to be incompetent to stand trial.

To Public Health.

HB 2039 (By Hamilton), Relating to certain promotional activities for certain alcoholic beverage permit holders.

To Licensing and Administrative Procedures.

HB 2040 (By Hamilton), Relating to critical incident stress management and crisis response services.

To Homeland Security and Public Safety.

HB 2041 (By Menendez), Relating to alternative methods of dispute resolution in certain disputes between the Department of Aging and Disability Services and an assisted living facility licensed by the department.

To Human Services.

HB 2042 (By Menendez), Relating to defense base development authorities, including the powers of an authority and the taxation of certain tangible personal property located on the base property for which the authority is established.

To Defense and Veterans' Affairs.

HB 2043 (By Menendez), Relating to the taxation of certain tangible personal property located inside a defense base development authority.
To Defense and Veterans' Affairs.

HB 2044 (By Burnam), Relating to the disclosure of electricity generation offers received by ERCOT.
To State Affairs.

HB 2045 (By Burnam), Relating to certain reimbursements provided for the collection of sales and use taxes.
To Ways and Means.

HJR 108 (By Madden), Proposing a constitutional amendment authorizing the legislature to provide for a limitation on the appraised value for ad valorem tax purposes of certain residence homesteads of certain veterans.
To Ways and Means.

SIGNED BY THE SPEAKER

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

Senate List No. 8

SCR 19, SCR 22

APPENDIX

RECOMMENDATIONS FILED WITH THE SPEAKER

March 4 - HB 403, HB 404, HB 425, HB 426, HB 427, HB 534, HB 572, HB 648, HB 709, HB 737, HB 801, HB 863, HB 886, HB 894, HB 895, HB 960, HB 1007, HB 1012, HB 1060, HB 1086, HB 1119, HB 1120, HB 1177, HB 1251, HB 1281, HB 1383, HB 1524, HB 1525, HB 1551

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-FIRST DAY — TUESDAY, MARCH 8, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 93).

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

The invocation was offered by Dr. Kris Segrest, lead pastor, First Baptist Church, Wylie, as follows:

Dear Heavenly Father, we recognize today that you are sovereign. You have everything under control. Regardless of the countless issues of the day and the great challenges facing this legislature, it is in God we trust. Nothing has passed into our lives which has not first passed through your hand, for everything has been created by you, and is for you, and you hold all things together.

We thank you, Father, for your grace toward us as individuals and a state. Even in what has been difficult economic times in our country, you have taken care of this great state. Texas has always been a special place with a rich, bold, and godly heritage. As we strive to seek your kingdom, please continue to prosper our land in the future.

As we consider the business of this legislature, I pray you would give each member of both houses wisdom as they make decisions that impact so many Texans and others. I know that many of these men and women carry this burden with great emotional and mental anguish. Your word, the Bible, instructs us to ask you for wisdom and you will give it. As each one seeks your wisdom, reveal it to them. Then, Father, let them with confidence act in your will. May each one of these lawmakers follow in the example of your son, Jesus Christ, and the godly men and women who proceeded them.

Further, Lord, I ask your holy hand and favor to be on each one of these lawmakers. You tell us as citizens to pray for kings and those in authority over us. As we submit to their leadership, we submit to you, Lord. I pray they would not fear the criticism of opponents or be anxious about the challenges that face them. Let them only fear you and you alone.

Finally, Lord, we thank you for your son, Jesus Christ, and that through his death, burial, and resurrection, we can have eternal life. Let us live this day as a glory to your name. Thank you for your many blessings and God bless Texas. In the strong name of Jesus, we pray. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Weber who presented Dr. David Armbruster of Pearland as the "Doctor for the Day."

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

(Harper-Brown in the chair)

HR 613 - ADOPTED (by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 613**.

The motion prevailed.

The following resolution was laid before the house:

HR 613, Honoring Our Lady Queen of Peace Catholic School in Richwood on the 25th anniversary of its opening.

HR 613 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Bonnen who introduced students from Our Lady Queen of Peace Catholic School.

**HR 614 - ADOPTED
(by Bonnen)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 614**.

The motion prevailed.

The following resolution was laid before the house:

HR 614, Honoring Dr. Benjamin Weiner for his outstanding medical career.

HR 614 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Bonnen who introduced Dr. Benjamin Weiner, members of his family, and representatives of the Angleton Danbury Medical Center.

**HR 640 - ADOPTED
(by Shelton)**

Representative Shelton moved to suspend all necessary rules to take up and consider at this time **HR 640**.

The motion prevailed.

The following resolution was laid before the house:

HR 640, Honoring the Paschal High School Choir of the Fort Worth Independent School District on the occasion of its performance at the State Capitol.

HR 640 was read and was adopted.

(Bonnen in the chair)

**HR 556 - ADOPTED
(by Weber)**

Representative Weber moved to suspend all necessary rules to take up and consider at this time **HR 556**.

The motion prevailed.

The following resolution was laid before the house:

HR 556, Recognizing March 8, 2011, as Brazoria County Day at the State Capitol.

HR 556 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Weber who introduced a delegation from Brazoria County.

(Beck in the chair)

**HR 740 - ADOPTED
(by V. Taylor, Madden, Laubenberg, and Paxton)**

Representative V. Taylor moved to suspend all necessary rules to take up and consider at this time **HR 740**.

The motion prevailed.

The following resolution was laid before the house:

HR 740, Recognizing March 7 and 8, 2011, as Collin County Days at the State Capitol.

HR 740 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representatives V. Taylor, Laubenberg, Paxton, and Madden who introduced a delegation from Collin County.

HR 741 - ADOPTED (by V. Taylor, et al.)

Representative V. Taylor moved to suspend all necessary rules to take up and consider at this time **HR 741**.

The motion prevailed.

The following resolution was laid before the house:

HR 741, Congratulating Dr. Cary Israel on being named the 2009 Citizen of the Year by the Plano Chamber of Commerce.

HR 741 was read and was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative V. Taylor who introduced Dr. Cary Israel.

(Speaker in the chair)

HR 773 - ADOPTED (by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 773**.

The motion prevailed.

The following resolution was laid before the house:

HR 773, Congratulating State Representative Jerry Madden on being named a 2010 Public Official of the Year by Governing magazine.

HR 773 was read and was adopted.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 773** as signers thereof.

(Beck in the chair)

HR 762 - ADOPTED (by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 762**.

The motion prevailed.

The following resolution was laid before the house:

HR 762, Commending the residents of Crockett County for their contributions to our state.

HR 762 was read and was adopted.

HR 208 - PREVIOUSLY ADOPTED
(by Raymond)

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

HR 208, Congratulating Ana Rodriguez on her selection as Miss Texas USA 2011.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 208** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Raymond who introduced Ana Rodriguez, Miss Texas USA 2011.

HR 573 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 573**.

The motion prevailed.

The following resolution was laid before the house:

HR 573, Honoring Youth Leadership New Braunfels for its promotion of civic leadership and volunteerism.

HR 573 was adopted.

HR 679 - ADOPTED
(by Morrison)

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 679**.

The motion prevailed.

The following resolution was laid before the house:

HR 679, Recognizing March 8, 2011, as Victoria Day at the State Capitol.

HR 679 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Morrison who introduced a delegation from Victoria.

HR 138 - ADOPTED
(by Laubenberg)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 138**.

The motion prevailed.

The following resolution was laid before the house:

HR 138, Honoring Tim Looper for his work with the Celina Pee Wee Football sixth-grade team.

HR 138 was read and was adopted.

On motion of Representative Peña, the names of all the members of the house were added to **HR 138** as signers thereof.

HR 771 - ADOPTED

(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 771**.

The motion prevailed.

The following resolution was laid before the house:

HR 771, Recognizing March 8, 2011, as Edinburg Day at the State Capitol.

HR 771 was read and was adopted.

On motion of Representative V. Gonzales, the names of all the members of the house were added to **HR 770** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representatives Peña and V. Gonzales who introduced a delegation from Edinburg.

HR 770 - ADOPTED

(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 770**.

The motion prevailed.

The following resolution was laid before the house:

HR 770, Honoring the Vision Academy of Excellence in the Edinburg Consolidated Independent School District for helping nontraditional students graduate from high school.

HR 770 was adopted.

On motion of Representative V. Gonzales, the names of all the members of the house were added to **HR 770** as signers thereof.

HR 699 - ADOPTED

(by Workman)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 699**.

The motion prevailed.

The following resolution was laid before the house:

HR 699, Congratulating John G. Pearce on his receipt of the Silver Beaver Award from the Capitol Area Council of the Boy Scouts of America.

HR 699 was read and was adopted.

On motion of Representative Price, the names of all the members of the house were added to **HR 699** as signers thereof.

HCR 56 - ADOPTED

(by Muñoz, Peña, V. Gonzales, Martinez, and Guillen)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HCR 56**.

The motion prevailed.

The following resolution was laid before the house:

HCR 56, Designating April 9, 2011, as LZ:RGV Welcome Home South Texas Vietnam Veterans Day.

HCR 56 was read and was adopted.

On motion of Representative Lozano, the names of all the members of the house were added to **HCR 56** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Muñoz who introduced South Texas Vietnam veterans.

HR 604 - ADOPTED

(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 604**.

The motion prevailed.

The following resolution was laid before the house:

HR 604, Recognizing March 8, 2011, as The University of Texas at San Antonio Day at the State Capitol and commending the UTSA Alumni Association for its support.

HR 604 was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 9).

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to set a congratulatory and memorial calendar for 10:30 a.m. Thursday, March 10.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, during bill referral today, 1W.14.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative L. Taylor requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, Subcommittee on Articles VI, VII, and VIII, 2 p.m. today, JHR 100, for a formal meeting, to consider house budget recommendations.

Appropriations, Subcommittee on Article II, 3 p.m. today, E1.030, for a formal meeting, to consider house budget recommendations.

County Affairs, upon adjournment today, E1.010, for a public hearing.

Criminal Jurisprudence, 1:30 p.m. today, JHR 120, for a public hearing, to consider posted business.

PROVIDING FOR ADJOURNMENT

Representative D. Miller moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Howard Victor Reed of Austin.

The motion prevailed.

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

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

(V. Taylor in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:19 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 4 (By Pitts), Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

To Appropriations.

HB 8 (By Darby), Relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.

To Business and Industry.

HB 259 (By Eiland), Relating to an assessment on subscription video service providers.

To State Affairs.

HB 1861 (By Anchia), Relating to the continuation and functions of the Commission on State Emergency Communications.

To Homeland Security and Public Safety.

HB 1912 (By Bonnen), Relating to transferring the Texas Department of Rural Affairs to the Office of Rural Affairs within the Department of Agriculture and abolishing the board of the Texas Department of Rural Affairs.

To Agriculture and Livestock.

HB 1928 (By Zedler), Relating to the prosecution of offenses against public administration, including ethics offenses, offenses involving insurance fraud, and offenses involving motor fuels tax.

To Judiciary and Civil Jurisprudence.

HB 1950 (By L. Taylor), Relating to the continuation and operation of the office of public insurance counsel.

To Insurance.

HB 1951 (By L. Taylor), Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

To Insurance.

HB 1982 (By Callegari), Relating to transferring the Texas Department of Rural Affairs to the Office of Rural Affairs within the Department of Agriculture and abolishing the board of the Texas Department of Rural Affairs.

To Government Efficiency and Reform.

HB 1999 (By Garza), Relating to the nonpartisan election of district judges.
To Judiciary and Civil Jurisprudence.

HB 2006 (By Bonnen), Relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

To Urban Affairs.

HB 2010 (By Smithee), Relating to indemnification provisions in construction contracts.

To Judiciary and Civil Jurisprudence.

HB 2021 (By Pitts), Relating to state agency procurement and the comptroller's procurement powers and duties.

To State Affairs.

HB 2038 (By Price), Relating to prevention, treatment, and management of concussions affecting public and private school students participating in interscholastic athletics.

To Public Health.

HB 2046 (By Hartnett), Relating to decedents' estates.

To Judiciary and Civil Jurisprudence.

HB 2047 (By Lewis), Relating to service of process at the registered office of certain registered agents.

To Judiciary and Civil Jurisprudence.

HB 2048 (By Lyne), Relating to the collection and enforcement of state and local hotel occupancy taxes.

To Ways and Means.

HB 2049 (By Lavender), Relating to the eligibility of land used to raise or keep bees for appraisal for ad valorem tax purposes as qualified open-space land.

To Ways and Means.

HB 2050 (By Peña), Relating to the use of recording devices and mobile telephones by poll watchers.

To Elections.

HB 2051 (By Peña), Relating to the oath taken by a person who assists a voter.

To Elections.

HB 2052 (By Peña), Relating to the reporting of certain information to county voter registrars by the secretary of state.

To Elections.

HB 2053 (By Peña), Relating to ineligibility to serve as a poll watcher.

To Elections.

HB 2054 (By Peña), Relating to the eligibility requirements for appointment as county elections administrator.

To Elections.

HB 2055 (By Peña), Relating to allowing for countywide polling places as an alternative election system.

To Elections.

HB 2056 (By Peña), Relating to notification regarding certain changes to early voting polling locations.

To Elections.

HB 2057 (By Peña), Relating to the creation of the offense of criminal conspiracy to interfere with an election.

To Elections.

HB 2058 (By Peña), Relating to the offense of unacknowledged assistance to a voter in completing an application for a ballot to be voted by mail.

To Elections.

HB 2059 (By Peña), Relating to the penalty for failing to deliver a voter registration application to the voter registrar.

To Elections.

HB 2060 (By Peña), Relating to the confidentiality of certain information regarding state election inspectors.

To Elections.

HB 2061 (By Peña), Relating to the reporting of certain information to the director of the bureau of vital statistics.

To Elections.

HB 2062 (By Vo), Relating to rate increases for an insured's personal automobile insurance policies following an accident involving the insured's operation of a vehicle covered by a commercial automobile insurance policy.

To Insurance.

HB 2063 (By Vo), Relating to a leave of absence for certain state employees who are donating adult stem cells.

To State Affairs.

HB 2064 (By Allen), Relating to a study by the Texas Department of Transportation on public transportation services for people with disabilities.

To Transportation.

HB 2065 (By Allen), Relating to the establishment, operation, and funding of victim-offender mediation programs.

To Criminal Jurisprudence.

HB 2066 (By Zerwas), Relating to delegation by a physician of certain cosmetic and dermatological medical treatments.

To Public Health.

HB 2067 (By Callegari), Relating to the regulation of the practice of engineering by individuals engaged in the evaluation of oil and gas resources.

To Licensing and Administrative Procedures.

HB 2068 (By Naishtat), Relating to the health professions resource center.

To Human Services.

HB 2069 (By Naishtat), Relating to the authority of a pharmacist to accelerate refills.

To Public Health.

HB 2070 (By Christian), Relating to polling places for runoff elections in certain small counties.

To Elections.

HB 2071 (By Martinez), Relating to an appeal by a deputy sheriff under county civil service to an independent third-party hearing examiner.

To County Affairs.

HB 2072 (By Martinez), Relating to the authority of a county to contract with a private organization for the operation of a detention facility.

To County Affairs.

HB 2074 (By Martinez), Relating to the exemption from the motor fuel tax for railway engines and the allocation of revenue; providing a penalty.

To Ways and Means.

HB 2075 (By Martinez), Relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.

To Homeland Security and Public Safety.

HB 2076 (By Rodriguez), Relating to the authority of a municipality or county to contract with a vendor for the collection of certain debts.

To Urban Affairs.

HB 2077 (By Rodriguez), Relating to a pilot program under the loanstar revolving loan program to promote the use of energy efficiency measures and renewable energy technology by certain nonprofit organizations.

To Energy Resources.

HB 2078 (By Villarreal), Relating to appraisal review board members.

To Ways and Means.

HB 2079 (By Christian), Relating to the administration by certain nurses and occupational therapists of treatments, medication, or therapy ordered by a health care practitioner.

To Public Health.

HB 2080 (By T. King), Relating to certification of a person as eligible for disabled parking privileges.

To Transportation.

HB 2081 (By Lozano), Relating to the extent of extraterritorial jurisdiction of certain less populous municipalities located on a barrier island.

To Land and Resource Management.

HB 2082 (By Lozano), Relating to the validation of a home-rule charter for certain municipalities.

To Urban Affairs.

HB 2083 (By Lozano), Relating to notice of and issuance of a permit for the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation.

To Energy Resources.

HB 2084 (By Kolkhorst), Relating to the regulation of small food production and sales operations.

To Public Health.

HB 2085 (By Shelton), Relating to the imposition of a fee on the sale of cigarettes and cigarette tobacco products manufactured by certain companies; providing penalties.

To Ways and Means.

HB 2086 (By Bohac), Relating to deceptive trade practices relating to the advertisement of certain goods.

To Business and Industry.

HB 2087 (By Craddick), Relating to allocating production from horizontal wells to non-participating royalty interests.

To Energy Resources.

HB 2088 (By Smithee), Relating to failure to submit to an examination by a designated doctor under the workers' compensation system.

To State Affairs.

HB 2089 (By Smithee), Relating to the resolution of overpayment or underpayment of income benefits under the workers' compensation program.

To State Affairs.

HB 2090 (By Marquez), Relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.

To Higher Education.

HB 2091 (By Craddick), Relating to the authority of the State Cemetery Committee.

To Culture, Recreation, and Tourism.

HB 2092 (By S. King), Relating to self-directed and semi-independent status of certain health care regulatory agencies; making an appropriation.

To Public Health.

HB 2093 (By Thompson), Relating to the operation and regulation of certain consolidated insurance programs; providing administrative penalties.

To Insurance.

HB 2094 (By Thompson), Relating to notice to a judgment debtor of the filing of a foreign judgment.

To Judiciary and Civil Jurisprudence.

HB 2095 (By Thompson), Relating to genetic testing in certain proceedings to declare heirship.

To Judiciary and Civil Jurisprudence.

HB 2096 (By Thompson), Relating to the filing of writs of habeas corpus in mental health cases.

To Judiciary and Civil Jurisprudence.

HB 2097 (By Giddings), Relating to adding a synthetic substance to Penalty Group 2 of the Texas Controlled Substances Act.

To Criminal Jurisprudence.

HB 2098 (By J. Davis), Relating to the authority of physicians and physician assistants to form certain entities.

To Business and Industry.

HB 2099 (By Truitt), Relating to an alert for a missing person with an intellectual disability.

To Homeland Security and Public Safety.

HB 2100 (By Lewis), Relating to the exemption from taxation of property of a local government corporation.

To Ways and Means.

HB 2101 (By Hernandez Luna), Relating to sealing of court records containing identifying financial information or personal identifying information.

To Judiciary and Civil Jurisprudence.

HB 2102 (By Hernandez Luna), Relating to the requirement that certain health benefit plans provide coverage for supplemental breast cancer screening.

To Insurance.

HB 2103 (By Jackson), Relating to the consideration of a letter of credit issued by a federal home loan bank as an eligible security for collateral to secure public funds.

To Ways and Means.

HB 2104 (By Jackson), Relating to the amount of the bond for county taxes required to be given by the county assessor-collector for certain counties.

To Ways and Means.

HB 2105 (By Y. Davis), Relating to employment restrictions on persons awarded certain government contracts or public subsidies; providing a civil penalty.

To Economic and Small Business Development.

HB 2106 (By Y. Davis), Relating to the acquisition of real property for public use.

To Urban Affairs.

HB 2107 (By Anchia), Relating to notice by sign requirement for sexually oriented businesses.

To Urban Affairs.

HB 2108 (By Paxton), Relating to electronic filing and rerecording of livestock marks and brands by county clerks.

To Agriculture and Livestock.

HB 2110 (By Kolkhorst), Relating to a property right in certain DNA samples; providing penalties.

To Public Health.

HB 2111 (By Woolley), Relating to the operation of video lottery games by licensed horse and greyhound racetrack operators, to a defense for the operation of video lottery by Indian tribes, to the authority of the Texas Lottery Commission and the Texas Racing Commission, and to the conduct of gambling in this state; providing penalties.

To Licensing and Administrative Procedures.

HB 2112 (By Price), Relating to priority groundwater management areas.

To Natural Resources.

HB 2113 (By Price), Relating to the creation of a groundwater conservation district in a priority groundwater management area.

To Natural Resources.

HB 2114 (By Coleman), Relating to beverage container deposits and recycling; providing penalties.

To Environmental Regulation.

HB 2115 (By Coleman), Relating to the distribution of money appropriated from the national research university fund.

To Higher Education.

HB 2116 (By Coleman), Relating to standards of care and confinement for dogs and cats; providing a penalty.

To County Affairs.

HB 2117 (By Coleman), Relating to a notification requirement if a public school campus or open-enrollment charter school does not have a nurse assigned to the campus during all instructional hours.

To Public Education.

HB 2118 (By Coleman), Relating to adding certain synthetic compounds to Penalty Group 2 of the Texas Controlled Substances Act.

To Criminal Jurisprudence.

HB 2119 (By Madden), Relating to the requirement that the Texas Correctional Office on Offenders with Medical or Mental Impairments provide certain services and programs.

To Corrections.

HB 2120 (By D. Miller), Relating to the composition of the board of trustees of the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 2121 (By Lozano), Relating to educator retention at certain public schools.

To Public Education.

HB 2122 (By Lozano), Relating to certain state attorneys called into active duty military service.

To Defense and Veterans' Affairs.

HB 2123 (By Lozano), Relating to the eligibility of students to have costs of college advanced placement tests or international baccalaureate examinations paid under agreements between the commissioner of education and the College Board and Educational Testing Service or the International Baccalaureate Organization.

To Public Education.

HB 2124 (By Workman), Relating to victim notification regarding the release of a defendant who was acquitted by reason of insanity in a criminal case.

To Corrections.

HB 2125 (By Parker), Relating to the priority of oil or gas well inspections by the Railroad Commission of Texas.

To Energy Resources.

HB 2126 (By Parker), Relating to the amount and use of an administrative penalty imposed by the Railroad Commission of Texas for certain violations that occur in certain populous natural gas producing counties.

To Energy Resources.

HB 2127 (By Geren), Relating to the municipal regulation of the discharge of firearms and certain other weapons in certain counties.

To Homeland Security and Public Safety.

HB 2128 (By Geren), Relating to single certification in incorporated or annexed areas served by water or sewer utilities.

To Natural Resources.

HB 2129 (By Fletcher), Relating to a restrictive covenant, rule, or other prohibition regulating a homeowner's display of the United States flag.

To Business and Industry.

HB 2130 (By Fletcher), Relating to the display of owner information on and taxes and fees applicable to certain coin-operated machines.

To Ways and Means.

HB 2131 (By Geren), Relating to the issuance of a pass for expedited access to the State Capitol.

To House Administration.

HB 2132 (By Reynolds), Relating to the creation of magistrates in certain counties.

To Judiciary and Civil Jurisprudence.

HB 2133 (By Solomons), Relating to the Public Utility Commission of Texas' authority to disgorge revenue obtained as a result of certain violations; providing an administrative penalty.

To State Affairs.

HB 2134 (By Solomons), Relating to the continuation and functions of the Electric Reliability Council of Texas, the Office of Public Utility Counsel, and the Public Utility Commission of Texas; imposing an administrative penalty.

To State Affairs.

HB 2135 (By Hochberg), Relating to certain assessment requirements for public school students.

To Public Education.

HB 2137 (By Guillen), Relating to the issuance of exempt license plates to certain open-enrollment charter school vehicles.

To Transportation.

HB 2138 (By Guillen), Relating to the search for and rescue of victims of water-oriented accidents.

To Culture, Recreation, and Tourism.

HB 2139 (By Guillen), Relating to the establishment of an "Adopt a Library" program.

To Culture, Recreation, and Tourism.

HB 2140 (By Guillen), Relating to the days a state assessment instrument may be administered.

To Public Education.

HB 2141 (By Guillen), Relating to enforcement of laws related to water safety.

To Culture, Recreation, and Tourism.

HB 2142 (By Callegari), Relating to abolishing the regulation of the practice of interior design.

To Licensing and Administrative Procedures.

HB 2143 (By Turner), Relating to the conditions of community service of certain offenders and the reentry and reintegration of offenders released or discharged from the Texas Department of Criminal Justice.

To Corrections.

HB 2144 (By Garza), Relating to the use of uniform election dates by newly incorporated municipalities.

To Elections.

HB 2145 (By Garza), Relating to the Bexar Metropolitan Water District.

To Natural Resources.

HB 2146 (By Gonzalez), Relating to the designation of certain municipal housing authority employees as peace officers.

To Homeland Security and Public Safety.

HB 2147 (By Eiland), Relating to the regulation of certain transactions related to life insurance and related products; providing penalties.

To Insurance.

HB 2148 (By Eiland), Relating to oyster shells and an oyster shell recovery and replacement program.

To Culture, Recreation, and Tourism.

HB 2149 (By Eiland), Relating to contracts between rural hospitals and certain insurers.

To Insurance.

HB 2150 (By Eiland), Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

To Pensions, Investments, and Financial Services.

HB 2151 (By Eiland), Relating to annual renewal of a Texas windstorm insurance policy.

To Insurance.

HB 2152 (By Eiland), Relating to the method of payment of insurance benefits.

To Insurance.

HB 2153 (By Eiland), Relating to a fee collected by the Automobile Burglary and Theft Prevention Authority.

To Insurance.

HB 2154 (By Eiland), Relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.

To Insurance.

HB 2155 (By Coleman), Relating to information required of an applicant for a driver's license.

To Homeland Security and Public Safety.

HB 2156 (By Coleman), Relating to the repeal of the offense of homosexual conduct.

To Criminal Jurisprudence.

HB 2157 (By Coleman), Relating to prohibitions on the use of a wireless communication device while operating a motor vehicle.

To Transportation.

HB 2158 (By Coleman), Relating to a prohibition against the use of a stun gun or taser by school district peace officers, security personnel, and other employees against certain public school students.

To Public Education.

HB 2159 (By Coleman), Relating to the insanity defense in a criminal case.

To Criminal Jurisprudence.

HB 2160 (By Coleman), Relating to the governing body of a regional planning commission.

To County Affairs.

HB 2161 (By C. Howard), Relating to the allocation of taxes and revenue after a city consents to the creation of a municipal utility district.

To Ways and Means.

HB 2162 (By Kuempel), Relating to the power of the Cibolo Creek Municipal Authority to issue bonds.

To Natural Resources.

HB 2163 (By Scott), Relating to including barratry as a deceptive trade practice.

To Judiciary and Civil Jurisprudence.

HB 2164 (By Scott), Relating to the prosecution of the offense of barratry and solicitation of professional employment.

To Judiciary and Civil Jurisprudence.

HB 2165 (By Perry), Relating to the establishment of a medical reinsurance system and to certain insurance reforms necessary to the efficient operation of that system; providing an administrative penalty.

To Insurance.

HB 2166 (By Price), Relating to the appeal to a district court of the desired future conditions adopted for a groundwater management area.

To Natural Resources.

HB 2167 (By Murphy), Relating to the definition of a postsecondary program in regard to non-baccalaureate career schools and colleges.

To Higher Education.

HB 2168 (By Aycock), Relating to limitations on issuance by school districts of tax-supported bonds.

To Public Education.

HB 2169 (By Aycock), Relating to the authority of the governing body of a taxing unit to rescind a discount for early payment of ad valorem taxes.

To Ways and Means.

HB 2170 (By Raymond), Relating to assisting foster children in obtaining and understanding the child's credit report.

To Human Services.

HB 2171 (By Torres), Relating to a franchise tax credit for the employment of persons with a disability or veterans of the United States armed forces.

To Ways and Means.

HB 2172 (By Torres), Relating to the eligibility of certain children under group life insurance policies.

To Insurance.

HB 2173 (By Torres), Relating to a pilot program allowing certain military and overseas voters to receive and cast a ballot electronically.

To Elections.

HB 2174 (By Hartnett), Relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs imposed to fund the account.

To Judiciary and Civil Jurisprudence.

HB 2175 (By Murphy), Relating to the review and comment procedure of certain regional planning commissions and metropolitan planning organizations.

To Land and Resource Management.

HB 2177 (By Solomons), Relating to certain claims against persons licensed as real estate brokers and salespersons.

To Licensing and Administrative Procedures.

HB 2178 (By Driver), Relating to the carrying of concealed handguns on the campuses of institutions of higher education.

To Homeland Security and Public Safety.

HB 2179 (By Murphy), Relating to notice required upon nonrenewal of property/casualty insurance policies.

To Insurance.

HB 2180 (By Isaac), Relating to the prosecution of the offense of disorderly conduct involving unreasonable noise.

To Criminal Jurisprudence.

HB 2181 (By Isaac), Relating to the deadlines for write-in candidates for the office of county or precinct chair of a political party.

To Elections.

HB 2182 (By Isaac), Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 2183 (By Isaac), Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 2184 (By Lewis), Relating to the identification, modification, generation, and enhancement of new and existing state revenue streams from certain new and existing programs, processes, and procedures involving the state's policy in regard to the disposition of certain low-level radioactive waste and in protection of the general health, safety, and welfare of the state's citizens, including the prohibition on importation of waste of international origin and the establishment of certain fees and limits on waste disposal to maximize state revenue.

To State Affairs.

HB 2185 (By Harper-Brown), Relating to the eligibility of commercial driver's license holders for dismissal of certain charges on completion of a driving safety course.

To Transportation.

HB 2186 (By Harper-Brown), Relating to comprehensive development agreements.

To Transportation.

HB 2187 (By J. Davis), Relating to the imposition of and a limitation on the sales tax imposed on certain vessels.

To Ways and Means.

HB 2188 (By Elkins), Relating to using Foundation School Program funding to implement the Texas School Ready Program at certain providers of private prekindergarten programs.

To Public Education.

HB 2189 (By Elkins), Relating to the regulation of handfishing.

To Culture, Recreation, and Tourism.

HB 2190 (By Elkins), Relating to the deadline by which provisional ballots must be processed for certain elections.

To Elections.

HB 2191 (By Elkins), Relating to a ballot by mail single language requirement.

To Elections.

HB 2192 (By Elkins), Relating to the qualifications and operations of workers' compensation data collection agents.

To State Affairs.

HB 2193 (By Truitt), Relating to service and qualifications for membership on an advisory committee established by the Employees Retirement System of Texas to provide advice to the board of trustees on investments and investment-related issues.

To Pensions, Investments, and Financial Services.

HB 2194 (By L. Taylor), Relating to the conduct and administration of elections.

To Elections.

HB 2195 (By Hartnett), Relating to requirements for certain arrangements or agreements of certain regional transportation authorities.

To Transportation.

HB 2196 (By Rodriguez), Relating to the prosecution of the offense of theft of service.

To Criminal Jurisprudence.

HCR 73 (By Hughes), In memory of Jean Glaze of Gilmer.

To Rules and Resolutions.

HCR 77 (By Zerwas), Recognizing March 1, 2011, as Donate Life Texas Day at the State Capitol.

To Rules and Resolutions.

HCR 79 (By Aliseda), In memory of U.S. Marine Corps Lance Corporal Colton Wesley Rusk of Orange Grove.

To Rules and Resolutions.

HR 659 (By Burnam), Congratulating Odessa Prescott of Fort Worth on the occasion of her 100th birthday.

To Rules and Resolutions.

HR 665 (By Veasey), Commending Texas grandparents who are raising their grandchildren.

To Rules and Resolutions.

HR 674 (By Muñoz), Honoring educator Anna Villanueva of Alton for her achievements.

To Rules and Resolutions.

HR 684 (By Flynn), Congratulating Chester and Clara Lee of Greenville on their 50th wedding anniversary.

To Rules and Resolutions.

HR 685 (By Madden), Honoring city council member Bob Macy for his service to the residents of Richardson.

To Rules and Resolutions.

HR 686 (By Darby), In memory of acclaimed Western novelist Elmer Kelton of San Angelo.

To Rules and Resolutions.

HR 688 (By Isaac), Commending Shannon K. McClendon for her service on the Texas Board of Professional Engineers.

To Rules and Resolutions.

HR 689 (By Gutierrez), Recognizing April 13, 2011, as Alice Ramirez Day and commending Ms. Ramirez on her 35th anniversary at the Discovery School of San Antonio.

To Rules and Resolutions.

HR 690 (By Marquez), Honoring Rose Medina, Thomas Black, A D Towing and Recovery, Arrow Towing, the El Paso Fire Department, A & P Plumbing Unlimited, and Villarreal & Sons Electric of El Paso for rendering assistance during the February 2011 storm.

To Rules and Resolutions.

HR 692 (By Woolley), In memory of Nancy Gene Dale Palm of Houston.

To Rules and Resolutions.

HR 693 (By Carter), Welcoming members of the Dallas County Council of Republican Women to the State Capitol on March 3, 2011.

To Rules and Resolutions.

HR 695 (By Y. Davis), Welcoming the Dallas chapter of the Conference of Minority Transportation Officials to the State Capitol on Minority Business Enterprise Public Policy Day.

To Rules and Resolutions.

HR 696 (By Aliseda), Commemorating the 100th anniversary observance of the founding of Poteet.

To Rules and Resolutions.

HR 697 (By Aliseda), Honoring Goliad County for its contributions to the history and culture of the Lone Star State.

To Rules and Resolutions.

HR 698 (By Madden), Honoring Richardson City Council member John Murphy for his service to the community.

To Rules and Resolutions.

HR 701 (By Rodriguez), Congratulating Fidencio Duran on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 702 (By Rodriguez), Paying tribute to the life of Raul Salinas, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 703 (By Rodriguez), Congratulating Susana R. Almanza on her selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 704 (By Rodriguez), Paying tribute to the life of Eva Carrillo de Garcia, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 705 (By Rodriguez), Paying tribute to the life of Dr. Alberto Gonzalo Garcia, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 706 (By Rodriguez), Paying tribute to the life of Daniel Camacho, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 707 (By Rodriguez), Paying tribute to the life of Tomas "Tom" Guedea, Sr., a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 708 (By Rodriguez), Paying tribute to the life of Santos "Sandy" Acosta Fuentes, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 709 (By Rodriguez), Paying tribute to the life of Arturo Lopez Aleman, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 710 (By Rodriguez), Paying tribute to the life of Lorraine C. "Grandma" Camacho, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 711 (By Rodriguez), Paying tribute to the life of Roy Lozano, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 712 (By Rodriguez), Paying tribute to the life of Emma Galindo, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 713 (By Rodriguez), Congratulating Ramon Galindo on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 714 (By Rodriguez), Congratulating Maggie Rivas-Rodriguez on her selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 715 (By Rodriguez), Congratulating Juan Cotera on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 716 (By Rodriguez), Congratulating John Trevino, Jr., on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 717 (By Rodriguez), Congratulating Fidel Estrada on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 718 (By Rodriguez), Congratulating Gloria Mata Pennington on her selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 719 (By Rodriguez), Congratulating Richard Moya on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 720 (By Rodriguez), Congratulating Arthur G. Cardenas on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 721 (By Rodriguez), Paying tribute to the life of Eustasio A. Cepeda, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 722 (By Rodriguez), Congratulating Manuel "Cowboy" Donley on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 723 (By Rodriguez), Congratulating Gloria G. Moreno on her selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 724 (By Rodriguez), Congratulating Mario Cruz on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 725 (By Rodriguez), Paying tribute to the life of Margarita Munoz Simon, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 726 (By Rodriguez), Congratulating Jorge Duron Guerra on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 727 (By Rodriguez), Congratulating John N. Vasquez on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 728 (By Rodriguez), Congratulating Gustavo L. "Gus" Garcia on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 729 (By Rodriguez), Congratulating Rodolfo Mendez on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 730 (By Rodriguez), Paying tribute to the life of Valentino M. Luna, a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 731 (By Rodriguez), Congratulating Gilbert C. Rivera on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 732 (By Rodriguez), Congratulating Dr. Gonzalo Garza on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

To Rules and Resolutions.

HR 733 (By Garza), Recognizing March 22, 2011, as The University of Texas at Austin Plan II Honors Day.

To Rules and Resolutions.

HR 734 (By Flynn), Congratulating Robert and Edna Myrick of Greenville on their 45th wedding anniversary.

To Rules and Resolutions.

HR 738 (By Raymond), Honoring Aurelia Lopez Gonzalez on her 90th birthday.

To Rules and Resolutions.

HR 739 (By Burkett), Recognizing March 23, 2011, as Sunnyvale Day at the State Capitol.

To Rules and Resolutions.

HR 742 (By Cain), Congratulating Sybil McClendon of Sulphur Springs on her 88th birthday.

To Rules and Resolutions.

HR 743 (By Cain), Recognizing March 10, 2011, as Delta County Day at the State Capitol.

To Rules and Resolutions.

HR 744 (By Miles), Honoring Paula Harris on being elected president of the Houston Independent School District Board of Education.

To Rules and Resolutions.

HR 745 (By Kolkhorst), Congratulating Dr. Dana Gibson on her installation as president of Sam Houston State University.

To Rules and Resolutions.

HR 746 (By Pitts), Congratulating Dr. Thomas R. Norris of McGregor on his retirement as executive director of Education Service Center Region 12.

To Rules and Resolutions.

HR 747 (By Dukes), Recognizing March 9, 2011, as Texas Moving Image Industry Day at the State Capitol.

To Rules and Resolutions.

HR 748 (By Zerwas), Recognizing May 2011 as Fight Arthritis Pain Month in Texas.

To Rules and Resolutions.

HR 749 (By Veasey), Commemorating the Read Across America celebration of Dr. Seuss's 107th birthday at Sunrise McMillian Elementary School in Fort Worth.

To Rules and Resolutions.

HR 750 (By Y. Davis), Commemorating the 2011 Texas Young Democrats Convention and the Young Democrats of America South-Central Regional Conference, being held in Austin April 1 through 3, 2011.

To Rules and Resolutions.

HR 751 (By Hancock), Recognizing March 9, 2011, as Texas Chemicals Day at the State Capitol.

To Rules and Resolutions.

HR 752 (By Schwertner), Congratulating Merlin and Delores Schwenk of Georgetown on their 55th wedding anniversary.

To Rules and Resolutions.

HR 753 (By Button), Congratulating Ebby Halliday of Dallas on the occasion of her 100th birthday.

To Rules and Resolutions.

HR 755 (By Castro), In memory of U.S. Army Specialist Omar Soltero of San Antonio.

To Rules and Resolutions.

HR 756 (By Sheffield), Congratulating Lieutenant Colonel (Ret.) Deborah L. Van Dormolen of Salado on being named the 2010 Distinguished Military Retiree for Texas by the Fort Hood Retiree Council.

To Rules and Resolutions.

HR 757 (By Madden), Commending Mayor Gary A. Slagel of Richardson for his public service.

To Rules and Resolutions.

SJR 1 to Select State Sovereignty.

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

HB 107 (By Brown), Relating to requiring certain home-rule municipalities to obtain annexation approval from voters in the area to be annexed.

To Land and Resource Management.

HB 174 (By Jackson), Relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

To Elections.

SIGNED BY THE SPEAKER

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

Senate List No. 9

SCR 23

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 7

Transportation - **HB 42, HB 191**

ENGROSSED**March 7 - HB 15****SENT TO THE GOVERNOR**

March 7 - HCR 49, HCR 70

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-SECOND DAY — WEDNESDAY, MARCH 9, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 94).

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; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; 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 — Craddick; Scott.

The invocation was offered by James Walker, pastor, The Gulf Coast Christian Center, West Columbia, as follows:

Dear Jesus, I come to you today and thank you for the opportunity to stand in this place and honor your name. Your name is great and we praise you for your grace and your mercy. I thank you for your forgiveness and strength. We call on you today for your comfort, your direction, and your blessing.

We pray for you to lead, guide, bless, and speak to our leaders in this house. We pray for your divine instruction and wisdom as decisions are made here that will affect us, our children, and our children's children. Your word tells us that wisdom is available from you to anyone who asks, and today, Lord, I ask for that wisdom to be poured out in this place.

I thank you for our leaders and representatives. We know that all authority is set in place by God. Your word tells us that the heart of the king is in the hand of the Lord. Your word also tells us that all things work together for good to those who are called according to your plan, and we know that what you say is true. We pray blessings over these leaders and their families. We pray for health and strength to be multiplied to them as they serve us here.

Today, I speak blessing and favor over our great state and its wonderful people. I call our businesses, our industry, our state and local governments, and our economy blessed in the mighty name of Jesus. I thank you, Jesus, for Texas and her history of greatness, leadership, fearlessness, and favor and ask that you continue to bless her in influence, wealth, and honor.

I pray and give thanks for protection and provision for each Texas family. I lift up our hurting and those in need to you and ask for your mercy and love to shine on them. Thank you for our educators and organizations that minister to, protect, and grow our children and families. Thank you for our servicemen and first responders who tirelessly protect and serve us.

We ask for strength for our churches and pastors as they lead and reach out to the people that God has charged them to be in relationship with. Your word tells us if we will humble ourselves and ask, that you will heal our land; today, I ask humbly that you heal our land. Draw us to you and your love. Thank you for your blessings and strength. In the mighty name of Jesus. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Scott on motion of Burkett.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Gooden who presented Dr. Thomas Cherry of Chandler as the "Doctor for the Day."

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

LEAVES OF ABSENCE GRANTED

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

Craddick on motion of Geren.

(Truitt in the chair)

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

Harless on motion of Harper-Brown.

(Speaker in the chair)

**HR 681 - ADOPTED
(by Landtroop)**

Representative Landtroop moved to suspend all necessary rules to take up and consider at this time **HR 681**.

The motion prevailed.

The following resolution was laid before the house:

HR 681, Honoring Johnny Mac and Jeanne Brown of Wellman for the establishment of the Remember Alex Brown Foundation.

HR 681 was read and was adopted.

On motion of Representative Perry, the names of all the members of the house were added to **HR 681** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Landtroop who introduced Johnny Mac, Jeanne, and Katrina Brown.

(Lyne in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Phillips moved to suspend the five-day posting rule to allow the Committee on Transportation to consider pending business and posted items during bill referral today in E2.028.

The motion prevailed.

Representative Zerwas moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider **HB 4** at 7 a.m. tomorrow in E1.030.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative L. Taylor requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, during bill referral today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Agriculture and Livestock, 6:30 p.m. today, 1205 N. Lamar Blvd., for a work session.

State Affairs, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

Appropriations, 7 a.m. tomorrow, E1.030, for a public hearing, to consider **HB 4**.

HR 685 - ADOPTED (by Madden, Button, and Carter)

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 685**.

The motion prevailed.

The following resolution was laid before the house:

HR 685, Honoring city council member Bob Macy for his service to the residents of Richardson.

HR 685 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Madden who introduced Bob Macy and a delegation from Richardson.

HR 301 - ADOPTED (by Button, Madden, and Carter)

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 301**.

The motion prevailed.

The following resolution was laid before the house:

HR 301, Recognizing March 9, 2011, as Richardson's Telecom Corridor Legislative Day.

HR 301 was adopted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, 2 p.m. today.

Transportation, during bill referral today, E2.028, for a public hearing, to consider previously posted items.

Select Committee on State Sovereignty, during bill referral today, 1W.14, for a formal meeting, to consider **HCR 18** and **HCR 50**.

HR 561 - PREVIOUSLY ADOPTED
(by Martinez, V. Gonzales, Muñoz, Peña, and Lucio)

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

HR 561, Recognizing March 9, 2011, as Mid-Valley Day at the State Capitol.

INTRODUCTION OF GUESTS

The chair recognized Representative Martinez who introduced a delegation from the Mid-Valley area.

HR 747 - ADOPTED
(by Dukes)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 747**.

The motion prevailed.

The following resolution was laid before the house:

HR 747, Recognizing March 9, 2011, as Texas Moving Image Industry Day at the State Capitol.

HR 747 was read and was adopted.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 747** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dukes who introduced participants in Texas Moving Image Industry Day.

HR 165 - PREVIOUSLY ADOPTED
(by Callegari, Bohac, Murphy, Woolley, and Vo)

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

HR 165, In memory of Dr. Susan Diane Jackson.

On motion of Representative Woolley, the names of all the members of the house were added to **HR 165** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced family members and friends of Dr. Susan Diane Jackson.

HR 777 - ADOPTED
(by Carter)

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HR 777**.

The motion prevailed.

The following resolution was laid before the house:

HR 777, Commending Dr. Kay Eggleston for her continuing service to Richland College.

HR 777 was adopted.

**HR 751 - ADOPTED
(by Hancock)**

Representative Hancock moved to suspend all necessary rules to take up and consider at this time **HR 751**.

The motion prevailed.

The following resolution was laid before the house:

HR 751, Recognizing March 9, 2011, as Texas Chemicals Day at the State Capitol.

HR 751 was adopted.

**HR 695 - ADOPTED
(by Y. Davis)**

Representative Isaac moved to suspend all necessary rules to take up and consider at this time **HR 695**.

The motion prevailed.

The following resolution was laid before the house:

HR 695, Welcoming the Dallas chapter of the Conference of Minority Transportation Officials to the State Capitol on Minority Business Enterprise Public Policy Day.

HR 695 was adopted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider **HB 275** at 7 a.m. tomorrow in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, 7 a.m. tomorrow, E1.030, for a public hearing, to consider **HB 275**.

PROVIDING FOR ADJOURNMENT

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

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:31 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 5 (By Kolkhorst), Relating to the Interstate Health Care Compact.
To Select State Sovereignty.

HB 500 (By Eissler), Relating to end-of-course assessment instruments administered to public high school students.
To Public Education.

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-THIRD DAY — THURSDAY, MARCH 10, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 95).

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

Absent, Excused — Craddick; Hamilton; Walle; Woolley.

Absent — Parker; Quintanilla.

The invocation was offered by Dr. Philip Christopher, pastor, First Baptist Church, Abilene, as follows:

O gracious God, it is time to pray, when we begin so many meetings, another morning session or even worship services, and there are so many distractions. Help us to stop and see we need these moments to be still and know that you are God. O Lord, our God, we ask for this body of servants to have the discernment of Solomon to govern and guide your people who have so many worries about the present and the future.

We ask your blessings on these men and women of the house who feel the enormous responsibility in making decisions that affect millions of people. O God, we pray that you place your loving arms around these representatives and give them your strength, fill them with your courage, and speak to them so that

they will know wisdom greater than their own. O God, when they grow weary from visitors at their office doors, another meeting, or pressure from all kinds of competing positions, renew their strength and vision for their great work.

Holy God, during this season of Lent, we come before you in repentance and humility. Regardless of all our differences, we stand as brothers and sisters needing your healing forgiveness.

We ask that in your grace you give these servants a sacred and holy moment to put their trust in you before they take up the business of the day. Loving God, give us the eyes and hearts to see the good and worth in each other and the common struggles we share. We pray that all of us may be delivered from parties and politics to partnerships; from divisions to determination in finding common ground in our differences; and from anxiety and the approval of men to accomplishing a purpose for the greater good.

As this prayer ends, help us to know that our conversation and communion with you is not finished, our dependency on you is not over, or to forget that you are always speaking to us.

We ask this in the name of the God of Abraham, Isaac, and Jacob, and in the name and nature of our Lord, Jesus Christ. Amen.

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

(Quintanilla now present)

LEAVES OF ABSENCE GRANTED

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

Walle on motion of Hernandez Luna.

Woolley on motion of Kleinschmidt.

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

Craddick on motion of Geren.

The following member was granted leave of absence for today to attend a funeral:

Hamilton on motion of Geren.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Cain who presented Dr. Ichabod Balkcom of Sulphur Springs as the "Doctor for the Day."

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

(Parker now present)

(Legler in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 593 - ADOPTED

(by Workman)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 593**.

The motion prevailed.

The following resolution was laid before the house:

HR 593, Congratulating the football team from Lake Travis High School in Austin on winning the UIL Class 4A Division 1 state championship for 2010.

HR 593 was read and was adopted.

HR 594 - ADOPTED

(by Workman)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 594**.

The motion prevailed.

The following resolution was laid before the house:

HR 594, Congratulating the Lake Travis High School volleyball team on winning the UIL 4A state championship for 2010.

HR 594 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Workman who introduced players and coaches of the Lake Travis High School volleyball and football teams.

(Torres in the chair)

HR 743 - ADOPTED

(by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 743**.

The motion prevailed.

The following resolution was laid before the house:

HR 743, Recognizing March 10, 2011, as Delta County Day at the State Capitol.

HR 743 was read and was adopted.

HR 775 - ADOPTED
(by Martinez Fischer)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 775**.

The motion prevailed.

The following resolution was laid before the house:

HR 775, Honoring the Team USA softball players and coaches who will compete in the 2011 Special Olympics World Summer Games.

HR 775 was read and was adopted.

On motion of Representative Madden, the names of all the members of the house were added to **HR 775** as signers thereof.

HR 524 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 524**.

The motion prevailed.

The following resolution was laid before the house:

HR 524, Commending the Patriot Guard Riders of South Texas for outstanding service in behalf of American military personnel and their families.

HR 524 was read and was adopted.

HR 764 - ADOPTED
(by Sheets)

Representative Sheets moved to suspend all necessary rules to take up and consider at this time **HR 764**.

The motion prevailed.

The following resolution was laid before the house:

HR 764, Honoring Dallas Realtor Ebby Halliday on the occasion of her 100th birthday.

HR 764 was adopted.

HR 82 - ADOPTED
(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 82**.

The motion prevailed.

The following resolution was laid before the house:

HR 82, Honoring the life of Cesar Chavez and recognizing the month beginning March 31, 2011, as Cesar Chavez Farmworker Appreciation Month.

HR 82 was adopted.

HR 674 - ADOPTED
(by Muñoz, V. Gonzales, and Peña)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 674**.

The motion prevailed.

The following resolution was laid before the house:

HR 674, Honoring educator Anna Villanueva of Alton for her achievements.
HR 674 was adopted.

SCR 24 - ADOPTED
(Muñoz - House Sponsor)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **SCR 24**.

The motion prevailed.

The following resolution was laid before the house:

SCR 24, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 9, 2011, and ending on Monday, March 14, 2011.

SCR 24 was adopted. (See Record No. 53, House Journal, 82nd Regular Session (2011), page 468)

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Cain requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Aycock moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider **HB 4** and **HB 275** at 1 p.m. today in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, 1 p.m. today, E1.030, for a public hearing, to consider **HB 4** and **HB 275**.

Appropriations, Subcommittee on Articles VI, VII, and VIII, upon adjournment of the Committee on Appropriations meeting today, JHR 100, for a formal meeting, to consider house budget recommendations.

Appropriations, Subcommittee on Article II, upon adjournment of the Committee on Appropriations meeting today, E2.030, for a formal meeting, to consider house budget recommendations.

Appropriations, Subcommittee on Article III, upon adjournment of the Committee on Appropriations meeting today, E1.030, for a formal meeting, to consider house budget recommendations.

HR 250 - PREVIOUSLY ADOPTED
(by Marquez)

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

HR 250, Congratulating Nandie Adams of Canutillo High School in El Paso on her outstanding play during the 2010-2011 basketball season.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 74 (by Alonzo), Recognizing National Crime Victims' Rights Week in 2011.

HR 75 (by Alonzo), Recognizing National Crime Victims' Rights Week in 2012.

HR 209 (by Flynn), Recognizing February 1, 2011, as Farmers Insurance Group Day at the Capitol.

HR 216 (by Kolkhorst), Recognizing the Teens in the Driver Seat program.

HR 450 was withdrawn.

HR 452 was withdrawn.

HR 453 was withdrawn.

HR 455 was withdrawn.

HR 457 was withdrawn.

HR 481 (by L. Gonzales), Honoring Roderick "Shorty" Mitchell on being named the 2010 Citizen of the Year by the Rotary Club of Taylor.

HR 524 was previously adopted.

HR 570 was withdrawn.

HR 571 (by V. Taylor), Congratulating Ian Martinez-Negrete of Carrollton on receiving the Cub Scout Arrow of Light Award.

HR 572 (by Cain), Congratulating Mount Vernon Rotary Club members who have been named Paul Harris Fellows.

HR 574 (by Craddick), Congratulating Emily Barton on earning the 2010 Volunteer Lifetime Achievement Award from the American Cancer Society's High Plains Division.

HR 578 (by Rodriguez), Congratulating Primetime Tejano for 20 years of programming in the Austin metro area.

HR 586 (by Schwertner), Congratulating Jerry and Yvonne Graham of Georgetown on their 50th wedding anniversary.

HR 588 (by Guillen), Congratulating Ruben Reyes on his retirement as constable for Precinct 2 of Webb County.

HR 589 (by Guillen), Congratulating Diana Peña of Rio Grande City on her retirement as vice president of finance and administrative services for South Texas College.

HR 596 (by Muñoz), Congratulating Alda T. Benavides on being named the Distinguished Bilingual Educator of the Year by the Rio Grande Valley-Texas Association for Bilingual Education.

HR 599 (by Aliseda), Recognizing March 23, 2011, as McMullen County Day at the State Capitol.

HR 601 (by Price), Commemorating Mother's Day 2011 and honoring all mothers.

HR 602 (by Price), Commemorating Father's Day 2011 and honoring all fathers.

HR 605 was withdrawn.

HR 607 (by Frullo), Congratulating Jon Stephens on his selection as the 2011 Lubbock Area United Way Campaign Volunteer of the Year.

HR 608 (by Frullo), Honoring Harold Jones on his selection as the recipient of the 2011 Rita Harmon Volunteer Service Award by the Lubbock Area United Way.

HR 609 (by Harless), Honoring Harris County Clerk Beverly Kaufman on her retirement.

HR 612 (by Paxton), Commemorating the 100th anniversary of the Allen Independent School District.

HR 616 (by Button, et al.), Commemorating the 2011 DFW Dragon Boat, Kite, and Lantern Festival in Irving.

HR 617 (by Landtroop), Honoring Oliver Elementary School of the Stamford Independent School District on its nomination for a 2011 Blue Ribbon School award.

HR 620 (by Sheffield), Congratulating Bob and Bernice Priddy of Troy on their 60th wedding anniversary.

HR 621 (by Sheffield), Congratulating Eddie and Gladys Dantzler of Holland, Texas, on their 70th wedding anniversary.

HR 624 was withdrawn.

HR 628 (by Hamilton), Honoring country music singer Mark Chesnutt in conjunction with Golden Triangle Days at the State Capitol.

HR 634 (by Eiland), Honoring state district court judge Susan Criss of Galveston on the occasion of her 50th birthday.

HR 635 (by Eiland), Congratulating NuStar Energy on earning The Spirit of Caring Award from United Way Galveston County Mainland.

HR 675 (by Jackson, et al.), Honoring Sergeant Jack Walker for his valiant service in the United States Army during World War II.

HR 677 (by Marquez), Congratulating Robert and Carol Callis of El Paso on their 60th wedding anniversary.

HR 678 (by Marquez), Congratulating El Paso native John Skelton on his outstanding football accomplishments.

HR 681 was previously adopted.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HCR 76 (by S. King), In memory of William B. Decker of Abilene.

HR 135 was withdrawn.

HR 218 (by Woolley), In memory of Jack "Jackie" Rush King of Paris.

HR 240 was withdrawn.

HR 242 was withdrawn.

HR 265 was withdrawn.

HR 268 (by Gooden), In memory of Louann Confer of Henderson County.

HR 361 (by McClendon), In memory of Lue Jettie Sanders of San Antonio.

HR 442 was withdrawn.

HR 530 (by Schwertner), In memory of J. D. Thomas, Jr., of Georgetown.

HR 565 was withdrawn.

HR 619 (by Riddle), In memory of John L. Kingston of Spring.

HR 638 (by Hughes), In memory of Carl Lester Merritt of Mineola.

HR 655 (by T. King), In memory of former Dilley Chief of Police Santos Martinez.

The resolutions were unanimously adopted by a rising vote.

PROVIDING FOR ADJOURNMENT

Representative W. Smith moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 1 p.m. Monday, March 14.

The motion prevailed.

(Dutton in the chair)

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

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

(Hughes in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:09 p.m. Friday, March 11, adjourned until 1 p.m. Monday, March 14.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 6 (By Eissler), Relating to the foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools.

To Public Education.

HB 7 (By Thompson), Relating to the prosecution, punishment, and certain criminal and civil consequences of offenses involving or related to the trafficking of persons and to certain protections for victims of those offenses.

To Judiciary and Civil Jurisprudence.

HB 150 (By Solomons), Relating to the composition of the districts for the election of members of the Texas House of Representatives.

To Redistricting.

HB 260 (By Hilderbran), Relating to the prosecution and punishment of unlawful transport of a person.

To Criminal Jurisprudence.

HB 261 (By Hilderbran), Relating to a limitation on the amount of tuition charged by public institutions of higher education.

To Higher Education.

HB 262 (By Hilderbran), Relating to the retention of the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

HB 263 (By Hilderbran), Relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.

To State Affairs.

HB 264 (By Hilderbran), Relating to the use of customs brokers to obtain a refund of sales and use taxes and to the retention of the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

HB 265 (By Hilderbran), Relating to the lease of space by or for a state agency.

To State Affairs.

HB 266 (By Hilderbran), Relating to the use of address-matching software by certain state agencies.

To State Affairs.

HB 267 (By Hilderbran), Relating to rate and damage schedules governing certain easements or other interests in land of The University of Texas System.

To Land and Resource Management.

HB 268 (By Hilderbran), Relating to the exemption from the sales and use tax for certain agricultural items.

To Ways and Means.

HB 269 (By Hilderbran), Relating to the Texas Economic Development Act.

To Ways and Means.

HB 270 (By Hilderbran), Relating to sales and use tax information provided to certain local governmental entities.

To Ways and Means.

HB 272 (By Smithee), Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association.

To Insurance.

HB 400 (By Eissler), Relating to flexibility for public schools to administer primary and secondary education efficiently.

To Public Education.

HB 503 (By Walle), Relating to eligibility for children's Medicaid and the child health plan program.

To Human Services.

HB 600 (By Solomons), Relating to the composition of the districts for the election of members of the State Board of Education.

To Redistricting.

HB 700 (By Hilderbran), Relating to consolidating the functions of the Texas Racing Commission, the Texas Lottery Commission, and the Texas Alcoholic Beverage Commission.

To Licensing and Administrative Procedures.

HB 900 (By Solomons), Relating to the composition of the congressional districts for the State of Texas.

To Redistricting.

HB 1118 (By Ritter), Relating to the resale of property purchased by a taxing unit at a tax sale.

To Business and Industry.

HB 1121 (By Weber), Relating to the prosecution and punishment of certain offenses involving trafficking of persons.

To Criminal Jurisprudence.

HB 1122 (By Weber), Relating to the trafficking of persons.

To Criminal Jurisprudence.

HB 1257 (By Kolkhorst), Relating to the application and verification of eligibility for certain public benefits programs.

To Public Health.

HB 1320 (By Laubenberg), Relating to the period of continuous eligibility for the child health plan program.

To Human Services.

HB 1468 (By Hernandez Luna), Relating to the child health plan program.

To Human Services.

HB 1595 (By Isaac), Relating to regulation and enforcement of laws affecting sport shooting ranges.

To Culture, Recreation, and Tourism.

HB 1619 (By Orr), Relating to emergency services districts.

To County Affairs.

HB 1622 (By Menendez), Relating to suits to enjoin gang activity that constitutes a public nuisance.

To Judiciary and Civil Jurisprudence.

HB 1687 (By Raymond), Relating to the amount of certain civil penalties and criminal fines assessed under the Health and Safety Code.

To Human Services.

HB 1700 (By Coleman), Relating to the employment of physicians by certain hospitals.

To County Affairs.

HB 1728 (By Keffer), Relating to energy savings performance contracts.

To Energy Resources.

HB 1746 (By Veasey), Relating to the participation by certain taxing units in tax increment financing and the payment of tax increments into the tax increment fund for a reinvestment zone.

To Ways and Means.

HB 1791 (By Kleinschmidt), Relating to emergency services districts.

To County Affairs.

HB 1792 (By Gutierrez), Relating to the deposit of revenue from certain traffic penalties.

To Transportation.

HB 1807 (By Cook), Relating to allowing a county to access state highway right-of-way to remove trash and other debris from the right-of-way.

To Transportation.

HB 1809 (By Thompson), Relating to the registration of diagnostic imaging equipment, the accreditation of diagnostic imaging facilities, and the regulation of diagnostic imaging providers; providing penalties.

To Licensing and Administrative Procedures.

HB 1813 (By Phillips), Relating to a beneficiary or interested person for the purposes of the Texas Trust Code.

To Business and Industry.

HB 1818 (By Harper-Brown), Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

To Urban Affairs.

HB 1819 (By Thompson), Relating to the Aldine Improvement District; providing authority to impose a tax.

To Natural Resources.

HB 1822 (By Harless), Relating to the withdrawal of security by a bail bond surety.

To Licensing and Administrative Procedures.

HB 1823 (By Harless), Relating to the authority of certain persons to execute bail bonds and act as sureties.

To Licensing and Administrative Procedures.

HB 1894 (By Quintanilla), Relating to customs brokers.

To Ways and Means.

HB 1923 (By Zedler), Relating to contract requirements for federal-level government relations consultants and agencies or political subdivisions of this state; providing a civil penalty.

To State Affairs.

HB 1929 (By Zedler), Relating to the regulation of owners, operators, employees, and independent contractors of sexually oriented businesses to reduce risks to public and occupational health and to prevent human trafficking; providing penalties.

To State Affairs.

HB 1930 (By Zedler), Relating to the membership and duties of the Human Trafficking Prevention Task Force.

To Human Services.

HB 1946 (By Gonzalez), Relating to the use of seclusion by community centers.

To Human Services.

HB 1960 (By Deshotel), Relating to the regulation of boat manufacturers, distributors, and dealers; providing a civil penalty.

To Business and Industry.

HB 1963 (By Villarreal), Relating to the funding of scholarships by license fees.

To Appropriations.

HB 1971 (By Jackson), Relating to the liability of a landowner for harm to a trespasser.

To Judiciary and Civil Jurisprudence.

HB 1972 (By Harper-Brown), Relating to electronic reports and correspondence submitted to state agencies by public entities.

To Technology.

HB 1994 (By Weber), Relating to the creation of a first offender prostitution prevention program.

To Criminal Jurisprudence.

HB 2014 (By Thompson), 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.

To Judiciary and Civil Jurisprudence.

HB 2073 (By Martinez), Relating to the criminal penalty for the discarding of certain burning materials.

To Transportation.

HB 2109 (By Truitt), Relating to authorizing certain actions against an assisted living facility for the inappropriate placement of a resident and prohibiting retaliation against a facility.

To Human Services.

HB 2197 (By Rodriguez), Relating to the purchase of property as part of a homestead land bank program.

To Ways and Means.

HB 2198 (By Miles), Relating to administrative penalties for air quality violations.

To Environmental Regulation.

HB 2199 (By Miles), Relating to nutrition and physical activity policies, standards, and requirements for child-care facilities and programs for children under the age of six.

To Human Services.

HB 2200 (By Miles), Relating to the joint or separate prosecution of a capital felony charged against two or more defendants.

To Criminal Jurisprudence.

HB 2201 (By Miles), Relating to a fixed tuition rate provided by general academic teaching institutions to certain undergraduate students.

To Higher Education.

HB 2202 (By Miles), Relating to public school class sizes.

To Public Education.

HB 2203 (By Otto), Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.

To Ways and Means.

HB 2204 (By Oliveira), Relating to the refusal to register motor vehicles by a county assessor-collector or the Texas Department of Motor Vehicles.

To Transportation.

HB 2205 (By Oliveira), Relating to the eligibility of persons to participate in the public sale of certain real property and the purchase of that property; providing a penalty.

To Ways and Means.

HB 2206 (By Oliveira), Relating to the funding and planning of activities undertaken under the Coastal Erosion Planning and Response Act; imposing a fee.

To Land and Resource Management.

HB 2207 (By Oliveira), Relating to the authority of the board of trustees to set rates for certain municipal utility systems.

To Natural Resources.

HB 2208 (By Oliveira), Relating to the authority of the chief appraiser of an appraisal district or the collector for a taxing unit to waive penalties for failing to file certain documents.

To Ways and Means.

HB 2209 (By Farias), Relating to the imposition of a tax on certain sweetened beverages and ingredients used to make certain sweetened beverages and to the use of the revenue for the promotion of children's health programs; providing penalties.

To Ways and Means.

HB 2210 (By Farias), Relating to the release of certain information regarding child fatalities resulting from abuse or neglect.

To Human Services.

HB 2211 (By Farias), Relating to the availability of individual student performance on a physical fitness assessment instrument.

To Public Education.

HB 2212 (By Farias), Relating to nutrition and physical activity policies, standards, and requirements for child-care facilities and programs for children under the age of six.

To Human Services.

HB 2213 (By Farias), Relating to the imposition of a tax on certain sweetened beverages and ingredients used to make certain sweetened beverages and to the use of certain revenue for the promotion of children's health programs; providing penalties.

To Ways and Means.

HB 2214 (By Farias), Relating to the imposition of a tax on certain sweetened beverages and ingredients used to make certain sweetened beverages and to the use of the revenue for the promotion of children's health programs; providing penalties.

To Ways and Means.

HB 2215 (By Paxton), Relating to the requirements of a municipal budget that raises more property taxes than in the previous year's budget.

To Ways and Means.

HB 2216 (By Paxton), Relating to the requirements of a county budget that raises more property taxes than in the previous year's budget.

To Ways and Means.

HB 2217 (By Martinez Fischer), Relating to the essential knowledge and skills of the social studies curriculum used in the public schools.

To Public Education.

HB 2218 (By Oliveira), Relating to the interest rate on a refund of ad valorem taxes made following the final determination of an appeal that decreases a property owner's tax liability.

To Ways and Means.

HB 2219 (By Y. Davis), Relating to a prohibition placed on an open-enrollment charter school against the employment of a person determined under certain circumstances to have engaged in misconduct that presents a risk to the health, safety, or welfare of a student or minor.

To Public Education.

HB 2220 (By Y. Davis), Relating to the requirement to prepay ad valorem taxes as a prerequisite to determining certain motions or protests and the authority of an appraisal review board to determine compliance with the requirement.

To Ways and Means.

HB 2221 (By Y. Davis), Relating to the authority of an administrative law judge of the State Office of Administrative Hearings to award attorney's fees in an appeal of an appraisal review board order determining a protest.

To Ways and Means.

HB 2222 (By Y. Davis), Relating to regulation of electric services.
To State Affairs.

HB 2223 (By Y. Davis), Relating to the contracts of certain regional transportation authorities that are required to be competitively bid.
To Transportation.

HB 2224 (By Y. Davis), Relating to reporting of certain information regarding foreclosure sales of residential real property.
To Urban Affairs.

HB 2225 (By Y. Davis), Relating to the assessment of damages to a property owner from condemnation.
To Land and Resource Management.

HB 2226 (By Truitt), Relating to authorized investments for governmental entities.
To Pensions, Investments, and Financial Services.

HB 2227 (By Coleman), Relating to an offense committed against a person because of bias or prejudice on the basis of gender identity or expression.
To Criminal Jurisprudence.

HB 2228 (By Coleman), Relating to health benefit plan coverage for certain physical injuries that are self-inflicted by a minor.
To Insurance.

HB 2229 (By Coleman), Relating to the HIV Medication Program Advisory Committee.
To Human Services.

HB 2230 (By Anchia), Relating to group health insurance coverage for persons wrongfully imprisoned.
To Insurance.

HB 2231 (By Reynolds), Relating to the election of emergency services district boards in certain counties.
To County Affairs.

HB 2232 (By W. Smith), Relating to the operation, powers, and duties of ship channel districts.
To Transportation.

HB 2233 (By Huberty), Relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.
To Public Education.

HB 2234 (By Huberty), Relating to the term of probationary contracts for certain public school teachers.
To Public Education.

HB 2235 (By Huberty), Relating to determination of good cause to suspend a teacher without pay or terminate a teacher's probationary, continuing, or term contract.
To Public Education.

HB 2236 (By Huberty), Relating to notice concerning termination, renewal, nonrenewal, and other action regarding certain teacher contracts.

To Public Education.

HB 2237 (By Lyne), Relating to the taxation and titling of certain off-road vehicles.

To Transportation.

HB 2238 (By Creighton), Relating to the powers and duties of the Montgomery County Municipal Utility District No. 112.

To Natural Resources.

HB 2239 (By Coleman), Relating to the minimum number of county jailers necessary to staff a county jail.

To County Affairs.

HB 2240 (By Legler), Relating to an optional procedure for the issuance of a permit by a certain county for the movement of oversize or overweight vehicles.

To Transportation.

HB 2241 (By Kuempel), Relating to amendment of restrictions in certain residential real estate subdivisions.

To Land and Resource Management.

HB 2242 (By Muñoz), Relating to the meaning of "disabled" for purposes of eligibility for an exemption from ad valorem taxation of or a limitation of ad valorem taxes on the residence homestead of a disabled person.

To Ways and Means.

HB 2243 (By Kolkhorst), Relating to funding for inspection of meat and poultry.

To Public Health.

HB 2244 (By Zerwas), Relating to expanding the use of and funding for promotoras, patient health navigators, and community health workers in this state.

To Public Health.

HB 2245 (By Zerwas), Relating to physician incentive programs to reduce hospital emergency room use for non-emergent conditions by Medicaid recipients.

To Public Health.

HB 2246 (By Zerwas), Relating to certain procedures applicable to electronic prescriptions for Schedule II controlled substances.

To Public Health.

HB 2247 (By P. King), Relating to the eligibility of the adjutant general's department to receive Foundation School Program funding for students enrolled in the Texas ChalleNGe Academy.

To Defense and Veterans' Affairs.

HB 2248 (By Truitt), Relating to licensing and regulation of certain persons involved in residential mortgage lending pursuant to the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; providing penalties.

To Pensions, Investments, and Financial Services.

HB 2249 (By Bonnen), Relating to governmental entities subject to the sunset review process.

To State Affairs.

HB 2250 (By Bonnen), Relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

To Natural Resources.

HB 2251 (By Bonnen), Relating to the continuation and functions of the Texas Public Finance Authority.

To Pensions, Investments, and Financial Services.

HB 2252 (By Christian), Relating to the selection of the presiding officer of and voting requirements for action by the Texas Ethics Commission.

To Elections.

HB 2253 (By Veasey), Relating to prohibiting property owners' associations from requiring property owners to use specified contractors for property alteration, maintenance, or repair.

To Business and Industry.

HB 2254 (By R. Anderson), Relating to scope and validity of correction instruments in the conveyance of real property.

To Licensing and Administrative Procedures.

HB 2255 (By Phillips), Relating to the authority of the Texas Department of Transportation to enter into comprehensive development agreements for certain projects.

To Transportation.

HB 2256 (By Phillips), Relating to abating or deferring the suspension or revocation of a license issued by the Department of Public Safety for victims of identity theft.

To Homeland Security and Public Safety.

HB 2257 (By Phillips), Relating to communications during a disaster or an emergency by public service providers.

To Homeland Security and Public Safety.

HB 2258 (By Deshotel), Relating to the use and transferability of certain state property transferred from the state to Spindletop MHMR Services.

To Human Services.

HB 2259 (By Aliseda), Relating to a drilling permit road fee for county repair and maintenance of public roads.

To Energy Resources.

HB 2260 (By Zedler), Relating to verifying the eligibility of applicants for federal, state, and local public benefits; providing a criminal penalty.

To State Affairs.

HB 2261 (By Zedler), Relating to the computation of retirement benefits by a public retirement system.

To Pensions, Investments, and Financial Services.

HB 2262 (By Dutton), Relating to periodic reauthorization of municipal building permit fees.

To Urban Affairs.

HB 2263 (By Dutton), Relating to requirements for the conduct of Texas Education Agency special education due process hearings.

To Public Education.

HB 2264 (By Ritter), Relating to the authority of the Public Utility Commission of Texas regarding an electric utility's membership in or control by a regional transmission organization or independent system operator and to participate in certain proceedings before the Federal Energy Regulatory Commission regarding an electric utility's membership in a power region, regional transmission organization, or independent system operator.

To State Affairs.

HB 2265 (By Ritter), Relating to a county audit of a hotel regarding the hotel occupancy tax.

To Ways and Means.

HB 2266 (By W. Smith), Relating to fire code certificates of compliance.

To County Affairs.

HB 2267 (By Smithee), Relating to notice of acceptance or rejection of an insurance claim.

To Insurance.

HB 2268 (By Hancock), Relating to compliance with state and federal environmental permits.

To Environmental Regulation.

HB 2269 (By Strama), Relating to the regulation of child-care facilities by the Texas Workforce Commission and the Department of Family and Protective Services, including the Texas Rising Star Program.

To Human Services.

HB 2270 (By Castro), Relating to health benefit plan coverage for early childhood intervention services.

To Insurance.

HB 2271 (By Anchia), Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

To Licensing and Administrative Procedures.

HB 2272 (By Anchia), Relating to the continuation and functions of the State Board of Examiners for Speech-Language Pathology and Audiology; providing an administrative penalty.

To Public Health.

HB 2273 (By Anchia), Relating to the continuation and functions of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; providing an administrative penalty.

To Public Health.

HB 2274 (By Eiland), Relating to requiring a municipality to pay for the expenses of an election contest for a person elected to the governing body of the municipality.

To Urban Affairs.

HB 2275 (By Eiland), Relating to the creation of an advisory committee to make recommendations to the commissioner of insurance regarding certain automobile insurance claims.

To Insurance.

HB 2276 (By Eiland), Relating to insurer restrictions regarding repair of a motor vehicle covered under an insurance policy.

To Insurance.

HB 2277 (By Eiland), Relating to the sale, exchange, or replacement of life insurance and annuity contracts.

To Insurance.

HB 2278 (By Eiland), Relating to the suitability of certain annuity transactions.

To Insurance.

HB 2279 (By Eiland), Relating to the composition of the permanent advisory committee to advise the Texas Commission on Environmental Quality regarding the implementation of the ad valorem tax exemption for pollution control property.

To Ways and Means.

HB 2280 (By Eiland), Relating to the composition of the permanent advisory committee to advise the Texas Commission on Environmental Quality regarding the implementation of the ad valorem tax exemption for pollution control property.

To Ways and Means.

HB 2281 (By Eiland), Relating to disclosures to life insurance policy owners.

To Insurance.

HB 2282 (By Truitt), Relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

To Pensions, Investments, and Financial Services.

HB 2283 (By Menendez), Relating to the board of directors of the Bexar Metropolitan Water District.

To Natural Resources.

HB 2284 (By Hardcastle), Relating to the practice of engineering.

To Licensing and Administrative Procedures.

HB 2285 (By Nash), Relating to reimbursement from a person on community supervision for the collection of certain materials used in an investigation.

To Criminal Jurisprudence.

HB 2286 (By V. Gonzales), Relating to the duties of a funeral director or an agent at the interment or entombment of a human body.

To Public Health.

HB 2287 (By Crownover), Relating to net metering for public schools.

To State Affairs.

HB 2288 (By Crownover), Relating to the classification of owners of certain distributed renewable generation.

To State Affairs.

HB 2289 (By Crownover), Relating to the authority of a gas corporation to use a public right-of-way along a railroad, a railroad right-of-way, an interurban railroad, or a street railroad.

To Energy Resources.

HB 2290 (By Paxton), Relating to a searchable database for the bonds and other debt obligations issued by local governmental entities.

To Ways and Means.

HB 2291 (By Callegari), Relating to government regulation of an individual's occupation.

To Government Efficiency and Reform.

HB 2292 (By Hunter), Relating to payment of claims to pharmacies and pharmacists.

To Insurance.

HB 2293 (By Hunter), Relating to the regulation of motor vehicle dealers, manufacturers, and distributors.

To Licensing and Administrative Procedures.

HB 2294 (By Hunter), Relating to declaratory judgments.

To Judiciary and Civil Jurisprudence.

HB 2295 (By Frullo), Relating to the administration of the universal service fund.

To State Affairs.

HB 2296 (By Ritter), Relating to the creation of Jefferson County Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

To Natural Resources.

HB 2297 (By Walle), Relating to the requirement that certain insurers provide consumers with information related to improving their credit scores.

To Insurance.

HB 2298 (By Walle), Relating to the hours during which the polls are open for early voting by personal appearance.

To Elections.

HB 2299 (By Coleman), Relating to the operation of the women's health program demonstration project.

To Human Services.

HB 2300 (By Coleman), Relating to health benefit plan coverage for an enrollee with certain mental disorders.

To Insurance.

HB 2301 (By Coleman), Relating to a change of name and vital statistics information.

To Public Health.

HB 2302 (By Coleman), Relating to transferring to the Texas Education Agency and the commissioner of education the statutorily assigned responsibilities of the State Board of Education concerning textbooks.

To Public Education.

HB 2303 (By Alvarado), Relating to compensation under the Crime Victims' Compensation Act for parents and guardians of certain deceased crime victims.

To Criminal Jurisprudence.

HB 2304 (By Alvarado), Relating to educational requirements for licensing as a speech-language pathologist or audiologist and to reciprocity for audiologists licensed in other states.

To Public Health.

HB 2305 (By Alvarado), Relating to certain health and safety matters regarding appropriate places that are accessible to certain individuals.

To Economic and Small Business Development.

HB 2306 (By Alvarado), Relating to certain health and safety matters regarding appropriate places of employment and places that are accessible to the public.

To Economic and Small Business Development.

HB 2307 (By Smithee), Relating to the minimum continuing legal education requirements for an attorney employed in the executive branch of state government.

To Judiciary and Civil Jurisprudence.

HB 2308 (By Cook), Relating to the continuation and functions of the Texas Forest Service.

To Agriculture and Livestock.

HB 2309 (By Guillen), Relating to cemeteries in certain municipalities.
To Public Health.

HB 2310 (By D. Miller), Relating to appointment of bailiffs for the district courts in Comal, Hays, and Caldwell Counties.
To Judiciary and Civil Jurisprudence.

HB 2311 (By D. Miller), Relating to exemptions from groundwater conservation district permit requirements.
To Natural Resources.

HB 2312 (By Coleman), Relating to the creation of a sickle cell disease program.
To Public Health.

HB 2313 (By Coleman), Relating to the requirement to post notice of the subject of a meeting under the open meetings law as the requirement relates to reports about items of community interest at a meeting of a commissioners court.
To County Affairs.

HB 2314 (By Coleman), Relating to the rates of tuition charged to students of public institutions of higher education.
To Higher Education.

HB 2315 (By Coleman), Relating to a county's general revenue levy for indigent health care.
To County Affairs.

HB 2316 (By Coleman), Relating to the administration of certain county services and duties, including the administration of county assistance districts.
To County Affairs.

HB 2317 (By D. Miller), Relating to granting Hill Country counties regulatory authority and the authority to impose development fees for roadway infrastructure; providing penalties.
To County Affairs.

HB 2318 (By Kolkhorst), Relating to the right to an expunction of records and files relating to a person's arrest.
To Criminal Jurisprudence.

HB 2319 (By Smithee), Relating to premium tax credits for examination and evaluation fees paid by insurers.
To Insurance.

HB 2320 (By Naishtat), Relating to regulation of nurse aides.
To Public Health.

HB 2321 (By C. Howard), Relating to requiring the full cash value of property, calculated only when property is purchased, constructed, or exchanged, be used for purposes of ad valorem taxation.
To Ways and Means.

HB 2322 (By Garza), Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities.

To Public Education.

HB 2323 (By Raymond), Relating to the punishment for the offense of manslaughter.

To Criminal Jurisprudence.

HB 2324 (By Raymond), Relating to reports of child abuse or neglect by school district employees and records of training regarding child abuse and neglect for certain child-care facilities.

To Public Education.

HB 2325 (By McClendon), Relating to the competitive bidding and notice requirements for contracts of certain mass transportation authorities.

To Transportation.

HB 2326 (By McClendon), Relating to the punishment for the offense of theft.

To Criminal Jurisprudence.

HB 2327 (By McClendon), Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.

To Transportation.

HB 2328 (By McClendon), Relating to the registration, monitoring, and investigation of and handling of funds by property owners' association boards.

To Business and Industry.

HB 2329 (By Zedler), Relating to the confidentiality of certain information regarding victims of trafficking of persons and to the issuance and enforcement of protective orders to protect victims of trafficking of persons; providing penalties.

To Judiciary and Civil Jurisprudence.

HB 2330 (By P. King), Relating to the statutory county courts in Wise County.

To Judiciary and Civil Jurisprudence.

HB 2331 (By P. King), Relating to the consideration by an appraisal review board of the price paid by the owner of a residence homestead in determining a protest of the appraised value of the homestead.

To Ways and Means.

HB 2332 (By P. King), Relating to an exemption from ad valorem taxation by a school district for maintenance and operations purposes of the appraised value of a residence homestead and the offsetting of the resulting revenue loss to school districts with state sales and use tax revenue.

To Ways and Means.

HB 2333 (By Hardcastle), Relating to the practice of telemedicine.

To Public Health.

HB 2334 (By Hardcastle), Relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.

To Agriculture and Livestock.

HB 2335 (By Hardcastle), Relating to motor fuel quality and testing.

To Agriculture and Livestock.

HB 2336 (By Smithee), Relating to payment of and disclosures related to certain ambulatory surgical center charges.

To Insurance.

HB 2337 (By Gallego), Relating to the admissibility in a court proceeding of certain statements.

To Criminal Jurisprudence.

HB 2338 (By Paxton), Relating to the posting on the Internet by tax officials of information regarding ad valorem tax rates.

To Ways and Means.

HB 2339 (By Gallego), Relating to the authority of Sul Ross State University to offer certain degree and certificate programs.

To Higher Education.

HB 2340 (By Larson), Relating to the creation of a cybersecurity, education, and economic development council.

To Technology.

HB 2341 (By Ritter), Relating to a one-time supplemental annuity payment to retirees of the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 2342 (By Truitt), Relating to certain violations of and offenses under The Securities Act; providing penalties.

To Pensions, Investments, and Financial Services.

HB 2343 (By Coleman), Relating to the creation of Asher's Law, the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, bullying, and cyberbullying.

To Public Health.

HB 2344 (By Castro), Relating to the authority of the commissioners court of a county to create a law enforcement technology fund and to require certain defendants to pay court costs for deposit in the fund.

To Criminal Jurisprudence.

HB 2345 (By Hochberg), Relating to financial assistance for resident undergraduate and graduate students.

To Higher Education.

HB 2346 (By Bonnen), Relating to authorized investments for ports and navigation districts.

To Transportation.

HB 2347 (By Bonnen), Relating to the eligibility of property to continue to receive a residence homestead exemption from ad valorem taxation for not more than three years after the property ceases to be the owner's principal residence if the property is being offered for sale.

To Ways and Means.

HB 2348 (By Larson), Relating to certain standards applicable to certain prisoners confined in a county jail pending transfer to the Texas Department of Criminal Justice.

To Corrections.

HB 2349 (By Larson), Relating to the authority of independent school districts to invest in corporate bonds.

To Public Education.

HB 2350 (By Larson), Relating to the composition of the Texas Transportation Commission and the selection of members of that commission.

To Transportation.

HB 2351 (By McClendon), Relating to the authority of the Bexar County Hospital District to employ physicians.

To County Affairs.

HB 2352 (By Allen), Relating to the eligibility of certain inmates for release on mandatory supervision.

To Corrections.

HB 2353 (By Madden), Relating to a franchise or insurance premium tax credit for contributions made to certain educational assistance organizations.

To Ways and Means.

HB 2354 (By Madden), Relating to the installation and use of a pen register, ESN reader, trap and trace device, or similar equipment in a correctional facility operated by or under contract with the Texas Department of Criminal Justice.

To Corrections.

HB 2355 (By Madden), Relating to a sales and use tax credit or refund for employers of persons who obtain a high school diploma or high school equivalency certificate.

To Ways and Means.

HB 2356 (By Simpson), Relating to the exercise of the power of eminent domain by certain private entities.

To Land and Resource Management.

HB 2357 (By Pickett), Relating to motor vehicles; providing penalties.

To Transportation.

HB 2358 (By Landtroop), Relating to the repeal of the junior priority of a water right authorizing a transfer of water from one river basin in this state to another river basin in this state.

To Natural Resources.

HB 2359 (By Hopson), Relating to direct campaign expenditures.
To Elections.

HB 2360 (By Schwertner), Relating to the creation of the Corn Hill Regional Water Authority; providing authority to issue bonds.
To Natural Resources.

HB 2361 (By Truitt), Relating to the authority of a municipality, a county, or the Department of Public Safety to enforce compliance with posted speed limits by an automated traffic control system.
To Urban Affairs.

HB 2362 (By Flynn), Relating to inclusion of a course on the United States Constitution in the curriculum requirements for public high school students.
To Public Education.

HB 2363 (By Flynn), Relating to the creation of the Bearpen Creek Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
To Natural Resources.

HB 2364 (By Christian), Relating to notification of local groundwater conservation districts by the Texas Commission on Environmental Quality when groundwater contamination is found.
To Natural Resources.

HB 2365 (By Eissler), Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.
To Public Education.

HB 2366 (By Truitt), Relating to the authority of an open-enrollment charter school operated by a municipality to give a preference in admissions to children of employees of the municipality.
To Public Education.

HB 2367 (By Parker), Relating to the creation of an advisory panel to study certain parental rights relating to possession of or access to the parent's child.
To Judiciary and Civil Jurisprudence.

HB 2369 (By Quintanilla), Relating to the accreditation of training programs and examinations for certain emergency medical services personnel.
To Public Health.

HB 2370 (By Dukes), Relating to certain notice to applicants to provide care under the permanency care assistance program.
To Human Services.

HB 2371 (By Kleinschmidt), Relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.
To Transportation.

HB 2372 (By Hartnett), Relating to the recusal or disqualification of a statutory probate court judge and subsequent assignment of another judge.
To Judiciary and Civil Jurisprudence.

HB 2373 (By Gallego), Relating to the abolition of the Texas Facilities Commission and the transfer of its duties to the General Land Office.

To State Affairs.

HB 2374 (By Gallego), Relating to the taking of children into custody by certain law enforcement officers.

To Criminal Jurisprudence.

HB 2375 (By Hamilton), Relating to practices and professions regulated by the Texas Appraiser Licensing and Certification Board.

To Licensing and Administrative Procedures.

HB 2376 (By Hamilton), Relating to the regulation of plumbing.

To Licensing and Administrative Procedures.

HB 2377 (By Hamilton), Relating to the regulation of providers, administrators, and sellers of service contracts and identity recovery service contracts; providing penalties.

To Licensing and Administrative Procedures.

HB 2378 (By L. Gonzales), Relating to authorization for the appraisal of certain public school administrators by educators supervised by the administrators.

To Public Education.

HB 2379 (By L. Gonzales), Relating to periods of possession of a child under a standard possession order.

To Judiciary and Civil Jurisprudence.

HB 2380 (By Shelton), Relating to employment by school districts of certain persons under probationary contracts.

To Public Education.

HB 2381 (By Reynolds), Relating to an optional county fee for vehicle registration in Fort Bend County.

To Transportation.

HB 2382 (By Murphy), Relating to notice required upon nonrenewal of property/casualty insurance policies.

To Insurance.

HB 2383 (By Geren), Relating to a study regarding the reenactment of the franchise tax credit for research and development expenditures.

To Ways and Means.

HB 2384 (By Geren), Relating to hotel occupancy taxes and livestock facility use taxes for certain venue projects.

To Ways and Means.

HB 2385 (By Geren), Relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.

To Criminal Jurisprudence.

HB 2386 (By Menendez), Relating to the issuance of specialty license plates for county officials.

To Transportation.

HB 2387 (By Menendez), Relating to the selection, compensation, and duties of the general counsel to an appraisal district.

To Ways and Means.

HB 2388 (By Fletcher), Relating to certain comprehensive development agreements of the Texas Department of Transportation.

To Transportation.

HB 2389 (By Fletcher), Relating to records of a holder of a motor vehicle title service license.

To Transportation.

HB 2390 (By S. Davis), Relating to the types of information relating to emergency responses that are confidential.

To Homeland Security and Public Safety.

HB 2391 (By S. Davis), Relating to training for volunteer deputy voter registrars.

To Elections.

HB 2392 (By S. Davis), Relating to ambulatory surgical centers and to the provision of services at those centers by certain designated physician groups.

To Public Health.

HB 2393 (By S. Davis), Relating to a request by the owner of an ownership interest in a domestic entity that the interest be uncertificated.

To Business and Industry.

HB 2394 (By Weber), Relating to the education requirements for certain justices of the peace.

To Judiciary and Civil Jurisprudence.

HB 2395 (By Weber), Relating to the implementation of the administration of certain assessment instruments for public school students.

To Public Education.

HB 2396 (By McClendon), Relating to the issuance of bonds by an advanced transportation district.

To Transportation.

HB 2397 (By S. Miller), Relating to the prosecution of and punishment for the offense of breach of computer security.

To Criminal Jurisprudence.

HB 2398 (By S. Miller), Relating to the ownership of and right to produce groundwater.

To Natural Resources.

HB 2399 (By D. Miller), Relating to allowing a water and sewer utility to assess a utility facilities construction and improvement charge to recover certain costs associated with certain construction and improvement projects.

To Natural Resources.

HB 2400 (By D. Miller), Relating to the powers and duties of the Texas Commission on Environmental Quality and other entities regarding water and sewer utilities and certain conservation and reclamation districts.

To Natural Resources.

HB 2401 (By D. Miller), Relating to the authority to consolidate water utility systems under a single tariff.

To Natural Resources.

HB 2402 (By Chisum), Relating to the provision of and parental approval for a student's participation in human sexuality instruction in public schools.

To Public Education.

HB 2403 (By Otto), Relating to a retailer engaged in business in this state.

To Ways and Means.

HB 2404 (By Madden), Relating to the imposition of a privilege fee for state-owned housing provided to certain state employees by a state agency.

To Corrections.

HB 2405 (By Chisum), Relating to discrimination and restraint of trade against certain persons regulated under the Occupations Code.

To Insurance.

HB 2406 (By J. Davis), Relating to transferring certain energy assistance programs from the Texas Department of Housing and Community Affairs to the Public Utility Commission of Texas.

To Energy Resources.

HB 2407 (By Darby), Relating to the designation of the San Angelo State Supported Living Center as a forensic state supported living center.

To Human Services.

HB 2408 (By Darby), Relating to administrative procedures for title insurance hearings, licensing, and enforcement.

To Insurance.

HB 2409 (By Kuempel), Relating to the priority of ad valorem tax liens and certain security interests.

To Ways and Means.

HB 2410 (By Miles), Relating to mortgage loans.

To Business and Industry.

HB 2411 (By Miles), Relating to a residential tenant's right to vacate a dwelling and avoid liability for rent under certain circumstances following the declaration of a state of disaster; providing a civil penalty.

To Business and Industry.

HB 2412 (By Miles), Relating to mandatory supervision for certain drug possession offenses.

To Corrections.

HB 2413 (By Miles), Relating to eligibility of commercial driver's license holders for dismissal of certain charges on completion of a driving safety course.

To Homeland Security and Public Safety.

HB 2414 (By Miles), Relating to the continuation of the Healthy Food Advisory Committee.

To Public Health.

HCR 68 (By Hunter), Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

To Border and Intergovernmental Affairs.

HCR 80 (By Simpson), Expressing strong opposition to unwarranted and unreasonable searches of air passengers by the Transportation Security Administration and urging the administration to cease such searches immediately.

To Transportation.

HCR 81 (By Isaac), Expressing opposition to federal regulation of hazardous waste, water, and clean air and of the production, exploration, drilling, development, operation, transportation, and processing of oil, natural gas, petroleum, and petroleum products in the State of Texas.

To Environmental Regulation.

HCR 82 (By Truitt), Requesting the lieutenant governor and the speaker to create a joint interim committee to study the benefits, including health insurance, retirement programs, and other benefits, of active and retired state employees.

To Pensions, Investments, and Financial Services.

HCR 83 (By Pitts), Redesignating the Lake Whitney area as the Getaway Capital of Texas.

To Culture, Recreation, and Tourism.

HCR 84 (By Cain), Designating 42 as the official State Game of Texas.

To Culture, Recreation, and Tourism.

HCR 91 (By Martinez Fischer), Urging Congress to propose and submit to the states for ratification an amendment to the United States Constitution that provides that corporations are not persons under the laws of the United States.

To Elections.

HCR 92 (By Martinez Fischer), Urging Congress to enact legislation authorizing Texas and other states to enter into interstate compacts concerning groundwater.

To Natural Resources.

HJR 102 (By Coleman), Proposing a constitutional amendment to repeal the constitutional provision providing that marriage in this state consists only of the union of one man and one woman and prohibiting this state or a political subdivision of this state from creating or recognizing any legal status identical or similar to marriage.

To State Affairs.

HJR 104 (By Elkins), Proposing a constitutional amendment relating to the support and maintenance and an efficient system of public schools.

To Public Education.

HJR 105 (By Zedler), Proposing a constitutional amendment requiring a two-thirds vote by the legislature to create an entity with taxing power.

To Ways and Means.

HJR 109 (By Orr), Proposing a constitutional amendment to clarify references to the permanent school fund and to allow the General Land Office to distribute revenue derived from permanent school fund land or properties to the available school fund.

To Appropriations.

HJR 110 (By Y. Davis), Proposing a constitutional amendment to require compensation for relocation costs associated with the taking of certain property for a public use.

To Land and Resource Management.

HJR 111 (By Woolley), Proposing a constitutional amendment authorizing a state video lottery system to operate video lottery games at certain horse and greyhound racetracks and providing that federally recognized Indian tribes are not prohibited from conducting games of chance on certain Indian lands.

To Licensing and Administrative Procedures.

HJR 112 (By Menendez), Proposing a constitutional amendment creating the Texas Gaming Commission and authorizing and regulating casino games and slot machines by licensed operators and certain Indian tribes to provide money for the property tax relief fund and additional financial aid for higher education students.

To Licensing and Administrative Procedures.

HJR 113 (By T. King), Proposing a constitutional amendment to authorize the Kickapoo Traditional Tribe of Texas to conduct gaming by executing a gaming agreement with this state.

To Licensing and Administrative Procedures.

HJR 114 (By Muñoz), Proposing a constitutional amendment to authorize the legislature to define "disabled" for purposes of eligibility for an exemption from ad valorem taxation of or a limitation of ad valorem taxes on the residence homestead of a disabled person.

To Ways and Means.

HJR 115 (By Christian), Proposing a constitutional amendment to change the number, method of appointment, and terms of the Texas Ethics Commission members and the term and selection of the presiding officer of the Texas Ethics Commission.

To Elections.

HJR 116 (By P. King), Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation by a school district for maintenance and operations purposes all or part of the appraised value of a residence homestead.

To Ways and Means.

HJR 117 (By Bonnen), Proposing a constitutional amendment relating to the eligibility of property to continue to receive a residence homestead exemption from ad valorem taxation for not more than three years after the property ceases to be the owner's principal residence if the property is being offered for sale.

To Ways and Means.

HR 691 (By White), Urging the U.S. senators from Texas to support passage of the Cut Federal Spending Act of 2011.

To Select State Sovereignty.

HR 735 (By Workman), Granting Texas Aggie Muster permission to use the house chamber on April 21, 2011.

To House Administration.

HR 758 (By Pitts), In memory of Ruth Pierce Burton of Waxahachie.

To Rules and Resolutions.

HR 759 (By Branch), Paying tribute to the fallen heroes of the Battle of the Alamo.

To Rules and Resolutions.

HR 760 (By Hunter), In memory of Edward Galvan of Corpus Christi.

To Rules and Resolutions.

HR 763 (By W. Smith), Commemorating the 75th anniversary of Community Resource Credit Union in Baytown.

To Rules and Resolutions.

HR 765 (By Gallego), In memory of Robert Paul McFarland of Alpine.

To Rules and Resolutions.

HR 766 (By Marquez), Congratulating Tim Floyd on becoming the head coach of The University of Texas at El Paso basketball team.

To Rules and Resolutions.

HR 767 (By Marquez), Congratulating Arturo and Graciela Borrego of El Paso on their 50th wedding anniversary.

To Rules and Resolutions.

HR 768 (By Marquez), Congratulating Omar Salgado of El Paso on being the first player selected in the Major League Soccer 2011 SuperDraft.

To Rules and Resolutions.

HR 769 (By Marquez), Congratulating the swim team of Cathedral High School in El Paso on winning the 2010-2011 TAPPS Division 1 state championship.

To Rules and Resolutions.

HR 772 (By Dutton), In memory of James Edward Barrs of Houston.

To Rules and Resolutions.

HR 774 (By Castro), Congratulating Paul Huron IV of San Antonio for his achievements in science fair competitions.

To Rules and Resolutions.

HR 776 (By Morrison), Congratulating Gus Kroos on his retirement as unit director with H-E-B in Victoria.

To Rules and Resolutions.

HR 778 (By Muñoz), Congratulating the Palmview High School Mariachis Los Lobos band on winning the class 5A state championship at the 2011 MASBA High School All-State Mariachi Competition.

To Rules and Resolutions.

HR 779 (By W. Smith), Congratulating Charles Ganze on his retirement from the Gulf Coast Waste Disposal Authority.

To Rules and Resolutions.

HR 780 (By Truitt), Recognizing the 22nd Annual Conference of the Texas Association of Public Employee Retirement Systems taking place March 27 through 30, 2011.

To Rules and Resolutions.

HR 781 (By Truitt), Commemorating the 50th anniversary of the founding of the Colleyville Garden Club.

To Rules and Resolutions.

HR 782 (By Sheffield), Honoring Keep Temple Beautiful for its exceptional community service.

To Rules and Resolutions.

HR 783 (By Craddick), Congratulating Chevron on reaching the five billion barrel production milestone.

To Rules and Resolutions.

HR 784 (By Legler), Urging the United States Congress to fully support operations and joint force structure at Ellington Field Joint Reserve Base.

To Defense and Veterans' Affairs.

HR 785 (By Legler), Commemorating the 75th anniversary of the founding of the Texas Bay Area Credit Union.

To Rules and Resolutions.

HR 786 (By Murphy), Commemorating St. Patrick's Day and honoring the contributions that individuals of Irish descent have made to the State of Texas.

To Rules and Resolutions.

HR 787 (By Veasey), Congratulating the Reverend L. S. Wilson of Fort Worth on his 75th birthday.

To Rules and Resolutions.

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

HB 304 (By Peña), Relating to limiting the amount of assistance a person may provide a voter; providing a civil penalty.

To Elections.

HB 684 (By Larson), Relating to housing prisoners in a tent or other facility in lieu of a county jail.

To County Affairs.

HB 1578 (By Brown), Relating to energy aggregation by state agencies.

To Government Efficiency and Reform.

HB 1727 (By Brown), Relating to the sale and leaseback of certain state property.

To Government Efficiency and Reform.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, March 10, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 56 Munoz, Jr. SPONSOR: Hinojosa
Designating April 9, 2011, as LZ:RGV Welcome Home South Texas Vietnam Veterans Day.

HCR 59 Berman SPONSOR: Eltife
Designating February 28 to March 1, 2011, as East Texas Coalition Days at the State Capitol.

SB 912 West
Relating to temporary modification under certain circumstances of procedures authorized for the nonrenewal of public school teacher term contracts.

SCR 24 Whitmire SPONSOR: Munoz, Jr.

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 9, 2011, and ending on Monday, March 14, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 9

Public Education - **HB 734**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-FOURTH DAY — MONDAY, MARCH 14, 2011

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

The roll of the house was called and a quorum was announced present (Record 96).

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

Absent, Excused — Creighton.

Absent — Harper-Brown; Reynolds.

The invocation was offered by Gregory Hartigan, chaplain, District 14 VFW, Temple.

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

LEAVE OF ABSENCE GRANTED

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

Creighton on motion of Weber.

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Harper-Brown now present)

CAPITOL PHYSICIAN

The speaker recognized Representative Larson who presented Dr. Mitchell Finnie of San Antonio as the "Doctor for the Day."

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

(Reynolds now present)

**HR 641 - ADOPTED
(by Shelton)**

Representative Shelton moved to suspend all necessary rules to take up and consider at this time **HR 641**.

The motion prevailed.

The following resolution was laid before the house:

HR 641, Recognizing March 14 through 20, 2011, as Multiple Sclerosis Awareness Week in Texas.

(Speaker pro tempore in the chair)

HR 641 was read and was adopted.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 641** as signers thereof.

(Kolkhorst in the chair)

**HR 659 - ADOPTED
(by Burnam)**

Representative Burnam moved to suspend all necessary rules to take up and consider at this time **HR 659**.

The motion prevailed.

The following resolution was laid before the house:

HR 659, Congratulating Odessa Prescott of Fort Worth on the occasion of her 100th birthday.

HR 659 was adopted.

(Chisum in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Aycock moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider pending business during bill referral today in E1.030.

The motion prevailed.

Representative Aycock moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider house budget recommendations at 8 a.m. tomorrow in E1.030.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Aycock requested permission for the Committee on Appropriations to meet while the house is in session, during bill referral today, in E1.030, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, during bill referral today, E1.030, for a public hearing, to consider pending business.

Appropriations, 8 a.m. tomorrow, E1.030, for a public hearing, to consider house budget recommendations.

Appropriations, 7 a.m. tomorrow, E1.030, for a formal meeting, to consider pending business.

Corrections, 8 a.m. tomorrow, E2.018, for a formal meeting, to consider **HB 1915**.

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Judiciary and Civil Jurisprudence to consider **HB 7** at 2 p.m. or upon adjournment today in E2.010.

The motion prevailed.

(Larson in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 2 p.m. or upon adjournment today, E2.010, for a public hearing, to consider **HB 7**.

HR 268 - PREVIOUSLY ADOPTED
(by Gooden)

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

HR 268, In memory of Louann Confer of Henderson County.

On motion of Representative Gooden, the names of all the members of the house were added to **HR 268** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Gooden who introduced Scott Confer.

HR 237 - ADOPTED
(by Gooden)

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 237**.

The motion prevailed.

The following resolution was laid before the house:

HR 237, Recognizing February 1, 2011, as Cedar Creek Lake Area Day at the State Capitol.

HR 237 was read and was adopted.

(Guillen in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Gooden who introduced a delegation from the Cedar Creek Lake area.

LEAVE OF ABSENCE GRANTED

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

Cain on motion of White.

HR 818 - ADOPTED
(by Castro)

Representative Castro moved to suspend all necessary rules to take up and consider at this time **HR 818**.

The motion prevailed.

The following resolution was laid before the house:

HR 818, Honoring State Representative Joe Farias on his 65th birthday.

HR 818 was read and was adopted.

On motion of Representative Farrar, the names of all the members of the house were added to **HR 818** as signers thereof.

PROVIDING FOR ADJOURNMENT

Representative Legler moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Kasi Smith of Pasadena.

The motion prevailed.

(Deshotel in the chair)

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

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

(Phillips in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:06 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 3 (By Thompson), Relating to the imposition of a sentence of life without parole on certain defendants who commit certain sexual offenses.

To Criminal Jurisprudence.

HB 274 (By Creighton), Relating to attorney's fees, early dismissal, expedited trials, and the reform of certain remedies and procedures in civil actions.

To Judiciary and Civil Jurisprudence.

HB 800 (By C. Anderson), Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

To Government Efficiency and Reform.

HB 1000 (By Branch), Relating to the distribution of money appropriated from the national research university fund and to one or more audits of the information necessary to establish eligibility for that distribution.

To Higher Education.

HB 1689 (By Brown), Relating to the monitoring and enhancement of health and human services information technology.

To Public Health.

HB 2176 (By T. King), Relating to a surcharge under the driver responsibility program for a conviction of driving while license invalid, without financial responsibility, or without a valid license.

To Transportation.

HB 2415 (By Garza), Relating to the liability of a school district that allows the use of land and facilities that the school district owns, occupies, or leases for recreational or educational purposes.

To Judiciary and Civil Jurisprudence.

HB 2416 (By Garza), Relating to defining residency for purposes of eligibility to hold the office of or be a candidate for state representative.

To Elections.

HB 2417 (By Flynn), Relating to the Texas Code of Military Justice.

To Defense and Veterans' Affairs.

HB 2418 (By Callegari), Relating to the territory, board of directors, and powers of the North Harris County Regional Water Authority.

To Natural Resources.

HB 2419 (By J. Davis), Relating to toilet accommodations at filling stations; providing penalties.

To Licensing and Administrative Procedures.

HB 2420 (By T. King), Relating to exemptions from permitting by groundwater conservation districts of the drilling and operation of certain water wells.

To Natural Resources.

HB 2421 (By Thompson), Relating to determinations of paternity; creating an offense.

To Judiciary and Civil Jurisprudence.

HB 2422 (By Thompson), Relating to the procedure for providing a copy of the final decree of dissolution of a marriage to a party who waived service of process.

To Judiciary and Civil Jurisprudence.

HB 2423 (By Thompson), Relating to insurer and third party interests in certain motor vehicle repair facilities.

To Licensing and Administrative Procedures.

HB 2424 (By Thompson), Relating to the operation of video gaming by authorized organizations and commercial operators that are licensed to conduct bingo or lease bingo premises; providing penalties.

To Licensing and Administrative Procedures.

HB 2425 (By Thompson), Relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.

To Judiciary and Civil Jurisprudence.

HB 2426 (By Thompson), Relating to certain rights and duties of nurses.

To Public Health.

HB 2427 (By Thompson), Relating to the rights and duties of hospital patients and certain health care providers; providing civil penalties.

To Public Health.

HB 2428 (By Strama), Relating to the exemption from ad valorem taxation for certain solar or wind-powered energy devices.

To Ways and Means.

HB 2429 (By Strama), Relating to availability of certain information regarding energy use and efficiency of certain residential property.

To Energy Resources.

HB 2430 (By Kolkhorst), Relating to the price charged by a health care provider for a health care service or supply; providing penalties.

To Public Health.

HB 2431 (By W. Smith), Relating to compliance histories for and incentives to reward compliance performance by entities regulated by the Texas Commission on Environmental Quality.

To Environmental Regulation.

HB 2432 (By J. Davis), Relating to the creation of public and private facilities and infrastructure.

To Economic and Small Business Development.

HB 2433 (By Callegari), Relating to the ballot language for junior college district annexation elections.

To Higher Education.

HB 2434 (By Y. Davis), Relating to the repeal of certain ad valorem and state tax exemptions.

To Ways and Means.

HB 2435 (By Deshotel), Relating to rate adjustments by gas utilities.

To Energy Resources.

HB 2436 (By Rodriguez), Relating to authorizing certain brewers and manufacturers to sell beer and ale to ultimate consumers.

To Licensing and Administrative Procedures.

HB 2437 (By Sheets), Relating to an award of litigation costs after the rejection of certain settlement offers.

To Judiciary and Civil Jurisprudence.

HB 2438 (By Sheets), Relating to interest on damages subject to Medicare subrogation.

To Judiciary and Civil Jurisprudence.

HB 2439 (By Gallego), Relating to posting on state agency websites suggestions and ideas on agency cost-efficiency.

To Government Efficiency and Reform.

HB 2440 (By Pitts), Relating to the creation of a Texas Junior College System office.

To Higher Education.

HB 2441 (By Pitts), Relating to public junior college employee participation in the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 2442 (By Muñoz), Relating to the telecommunications service discount for schools.

To State Affairs.

HB 2443 (By Price), Relating to persons remaining on and parking vehicles on state highway right-of-way; creating an offense.

To Transportation.

HB 2444 (By White), Relating to public school finance.

To Public Education.

HB 2445 (By Coleman), Relating to fostering collaboration among health care systems to provide indigent health care to communities more efficiently.

To Public Health.

HB 2446 (By Allen), Relating to the release of confidential physician-patient communications in certain circumstances.

To Homeland Security and Public Safety.

HB 2447 (By Harper-Brown), Relating to an exemption from the sales and use tax for certain assessments and fees related to telecommunications services.

To Ways and Means.

HB 2448 (By Harper-Brown), Relating to the creation of the office of inspector general and the appointment of deputy inspectors general at the Health and Human Services Commission, Texas Youth Commission, Texas Department of Criminal Justice, Texas Education Agency, and Texas Department of Transportation; providing penalties.

To Government Efficiency and Reform.

HB 2449 (By Aliseda), Relating to the illegal possession of another person's ballot to be voted by mail.

To Elections.

HB 2450 (By Jackson), Relating to the creation of the offense of employing an individual not lawfully present in the United States.

To State Affairs.

HB 2451 (By Zedler), Relating to the computation of retirement benefits by a public retirement system.

To Pensions, Investments, and Financial Services.

HB 2452 (By Zedler), Relating to disclosures regarding liability limits and malpractice insurance and related coverage in connection with services provided at health care institutions.

To Judiciary and Civil Jurisprudence.

HB 2453 (By Zedler), Relating to the release of complaint information by the Texas Medical Board to the legislature.

To Public Health.

HB 2454 (By Zedler), Relating to prohibiting discrimination by public institutions of higher education against faculty members and students based on their conduct of research relating to intelligent design.

To Higher Education.

HB 2455 (By Zedler), Relating to the licensing and regulation of the practice of integrative medicine; providing penalties.

To Public Health.

HB 2456 (By Zedler), Relating to the rollback tax rate of a taxing unit other than a school district.

To Ways and Means.

HB 2457 (By J. Davis), Relating to the amendment of Texas Enterprise Fund grant agreements.

To Economic and Small Business Development.

HB 2458 (By Muñoz), Relating to filling certain vacancies on the governing body of certain home-rule municipalities.

To Urban Affairs.

HB 2459 (By S. King), Relating to health care information submitted to the Department of State Health Services.

To Public Health.

HB 2460 (By Truitt), Relating to confidentiality of information held by a public retirement system.

To Pensions, Investments, and Financial Services.

HB 2461 (By Bonnen), Relating to the immunity of property tax arbitrators from liability for determinations made in the course of binding arbitrations.

To Ways and Means.

HB 2462 (By Bonnen), Relating to motor vehicles used for fire, emergency, or disaster response purposes.

To Ways and Means.

HB 2463 (By Reynolds), Relating to access to certain records regarding an employment discrimination claim.

To Economic and Small Business Development.

HB 2464 (By Frullo), Relating to textbooks adopted by the State Board of Education for public schools.

To Public Education.

HB 2465 (By Larson), Relating to information a commissioners court may consider when approving a county budget.

To County Affairs.

HB 2466 (By Phillips), Relating to the licensing and operation of motor vehicles by minors.

To Homeland Security and Public Safety.

HB 2467 (By Phillips), Relating to the discharge of a surety's liability on a bail bond in a criminal case.

To Criminal Jurisprudence.

HB 2468 (By Phillips), Relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.

To Business and Industry.

HB 2469 (By Phillips), Relating to a memorial sign program for victims of motorcycle accidents.

To Transportation.

HB 2470 (By Phillips), Relating to the regulation of sport bikes.

To Homeland Security and Public Safety.

HB 2471 (By Phillips), Relating to limiting the civil liability of certain persons who obtain or provide medical care and treatment for certain animals.

To Judiciary and Civil Jurisprudence.

HB 2472 (By Marquez), Relating to the reporting of certain warrant or capias information to the national crime information center.

To Criminal Jurisprudence.

HB 2473 (By Marquez), Relating to the closure of a school campus by the board of trustees of a school district.

To Public Education.

HB 2475 (By Aliseda), Relating to vehicle registration requirements for deployed active military personnel.

To Transportation.

HB 2476 (By Harless), Relating to the appraisal for ad valorem tax purposes of certain dealer's heavy equipment inventory; providing penalties.

To Ways and Means.

HB 2477 (By Harless), Relating to the provision of bilingual election materials.

To Elections.

HB 2479 (By Perry), Relating to alternative dispute resolution systems established by counties.

To Judiciary and Civil Jurisprudence.

HB 2480 (By Geren), Relating to the licensing and regulation of geoscientists by the Texas Board of Professional Engineers, the regulation and licensing of land surveyors by the Texas Board of Architectural Examiners, and the abolition of the Texas Board of Professional Geoscientists and the Texas Board of Professional Land Surveying.

To Licensing and Administrative Procedures.

HB 2481 (By Peña), Relating to the payment and distribution of consumer assistance funds in an action by the attorney general.

To Judiciary and Civil Jurisprudence.

HB 2482 (By Peña), Relating to the offense of organized retail theft.

To Criminal Jurisprudence.

HB 2483 (By Peña), Relating to certain do-not-resuscitate orders and advance directives; providing penalties.

To Public Health.

HB 2484 (By Hochberg), Relating to the state property tax compression percentage and the homestead property tax exemption under the public school finance system.

To Public Education.

HB 2485 (By Hochberg), Relating to public school finance.

To Public Education.

HB 2486 (By S. Davis), Relating to assignment of rents to holders of certain security interests in real property.

To Business and Industry.

HB 2487 (By Murphy), Relating to the residence address at which a person is registered to vote.

To Elections.

HB 2488 (By Scott), Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.

To Judiciary and Civil Jurisprudence.

HB 2489 (By Scott), Relating to the discoverability and admissibility of communications of sympathy in certain civil or administrative actions against a health care provider or physician.

To Judiciary and Civil Jurisprudence.

HB 2490 (By Solomons), Relating to the regulation of certain metal dealers; providing criminal penalties.

To Environmental Regulation.

HB 2491 (By Flynn), Relating to a moratorium on certain testing and assessments of certain public school students under the public school accountability system.

To Public Education.

HB 2492 (By Naishtat), Relating to the family allowance, treatment of exempt property, and an allowance in lieu of exempt property in the administration of a decedent's estate.

To Judiciary and Civil Jurisprudence.

HB 2493 (By Torres), Relating to enterprise project half designations under the enterprise zone program.

To Economic and Small Business Development.

HB 2494 (By Legler), Relating to the recovery of fraudulently obtained unemployment benefits.

To Economic and Small Business Development.

HB 2495 (By Hernandez Luna), Relating to cemeteries and perpetual care cemetery corporations.

To Public Health.

HB 2496 (By Gonzalez), Relating to creating a teen dating violence court program.

To Judiciary and Civil Jurisprudence.

HB 2497 (By Gonzalez), Relating to state collaboration with federally recognized Indian tribes.

To Border and Intergovernmental Affairs.

HB 2498 (By Frullo), Relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals.

To State Affairs.

HB 2499 (By Cook), Relating to the continuation and functions of the Department of Information Resources.

To State Affairs.

HB 2500 (By Lozano), Relating to the disposition of fines for traffic violations collected by certain counties.

To Transportation.

HB 2501 (By Thompson), Relating to voting in property owners' association elections.

To Business and Industry.

HB 2502 (By Thompson), Relating to the fees collected by district court clerks on the filing of certain civil actions or proceedings to fund basic civil legal services.

To Judiciary and Civil Jurisprudence.

HB 2503 (By Thompson), Relating to insurance agent licenses issued to certain foreign corporations and partnerships.

To Insurance.

HB 2504 (By Thompson), Relating to immunity from liability for county auditors.

To County Affairs.

HB 2505 (By Walle), Relating to the establishment of a task force on lowering the incidence of premature births and improving the care of premature infants.

To Public Health.

HB 2506 (By Chisum), Relating to creating defined contribution retirement plans for persons eligible to participate in the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 2507 (By Chisum), Relating to the offense of installing an irrigation system without a license.

To Natural Resources.

HB 2508 (By Lewis), Relating to immunity and liability issues regarding unincorporated charitable organizations, charitable organizations that utilize self-insured retentions in their insurance coverage, and charitable organizations that utilize Lloyd's plans and indemnity policies.

To Judiciary and Civil Jurisprudence.

HB 2509 (By Huberty), Relating to the implementation of the administration of end-of-course assessment instruments for high school courses in public schools.

To Public Education.

HB 2510 (By Lavender), Relating to exempting the intrastate manufacture of certain incandescent light bulbs from federal regulation.

To Energy Resources.

HB 2511 (By Dutton), Relating to the joint or separate prosecution of a capital felony charged against two or more defendants and the extent of a defendant's criminal responsibility for the conduct of a coconspirator in capital felony cases.

To Criminal Jurisprudence.

HB 2512 (By Dutton), Relating to the maintenance of a list of voters whose registrations have been recently canceled.

To Elections.

HB 2513 (By Dutton), Relating to developing a list of preferred vendors that provide support to open-enrollment charter schools in using the Public Education Information Management System.

To Public Education.

HB 2515 (By Alvarado), Relating to patient safety plans for certain health care facilities.

To Public Health.

HB 2516 (By Alvarado), Relating to the appeal of an indefinite suspension of a municipal firefighter or police officer.

To Urban Affairs.

HB 2517 (By Villarreal), Relating to eligibility for state credits for college tuition and fees for public high school students who receive diplomas by demonstrating early readiness for college.

To Higher Education.

HB 2518 (By Kolkhorst), Relating to the transfer of certain state property from the Texas Department of Criminal Justice to the Texas Forest Service.

To Land and Resource Management.

HB 2519 (By Kuempel), Relating to the regulation of certain motor vehicle auctions.

To Licensing and Administrative Procedures.

HB 2520 (By J. Davis), Relating to the creation of a database to track specialized technology research projects conducted by public universities, public university research facilities, and other state institutions.

To Technology.

HB 2521 (By Sheffield), Relating to the creation of the Bell County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 2522 (By Otto), Relating to the ability of certain state agencies to seek injunctions against certain individuals.

To Licensing and Administrative Procedures.

HB 2523 (By Cain), Relating to the purchase of goods and services by state agencies.

To State Affairs.

HB 2524 (By Cain), Relating to the criminal offenses for which and the circumstances under which certain communication devices may be detected and communications may be intercepted.

To Criminal Jurisprudence.

HB 2525 (By Harper-Brown), Relating to a mechanic's and materialman's lien for landscaping.

To Business and Industry.

HB 2526 (By Harper-Brown), Relating to the use of force or deadly force against another in defense of a third person.

To Criminal Jurisprudence.

HB 2527 (By Harper-Brown), Relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue.

To Ways and Means.

HB 2528 (By Harper-Brown), Relating to restrictions on private investigators' and security officers' use of vehicles that mimic law enforcement vehicles.

To Homeland Security and Public Safety.

HB 2529 (By Price), Relating to the administration of appraisal districts.
To Ways and Means.

HB 2530 (By Legler), Relating to the regulation of foundation repair contractors; providing a penalty.
To Licensing and Administrative Procedures.

HB 2531 (By L. Gonzales), Relating to the terms of a standard possession order in a suit affecting the parent-child relationship.
To Judiciary and Civil Jurisprudence.

HB 2818 (By L. Taylor), Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association.
To Insurance.

HCR 63 (By Geren), Authorizing the lieutenant governor and speaker to appoint interim joint committees.
To House Administration.

HCR 75 (By Burnam), Expressing the intent of the legislature to avoid placing unfunded mandates on local governments.
To State Affairs.

HCR 78 (By Price), Expressing opposition to federal regulation of intrastate water resources.
To Select State Sovereignty.

HCR 100 (By Branch), Commemorating the 100th anniversary of the founding of the Texas State University System.
To Rules and Resolutions.

HJR 122 (By Legler), Proposing a constitutional amendment authorizing garnishment of wages for the recovery of fraudulently obtained unemployment benefits.
To Economic and Small Business Development.

HR 680 (By Landtroop), Recognizing Senate Bill 481, 81st Texas Legislature, Regular Session, 2009, as the Justin Little Rail Crew Safe Transportation Act.
To Transportation.

HR 788 (By Hopson), Congratulating Katelyn Standley of Jacksonville for making a verbal commitment to play softball for Stephen F. Austin State University.
To Rules and Resolutions.

HR 789 (By Hopson), In memory of Floyd W. Stiefer, former Jacksonville chief of police and city council member.
To Rules and Resolutions.

HR 790 (By Gooden), Recognizing March 14, 2011, as Cedar Creek Lake Area Day at the State Capitol.
To Rules and Resolutions.

HR 791 (By Patrick), Honoring the Baylor University Bob Bullock Scholars Program and its participants.

To Rules and Resolutions.

HR 792 (By McClendon), Recognizing November 2011 as Lung Cancer Awareness Month in Texas.

To Rules and Resolutions.

HR 793 (By Veasey), In memory of Juanita Maurine Cash of Fort Worth.

To Rules and Resolutions.

HR 794 (By Veasey), In memory of Laura Castleberry of Fort Worth.

To Rules and Resolutions.

HR 795 (By Veasey), Honoring the Eta Chapter of Eta Phi Beta Sorority, Inc., on the 50th anniversary of its founding.

To Rules and Resolutions.

HR 796 (By V. Taylor), Honoring Sandi Stevens for her outstanding community service work in the Dallas area.

To Rules and Resolutions.

HR 797 (By V. Taylor), Congratulating Jim Dunlap on his retirement as an instructor and curator at Plano ISD's Holifield Science Learning Center.

To Rules and Resolutions.

HR 798 (By V. Taylor), Congratulating David Forinash of Plano on his leadership as the 2010-2011 drum major for The University of Texas at Austin Longhorn Band.

To Rules and Resolutions.

HR 799 (By V. Taylor), Commending Brad Shanklin for his service as a member of the board of trustees for the Plano Independent School District.

To Rules and Resolutions.

HR 800 (By V. Taylor), Honoring 2010 Intel International Science and Engineering Fair winner Amy Chyao for her remarkable scientific and academic achievements.

To Rules and Resolutions.

HR 801 (By V. Taylor), Congratulating the Plano Senior High School debate team for its success in the 2010-2011 International Public Policy Forum.

To Rules and Resolutions.

HR 802 (By V. Taylor), Congratulating Jackie Hall of Plano on her retirement as executive director of the Assistance Center of Collin County.

To Rules and Resolutions.

HR 803 (By V. Taylor), Honoring deputy city manager LaShon D. Ross for her service to the citizens of Plano.

To Rules and Resolutions.

HR 804 (By V. Taylor), Congratulating Rounok Joardar of Plano West Senior High School on winning a first-place award at the National Junior Science and Humanities Symposium.

To Rules and Resolutions.

HR 805 (By S. King), Honoring H. V. Chapman & Sons of Abilene for providing Bibles embossed with the state seal for use by the Texas Legislature and the House Bible Study group.

To Rules and Resolutions.

HR 806 (By Dutton), Honoring John Saunders Chase, Jr., of Houston for his achievements in the field of architecture.

To Rules and Resolutions.

HR 807 (By Dutton), Honoring the First Shiloh Missionary Baptist Church in Houston on the 120th anniversary of its founding.

To Rules and Resolutions.

HR 808 (By Y. Davis), Welcoming members of the Leadership Southwest Class of 2011 to the State Capitol on March 16, 2011.

To Rules and Resolutions.

HR 809 (By Gutierrez), In memory of U.S. Army Sergeant First Class Calvin B. Harrison of Coldspring.

To Rules and Resolutions.

HR 810 (By Marquez), Congratulating the boys' basketball team from Bowie High School in El Paso on winning the District 1-4A championship.

To Rules and Resolutions.

HR 811 (By Marquez), Commemorating the first annual Neon Desert Music Festival in El Paso on April 30, 2011.

To Rules and Resolutions.

HR 812 (By White), Recognizing the Texas Forestry Association on the occasion of its seedling giveaway and commending association members for their reforestation efforts and advocacy.

To Rules and Resolutions.

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

HB 2404 (By Madden), Relating to the imposition of a privilege fee for state-owned housing provided to certain state employees by a state agency.

To Government Efficiency and Reform.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 10Transportation - **HB 563****March 11**Criminal Jurisprudence - **HB 443**Natural Resources - **HB 310, HB 315, HB 451, HB 534, HB 612, HB 613, HB 709, HB 801, HB 805**State Sovereignty, Select - **HCR 18, HCR 50**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-FIFTH DAY — TUESDAY, MARCH 15, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 97).

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

Absent — Darby.

The invocation was offered by David Vestal, pastor, Lighthouse Christian Fellowship, Prosper.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative J. Davis who presented Dr. Syed Azhar of Houston as the "Doctor for the Day."

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

(Darby now present)

(Reynolds in the chair)

LEAVE OF ABSENCE GRANTED

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

Cain on motion of White.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 791 - ADOPTED

(by Patrick)

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 791**.

The motion prevailed.

The following resolution was laid before the house:

HR 791, Honoring the Baylor University Bob Bullock Scholars Program and its participants.

HR 791 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representatives Patrick, Strama, and Eiland who introduced participants in the Baylor University Bob Bullock Scholars Program.

HR 817 - ADOPTED

(by Zerwas)

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 817**.

The motion prevailed.

The following resolution was laid before the house:

HR 817, Commemorating the 75th annual Fort Bend County Fair and honoring its organizers.

HR 817 was adopted.

(Anchia in the chair)

HCR 10 - ADOPTED
(by Branch and Pitts)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HCR 10**.

The motion prevailed.

The following resolution was laid before the house:

HCR 10, Honoring Southern Methodist University on the 100th anniversary of its founding and 10 decades of educational excellence.

HCR 10 was read and was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HCR 10** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Branch who introduced representatives of Southern Methodist University.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Truitt requested permission for the Committee on Pensions, Investments, and Financial Services to meet while the house is in session, during bill referral today, in E2.014.

Permission to meet was granted.

(Miles in the chair)

HR 597 - ADOPTED
(by Keffer)

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HR 597**.

The motion prevailed.

The following resolution was laid before the house:

HR 597, Honoring Eudean and Patricia Howard of Brownwood on their 50th wedding anniversary.

HR 597 was read and was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hamilton requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, during bill referral today, in E2.012, to consider the previously posted agenda.

Permission to meet was granted.

HR 816 - ADOPTED**(by Legler)**

Representative Legler moved to suspend all necessary rules to take up and consider at this time **HR 816**.

The motion prevailed.

The following resolution was laid before the house:

HR 816, Congratulating Sam W. Meineke on the occasion of his 80th birthday.

HR 816 was adopted.

On motion of Representative Sheffield, the names of all the members of the house were added to **HR 816** as signers thereof.

(Button in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Smithee moved to suspend the five-day posting rule to allow the Committee on Insurance to consider **HB 2818** at 1:30 p.m. today in E2.026.

The motion prevailed.

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider house budget recommendations upon adjournment of the 1:30 p.m. Committee on Appropriations meeting today in E1.030.

The motion prevailed.

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider house budget recommendations at 8 a.m. tomorrow in E1.030.

The motion prevailed.

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations, Subcommittee on Article III, to consider higher education funding formulas at 1:30 p.m. tomorrow in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, Subcommittee on Article III, 1:30 p.m. tomorrow, E1.030, for a public hearing, to consider higher education funding formulas.

Appropriations, upon adjournment of the 1:30 p.m. Committee on Appropriations meeting today, E1.030, for a public hearing, to consider house budget recommendations.

Appropriations, 1:30 p.m. today, E1.030, for a formal meeting, to consider pending bills.

Appropriations, 8 a.m. tomorrow, E1.030, for a public hearing, to consider house budget recommendations.

(Truitt in the chair)

PROVIDING FOR ADJOURNMENT

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

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(P. King in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:10 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 2532 (By Veasey), Relating to the interest of a governmental entity in a life insurance policy insuring the life of an employee or retired employee of the governmental entity.

To Insurance.

HB 2533 (By Veasey), Relating to the selection of election officers for early voting polling places for certain elections.

To Elections.

HB 2534 (By Castro), Relating to the creation of a prescription medication information literacy plan and pilot programs to implement that plan.

To Public Health.

HB 2535 (By Castro), Relating to a requirement that middle, junior high, and high school and higher education students wear reflective clothing or gear while participating in nighttime athletic events or activities; providing penalties.

To Government Efficiency and Reform.

HB 2536 (By Schwertner), Relating to the creation of the State Supported Living Center Realignment Commission and the residential placement of individuals with intellectual and developmental disabilities.

To Human Services.

HB 2537 (By Vo), Relating to the reporting of information to claims databases by insurers.

To Insurance.

HB 2538 (By Vo), Relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities; providing a criminal penalty.

To Economic and Small Business Development.

HB 2539 (By Weber), Relating to the authority of school districts to suspend teachers without pay pending discharge.

To Public Education.

HB 2540 (By Weber), Relating to the right to a hearing before an independent hearing examiner of a public school teacher suspended without pay.

To Public Education.

HB 2541 (By Solomons), Relating to the regulation of traffic on certain roads by counties.

To Transportation.

HB 2542 (By Truitt), Relating to the powers and duties of the State Board of Trustees of the Texas Emergency Services Retirement System and of the fire fighters' pension commissioner.

To Pensions, Investments, and Financial Services.

HB 2543 (By W. Smith), Relating to the licensing and regulation of architecture, engineering, landscape architecture, and land surveying by the Texas Board of Professional Services, the deregulation of interior design, and the abolition of the Texas Board of Professional Engineers, the Texas Board of Architectural Examiners, and the Texas Board of Professional Land Surveyors.

To Licensing and Administrative Procedures.

HB 2544 (By D. Howard), Relating to archeological cemeteries.

To Culture, Recreation, and Tourism.

HB 2545 (By Hancock), Relating to the participation of this state in the Regional Air Quality Compact.

To Environmental Regulation.

HB 2546 (By Zerwas), Relating to the Texas emergency and trauma care education partnership program.

To Public Health.

HB 2547 (By Zerwas), Relating to the definition of little cigars and tobacco products tax on little cigars.

To Ways and Means.

HB 2548 (By Zerwas), Relating to the imposition of a fee on the sale of cigarettes and cigarette tobacco products manufactured by certain companies; providing penalties.

To Ways and Means.

HB 2549 (By Crownover), Relating to the authority of a state employee to authorize a deduction from the employee's salary or wage payment for a charitable contribution to certain entities.

To State Affairs.

HB 2550 (By Elkins), Relating to the process under which state agencies and other entities are periodically reviewed under the Texas Sunset Act.

To State Affairs.

HB 2551 (By Chisum), Relating to the land application of grit trap waste.

To Environmental Regulation.

HB 2552 (By Brown), Relating to the regulation of certain businesses using sanitary sewer services of certain municipalities.

To Natural Resources.

HB 2553 (By Brown), Relating to revenue sharing agreements between certain municipalities.

To Ways and Means.

HB 2554 (By Brown), Relating to possession of or access to a child in a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 2555 (By Brown), Relating to the regulation of abortion procedures; providing penalties.

To State Affairs.

HB 2556 (By Morrison), Relating to the transfer of the University of Houston–Victoria to The Texas A&M University System.

To Higher Education.

HB 2557 (By Brown), Relating to a suit for access to a child by a grandparent.

To Judiciary and Civil Jurisprudence.

HB 2558 (By Brown), Relating to the designation of a certain segment of the Navasota River as a river segment of unique ecological value.

To Natural Resources.

HB 2559 (By Truitt), Relating to commercial motor vehicle installment sales.

To Pensions, Investments, and Financial Services.

HB 2560 (By Sheffield), Relating to transporting a foster child in a vehicle where a handgun is in the possession of a person licensed to carry a concealed handgun.

To Human Services.

HB 2561 (By Eissler), Relating to the definition of "school year" for purposes of the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 2562 (By Christian), Relating to the absence of a student from school to visit with a parent or guardian who will be or has been deployed on military duty.

To Public Education.

HB 2563 (By Christian), Relating to the use of certain voting equipment in an election that is not held jointly with a county election.

To Elections.

HB 2564 (By Christian), Relating to academic requirements for issuance of an instruction permit by the Department of Public Safety or a driver education school.

To Homeland Security and Public Safety.

HB 2565 (By Gonzalez), Relating to requiring a public institution of higher education to establish and provide notice regarding an emergency loan program.

To Higher Education.

HB 2566 (By Gonzalez), Relating to penalties for displaying vehicles for sale in certain public areas.

To Transportation.

HB 2567 (By Gonzalez), Relating to public notice of procedures for submitting complaints about motor vehicle dealers.

To Licensing and Administrative Procedures.

HB 2568 (By Martinez), Relating to the authority of a commuter rail district to impose a property tax.

To Ways and Means.

HB 2569 (By Martinez), Relating to county contracts with private entities for jail facilities; providing a penalty.

To County Affairs.

HB 2570 (By Martinez), Relating to municipal prohibition of the use of low-speed vehicles to transport passengers for hire.

To Urban Affairs.

HB 2571 (By Martinez), Relating to the purposes and designation of transportation reinvestment zones.

To Transportation.

HB 2572 (By Aycock), Relating to the public school finance system.

To Public Education.

HB 2573 (By Bonnen), Relating to the protection of children from abuse or neglect; providing penalties.

To Human Services.

HB 2574 (By Phillips), Relating to the authority of regional mobility authorities to enter into comprehensive development agreements.

To Transportation.

HB 2575 (By Phillips), Relating to the use of an electronic lien system established by the Texas Department of Motor Vehicles.

To Transportation.

HB 2576 (By Truitt), Relating to the amount charged by certain health care facilities for health care services and supplies provided to consumers receiving outpatient care.

To Public Health.

HB 2577 (By S. Miller), Relating to the unlawful use of a criminal instrument or mechanical security device; providing a penalty.

To Criminal Jurisprudence.

HB 2578 (By J. Davis), Relating to the preparation of economic impact statements for legislative measures.

To State Affairs.

HB 2579 (By J. Davis), Relating to relief for certain employers from penalties and sanctions under the Texas Unemployment Compensation Act.

To Economic and Small Business Development.

HB 2580 (By Murphy), Relating to certain investments by insurance companies and related organizations.

To Insurance.

HB 2581 (By Murphy), Relating to the computation of a surplus credit and a surplus credit rate for certain successor employing units.

To Economic and Small Business Development.

HB 2582 (By Murphy), Relating to the repeal of the partial tax exemption for certain beer.

To Ways and Means.

HB 2583 (By Walle), Relating to the establishment of a gang remediation task force.

To Corrections.

HB 2584 (By R. Anderson), Relating to authorizing certain municipalities to donate surplus real property of negligible or negative value to certain private persons.

To Urban Affairs.

HB 2585 (By Peña), Relating to the illegal possession of another person's ballot to be voted by mail.

To Elections.

HB 2586 (By Peña), Relating to the penalty for making a false statement on a voter registration application.

To Elections.

HB 2587 (By Peña), Relating to limiting the amount of assistance a person may provide a voter; providing a criminal penalty.

To Elections.

HB 2588 (By Peña), Relating to observation of voter assistance by a poll watcher.

To Elections.

HB 2589 (By Peña), Relating to the delivery of a voter registration application to the registrar by a volunteer deputy registrar; providing a criminal penalty.

To Elections.

HB 2590 (By Peña), Relating to the reporting of certain information to county voter registrars and to the Department of Public Safety and to the cancellation of a driver's license based on that information.

To Elections.

HB 2591 (By Perry), Relating to exemptions to the licensing and regulation of chemical dependency counselors.

To Public Health.

HB 2592 (By Truitt), Relating to notice and disclosure requirements for credit services organizations regarding charges and consumer borrowing.

To Pensions, Investments, and Financial Services.

HB 2593 (By Truitt), Relating to restrictions on amounts, fees, renewals, and payment of deferred presentment transactions and certain loans secured by motor vehicle certificates of title.

To Pensions, Investments, and Financial Services.

HB 2594 (By Truitt), Relating to the registration and regulation of credit services organizations that obtain for consumers certain extensions of credit; providing a penalty.

To Pensions, Investments, and Financial Services.

HB 2595 (By Isaac), Relating to the receipt and storage of a mail-in ballot.

To Elections.

HB 2596 (By Garza), Relating to the authority to lower certain speed limits by local governments.

To Transportation.

HB 2597 (By Garza), Relating to resident tuition rates and fees for certain civilian employees and private contractors at public institutions of higher education.

To Higher Education.

HB 2598 (By Garza), Relating to the award of attorney's fees in a judicial appeal of certain ad valorem tax determinations.

To Ways and Means.

HB 2599 (By Ritter), Relating to the definition of chewing tobacco for purposes of the taxes imposed on cigars and other tobacco products.

To Ways and Means.

HB 2600 (By Ritter), Relating to the records and reports required for purposes of the taxes imposed on cigars and other tobacco products.

To Ways and Means.

HB 2601 (By Nash), Relating to the removal of political signs from private property; providing a penalty.

To Urban Affairs.

HB 2602 (By Alvarado), Relating to an increase in the cigarette tax and the enforcement and uses of the tax.

To Ways and Means.

HB 2603 (By Smithee), Relating to the distribution of universal service funds to certain small and rural local exchange companies.

To State Affairs.

HB 2604 (By L. Taylor), Relating to solvency accounts maintained by title agents for holding unencumbered assets.

To Insurance.

HB 2605 (By L. Taylor), Relating to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance.

To Insurance.

HB 2606 (By Nash), Relating to permissible political expenditures by a corporation or labor organization.

To Elections.

HB 2607 (By Beck), Relating to a temporary exemption from ad valorem taxation of the residence homestead of the surviving spouse of a firefighter or peace officer killed while performing official duties.

To Ways and Means.

HB 2608 (By Harper-Brown), Relating to the continuation and functions of the Texas Department of Housing and Community Affairs.

To Urban Affairs.

HB 2609 (By Guillen), Relating to employment at or by certain facilities serving the elderly or persons with disabilities.

To Human Services.

HB 2610 (By Guillen), Relating to the establishment of a community-based navigator program to assist individuals applying or seeking to apply through the Internet for certain public assistance benefits programs.

To Human Services.

HB 2611 (By Guillen), Relating to claims for and distribution of unclaimed land grant mineral proceeds.

To Business and Industry.

HB 2612 (By Aliseda), Relating to notification to the attorney general regarding allegations of criminal conduct in connection with an election.

To Elections.

HB 2613 (By Flynn), Relating to the establishment of a procedure under which a person may maintain a license to carry a concealed handgun.

To Homeland Security and Public Safety.

HB 2614 (By Veasey), Relating to insurance coverage for child passenger safety seat systems.

To Insurance.

HB 2615 (By Veasey), Relating to the provision of information on financial literacy resources to the public.

To Pensions, Investments, and Financial Services.

HB 2616 (By Harless), Relating to the elimination of certain requirements for certain customer-specific communications contracts.

To State Affairs.

HB 2617 (By Harless), Relating to the regulation of the sale and use of fireworks by certain counties; providing penalties.

To County Affairs.

HB 2618 (By Kolkhorst), Relating to the transfer of certain state property from the Texas Board of Criminal Justice to Walker County.

To Corrections.

HB 2619 (By Callegari), Relating to the submission of information about critical water and wastewater facilities.

To Natural Resources.

HB 2620 (By Hancock), Relating to communications services and markets.

To State Affairs.

HB 2621 (By Hancock), Relating to deregulation of certain telecommunications markets and companies.

To State Affairs.

HB 2622 (By Hancock), Relating to the elimination of certain tariff filing requirements for telecommunications providers.

To State Affairs.

HB 2623 (By Beck), Relating to certain energy security technologies for critical governmental facilities.

To Homeland Security and Public Safety.

HB 2624 (By Sheffield), Relating to procedures applicable in circumstances involving family violence or other criminal conduct and military personnel.

To Defense and Veterans' Affairs.

HB 2625 (By Branch), Relating to developing a developmental education plan for students entering public institutions of higher education.

To Higher Education.

HB 2626 (By Branch), Relating to the distribution of money appropriated from the national research university fund and to one or more audits of the information necessary to establish eligibility for that distribution.

To Higher Education.

HB 2627 (By Branch), Relating to the purchase of classroom sets of textbooks for public schools.

To Public Education.

HB 2628 (By Branch), Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

To Transportation.

HB 2629 (By Branch), Relating to honorariums offered to and accepted by public servants.

To Elections.

HCR 85 (By Price), Urging the United States Congress to enact legislation to require that any subsequent law cite the constitutional section authorizing Congress to enact the law, state the extent and reasons for any preemption of state, local, or tribal law, include factual findings if the authority cited is the power to regulate interstate commerce, prohibit federal agency regulations from interfering with state or local powers without express statutory authority, and require the voluntary inclusion of states in federal rulemaking.

To Select State Sovereignty.

HCR 86 (By Chisum), Designating the Texas State Bison Herd at Caprock Canyons State Park as the official State Bison Herd of Texas.

To Culture, Recreation, and Tourism.

HCR 87 (By Veasey), Urging Congress to expand the Healthy Incentives Pilot for Supplemental Nutrition Assistance Program recipients to communities across the country.

To Human Services.

HCR 88 (By Garza), Urging Congress to enact an overhaul of the immigration system to promote economic prosperity and national security.

To State Affairs.

HJR 118 (By Callegari), Proposing a constitutional amendment relating to county authority to provide for the support of indigent inhabitants.

To Government Efficiency and Reform.

HJR 119 (By Thompson), Proposing a constitutional amendment authorizing the legislature to legalize the operation of video gaming in this state by persons and organizations licensed to conduct bingo or lease bingo premises and providing that federally recognized Indian tribes are not prohibited from conducting gaming on certain Indian lands.

To Licensing and Administrative Procedures.

HJR 120 (By Muñoz), Proposing a constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 24 months or less.

To Urban Affairs.

HJR 121 (By Hochberg), Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes.

To Public Education.

HJR 123 (By Elkins), Rescinding the 1899 application of the 26th Texas Legislature to the United States Congress to call an unrestricted convention under Article V of the United States Constitution.

To Select State Sovereignty.

HJR 124 (By Landtroop), Proposing a constitutional amendment requiring a four-fifths vote by the house of representatives to increase taxes.

To Ways and Means.

HJR 125 (By Martinez), Proposing a constitutional amendment authorizing the legislature to permit commuter rail districts to impose a property tax on property located in the district to pay debt issued or assumed by the district and to pay the maintenance and operating expenses of the district.

To Ways and Means.

HJR 126 (By Lewis), Proposing a constitutional amendment changing the eligibility requirements for and changing the terms of office of certain judicial offices.

To Judiciary and Civil Jurisprudence.

HJR 127 (By Truitt), Proposing a constitutional amendment prohibiting the use of state funds to pay for the obligations of a local public retirement system.

To Pensions, Investments, and Financial Services.

HJR 128 (By Beck), Proposing a constitutional amendment authorizing the legislature to provide for a temporary exemption from ad valorem taxation of the residence homestead of the surviving spouse of a firefighter or peace officer killed while performing official duties.

To Ways and Means.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas
Tuesday, March 15, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 40 Naishtat SPONSOR: Huffman
Designating the Sunday through Saturday surrounding World Suicide Prevention Day, September 10, each year as Texas Suicide Prevention Week.

HCR 58 Smithee SPONSOR: Whitmire
Granting the legislature permission to adjourn for more than three days.

HCR 76 King, Susan SPONSOR: Fraser
In memory of William B. Decker of Abilene.

SCR 28 Watson
Commending Joe E. Gonzales for his career in education and for his contributions to the success of Austin Can! Academy.

SCR 29 Watson
Recognizing Austin Can! Academy, a dropout recovery charter high school serving at-risk students of Travis County.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 14

Business and Industry - **HB 521**

Criminal Jurisprudence - **HB 371**

Culture, Recreation, and Tourism - **HB 46, HB 555, HCR 45**

Human Services - **HB 434, HB 1481**

Transportation - **HB 441, HB 478, HB 630, HB 646, HB 699**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-SIXTH DAY — WEDNESDAY, MARCH 16, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 98).

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

The invocation was offered by John Hall, pastor, Field Street Baptist Church, Cleburne, as follows:

Our Father in heaven, thy sacred word reveals to us that the majesty of your name fills the earth. Your glory is higher than the heavens. You are our rock, our strength, our fortress, our Savior. When you see the shadow sides of our hearts, how is it that you are mindful of us? How is it that you care so deeply for us as so marvelously demonstrated by the gift and sacrificial death of your son, Jesus Christ? In your sovereignty, goodness, and grace, you put us in charge of everything you have created, granting us authority over all things. You have entrusted us with much. Forgive us of our many, many sins and look instead through the eyes of your unfailing love, for you are merciful, O God.

Thank you, Father, for each person you have divinely appointed to serve as a representative of the people of Texas. Their job is hard, often thankless, and constantly second guessed. We acknowledge that these modern days are complex

times. The people of our state, nation, and local communities are worried, anxious, and fearful of the future. Rarely before has our state and nation had to stare in the face of such multifaceted issues, issues which bring us to our knees because we are struggling to identify workable solutions to complicated problems. Decisions made here in Austin will impact numerous lives and livelihoods. We humbly concede that this is a desperate hour and we need your guidance now more than ever. O God, thank you that your true and trustworthy word tells us to pray about everything and not to worry. You invite us to cast all our cares upon you, because you care about what happens to us. Thus, here we are again, Lord, at the beginning of this day and legislative session, making our earnest appeal to you for help. For your glory, show these men and women the path to walk and point out the right road to follow. Grant each a unique measure of skill, discernment, and courage to work in unison with one another for the greater welfare of the people of this great state, Texas. We declare our utter dependence upon you.

Finally, we ask you to bring revival and spiritual awakening to our land. What Texas ultimately needs, what America needs, and what our world needs is a fresh outpouring of your Holy Spirit, resulting in genuine repentance from sin and a turning to Christ in faith to save us from the consequence of sin. We know that only you can do what the law of man can never do, and that is to change a person's heart. Use these men and women today to bring about your purposes as decreed in the kind intention of your will. In Jesus' name. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative R. Anderson who presented Dr. Antony Anderson of Grand Prairie as the "Doctor for the Day."

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

(Price in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

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. 10 and Senate List No. 10).

HR 522 - ADOPTED
(by Aliseda)

Representative Aliseda moved to suspend all necessary rules to take up and consider at this time **HR 522**.

The motion prevailed.

The following resolution was laid before the house:

HR 522, Recognizing March 16, 2011, as Karnes County Day at the State Capitol.

HR 522 was read and was adopted.

On motion of Representative Peña, the names of all the members of the house were added to **HR 522** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Aliseda who introduced a delegation from Karnes County.

HR 835 - ADOPTED
(by Veasey)

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 835**.

The motion prevailed.

The following resolution was laid before the house:

HR 835, Honoring the Kids Who Care theater company of Fort Worth.

HR 835 was adopted.

RESOLUTIONS ADOPTED

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 806** and **HR 807**.

The motion prevailed.

The following resolutions were laid before the house:

HR 806 (by Dutton), Honoring John Saunders Chase, Jr., of Houston for his achievements in the field of architecture.

HR 807 (by Dutton), Honoring the First Shiloh Missionary Baptist Church in Houston on the 120th anniversary of its founding.

The resolutions were adopted.

HB 3808 - PERMISSION TO INTRODUCE

Representative T. King requested permission to introduce and have placed on first reading **HB 3808**.

Permission to introduce was granted by (Record 99): 146 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker, Price(C).

Absent — Alvarado; Eiland.

STATEMENT OF VOTE

When Record No. 99 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

HR 808 - ADOPTED (by Y. Davis and Giddings)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 808**.

The motion prevailed.

The following resolution was laid before the house:

HR 808, Welcoming members of the Leadership Southwest Class of 2011 to the State Capitol on March 16, 2011.

HR 808 was adopted.

HR 829 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 829**.

The motion prevailed.

The following resolution was laid before the house:

HR 829, Honoring six former death row inmates who have been exonerated for their tenacity in the pursuit of justice and for their contributions to the debate over criminal justice policy.

HR 829 was read and was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 829** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dutton who introduced Albert Burrell, Clarence Brandley, and Ron Keine.

HR 856 - ADOPTED (by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 856**.

The motion prevailed.

The following resolution was laid before the house:

HR 856, Commending Jasmine Saucedo for her service as an intern in the office of State Representative Yvonne Davis.

HR 856 was adopted.

RULES SUSPENDED

Representative Gallego moved to suspend all necessary rules to allow the Committee on Criminal Jurisprudence to consider pending business during bill referral today in 3N.3.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, during bill referral today, in 3N.3, to consider pending business.

Permission to meet was granted.

(Parker in the chair)

HR 831 - ADOPTED (by Sheffield)

Representative Sheffield moved to suspend all necessary rules to take up and consider at this time **HR 831**.

The motion prevailed.

The following resolution was laid before the house:

HR 831, Congratulating Little Joe Hernandez y La Familia on winning the Grammy Award for Best Tejano Album at the 53rd annual Grammy Awards.

HR 831 was read and was adopted.

On motion of Representative Lozano, the names of all the members of the house were added to **HR 831** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Sheffield who introduced Joe Hernandez and Tony Matamoros.

(L. Gonzales in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

HCR 150 - ADOPTED (by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HCR 150**.

The motion prevailed.

The following resolution was laid before the house:

HCR 150, Honoring Sam Houston for his statesmanship on the 150th anniversary of his refusal to take the oath of allegiance to the Confederate States of America.

HCR 150 was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HCR 150** as signers thereof.

HCR 150 - REMARKS

REPRESENTATIVE BRANCH: We've had a lot of anniversaries this year, and this is an important one to me in the sense that it points out the courage that Governor Houston had to follow his principles and not take an oath. He believed deeply in Texas staying in the Union, and 150 years ago today he did what was extremely unpopular at the time—he gave up his office in order to live by his principles and belief that the Union should stay together, and I wanted to honor him for that here today on this anniversary.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, during bill referral today, 3N.3, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Alvarado requested permission for the Committee on Urban Affairs to meet while the house is in session, during bill referral today, in E2.016.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Corrections, 8 a.m. tomorrow, E2.020, for a formal meeting, to consider **HB 1915**.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Phillips requested permission for the Committee on Transportation to meet while the house is in session, during bill referral today, in E2.028, to consider previously posted and pending business.

Permission to meet was granted.

REMARKS ORDERED PRINTED

Representative Legler moved to print remarks by Representative Branch on **HCR 150**.

The motion prevailed.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative McClendon moved to set a congratulatory and memorial calendar for 10:30 a.m. tomorrow.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representative Raymond moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Barbara Ann Kazen of Laredo.

The motion prevailed.

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

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

(L. Taylor in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:40 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 2136 (By Guillen), Relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services.

To Insurance.

HB 2514 (By Callegari), Relating to state administration of assessment instruments to public school students.

To Public Education.

HB 2630 (By Branch), Relating to the formal recognition of The Texas A&M University System Health Science Center and to administration of the health institutions and programs of the system.

To Higher Education.

HB 2631 (By Branch), Relating to the advanced research program.

To Higher Education.

HB 2632 (By Driver), Relating to access to the criminal history record information of certain persons by the Texas Facilities Commission.

To State Affairs.

HB 2633 (By Madden), Relating to the office of inspector general of the Texas Youth Commission.

To Corrections.

HB 2634 (By Madden), Relating to extending workers' compensation benefits for certain state employees.

To State Affairs.

HB 2635 (By Kolkhorst), Relating to the composition of the First, Tenth, and Fourteenth Courts of Appeals Districts.

To Judiciary and Civil Jurisprudence.

HB 2636 (By Kolkhorst), Relating to a commission to study neonatal intensive care units.

To Public Health.

HB 2637 (By Chisum), Relating to premarital education courses.

To State Affairs.

HB 2638 (By Chisum), Relating to intervention by the attorney general in a suit involving recognition of a same-sex marriage or civil union.

To Judiciary and Civil Jurisprudence.

HB 2639 (By Chisum), Relating to motor vehicle inspections that employ remote sensing equipment.

To Environmental Regulation.

HB 2640 (By Rodriguez), Relating to the use of certain information by the State Bar of Texas to notify a person licensed to practice law in this state of accredited continuing legal education activities.

To Judiciary and Civil Jurisprudence.

HB 2641 (By Burnam), Relating to a civil action for deprivation of rights.

To Judiciary and Civil Jurisprudence.

HB 2642 (By Huberty), Relating to the authority of the Public Utility Commission of Texas in relation to extended service areas and toll-free local calling areas.

To State Affairs.

HB 2643 (By Hamilton), Relating to safety standards for elevators, escalators, and related equipment.

To Licensing and Administrative Procedures.

HB 2644 (By Dukes), Relating to providing proof of identity to obtain a one-trip or 30-day trip permit for the transit of certain unregistered vehicles.

To Transportation.

HB 2645 (By Murphy), Relating to the exclusion of subcontracting payments made by a staff leasing services company in determining total revenue for purposes of the franchise tax.

To Ways and Means.

HB 2646 (By Orr), Relating to distribution by the School Land Board of revenue derived from permanent school fund land or other properties to the available school fund.

To Land and Resource Management.

HB 2647 (By Fletcher), Relating to trials for misdemeanor cases.

To Criminal Jurisprudence.

HB 2648 (By Fletcher), Relating to the reestablishment of the Texas Bleeding Disorders Advisory Council.

To Public Health.

HB 2649 (By Allen), Relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

To Corrections.

HB 2650 (By Allen), Relating to the establishment of a procedure for imposing intermediate sanctions on a person who violates certain conditions of community supervision.

To Corrections.

HB 2651 (By Allen), Relating to the eligibility of visitors to use certain public transportation services for people with disabilities.

To Transportation.

HB 2652 (By Pitts), Relating to the Texas Economic Development Act.

To Appropriations.

HB 2653 (By V. Taylor), Relating to the contractual revocation of pension benefits of certain public employees convicted of an offense.

To Pensions, Investments, and Financial Services.

HB 2654 (By Sheets), Relating to an exclusion from unemployment compensation chargebacks for certain employers of uniformed service members.

To Economic and Small Business Development.

HB 2655 (By Sheets), Relating to notice of coverage reduction on renewal of a property/casualty insurance policy.

To Insurance.

HB 2656 (By S. Miller), Relating to exemption from application of the Private Security Act of certain peace officers employed by a law enforcement agency.

To Homeland Security and Public Safety.

HB 2657 (By T. King), Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 81st Legislature to other Acts of that legislature.

To Government Efficiency and Reform.

HB 2658 (By Lavender), Relating to architectural barriers standards.

To Government Efficiency and Reform.

HB 2659 (By Lavender), Relating to prohibiting abortion except when medically necessary or when the pregnancy is the result of rape or incest.

To State Affairs.

HB 2660 (By J. Davis), Relating to transferring certain functions of the Texas Department of Housing and Community Affairs to the Texas State Affordable Housing Corporation.

To Urban Affairs.

HB 2661 (By Kleinschmidt), Relating to settlement of certain civil actions.

To Judiciary and Civil Jurisprudence.

HB 2662 (By Hochberg), Relating to child abduction.

To Criminal Jurisprudence.

HB 2663 (By Chisum), Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.

To Energy Resources.

HB 2666 (By Truitt), Relating to the administration of certain immunizations or vaccinations by a pharmacist.

To Public Health.

HB 2667 (By Miles), Relating to operating permit fees for air pollutant emissions.

To Environmental Regulation.

HB 2668 (By Miles), Relating to administrative penalties imposed by the Texas Commission on Environmental Quality.

To Natural Resources.

HB 2669 (By Miles), Relating to the creation of an advisory committee to study urban farming.

To Agriculture and Livestock.

HB 2670 (By Miles), Relating to validating certain acts and proceedings of Harris County Improvement District No. 5 and to the boundaries of the district.

To Natural Resources.

HB 2671 (By Miles), Relating to the disclosure of personal information under the Motor Vehicle Records Disclosure Act.

To Transportation.

HB 2672 (By Dutton), Relating to safety measures for culverts or other similar flood or drainage systems maintained by governmental entities.

To Urban Affairs.

HB 2673 (By Dutton), Relating to the calculation of tree mitigation fees charged by a municipality in connection with a permit.

To Urban Affairs.

HB 2674 (By Raymond), Relating to the creation of a childhood health program grant.

To Human Services.

HB 2675 (By Harper-Brown), Relating to the continuation and functions of the Texas Department of Transportation; providing penalties.

To Transportation.

HB 2676 (By Raymond), Relating to the appointment of bailiffs in certain Dallas County courts.

To Judiciary and Civil Jurisprudence.

HB 2677 (By Shelton), Relating to customer choice for school districts served by municipally owned electric utilities and electric cooperatives.

To State Affairs.

HB 2678 (By T. Smith), Relating to the regulation of driver training schools and instruction.

To Public Education.

HB 2679 (By T. Smith), Relating to appeals regarding dangerous dogs.

To County Affairs.

HB 2680 (By T. King), Relating to the procedure for certain small local exchange companies to propose to offer certain services or to make a minor change in a rate or tariff.

To State Affairs.

HB 2681 (By Hartnett), Relating to the protection of trade secrets.

To Insurance.

HB 2682 (By Lucio), Relating to requiring upholstered furniture sold in this state to be made with filling that is burn resistant to an open flame; imposing a criminal penalty.

To Business and Industry.

HB 2683 (By Lucio), Relating to the adoption or implementation of certain optional provisions by municipalities participating in the Texas Municipal Retirement System.

To Pensions, Investments, and Financial Services.

HB 2684 (By Lucio), Relating to the foreclosure process; creating an offense; providing penalties.

To Business and Industry.

HB 2685 (By Lucio), Relating to the enforcement of state laws prohibiting the operation of a motor vehicle while intoxicated.

To Homeland Security and Public Safety.

HB 2686 (By Lucio), Relating to the impoundment of a motor vehicle involved in an accident if operated without financial responsibility.

To Transportation.

HB 2687 (By Lucio), Relating to county regulation of sound levels; providing a criminal penalty.

To County Affairs.

HB 2688 (By Lucio), Relating to the amount of a scholarship awarded under the Texas Armed Services Scholarship Program.

To Defense and Veterans' Affairs.

HB 2689 (By Deshotel), Relating to certain inmates entering certain pleas by mail or certain secure electronic transmissions.

To Criminal Jurisprudence.

HB 2690 (By Deshotel), Relating to authorizing local governments to convey real property interests to other local governments for less than fair market value.

To County Affairs.

HB 2691 (By Deshotel), Relating to the submission date of the office of injured employee counsel's legislative report.

To State Affairs.

HB 2692 (By Deshotel), Relating to the authority of the office of injured employee counsel under the workers' compensation program to obtain grant funding.

To State Affairs.

HB 2693 (By Deshotel), Relating to the regulation of manufactured housing by the Texas Department of Licensing and Regulation.

To Licensing and Administrative Procedures.

HB 2694 (By W. Smith), Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

To Environmental Regulation.

HB 2695 (By J. Davis), Relating to requiring health and human services agencies to give preference to certain persons in making hiring decisions.

To Human Services.

HB 2696 (By Eiland), Relating to the application of the limit on appraised value of a residence homestead for ad valorem tax purposes to an improvement that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage.

To Ways and Means.

HB 2697 (By Eiland), Relating to payment of out-of-network ambulatory surgery benefits by certain health benefit plans.

To Insurance.

HB 2698 (By Eiland), Relating to surplus lines insurance.

To Insurance.

HB 2699 (By Eiland), Relating to the requirements for an insurance adjuster license.

To Insurance.

HB 2700 (By Eiland), Relating to an allotment under the public school finance system for the cost of windstorm and hail insurance.

To Insurance.

HB 2701 (By Eiland), Relating to sexual abuse and child molestation training for volunteers and employees of certain programs for minors held on campuses of institutions of higher education; providing penalties.

To Higher Education.

HB 2702 (By Solomons), Relating to the application of statutes that classify political subdivisions according to population.

To State Affairs.

HB 2703 (By Truitt), Relating to the regulation of orthotists and prosthetists.

To Public Health.

HB 2704 (By Sheffield), Relating to a parent's right to object to physical fitness assessment of the parent's child by a school district.

To Public Education.

HB 2705 (By Zedler), Relating to tuition and fee exemptions at public institutions of higher education for certain Texas military veterans.

To Higher Education.

HB 2706 (By Nash), Relating to a study of child abuse or neglect committed by a foster child against another foster child.

To Human Services.

HB 2707 (By Burnam), Relating to the holding of an interest in certain alcoholic beverage licenses, permits, or premises by certain persons whose alcoholic beverage license or permit has been revoked.

To Licensing and Administrative Procedures.

HB 2708 (By Burnam), Relating to certain activities by, employment of, and contracts of former members of the legislature and state agency heads; creating offenses.

To Elections.

HB 2709 (By Turner), Relating to energy and efficiency conservation programs administered by the Texas Public Utility Commission.

To State Affairs.

HB 2710 (By Turner), Relating to cable attachments to electric facilities of electric cooperatives.

To State Affairs.

HB 2711 (By Thompson), Relating to the sealing of the records of juveniles who are the victims of human trafficking and have been adjudicated to have engaged in certain delinquent conduct.

To Judiciary and Civil Jurisprudence.

HB 2712 (By Thompson), Relating to providing notice of a change in certain contact information of an alcoholic beverage license or permit holder.

To Licensing and Administrative Procedures.

HB 2713 (By Thompson), Relating to refinancing low-rate home loans involving natural disaster recovery funds.

To Pensions, Investments, and Financial Services.

HB 2714 (By Thompson), Relating to judicial review of a decision to terminate certain federal housing assistance.

To Judiciary and Civil Jurisprudence.

HB 2715 (By Turner), Relating to the continuation of and powers and duties of the Office of Public Utility Counsel to represent residential and small commercial utility consumers.

To State Affairs.

HB 2716 (By Darby), Relating to the management and preservation of the county clerk's records and to the county clerk's records archive.

To County Affairs.

HB 2717 (By Darby), Relating to certain duties, functions, and procedures of county clerks, district clerks, and local registrars.

To County Affairs.

HB 2718 (By S. Miller), Relating to the definition of peace officer.

To Homeland Security and Public Safety.

HB 2719 (By Harper-Brown), Relating to the clarification of the circumstances under which a retailer is considered to be engaged in business in this state, and the information required to be provided by certain retailers, for purposes of the collection of sales and use taxes.

To Ways and Means.

HB 2720 (By Pitts), Relating to unpaid furloughs for state employees.

To Appropriations.

HB 2721 (By Eissler), Relating to the public school finance system.

To Public Education.

HB 2722 (By Perry), Relating to the state Medicaid program as the payor of last resort.

To Public Health.

HB 2723 (By Walle), Relating to notice of premium increase for certain accident and health insurance policies and small employer health benefit plans.

To Insurance.

HB 2724 (By Walle), Relating to the requirement that certain information accompany residential property and personal automobile insurance documents.

To Insurance.

HB 2725 (By Hartnett), Relating to the determination of incompetency in criminal cases.

To Criminal Jurisprudence.

HB 2726 (By Hartnett), Relating to liability of an employee of an independent contractor of a transportation entity.

To Judiciary and Civil Jurisprudence.

HB 2727 (By Thompson), Relating to the regulation of cosmetology, including the application of eyelash extensions.

To Licensing and Administrative Procedures.

HB 2728 (By Thompson), Relating to the operation and regulation of charitable bingo.

To Licensing and Administrative Procedures.

HB 2729 (By Callegari), Relating to local government authority to develop public infrastructure and facilities.

To Urban Affairs.

HB 2730 (By White), Relating to weight limits on a vehicle loaded with certain agricultural products.

To Transportation.

HB 2731 (By Truitt), Relating to contributions to, benefits from, and administration of certain public retirement systems; providing penalties.

To Pensions, Investments, and Financial Services.

HB 2732 (By Oliveira), Relating to the application requirements for a local project permit.

To County Affairs.

HB 2733 (By Madden), Relating to the euthanasia of animals.

To Agriculture and Livestock.

HB 2734 (By Madden), Relating to certain mandatory conditions of parole or mandatory supervision for illegal criminal aliens and the revocation of parole or mandatory supervision as a result of violating those conditions.

To Corrections.

HB 2735 (By Madden), Relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

To Corrections.

HB 2736 (By Gonzalez), Relating to the designation of certain code compliance division employees as peace officers.

To Border and Intergovernmental Affairs.

HB 2737 (By Gonzalez), Relating to criminal history record information checks of employees of residential dwelling projects, including employees of public housing authorities.

To Homeland Security and Public Safety.

HB 2738 (By Gonzalez), Relating to criminal history background checks performed in relation to the occupancy or use of a public housing unit.

To Homeland Security and Public Safety.

HB 2739 (By Gonzalez), Relating to the county ethics commission for certain counties.

To Border and Intergovernmental Affairs.

HB 2740 (By Quintanilla), Relating to the amount of temporary income benefits to which an injured employee is entitled under the workers' compensation system.

To State Affairs.

HB 2741 (By Kleinschmidt), Relating to rules requiring license name in advertising of a structural pest control business.

To Licensing and Administrative Procedures.

HB 2742 (By Kleinschmidt), Relating to the business of structural pest control.

To Licensing and Administrative Procedures.

HB 2743 (By Kleinschmidt), Relating to membership in the structural pest control advisory committee.

To Licensing and Administrative Procedures.

HB 2744 (By Lucio), Relating to guardianships, including the functions of the Guardianship Certification Board.

To Judiciary and Civil Jurisprudence.

HB 2745 (By Quintanilla), Relating to workers' compensation supplemental income benefits.

To State Affairs.

HB 2746 (By Martinez Fischer), Relating to liability for the additional tax imposed on land appraised for ad valorem tax purposes as qualified open-space land in the event of a change of use of the land if the land is transferred to a charitable organization for purposes of building housing for sale without profit to a low-income individual or family.

To Ways and Means.

HB 2747 (By Martinez Fischer), Relating to reporting information regarding public school student dropout rates.

To Public Education.

HB 2748 (By Martinez Fischer), Relating to grants to student clubs for dropout prevention.

To Public Education.

HB 2749 (By Martinez Fischer), Relating to providing for legislative information on the Internet in Spanish.

To State Affairs.

HB 2750 (By Martinez Fischer), Relating to subcontracting opportunities for historically underutilized businesses under certain state purchasing contracts.

To State Affairs.

HB 2751 (By Martinez Fischer), Relating to ex parte court hearings that affect the right of a person to possession of or access to a child.

To Judiciary and Civil Jurisprudence.

HB 2752 (By Martinez Fischer), Relating to the removal of a political party's county chair.

To Elections.

HB 2753 (By Martinez Fischer), Relating to eligibility for certain political party offices.

To Elections.

HB 2754 (By Martinez Fischer), Relating to the electronic submission of testimony regarding a bill or resolution before a committee or subcommittee of the legislature.

To House Administration.

HB 2755 (By Martinez Fischer), Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault or family violence.

To Economic and Small Business Development.

HB 2756 (By Lavender), Relating to the authority of a person who is licensed to carry a handgun to openly carry the handgun.

To Homeland Security and Public Safety.

HB 2757 (By Peña), Relating to the establishment of the Texas Commission on Immigration and Migration and a migrant worker visa pilot project.

To State Affairs.

HB 2758 (By Peña), Relating to mandatory emergency alert systems at institutions of higher education.

To Higher Education.

HB 2759 (By Hartnett), Relating to the nonsubstantive revision of provisions of the Texas Probate Code relating to durable powers of attorney, guardianships, and other related proceedings and alternatives, and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

To Judiciary and Civil Jurisprudence.

HB 2760 (By Garza), Relating to species-protection programs for the Edwards Aquifer, the Guadalupe River Basin, the San Antonio River Basin, and the San Antonio Bay and estuary system; imposing a tax.

To Natural Resources.

HB 2761 (By Garza), Relating to the operation of property owners' associations.

To Business and Industry.

HB 2762 (By Farrar), Relating to continuity of retail electric service during the pendency of an appeal of an order revoking the license of a retail electric provider.

To State Affairs.

HB 2763 (By Farrar), Relating to an exemption for the denial of driver's license renewal for violations of local ordinances concerning solid waste and heavy trash.

To Environmental Regulation.

HB 2764 (By Farrar), Relating to the offense of intentional unauthorized harvesting of timber, providing a criminal penalty.

To Natural Resources.

HB 2765 (By Gallego), Relating to the update of discounted telecommunication services provided to educational institutions, libraries, hospitals, and health centers.

To State Affairs.

HB 2766 (By Strama), Relating to the use of energy storage equipment or facilities.

To State Affairs.

HB 2767 (By Strama), Relating to the parking of construction equipment and certain motor vehicles; creating an offense.

To Transportation.

HB 2768 (By Otto), Relating to the authority of the Alabama-Coushatta Indian Tribe to commission peace officers.

To Homeland Security and Public Safety.

HB 2769 (By Frullo), Relating to the authority of the Texas Facilities Commission regarding gifts, grants, and donations.

To State Affairs.

HB 2770 (By W. Smith), Relating to the powers and duties of navigation districts, port authorities, and certain municipalities.

To Transportation.

HB 2771 (By W. Smith), Relating to the purchasing powers and duties of a navigation district or port authority.

To Transportation.

HB 2772 (By Bohac), Relating to the Spring Branch Area Community Improvement District.

To Urban Affairs.

HB 2773 (By Bohac), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

HB 2774 (By Bohac), Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation by certain taxing units in Harris County.

To Ways and Means.

HB 2775 (By Bohac), Relating to the constitutional limit on the rate of growth of appropriations and the use of surplus state revenues.

To Appropriations.

HB 2776 (By Bohac), Relating to the retention of the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

HB 2777 (By Bohac), Relating to the registration and compulsory inspection of certain street rods and custom vehicles.

To Transportation.

HB 2778 (By Bohac), Relating to the criteria necessary to require a hearing to review an application for a rate change by certain water and sewer utilities.

To Natural Resources.

HB 2779 (By Bohac), Relating to unenforceable restrictive covenants affecting residential homes.

To Business and Industry.

HB 2780 (By Bohac), Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.

To Criminal Jurisprudence.

HB 2781 (By Bohac), Relating to licensing requirements for a residential fire alarm technician.

To Insurance.

HB 2782 (By Callegari), Relating to exemptions from the sales tax for certain firearms, hunting equipment, ammunition, and firearm or hunting accessories for a limited period.

To Ways and Means.

HB 2783 (By Sheffield), Relating to the period of time between issuance of license plates.

To Transportation.

HB 2784 (By Alonzo), Relating to the refund policy for courses at career schools and colleges.

To Economic and Small Business Development.

HB 2785 (By J. Davis), Relating to the creation of the Select Committee on Economic Development.

To Economic and Small Business Development.

HB 2786 (By Landtroop), Relating to prohibiting certain funds from supporting abortions or abortion-related services.

To State Affairs.

HB 2787 (By Landtroop), Relating to emergency services for licensed abortion facilities.

To Public Health.

HB 2788 (By Laubenberg), Relating to the donation of blood by persons who are at least 16 years of age.

To Public Health.

HB 2789 (By Truitt), Relating to the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 2790 (By Hunter), Relating to the operation of a golf cart or utility vehicle on a public highway in certain counties.

To Transportation.

HB 2791 (By Hunter), Relating to the date by which a pest management zone may request an extension of the cotton stalk destruction deadline.

To Agriculture and Livestock.

HB 2792 (By Hunter), Relating to the power of the Aransas County Navigation District to determine the amount of a check or bond necessary to purchase land from the district.

To Transportation.

HB 2793 (By Hunter), Relating to the processing fee charged for a dishonored payment device.

To Business and Industry.

HB 2794 (By Hunter), Relating to the creation of the Calhoun County Groundwater Conservation District.

To Natural Resources.

HB 2795 (By Larson), Relating to prohibiting certain weapons on the premises of a local juvenile probation department office; providing a penalty.

To Judiciary and Civil Jurisprudence.

HB 2796 (By Bonnen), Relating to repeal of the coordinated health program for public primary and secondary schools.

To Public Education.

HB 2797 (By Bonnen), Relating to elimination of the requirement that school districts and public junior college districts conduct periodic safety and security audits of district facilities.

To Public Education.

HB 2798 (By Bonnen), Relating to discounted utility rates for school districts and open-enrollment charter schools; providing an administrative penalty.

To State Affairs.

HB 2799 (By Bohac), Relating to certain property owners' exemption from modification of existing deed restrictions.

To Business and Industry.

HB 2800 (By Bohac), Relating to the liability of a midwife in the practice of midwifery.

To Public Health.

HB 2801 (By Pickett), Relating to comprehensive development agreements of the Texas Department of Transportation that include the financing, design, and construction of a project.

To Transportation.

HB 2802 (By Pickett), Relating to the use of the Texas Mobility Fund.

To Transportation.

HB 2803 (By Raymond), Relating to county and municipal land development regulation.

To Land and Resource Management.

HB 2804 (By Cain), Relating to the format of the general appropriations bill.

To Appropriations.

HB 2805 (By Phillips), Relating to the requirement of citizenship or lawful presence in the United States for issuance of a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit.

To Homeland Security and Public Safety.

HB 2806 (By Phillips), Relating to the marketing, hosting, and sale of specialty and personalized license plates.

To Transportation.

HB 2807 (By Burnam), Relating to creating an offense for the unlawful possession or transfer of a semiautomatic assault weapon.

To Criminal Jurisprudence.

HB 2808 (By Burnam), Relating to the issuance of disabled parking placards to elderly persons.

To Transportation.

HB 2809 (By Phillips), Relating to the construction contract change order authority for the Greater Texoma Utility Authority.

To Natural Resources.

HB 2810 (By S. Miller), Relating to the exemption from limited sales, excise and use taxation of tangible personal property incorporated into or attached to certain specific purpose agricultural structures.

To Ways and Means.

HB 2811 (By Coleman), Relating to local regulation regarding the sale of certain abusable drugs.

To Public Health.

HB 2812 (By Coleman), Relating to access to certain cemeteries; providing penalties.

To Public Health.

HB 2813 (By Christian), Relating to requiring the comptroller to provide notice to a person who will be regarded as a retailer or seller for purposes of sales and use tax.

To Ways and Means.

HB 2814 (By Hochberg), Relating to electronic voter registration.

To Elections.

HB 2815 (By L. Taylor), Relating to the exemption from ad valorem taxation of energy storage systems or technologies used wholly or partly as a facility, device, or method for the control of air pollution.

To Ways and Means.

HB 2816 (By L. Taylor), Relating to eliminating certain mandates on school districts.

To Public Education.

HB 2817 (By L. Taylor), Relating to certain election practices and procedures.

To Elections.

HB 2819 (By S. King), Relating to the operation and efficiency of the eligibility determination process for supplemental nutrition assistance program benefits.

To Human Services.

HCR 89 (By W. Smith), Urging Congress to enact federal legislation to modernize the Toxic Substances Control Act of 1976.

To Environmental Regulation.

HCR 90 (By S. Miller), Urging Congress to expedite the implementation of the Integrated Public Alert and Warning System program.

To Homeland Security and Public Safety.

HJR 6 (By Burnam), Proposing a constitutional amendment to reserve to the people the powers of initiative for the sole purpose of adopting and imposing a state income tax.

To Ways and Means.

HJR 7 (By Bohac), Proposing a constitutional amendment authorizing the legislature to permit certain political subdivisions in Harris County to establish a limit on the maximum appraised value of residence homesteads for ad valorem taxation by those political subdivisions of 105 percent of the appraised value of the property for the preceding tax year.

To Ways and Means.

HJR 8 (By Raymond), Proposing a constitutional amendment relating to the disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held by Webb County for the county permanent school fund.

To Natural Resources.

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

HB 2167 (By Murphy), Relating to the definition of a postsecondary program in regard to non-baccalaureate career schools and colleges.

To Economic and Small Business Development.

HB 2483 (By Peña), Relating to certain do-not-resuscitate orders and advance directives; providing penalties.

To Human Services.

HB 2560 (By Sheffield), Relating to transporting a foster child in a vehicle where a handgun is in the possession of a person licensed to carry a concealed handgun.

To Homeland Security and Public Safety.

HB 2605 (By L. Taylor), Relating to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance. To State Affairs.

SIGNED BY THE SPEAKER

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

House List No. 10

HCR 40, HCR 56, HCR 58, HCR 59, HCR 76

Senate List No. 10

SCR 24

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, March 16, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 10 Branch SPONSOR: Carona
Honoring Southern Methodist University on the 100th anniversary of its founding and 10 decades of educational excellence.

HCR 28 Branch SPONSOR: Eltife
In memory of Don Meredith, former SMU and Dallas Cowboys quarterback and longtime sportscaster.

SB 115 Uresti
Relating to limiting the liability of space flight entities.

SB 141 Eltife
Relating to debt management services and the regulation of debt management services providers.

SB 321 Hegar
Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

SB 408

Estes

Relating to inspection of and the operation of watercraft on the John Graves Scenic Riverway.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 15

Defense and Veterans' Affairs - **HB 74, HB 205**

Judiciary and Civil Jurisprudence - **HB 119, HB 229, HB 245, HB 322, HB 462, HB 720**

State Affairs - **HB 51, HB 183, HB 671, HB 726, HJR 65**

Voter Identification and Voter Fraud, Select - **SB 14**

Ways and Means - **HB 328**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-SEVENTH DAY — THURSDAY, MARCH 17, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 100).

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

Absent, Excused — Eiland.

The invocation was offered by Dan Lahart, S. J. president of Strake Jesuit College Preparatory, Houston, as follows:

Good and gracious God, as we come together today, we ask you to send your spirit among us. Fill us with a desire to do your will in all our endeavors. Help us to care for those who are most vulnerable: the young, the sick, the poor, the elderly. Fill us with a spirit of cooperation and collaboration. May all our work here with others, may it always be for your greater glory. May we work with those, even with whom we disagree, and may the sacred work today truly serve those who have trusted this assembly with the responsibility to govern. Fill us with your wisdom to seek answers to difficult problems. Guide the deliberations of this assembly today, Lord. May the work of those men and women gathered here this morning bring honor and glory to your name. May they be true servants of our people. May they be true servants of you. And as we

ask for your blessing on us, we ask you to remember the needs of our country at this challenging time, and, in particular, to watch out for the safety of our young men and women who serve in our armed forces. May their work bring about your peace that is so needed in our world today. We ask all these things through the intercession of Saint Patrick, and in your name, O Lord, our creator and our redeemer. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Eiland on motion of T. King.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Dr. Kelly Alberda of Austin as the "Doctor for the Day."

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

(White in the chair)

LEAVE OF ABSENCE GRANTED

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

Castro on motion of Vo.

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. 11).

HR 686 - ADOPTED

(by Darby)

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 686**.

The motion prevailed.

The following resolution was laid before the house:

HR 686, In memory of acclaimed Western novelist Elmer Kelton of San Angelo.

HR 686 was read and was unanimously adopted by a rising vote.

On motion of Representatives Lewis and Hardcastle, the names of all the members of the house were added to **HR 686** as signers thereof.

HR 686 - REMARKS

REPRESENTATIVE DARBY: Members, today we commemorate the life and work of Elmer Kelton, a man whom San Angeloans remember for his pragmatism and real-world experience during his tenure as editor of the *San Angelo Standard-Times*, of *Sheep and Goat Raisers' Magazine*, and *Livestock Weekly*. This native son of West Texas also captured our imaginations, penning dozens of novels depicting the hardworking and rich culture of West Texas and her people. No matter the praise that Mr. Kelton earned in his career, he always maintained a calm humility. In fact, when he was approached by the Tom Green County Library about placing a statue of him in the building's Western literature section, he accepted only on one condition—they were not allowed to put him on a horse. "I'm a writer," Kelton said, "not a cowboy." Mr. Kelton may have been unimpressed with himself, but the same cannot be said about the rest of us. In 1996, the Western Writers of America selected Elmer Kelton as the best Western writer of all time, placing him ahead of such legendary figures as Zane Grey, Louis L'Amour, A. B. Guthrie, and Larry McMurtry. Legends are made of humble men, and Elmer Kelton is truly a Texas legend.

INTRODUCTION OF GUEST

The chair recognized Representative Darby who introduced Steve Kelton.
(Aycock in the chair)

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).
(White in the chair)

REMARKS ORDERED PRINTED

Representative Hardcastle moved to print remarks by Representative Darby on **HR 686**.

The motion prevailed.
(L. Taylor in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Flynn who introduced members of the Texas State Guard, speaking as follows:

Today is a great day here at the Capitol, we're going to celebrate the 70th anniversary of the Texas State Guard. Before we have the resolution, I would like to bring your attention to the podium where we have Major General John Nichols who is the new adjutant general for the State of Texas. We have Major General Raymond Peters who is a commander of the Texas State Guard, Brigadier General Charles Miller who is the chief of staff for the Texas State

Guard, Colonel Donald Prince who is the commander of the Texas State Guard Air Division, and Colonel Patrick Hamilton who is the G3 for the Texas State Guard. It is a great honor to have these gentlemen with us today.

HR 570 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 570**.

The motion prevailed.

The following resolution was laid before the house:

HR 570, Commemorating the 70th anniversary of the Texas State Guard.

HR 570 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 570** as signers thereof.

REMARKS ORDERED PRINTED

Representative Berman moved to print remarks by Representative Flynn on **HR 570**.

The motion prevailed.

(Parker in the chair)

HR 527 - ADOPTED
(by Aliseda)

Representative Aliseda moved to suspend all necessary rules to take up and consider at this time **HR 527**.

The motion prevailed.

The following resolution was laid before the house:

HR 527, Recognizing March 17, 2011, as Bee County Day at the State Capitol.

HR 527 was read and was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 527** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Aliseda who introduced a delegation from Bee County.

(Deshotel in the chair)

HR 894 - ADOPTED
(by Villarreal)

Representative Villarreal moved to suspend all necessary rules to take up and consider at this time **HR 894**.

The motion prevailed.

The following resolution was laid before the house:

HR 894, Commemorating the 67th anniversary of the founding of BCFS.

HR 894 was read and was adopted.

On motion of Representative Farias, the names of all the members of the house were added to **HR 894** as signers thereof.

(Callegari in the chair)

HR 913 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 913**.

The motion prevailed.

The following resolution was laid before the house:

HR 913, Recognizing March 16, 2011, as Uvalde County Day at the State Capitol.

HR 913 was read and was adopted.

On motion of Representatives Hilderbran and P. King, the names of all the members of the house were added to **HR 913** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gallego who introduced a delegation from Uvalde County.

(Raymond in the chair)

HR 139 - ADOPTED
(by P. King)

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 139**.

The motion prevailed.

The following resolution was laid before the house:

HR 139, In memory of Mundy Ingalls Peale, Jr., of Lake Kiowa.

HR 139 was read and was unanimously adopted by a rising vote.

On motion of Representatives Hardcastle and Phillips, the names of all the members of the house were added to **HR 139** as signers thereof.

HR 674 - PREVIOUSLY ADOPTED
(by Muñoz, V. Gonzales, and Peña)

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

HR 674, Honoring educator Anna Villanueva of Alton for her achievements.

On motion of Representative V. Gonzales, the names of all the members of the house were added to **HR 674** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Muñoz who introduced Anna Villanueva and members of her family.

HR 786 - ADOPTED

(by **Murphy, Patrick, Turner, Vo, and Lucio**)

Representative Murphy moved to suspend all necessary rules to take up and consider at this time **HR 786**.

The motion prevailed.

The following resolution was laid before the house:

HR 786, Commemorating St. Patrick's Day and honoring the contributions that individuals of Irish descent have made to the State of Texas.

(Rodriguez in the chair)

HR 786 was read and was adopted.

On motion of Representative Vo, the names of all the members of the house were added to **HR 786** as signers thereof.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 100 (by Branch), Commemorating the 100th anniversary of the founding of the Texas State University System.

HR 24 was withdrawn.

HR 25 was withdrawn.

HR 63 was withdrawn.

HR 665 (by Veasey), Commending Texas grandparents who are raising their grandchildren.

HR 688 (by Isaac), Commending Shannon K. McClendon for her service on the Texas Board of Professional Engineers.

HR 690 (by Marquez), Honoring Rose Medina, Thomas Black, A D Towing and Recovery, Arrow Towing, the El Paso Fire Department, A & P Plumbing Unlimited, and Villarreal & Sons Electric of El Paso for rendering assistance during the February 2011 storm.

HR 693 (by Carter, et al.), Welcoming members of the Dallas County Council of Republican Women to the State Capitol on March 3, 2011.

HR 696 (by Aliseda), Commemorating the 100th anniversary observance of the founding of Potect.

HR 697 (by Aliseda), Honoring Goliad County for its contributions to the history and culture of the Lone Star State.

HR 698 (by Madden, et al.), Honoring Richardson City Council member John Murphy for his service to the community.

HR 701 (by Rodriguez), Congratulating Fidencio Duran on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 702 (by Rodriguez), Paying tribute to the life of Raul Salinas, a Mexican American Trailblazer of Austin and Travis County.

HR 703 (by Rodriguez), Congratulating Susana R. Almanza on her selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 704 (by Rodriguez), Paying tribute to the life of Eva Carrillo de Garcia, a Mexican American Trailblazer of Austin and Travis County.

HR 705 (by Rodriguez), Paying tribute to the life of Dr. Alberto Gonzalo Garcia, a Mexican American Trailblazer of Austin and Travis County.

HR 706 (by Rodriguez), Paying tribute to the life of Daniel Camacho, a Mexican American Trailblazer of Austin and Travis County.

HR 707 (by Rodriguez), Paying tribute to the life of Tomas "Tom" Guedea, Sr., a Mexican American Trailblazer of Austin and Travis County.

HR 708 (by Rodriguez), Paying tribute to the life of Santos "Sandy" Acosta Fuentes, a Mexican American Trailblazer of Austin and Travis County.

HR 709 (by Rodriguez), Paying tribute to the life of Arturo Lopez Aleman, a Mexican American Trailblazer of Austin and Travis County.

HR 710 (by Rodriguez), Paying tribute to the life of Lorraine C. "Grandma" Camacho, a Mexican American Trailblazer of Austin and Travis County.

HR 711 (by Rodriguez), Paying tribute to the life of Roy Lozano, a Mexican American Trailblazer of Austin and Travis County.

HR 712 (by Rodriguez), Paying tribute to the life of Emma Galindo, a Mexican American Trailblazer of Austin and Travis County.

HR 713 (by Rodriguez), Congratulating Ramon Galindo on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 714 (by Rodriguez), Congratulating Maggie Rivas-Rodriguez on her selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 715 (by Rodriguez), Congratulating Juan Cotera on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 716 (by Rodriguez), Congratulating John Trevino, Jr., on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 717 (by Rodriguez), Congratulating Fidel Estrada on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 718 (by Rodriguez), Congratulating Gloria Mata Pennington on her selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 719 (by Rodriguez), Congratulating Richard Moya on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 720 (by Rodriguez), Congratulating Arthur G. Cardenas on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 721 (by Rodriguez), Paying tribute to the life of Eustasio A. Cepeda, a Mexican American Trailblazer of Austin and Travis County.

HR 722 (by Rodriguez), Congratulating Manuel "Cowboy" Donley on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 723 (by Rodriguez), Congratulating Gloria G. Moreno on her selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 724 (by Rodriguez), Congratulating Mario Cruz on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 725 (by Rodriguez), Paying tribute to the life of Margarita Munoz Simon, a Mexican American Trailblazer of Austin and Travis County.

HR 726 (by Rodriguez), Congratulating Jorge Duron Guerra on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 727 (by Rodriguez), Congratulating John N. Vasquez on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 728 (by Rodriguez), Congratulating Gustavo L. "Gus" Garcia on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 729 (by Rodriguez), Congratulating Rodolfo Mendez on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 730 (by Rodriguez), Paying tribute to the life of Valentino M. Luna, a Mexican American Trailblazer of Austin and Travis County.

HR 731 (by Rodriguez), Congratulating Gilbert C. Rivera on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 732 (by Rodriguez), Congratulating Dr. Gonzalo Garza on his selection by the Austin History Center as a Mexican American Trailblazer of Austin and Travis County.

HR 733 (by Garza), Recognizing March 22, 2011, as The University of Texas at Austin Plan II Honors Day.

HR 734 (by Flynn), Congratulating Robert and Edna Myrick of Greenville on their 45th wedding anniversary.

HR 738 (by Raymond), Honoring Aurelia Lopez Gonzalez on her 90th birthday.

HR 739 (by Burkett), Recognizing March 23, 2011, as Sunnyvale Day at the State Capitol.

HR 742 (by Cain), Congratulating Sybil McClendon of Sulphur Springs on her 88th birthday.

HR 744 (by Miles), Honoring Paula Harris on being elected president of the Houston Independent School District Board of Education.

HR 745 (by Kolkhorst), Congratulating Dr. Dana Gibson on her installation as president of Sam Houston State University.

HR 746 (by Pitts), Congratulating Dr. Thomas R. Norris of McGregor on his retirement as executive director of Education Service Center Region 12.

HR 750 (by Y. Davis), Commemorating the 2011 Texas Young Democrats Convention and the Young Democrats of America South-Central Regional Conference, being held in Austin April 1 through 3, 2011.

HR 752 (by Schwertner), Congratulating Merlin and Delores Schwenk of Georgetown on their 55th wedding anniversary.

HR 753 (by Button), Congratulating Ebby Halliday of Dallas on the occasion of her 100th birthday.

HR 756 (by Sheffield), Congratulating Lieutenant Colonel (Ret.) Deborah L. Van Dormolen of Salado on being named the 2010 Distinguished Military Retiree for Texas by the Fort Hood Retiree Council.

HR 757 (by Madden, et al.), Commending Mayor Gary A. Slagel of Richardson for his public service.

HR 763 was withdrawn.

HR 766 (by Marquez), Congratulating Tim Floyd on becoming the head coach of The University of Texas at El Paso basketball team.

HR 767 (by Marquez), Congratulating Arturo and Graciela Borrego of El Paso on their 50th wedding anniversary.

HR 768 (by Marquez), Congratulating Omar Salgado of El Paso on being the first player selected in the Major League Soccer 2011 SuperDraft.

HR 769 (by Marquez), Congratulating the swim team of Cathedral High School in El Paso on winning the 2010-2011 TAPPS Division 1 state championship.

HR 774 (by Castro), Congratulating Paul Huron IV of San Antonio for his achievements in science fair competitions.

HR 776 (by Morrison), Congratulating Gus Kroos on his retirement as unit director with H-E-B in Victoria.

HR 778 (by Muñoz), Congratulating the Palmview High School Mariachis Los Lobos band on winning the class 5A state championship at the 2011 MASBA High School All-State Mariachi Competition.

HR 779 (by W. Smith), Congratulating Charles Ganze on his retirement from the Gulf Coast Waste Disposal Authority.

HR 782 (by Sheffield), Honoring Keep Temple Beautiful for its exceptional community service.

HR 783 (by Craddick), Congratulating Chevron on reaching the five billion barrel production milestone.

HR 785 (by Legler), Commemorating the 75th anniversary of the founding of the Texas Bay Area Credit Union.

HR 786 was previously adopted.

HR 787 (by Veasey), Congratulating the Reverend L. S. Wilson of Fort Worth on his 75th birthday.

HR 788 (by Hopson), Congratulating Katelyn Standley of Jacksonville for making a verbal commitment to play softball for Stephen F. Austin State University.

HR 790 (by Gooden), Recognizing March 14, 2011, as Cedar Creek Lake Area Day at the State Capitol.

HR 795 (by Veasey), Honoring the Eta Chapter of Eta Phi Beta Sorority, Inc., on the 50th anniversary of its founding.

HR 796 (by V. Taylor), Honoring Sandi Stevens for her outstanding community service work in the Dallas area.

HR 797 (by V. Taylor), Congratulating Jim Dunlap on his retirement as an instructor and curator at Plano ISD's Holifield Science Learning Center.

HR 798 (by V. Taylor), Congratulating David Forinash of Plano on his leadership as the 2010-2011 drum major for The University of Texas at Austin Longhorn Band.

HR 799 (by V. Taylor), Commending Brad Shanklin for his service as a member of the board of trustees for the Plano Independent School District.

HR 800 (by V. Taylor), Honoring 2010 Intel International Science and Engineering Fair winner Amy Chyao for her remarkable scientific and academic achievements.

HR 801 (by V. Taylor), Congratulating the Plano Senior High School debate team for its success in the 2010-2011 International Public Policy Forum.

HR 802 (by V. Taylor), Congratulating Jackie Hall of Plano on her retirement as executive director of the Assistance Center of Collin County.

HR 803 (by V. Taylor), Honoring deputy city manager LaShon D. Ross for her service to the citizens of Plano.

HR 804 (by V. Taylor), Congratulating Rounok Joardar of Plano West Senior High School on winning a first-place award at the National Junior Science and Humanities Symposium.

HR 805 (by S. King), Honoring H. V. Chapman & Sons of Abilene for providing Bibles embossed with the state seal for use by the Texas Legislature and the House Bible Study group.

HR 806 was previously adopted.

HR 807 was previously adopted.

HR 810 (by Marquez), Congratulating the boys' basketball team from Bowie High School in El Paso on winning the District 1-4A championship.

HR 811 (by Marquez), Commemorating the first annual Neon Desert Music Festival in El Paso on April 30, 2011.

HR 812 (by White), Recognizing the Texas Forestry Association on the occasion of its seedling giveaway and commending association members for their reforestation efforts and advocacy.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HCR 73 (by Hughes), In memory of Jean Glaze of Gilmer.

HR 686 was previously adopted.

HR 692 (by Woolley, et al.), In memory of Nancy Gene Dale Palm of Houston.

HR 755 (by Castro), In memory of U.S. Army Specialist Omar Soltero of San Antonio.

HR 758 (by Pitts), In memory of Ruth Pierce Burton of Waxahachie.

HR 759 (by Branch), Paying tribute to the fallen heroes of the Battle of the Alamo.

HR 760 (by Hunter), In memory of Edward Galvan of Corpus Christi.

HR 765 (by Gallego), In memory of Robert Paul McFarland of Alpine.

HR 772 (by Dutton), In memory of James Edward Barrs of Houston.

HR 789 (by Hopson), In memory of Floyd W. Stiefer, former Jacksonville chief of police and city council member.

The resolutions were unanimously adopted by a rising vote.

(Menendez in the chair)

COMMITTEES GRANTED PERMISSION TO MEET

Representative Branch requested permission for the Select Committee on State Sovereignty to meet while the house is in session, during bill referral today, in E2.010, to consider previously posted bills.

Permission to meet was granted.

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, during bill referral today, in E2.016, to consider the posted agenda.

Permission to meet was granted.

Representative Callegari requested permission for the Committee on Government Efficiency and Reform to meet while the house is in session, during bill referral today, in E1.014, to consider pending business and the posted agenda.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

Representative Legler moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 11 a.m. Monday, March 21.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Coleman in the chair)

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1 - March 18.)

(W. Smith in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 5:14 p.m. Friday, March 18, adjourned until 11 a.m. Monday, March 21.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 1 (By Pitts), General Appropriations Bill.
To Appropriations.

HB 13 (By Kolkhorst), Relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.
To Public Health.

HB 1598 (By Marquez), Relating to the period of continuous eligibility for the medical assistance program.
To Public Health.

HB 1720 (By J. Davis), Relating to improving health care provider accountability and efficiency under the child health plan and Medicaid programs.
To Public Health.

HB 1738 (By Walle), Relating to the eligibility of certain individuals for medical assistance on confinement in, placement in, detention in, or commitment to and release from certain facilities and other settings.
To Public Health.

HB 2368 (By Parker), Relating to copayments under the medical assistance program.
To Public Health.

HB 2478 (By Perry), Relating to the provision of nonemergency medical services to Medicaid recipients and reimbursement for those services.
To Public Health.

HB 2664 (By P. King), Relating to the abolition of the Texas Facilities Commission and the transfer of its duties to the comptroller, General Land Office, and State Preservation Board.
To State Affairs.

HB 2820 (By Farias), Relating to the establishment of a pilot program in Bexar County to provide an educational course to certain parents on the effects of child abuse and neglect.

To Human Services.

HB 2821 (By Paxton), Relating to posting notice of real property sale by electronic display.

To Business and Industry.

HB 2822 (By Coleman), Relating to the penalty for and certain other civil consequences of engaging in disorderly conduct for a lewd or unlawful purpose.

To Criminal Jurisprudence.

HB 2823 (By Coleman), Relating to educational and training requirements for certain peace officers on ethical decision making.

To Homeland Security and Public Safety.

HB 2824 (By Zerwas), Relating to negotiations with the United Mexican States for purchase or lease of the New Orleans Greys flag flown during the Battle of the Alamo.

To Culture, Recreation, and Tourism.

HB 2826 (By Murphy), Relating to the issuance of a certificate for a municipal setting designation.

To Environmental Regulation.

HB 2827 (By Hopson), Relating to coverage for certain pharmaceutical services by a workers' compensation insurance carrier.

To State Affairs.

HB 2828 (By Callegari), Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties.

To State Affairs.

HB 2829 (By McClendon), Relating to requiring the disclosure of certain information to purchasers and renters of residential property in certain counties.

To Business and Industry.

HB 2830 (By Huberty), Relating to the development of a model individualized education program form by the Texas Education Agency.

To Public Education.

HB 2831 (By Darby), Relating to maximizing federal funding of extended unemployment benefits.

To Economic and Small Business Development.

HB 2832 (By W. Smith), Relating to the idling of motor vehicles.

To Environmental Regulation.

HB 2833 (By White), Relating to the classification and care of working dogs.

To Agriculture and Livestock.

HB 2834 (By Smithee), Relating to insurer receivership.

To Insurance.

HB 2835 (By Smithee), Relating to the functions of insurance holding company systems.

To Insurance.

HB 2836 (By Smithee), Relating to the regulation of title insurance rates.

To Insurance.

HB 2837 (By Smithee), Relating to regulation of title insurance rates.

To Insurance.

HB 2838 (By Smithee), Relating to the regulation of title insurance rates.

To Insurance.

HB 2839 (By Smithee), Relating to regulation of title insurance rates on a file and use basis.

To Insurance.

HB 2840 (By Smithee), Relating to petitions for judicial review of orders on excessive or unfairly discriminatory residential property premium rates.

To Insurance.

HB 2841 (By Gallego), Relating to the authority of the Public Utility Commission of Texas to protect telecommunications network integrity from unauthorized or uncompensated use.

To State Affairs.

HB 2842 (By Gallego), Relating to Internet posting by the Legislative Budget Board of certain budget documents.

To Appropriations.

HB 2843 (By Madden), Relating to the provision of additional opportunities for instruction through the state virtual school network.

To Public Education.

HB 2844 (By Madden), Relating to the supervision of certain people convicted of a criminal offense and to the organization and operation of certain correctional entities.

To Corrections.

HB 2845 (By Madden), Relating to the authority of a judge to impose a period of confinement in a county jail for a violation of a condition of community supervision.

To Corrections.

HB 2846 (By Madden), Relating to certain procedures and civil penalties under the Deceptive Trade Practices-Consumer Protection Act.

To Business and Industry.

HB 2847 (By Madden), Relating to the use of video teleconferencing systems in certain criminal proceedings.

To Criminal Jurisprudence.

HB 2848 (By Smithee), Relating to treatment under the public school finance system of a school district that imposes a maintenance and operations tax at a rate below the rate otherwise required for entitlement to state funding.

To Public Education.

HB 2849 (By Simpson), Relating to the rights of an owner of the surface estate in land in connection with mineral exploration and production operations; providing administrative and criminal penalties.

To Energy Resources.

HB 2850 (By Mallory Caraway), Relating to a prohibition on the sale or transfer of certain law enforcement vehicles before removal of certain equipment and insignia.

To Homeland Security and Public Safety.

HB 2851 (By Mallory Caraway), Relating to deferral of certain surcharge payments for active duty military personnel.

To Defense and Veterans' Affairs.

HB 2852 (By Mallory Caraway), Relating to requiring signs at intersections with photographic traffic monitoring systems and photographic traffic signal enforcement systems.

To Urban Affairs.

HB 2853 (By J. Davis), Relating to tax increment financing.

To Ways and Means.

HB 2854 (By Truitt), Relating to the employment of physicians by certain hospitals associated with nonprofit fraternal organizations.

To Public Health.

HB 2855 (By C. Howard), Relating to marriage education courses for certain couples filing for divorce on the grounds of insupportability.

To Judiciary and Civil Jurisprudence.

HB 2856 (By Gallego), Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

To Criminal Jurisprudence.

HB 2857 (By Gallego), Relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.

To County Affairs.

HB 2858 (By Gallego), Relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity.

To Criminal Jurisprudence.

HB 2859 (By Gallego), Relating to the creation of the Terrell County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 2860 (By Y. Davis), Relating to public improvement districts designated by a municipality or county.

To Urban Affairs.

HB 2861 (By Y. Davis), Relating to documents filed with a district, county, or court clerk.

To Judiciary and Civil Jurisprudence.

HB 2862 (By Y. Davis), Relating to coverage of household residents under a personal automobile insurance policy.

To Insurance.

HB 2863 (By Y. Davis), Relating to the authority of certain legislative committees to investigate alleged violations of law by state officials, employees, and agencies.

To State Affairs.

HB 2864 (By Y. Davis), Relating to the disclosure required by an officer of the executive branch on the nomination of an appointed officer.

To State Affairs.

HB 2865 (By Harper-Brown), Relating to the management of the state vehicle fleet.

To Government Efficiency and Reform.

HB 2866 (By Harper-Brown), Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.

To Government Efficiency and Reform.

HB 2867 (By Harper-Brown), Relating to the inclusion of financial information of a spouse or a dependent child on the financial statement required to be filed by certain public officers, candidates, and state party chairs.

To Elections.

HB 2868 (By Harper-Brown), Relating to the regulation of talent agencies.

To Licensing and Administrative Procedures.

HB 2869 (By Harper-Brown), Relating to the powers and duties of certain master mixed-use property owners' associations.

To Business and Industry.

HB 2870 (By Harper-Brown), Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education.

To Government Efficiency and Reform.

HB 2871 (By Aliseda), Relating to a disposal fee for motor vehicle tires.

To Environmental Regulation.

HB 2872 (By Orr), Relating to restrictions on the sale of certain motor vehicles at vehicle shows or exhibitions.

To Transportation.

HB 2873 (By Perry), Relating to the creation of a state court to hear cases involving insurance and Medicaid fraud.

To Judiciary and Civil Jurisprudence.

HB 2874 (By Geren), Relating to the regulation of Voice over Internet Protocol service.

To State Affairs.

HB 2875 (By S. Davis), Relating to election practices and procedures pertaining to voters not included on the poll list.

To Elections.

HB 2876 (By Aycock), Relating to reimbursement by the state for attorney ad litem fees paid by counties in certain suits affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 2877 (By Aycock), Relating to required sale or lease of unused or underutilized school district facilities to charter schools.

To Public Education.

HB 2878 (By Berman), Relating to the creation of certain criminal offenses involving unauthorized aliens, to the forfeiture of property in relation to criminal offenses involving unauthorized aliens, and to the creation of a private cause of action for employing or contracting with unauthorized aliens.

To State Affairs.

HB 2879 (By P. King), Relating to the abolishment of the Texas Historical Commission and the transfer of its duties to the Parks and Wildlife Commission, the General Land Office, and the Texas State Library and Archives Commission.

To State Affairs.

HB 2880 (By Scott), Relating to the organization of the Court of Appeals for the Thirteenth Court of Appeals District and to the creation of the Fifteenth Court of Appeals District.

To Judiciary and Civil Jurisprudence.

HB 2881 (By Scott), Relating to state financing of public transportation.

To Transportation.

HB 2882 (By Scott), Relating to subrogation of certain costs for services provided or paid by the Nueces County Hospital District; providing penalties.

To Judiciary and Civil Jurisprudence.

HB 2883 (By Weber), Relating to a disciplinary proceeding for a professional employee of a school district based on the employee's use of physical force against a student.

To Public Education.

HB 2884 (By Solomons), Relating to coordinated county transportation authorities; creating an offense.

To Transportation.

HB 2885 (By Workman), Relating to the regulation of liquid propane gas tanks on residential property.

To Energy Resources.

HB 2886 (By Workman), Relating to the establishment of a work program for certain persons not legally authorized to be in the United States; providing penalties.

To State Affairs.

HB 2887 (By Fletcher), Relating to the disposition of forfeited property seized by the Texas Department of Public Safety in certain investigations of violations of the Texas Controlled Substances Act.

To Homeland Security and Public Safety.

HB 2888 (By Muñoz), Relating to expedited release from a certificate of public convenience and necessity for water and sewer service for certain landowners.

To Natural Resources.

HB 2889 (By Madden), Relating to the expunction of records and files relating to a person's arrest.

To Criminal Jurisprudence.

HB 2890 (By Simpson), Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

To State Affairs.

HB 2891 (By Sheets), Relating to the provision of a voter's fingerprints with a mailed ballot.

To Elections.

HB 2892 (By Sheets), Relating to prima facie speed limits.

To Transportation.

HB 2893 (By Isaac), Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 2894 (By Torres), Relating to discount programs for members of the armed services provided by toll project entities.

To Defense and Veterans' Affairs.

HB 2895 (By D. Miller), Relating to rate proceedings before a regulatory authority regarding water utility rates.

To Natural Resources.

HB 2896 (By T. King), Relating to duties of law enforcement involving damaged fences and to compensation to property owners for property damage resulting from vehicular pursuit.

To Homeland Security and Public Safety.

HB 2897 (By Naishtat), Relating to the driver safety courses for individuals under the age of 25 and to the driving course requirements for those individuals when receiving deferred adjudication of certain traffic offenses.

To Transportation.

HB 2898 (By Morrison), Relating to the issuance of tuition revenue bonds for the University of Houston-Victoria.

To Higher Education.

HB 2899 (By Hartnett), Relating to decedents' estates.

To Judiciary and Civil Jurisprudence.

HB 2900 (By Hartnett), Relating to guardianships.

To Judiciary and Civil Jurisprudence.

HB 2901 (By D. Miller), Relating to the priority of a lien for funds advanced by the transferee of an ad valorem tax lien.

To Ways and Means.

HB 2902 (By Zerwas), Relating to the release of extraterritorial jurisdiction by certain general-law municipalities.

To Land and Resource Management.

HB 2903 (By Zerwas), Relating to the program of all-inclusive care for the elderly.

To Public Health.

HB 2904 (By Zerwas), Relating to the administration of a centralized Texas organ donation registry.

To Public Health.

HB 2905 (By Branch), Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

To Higher Education.

HB 2906 (By Branch), Relating to the amount of a tuition equalization grant.

To Higher Education.

HB 2907 (By Branch), Relating to the requirements for and procedures governing tuition equalization grants.

To Higher Education.

HB 2908 (By Branch), Relating to providing graduate medical education positions for Texas medical school graduates.

To Higher Education.

HB 2909 (By Branch), Relating to increasing awareness in this state of the importance of higher education.

To Higher Education.

HB 2910 (By Branch), Relating to agreements between the Texas Higher Education Coordinating Board and certain organizations for increasing degree completion rates.

To Higher Education.

HB 2911 (By Branch), Relating to guaranteed student loans and alternative education loans.

To Higher Education.

HB 2912 (By Branch), Relating to the administration of certain supplemental student loan programs and the issuance of private activity bonds by qualified nonprofit corporations.

To Higher Education.

HB 2913 (By Muñoz), Relating to the operation of dropout recovery programs by certain public junior colleges in partnership with school districts.

To Higher Education.

HB 2914 (By Frullo), Relating to the study of efficiency, productivity, and cost-effectiveness in state agency operations.

To Government Efficiency and Reform.

HB 2915 (By Frullo), Relating to the requirements for a driver education instructor license.

To Public Education.

HB 2916 (By J. Davis), Relating to the administration of certain housing and energy assistance programs.

To Appropriations.

HB 2917 (By McClendon), Relating to the optional county fee for the county road and bridge fund.

To Transportation.

HB 2918 (By McClendon), Relating to debt collection for unpaid child support against student financial assistance proceeds.

To Judiciary and Civil Jurisprudence.

HB 2919 (By Reynolds), Relating to state bar rules adopted or amended by the supreme court.

To Judiciary and Civil Jurisprudence.

HB 2920 (By Reynolds), Relating to the authority of a governing body of a Type C General Law City to adopt an ordinance to determine the manner of when commissioners run for elected office.

To Urban Affairs.

HB 2921 (By Lewis), Relating to the power of the office of the attorney general to make certain examinations and inquiries.

To State Affairs.

HB 2922 (By Smithee), Relating to the refund of excessively or unfairly discriminatory premiums paid for certain personal lines of insurance.

To Insurance.

HB 2923 (By Huberty), Relating to state sovereignty over curriculum standards, assessments, and student information.

To Select State Sovereignty.

HB 2924 (By L. Taylor), Relating to contractual limitations periods in property insurance policies.

To Insurance.

HB 2925 (By Farias), Relating to the extension of consumer credit to certain members of the Texas National Guard and armed forces of the United States and their dependents; providing a penalty.

To Pensions, Investments, and Financial Services.

HB 2926 (By Farias), Relating to reporting by school districts for purposes of the Public Education Information Management System (PEIMS) of data on students who drop out or otherwise leave public school.

To Public Education.

HB 2927 (By Farias), Relating to the system for appraising property for ad valorem tax purposes.

To Ways and Means.

HB 2928 (By Farias), Relating to privileged parking for recipients of the Silver Star Medal specialty license plate.

To Defense and Veterans' Affairs.

HB 2929 (By Elkins), Relating to the sale of salvage motor vehicles and the regulation of salvage vehicle dealers; providing a civil penalty.

To Licensing and Administrative Procedures.

HB 2930 (By Woolley), Relating to contracting for and making purchases with proceeds from a commissary for the use of inmates in the jails of certain counties.

To County Affairs.

HB 2931 (By Woolley), Relating to debt cancellation agreements.

To Pensions, Investments, and Financial Services.

HB 2932 (By Castro), Relating to college preparatory courses offered by school districts for local course credit.

To Public Education.

HB 2933 (By Castro), Relating to the collection of data related to health benefit plan claims for the treatment of a child's serious mental illness.

To Insurance.

HB 2934 (By Castro), Relating to optional annuity increases and annual supplemental payments for certain retirees and beneficiaries of the Texas Municipal Retirement System.

To Pensions, Investments, and Financial Services.

HB 2935 (By Castro), Relating to the appointment of a court reporter by a criminal law magistrate in Bexar County.

To Judiciary and Civil Jurisprudence.

HB 2936 (By Castro), Relating to the administration of district courts in Bexar County.

To Judiciary and Civil Jurisprudence.

HB 2937 (By Lewis), Relating to access to the criminal history record information of certain individuals by public or private institutions of higher education and the Texas Higher Education Coordinating Board.

To Homeland Security and Public Safety.

HB 2938 (By Strama), Relating to a grant program for certain natural gas motor vehicles.

To Energy Resources.

HB 2939 (By T. King), Relating to the annual reporting of groundwater use in activities related to the exploration or drilling for or production of oil or gas by owners or operators of oil and gas wells.

To Natural Resources.

HB 2940 (By T. King), Relating to the form of death certificates and fetal death certificates.

To Public Health.

HB 2941 (By Zerwas), Relating to the intercollegiate athletics fee at Prairie View A&M University.

To Higher Education.

HB 2942 (By Workman), Relating to the creation and financing of the Lakeway Regional Medical Center Defined Area in Travis County Water Control and Improvement District No. 17; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 2943 (By Coleman), Relating to property taxing entities' bond and debt reporting requirements to the Bond Review Board.

To Ways and Means.

HB 2944 (By Coleman), Relating to Internet availability of bonds and other debt obligations issued by local governments.

To County Affairs.

HB 2945 (By Coleman), Relating to the promotion of efficiencies in and the administration of certain county services and functions.

To County Affairs.

HB 2946 (By Coleman), Relating to group health benefit plan coverage for loss or impairment of speech, language, or hearing.

To Insurance.

HB 2947 (By Coleman), Relating to the exception of an audit working paper of a hospital district from required disclosure under the public information law.

To County Affairs.

HB 2948 (By Lozano), Relating to the designation of certain highways as part of the Purple Heart Trail.

To Transportation.

HB 2949 (By Cook), Relating to the administration of the collection improvement program.

To Criminal Jurisprudence.

HB 2950 (By Lozano), Relating to the limitation of liability of certain landowners.

To Judiciary and Civil Jurisprudence.

HB 2951 (By Larson), Relating to the sunset review of regional mobility authorities.

To Transportation.

HB 2952 (By Cain), Relating to municipal, county, and school district and other special district budgets.

To Ways and Means.

HB 2953 (By Cain), Relating to the state agency concurrence required before certain federal regulatory action is imposed on regulated business entities in this state.

To Government Efficiency and Reform.

HB 2954 (By Cain), Relating to eliminating longevity pay for state employees and judicial officers and authorizing merit pay for certain state employees.

To Appropriations.

HB 2955 (By Legler), Relating to liability for obtaining improper unemployment compensation benefits.

To Economic and Small Business Development.

HB 2956 (By Legler), Relating to the recovery of fraudulently obtained unemployment benefits or of taxes or fees owed to the state.

To Economic and Small Business Development.

HB 2957 (By J. Davis), Relating to due process for certain law enforcement officers.

To Homeland Security and Public Safety.

HB 2958 (By Paxton), Relating to the effect of a change in the state sales and use tax base on certain ad valorem tax rates of certain taxing units and the dedication of revenue attributable to the expansion of the state sales and use tax base to ad valorem tax relief.

To Ways and Means.

HB 2959 (By Price), Relating to the required transfer of records to a new county chair of a political party; providing a penalty.

To Elections.

HB 2960 (By Darby), Relating to farm vehicles and vehicles controlled and operated by farmers.

To Transportation.

HB 2961 (By Darby), Relating to the creation of a program for the development of solar energy industry in this state.

To State Affairs.

HB 2962 (By Bohac), Relating to the revocation or amendment of a certificate of public convenience and necessity for water or sewer service.

To Natural Resources.

HB 2963 (By Crownover), Relating to permit review timelines of the surface mining and reclamation division of the Railroad Commission of Texas.

To Energy Resources.

HB 2964 (By Naishtat), Relating to the powers of certain hospital districts regarding district properties and facilities.

To County Affairs.

HB 2965 (By Naishtat), Relating to the powers and duties of an attorney ad litem appointed for a parent in certain suits affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 2966 (By Naishtat), Relating to the confidentiality of certain communications and records made or collected in reference to certain sexual assault survivors.

To Criminal Jurisprudence.

HB 2967 (By Naishtat), Relating to the authority of the Travis County Healthcare District to make capital or financial contributions to charitable organizations.

To County Affairs.

HB 2968 (By Naishtat), Relating to birth records of adopted children.

To Public Health.

HB 2969 (By Oliveira), Relating to authorizing the sale of certain real property held by certain state agencies.

To Land and Resource Management.

HB 2970 (By Oliveira), Relating to the abolition of the Texas Facilities Commission and the transfer of its duties to the General Land Office.

To State Affairs.

HB 2971 (By T. Smith), Relating to the confidentiality of documents evaluating the performance of public school teachers and administrators.

To Public Education.

HB 2972 (By T. Smith), Relating to the municipal street maintenance tax.

To Ways and Means.

HB 2973 (By Hunter), Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.

To Judiciary and Civil Jurisprudence.

HB 2974 (By Hunter), Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association.

To Judiciary and Civil Jurisprudence.

HB 2975 (By Hunter), Relating to the treatment of tick-borne diseases.

To Public Health.

HB 2976 (By Hunter), Relating to the recording of proceedings and the issuance of a warrant to take physical custody of a child in certain suits affecting the parent-child relationship; creating an offense.

To Judiciary and Civil Jurisprudence.

HB 2977 (By Hunter), Relating to electronic communications during a public meeting; creating an offense.

To State Affairs.

HB 2978 (By Hunter), Relating to the applicability of open meetings requirements to certain meetings of the governing board of a county hospital or county hospital authority.

To County Affairs.

HB 2979 (By Hunter), Relating to county authority to provide certain exemptions to restrictions on outdoor burning.

To County Affairs.

HB 2980 (By Hunter), Relating to the assessment of litigation costs in certain actions under the public information law.

To State Affairs.

HB 2981 (By Hunter), Relating to the operation on a highway or street of a motor vehicle that is drawing a boat or personal watercraft in or on which a person is riding; providing a penalty.

To Transportation.

HB 2982 (By Orr), Relating to the composition of the Finance Commission of Texas.

To Pensions, Investments, and Financial Services.

HB 2983 (By Creighton), Relating to the qualification of supervisors of a fresh water supply district.

To Natural Resources.

HB 2984 (By W. Smith), Relating to the remediation of underground storage tanks and the fee on delivery of certain petroleum products.

To Environmental Regulation.

HB 2985 (By Parker), Relating to certain comprehensive development agreements of the Texas Department of Transportation.

To Transportation.

HB 2986 (By Parker), Relating to political expenditures made by labor organizations; providing civil and criminal penalties.

To Elections.

HB 2987 (By Parker), Relating to establishing an account for the purchase or operation of emissions monitoring devices in certain counties.

To Environmental Regulation.

HB 2988 (By Parker), Relating to prohibiting abortion except when medically necessary.

To State Affairs.

HB 2989 (By Deshotel), Relating to establishing the Workplace Fraud Prevention Act; providing penalties.

To Business and Industry.

HB 2990 (By Deshotel), Relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.

To Homeland Security and Public Safety.

HB 2991 (By Deshotel), Relating to the reasonable relation of qualified transactions to particular jurisdictions.

To Business and Industry.

HB 2992 (By Miles), Relating to planning and administration of the state's historically underutilized business program.

To Government Efficiency and Reform.

HB 2993 (By Miles), Relating to offenses involving violating the civil rights of a person in custody and engaging in improper sexual activity with a person in custody; providing certain enhanced penalties.

To Criminal Jurisprudence.

HB 2994 (By Miles), Relating to the creation, operation, and funding of the urban farm microenterprise support program.

To Agriculture and Livestock.

HB 2995 (By Miles), Relating to an exemption for urban farms from payment for wastewater service.

To State Affairs.

HB 2996 (By Miles), Relating to the creation of the Texas Urban Agricultural Innovation Authority.

To Agriculture and Livestock.

HB 2997 (By Miles), Relating to the creation and funding of the urban farming pilot program and the creation of the Select Committee on Urban Farming.

To Agriculture and Livestock.

HB 2998 (By Miles), Relating to ad valorem tax relief for urban farms and green roofs.

To Ways and Means.

HB 2999 (By Lewis), Relating to a fixed tuition rate program for certain students who transfer to a state university after completing an associate degree program.

To Higher Education.

HB 3000 (By Thompson), Relating to creating the offense of continuous trafficking of persons; providing a penalty and other civil consequences.

To Judiciary and Civil Jurisprudence.

HB 3001 (By Thompson), Relating to the electronic monitoring of certain high-risk sex offenders; providing a penalty.

To Criminal Jurisprudence.

HB 3002 (By Hughes), Relating to certain conservation and reclamation districts exempted from filing a full audit.

To Natural Resources.

HB 3003 (By Hughes), Relating to the issuance of an identification card to certain individuals to permit entrance into certain county buildings without passing through security services.

To County Affairs.

HB 3004 (By Nash), Relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.

To Pensions, Investments, and Financial Services.

HB 3005 (By Paxton), Relating to exemptions to persons required to hold a limited property and casualty license.

To Insurance.

HB 3006 (By Bonnen), Relating to the minimum number of days of service for public school educators and the required number of days of instruction for public school students.

To Public Education.

HB 3007 (By Bonnen), Relating to eliminating the requirement that a school district assess the physical fitness of students.

To Public Education.

HB 3008 (By Bonnen), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

HB 3009 (By Bonnen), Relating to removal of the requirements concerning random testing for illegal steroids of high school students participating in athletic competitions sponsored or sanctioned by the University Interscholastic League.

To Public Education.

HB 3010 (By Bonnen), Relating to the schedule for administration of state-administered assessment instruments in public schools.

To Public Education.

HB 3011 (By Giddings), Relating to prohibiting the use or retention of zip codes obtained by businesses in verifying the identity of customers; providing a civil penalty.

To Business and Industry.

HB 3012 (By Giddings), Relating to the exemption from the sales tax for certain school art supplies during limited periods.

To Ways and Means.

HB 3013 (By Giddings), Relating to the renewal of an expired cosmetology operator license.

To Licensing and Administrative Procedures.

HB 3014 (By Oliveira), Relating to the tax exemption for permanent hotel residents.

To Ways and Means.

HB 3017 (By Smithee), Relating to the prohibited use of discretionary clauses in certain health maintenance organization and insurance contracts.

To Insurance.

HB 3018 (By Gutierrez), Relating to a policy of a school district concerning possession of a paging device by a student.

To Public Education.

HB 3019 (By Gutierrez), Relating to the option to vote a paper ballot.

To Elections.

HB 3020 (By Gutierrez), Relating to rest breaks for employees of certain contractors with a governmental entity.

To Business and Industry.

HB 3021 (By Creighton), Relating to best practices for credit services organizations.

To Pensions, Investments, and Financial Services.

HB 3022 (By Flynn), Relating to the appointment of a bailiff for the 196th District Court.

To Judiciary and Civil Jurisprudence.

HB 3023 (By Smithee), Relating to the institution of a formal delinquency proceeding against the Texas Windstorm Insurance Association.

To Insurance.

HB 3024 (By Smithee), Relating to the Fair Access to Insurance Requirements (FAIR) Plan Association.

To Insurance.

HB 3025 (By Branch), Relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.

To Higher Education.

HB 3026 (By Weber), Relating to home-rule school districts.

To Public Education.

HB 3027 (By Weber), Relating to the application of foreign laws and foreign forum selection in this state.

To Judiciary and Civil Jurisprudence.

HB 3028 (By Weber), Relating to activities by the University Interscholastic League involving sports officials.

To Public Education.

HB 3029 (By W. Smith), Relating to the conditions for release on bond of a defendant charged with certain intoxication offenses.

To Criminal Jurisprudence.

HB 3030 (By McClendon), Relating to the funding of projects in the boundaries of an intermunicipal commuter rail district.

To Transportation.

HB 3031 (By McClendon), Relating to granting certain persons convicted of a felony deferred adjudication community supervision.

To Criminal Jurisprudence.

HB 3032 (By McClendon), Relating to the Texas rail relocation and improvement fund.

To Transportation.

HB 3033 (By Naishtat), Relating to retirement under public retirement systems for employees of certain municipalities.

To Pensions, Investments, and Financial Services.

HB 3034 (By McClendon), Relating to the authority of certain magistrates to issue certain search warrants.

To Criminal Jurisprudence.

HB 3035 (By Alvarado), Relating to the grievance procedure for firefighters and police officers in certain municipalities.

To Urban Affairs.

HB 3036 (By Alvarado), Relating to the municipal street maintenance sales tax.

To Ways and Means.

HB 3037 (By Chisum), Relating to contested case hearings for environmental permits.

To Environmental Regulation.

HB 3038 (By Chisum), Relating to unenforceable restrictive covenants affecting residential homes.

To Business and Industry.

HB 3039 (By Chisum), Relating to exempting from ad valorem taxation certain real property used to provide housing to certain persons with disabilities.

To Ways and Means.

HB 3040 (By Chisum), Relating to lender notice of default to contractors regarding a construction loan or financing agreement for an improvement to real property and related procedures for suspending contractors' performance.

To Business and Industry.

HB 3041 (By Kleinschmidt), Relating to certain procedures for dispensing narcotic drugs by prescription.

To Public Health.

HB 3042 (By Kleinschmidt), Relating to the creation of an instant-ticket lottery game with revenue dedicated to providing grants for breast cancer research, education, and patient treatment and support.

To Licensing and Administrative Procedures.

HB 3043 (By Eissler), Relating to an alcohol awareness component of the science curriculum used in public schools.

To Public Education.

HB 3044 (By Eissler), Relating to the regulation of certain activities on a public highway or road, the right-of-way of a public highway or road, or a parking lot.

To County Affairs.

HB 3045 (By Lucio), Relating to the regulation of the location of pawnshops in certain counties.

To Pensions, Investments, and Financial Services.

HB 3046 (By Lucio), Relating to monitoring the retention, preservation, and disposition of physical evidence gathered in a criminal investigation.

To Criminal Jurisprudence.

HB 3047 (By Lucio), Relating to the powers of a criminal law hearing officer in Cameron County.

To Criminal Jurisprudence.

HB 3048 (By Lucio), Relating to currency exchange.

To Pensions, Investments, and Financial Services.

HB 3049 (By Lucio), Relating to the designation of a portion of State Highway 499 as the Colonel Bill Card, Jr., Boulevard.

To Transportation.

HB 3050 (By Lucio), Relating to the seizure of contraband by law enforcement agencies.

To Homeland Security and Public Safety.

HB 3051 (By Pickett), Relating to the provision of child care by certain facilities exempt from child-care licensing requirements.

To Human Services.

HB 3052 (By Lozano), Relating to authorizing the issuance of revenue bonds for capital projects at Texas A&M University - Kingsville.
To Higher Education.

HB 3053 (By Paxton), Relating to efficiency in the delivery of health and human services.
To Human Services.

HB 3054 (By Peña), Relating to disclosures for certain political advertising.
To Elections.

HB 3055 (By Peña), Relating to the penalty for providing false information on an application for a ballot to be voted by mail.
To Elections.

HB 3056 (By Peña), Relating to the forfeiture of contraband used in the commission of certain offenses.
To Criminal Jurisprudence.

HB 3057 (By Peña), Relating to the distribution of voter registration applications by volunteer deputy registrars; creating an offense.
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SCR 29 to Rules and Resolutions.

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HB 271 (By Johnson), Relating to a study on effective methods for high school dropout prevention.
To Public Education.

HB 273 (By Zerwas), Relating to creation of a study committee for the Interstate Health Care Compact.
To Select State Sovereignty.

HB 2474 (By Marquez), Relating to eligibility for and administration of the child health plan program.
To Public Health.

HB 3015 (By Oliveira), Relating to the Texas Economic Development Act.
To Ways and Means.

HB 3058 (By Villarreal), Relating to a program for developing alternative local models for the appraisal and professional development of public school teachers.
To Public Education.

HB 3059 (By Smithee), Relating to the regulation of damage waivers used by certain vehicle rental companies.
To Insurance.

HB 3060 (By Smithee), Relating to arbitration of certain claims under residential property insurance policies.
To Insurance.

HB 3061 (By Smithee), Relating to arbitration of certain disputes arising in connection with a personal automobile insurance policy.

To Insurance.

HB 3062 (By Smithee), Relating to the payment of third-party claims under commercial and personal automobile insurance policies in this state.

To Insurance.

HB 3063 (By Smithee), Relating to third-party property damage claims under private passenger automobile insurance policies.

To Insurance.

HB 3064 (By P. King), Relating to preventing the fraudulent issuance and use of disabled parking placards.

To Transportation.

HB 3065 (By Sheffield), Relating to the requirement that certain food service establishments post a sign depicting the Heimlich maneuver.

To Public Health.

HB 3066 (By Burnam), Relating to regulation of air contaminant emissions from oil and gas wells.

To Environmental Regulation.

HB 3067 (By Burnam), Relating to a surcharge on certain fuel inefficient vehicles.

To Ways and Means.

HB 3068 (By Reynolds), Relating to eligibility of certain job trainees for extended unemployment compensation benefits.

To Economic and Small Business Development.

HB 3069 (By Veasey), Relating to the investment authority of the comptroller.

To Ways and Means.

HB 3070 (By Veasey), Relating to the creation of a social loan program.

To Human Services.

HB 3071 (By Veasey), Relating to contract award considerations by certain conservation and reclamation districts.

To Natural Resources.

HB 3072 (By Veasey), Relating to a requirement for photo identification for poll watchers.

To Elections.

HB 3073 (By Veasey), Relating to the posting of public notice of the issuance of a permit for an oil or gas well by the operator of the well.

To Energy Resources.

HB 3074 (By Veasey), Relating to eligibility for tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

To Higher Education.

HB 3075 (By Veasey), Relating to the health and physical education program guidelines that a school district must use in the district's health or physical education curriculum.

To Public Education.

HB 3076 (By Gallego), Relating to the rate of the hotel occupancy tax in certain counties.

To Ways and Means.

HB 3077 (By Gallego), Relating to a verification of the incarceration of an accused person in a criminal case for the purpose of discharging a surety's liability on a bail bond.

To Criminal Jurisprudence.

HB 3078 (By Gallego), Relating to the residency requirement for certain elective offices of certain political subdivisions.

To Elections.

HB 3079 (By Darby), Relating to dealer agreements regarding the purchase and sale of certain all-terrain vehicles or equipment or machinery used for agricultural, construction, utility, industrial, mining, forestry, and landscaping purposes.

To Licensing and Administrative Procedures.

HB 3080 (By Isaac), Relating to the issuance of a permit for the operation of certain overweight vehicle combinations.

To Transportation.

HB 3081 (By Isaac), Relating to suspending Employees Retirement System of Texas annuity payments for employees who return to work for the state.

To Pensions, Investments, and Financial Services.

HB 3082 (By Isaac), Relating to the location of certain mobile voting stations.

To Elections.

HB 3083 (By Isaac), Relating to exemption from assessment instruments for students attending public school campuses that are awarded certain distinction designations.

To Public Education.

HB 3084 (By Isaac), Relating to the retirement benefits for certain members and annuitants of the employee class of the Employees Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 3085 (By L. Taylor), Relating to the period of a license for a freestanding medical emergency care facility.

To Public Health.

HB 3086 (By Smithee), Relating to credit for reinsurance allowed domestic ceding insurers for reinsurance ceded to unauthorized assuming insurers determined to be acceptable by the Commissioner.

To Insurance.

HB 3087 (By Smithee), Relating to payment for services provided by certain physicians and health care providers to individuals covered by managed care plans.

To Insurance.

HB 3088 (By Madden), Relating to the state virtual school network and virtual high schools.

To Public Education.

HB 3089 (By Dutton), Relating to the powers and duties of the Harris County Fresh Water Supply District No. 48.

To Natural Resources.

HB 3090 (By Creighton), Relating to the frequency of water audits by certain retail public utilities.

To Natural Resources.

HB 3091 (By Rodriguez), Relating to operating a motor vehicle without a driver's license; creating an offense.

To Transportation.

HB 3092 (By Rodriguez), Relating to local options regarding transportation and mobility improvement projects in certain counties.

To Transportation.

HB 3093 (By Lewis), Relating to the amendment of certain reports of political contributions and expenditures.

To Elections.

HB 3094 (By Vo), Relating to the establishment of textbook loan programs at public institutions of higher education in this state.

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HB 3095 (By Farias), Relating to restitution for property damaged with graffiti by juveniles.

To Judiciary and Civil Jurisprudence.

HB 3096 (By Kolkhorst), Relating to the cancellation of a subdivision by a commissioners court.

To Land and Resource Management.

HB 3097 (By Kolkhorst), Relating to the responsibilities of the comptroller and school districts in the implementation of the Texas Economic Development Act.

To Ways and Means.

HB 3098 (By Kolkhorst), Relating to the proof of an applicant's identity and age required for the issuance of a marriage license.

To Public Health.

HB 3099 (By Kolkhorst), Relating to the office of inspector general of the Department of Public Safety.

To Homeland Security and Public Safety.

HB 3100 (By Orr), Relating to employee contributions to the Employees Retirement System of Texas.

To Pensions, Investments, and Financial Services.

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

To State Affairs.

HB 3102 (By Perry), Relating to meetings of the Legislative Budget Board in response to consecutive declines in reported sales and use tax revenues.

To Appropriations.

HB 3103 (By Anchia), Relating to the penalty for fraudulent or deceptive voting practices; creating an offense.

To Elections.

HB 3104 (By Simpson), Relating to precious metal coins.

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HB 3105 (By Keffer), Relating to the applicability of the Private Real Property Rights Preservation Act to certain governmental actions.

To Energy Resources.

HB 3106 (By Keffer), Relating to the abolition of the Railroad Commission of Texas, the creation of the Texas Oil and Gas Commission, and the transfer of the powers and duties of the railroad commission to the oil and gas commission.

To Energy Resources.

HB 3107 (By Menendez), Relating to notification to the United States Social Security Administration of the release of certain prisoners from county jails.

To Homeland Security and Public Safety.

HB 3108 (By Deshotel), Relating to reimbursement for certain emergency services provided to persons enrolled in the Medicaid managed care program.

To Public Health.

HB 3109 (By Craddick), Relating to the rulemaking power of certain groundwater conservation districts.

To Natural Resources.

HB 3110 (By Craddick), Relating to air permitting requirements for certain oil and gas facilities.

To Energy Resources.

HB 3111 (By Craddick), Relating to fees to finance capital improvements in certain municipalities.

To Urban Affairs.

HB 3112 (By Laubenberg), Relating to a prohibition on coverage for abortion under health benefit plans offered through a health benefit exchange.

To State Affairs.

HB 3113 (By Peña), Relating to the offense for purportedly acting as a volunteer deputy registrar.

To Elections.

HB 3114 (By V. Gonzales), Relating to authorizing certain counties and municipalities to regulate land development; providing a penalty.

To Border and Intergovernmental Affairs.

HB 3115 (By V. Gonzales), Relating to authorizing certain border counties and municipalities in those counties to regulate land development; providing a penalty.

To Border and Intergovernmental Affairs.

HB 3116 (By V. Gonzales), Relating to deceptive trade practices in connection with executing and filing deeds in lieu of foreclosure.

To Business and Industry.

HB 3117 (By Vo), Relating to the reporting of information to claims databases by insurers.

To Insurance.

HB 3118 (By Vo), Relating to the reporting of information to claims databases by insurers.

To Insurance.

HB 3119 (By Landtroop), Relating to certification required to teach public school elective courses on the Old and New Testaments and to students offered those courses.

To Public Education.

HB 3120 (By Thompson), Relating to the treatment of certain exempt organizations as agents of suppliers or distributors of taxable items for purposes of the sales and use tax.

To Ways and Means.

HB 3121 (By Thompson), Relating to objections to a judge assigned to a trial court.

To Judiciary and Civil Jurisprudence.

HB 3122 (By Thompson), Relating to the potential effect of certain convictions on automobile insurance rates.

To Insurance.

HB 3123 (By Thompson), Relating to codifying federal foster care funding requirements to locate and provide information to relatives and other adults following the removal of a child by the Department of Family and Protective Services, and court findings regarding those efforts.

To Judiciary and Civil Jurisprudence.

HB 3124 (By Thompson), Relating to the licensing of a journeyman lineman.

To Licensing and Administrative Procedures.

HB 3125 (By Thompson), Relating to unauthorized recordings of a live performance.

To Licensing and Administrative Procedures.

HB 3126 (By Naishtat), Relating to priorities for restoration of electric service following an extended power outage.

To State Affairs.

HB 3127 (By Naishtat), Relating to a Medicaid hospital level of care waiver program for certain medically fragile individuals.

To Public Health.

HB 3128 (By Naishtat), Relating to a review of the home- and community-based services workforce.

To Human Services.

HB 3129 (By Price), Relating to requiring employers to participate in the federal electronic verification of work authorization program, or E-verify; creating an administrative penalty.

To State Affairs.

HB 3130 (By Geren), Relating to the registration of a referee of certain extracurricular athletic activities sponsored or sanctioned by certain public or private schools; providing penalties.

To Public Education.

HB 3131 (By Geren), Relating to providing that certain travel vouchers submitted by peace officers assigned to a protective detail are confidential.

To Homeland Security and Public Safety.

HB 3132 (By Geren), Relating to the membership, powers, and duties of the State Preservation Board.

To State Affairs.

HB 3133 (By Rodriguez), Relating to the appraisal for ad valorem tax purposes of property on which housing is being or has been built or repaired for sale to a low-income individual or family.

To Ways and Means.

HB 3134 (By Crownover), Relating to the process for refusing to renew an organization report for an operator that fails to plug an inactive oil or gas well.

To Energy Resources.

HB 3135 (By Shelton), Relating to reasonable break times and facilities for school district educators expressing breast milk.

To Public Education.

HB 3136 (By Shelton), Relating to greater flexibility over the administration and operation of the Medicaid program.

To Public Health.

HB 3137 (By Crownover), Relating to the construction and operation of combined heating and power facilities in certain cities.

To State Affairs.

HB 3138 (By Hardcastle), Relating to methods and procedures of ad valorem taxation of heavy equipment

To Ways and Means.

HB 3139 (By Anchia), Relating to fees paid to the consumer credit commissioner and to fees and interest charged in connection with consumer credit transactions.

To Pensions, Investments, and Financial Services.

HB 3140 (By Paxton), Relating to the authorization of programs to provide loans or grants for economic development; providing authority to issue bonds.

To Economic and Small Business Development.

HB 3141 (By Hartnett), Relating to the registration and protection of trademarks.

To Business and Industry.

HB 3142 (By Pickett), Relating to convenience charges by utilities.

To State Affairs.

HB 3143 (By Zerwas), Relating to anesthesia services provided by a dentist.

To Public Health.

HB 3144 (By V. Gonzales), Relating to the advisory committee on Medicaid and child health plan program rate and expenditure disparities between the Texas-Mexico border region and other areas of the state.

To Public Health.

HB 3145 (By Naishtat), Relating to the regulation of chemical dependency counselors.

To Human Services.

HB 3146 (By Naishtat), Relating to consent for treatment for chemical dependency in a treatment facility and required training for the facility's intake personnel.

To Human Services.

HB 3147 (By McClendon), Relating to the collection, analysis, and preservation of sexual assault or DNA evidence.

To Homeland Security and Public Safety.

HB 3148 (By Torres), Relating to the issuance of windstorm and hail insurance policies by the Texas Windstorm Insurance Association for property located in certain flood zones.

To Insurance.

HB 3149 (By Torres), Relating to the adoption of the Six Sigma method by state agencies for the purpose of estimates and reports

To Government Efficiency and Reform.

HB 3150 (By Torres), Relating to the recovery of damages in a cause of action brought against the Texas Windstorm Insurance Association.

To Insurance.

HB 3151 (By Torres), Relating to information regarding job matching services provided by the Texas Workforce Commission; providing a criminal penalty.

To Economic and Small Business Development.

HB 3152 (By Torres), Relating to recovery of the value of fraudulently obtained health care services provided or paid by the Nueces County Hospital District.

To County Affairs.

HB 3153 (By Torres), Relating to the free admission to state parks for the parents of deceased members of the armed services

To Defense and Veterans' Affairs.

HB 3154 (By Torres), Relating to public insurance adjusters.

To Insurance.

HB 3155 (By Torres), Relating to the issuance of certain public securities by the Texas Windstorm Insurance Association.

To Insurance.

HB 3156 (By Torres), Relating to the regulation of property and casualty insurance rates.

To Insurance.

HB 3157 (By Torres), Relating to automobile insurance coverage provided through the Texas Automobile Insurance Plan Association.

To Insurance.

HB 3158 (By V. Taylor), Relating to verification of precinct and ballot styles during the public testing of direct recording electronic voting machine systems.

To Elections.

HB 3159 (By V. Taylor), Relating to processing applications for certain alcoholic beverage licenses or permits.

To Licensing and Administrative Procedures.

HB 3160 (By V. Taylor), Relating to the verification of citizenship of an applicant for voter registration.

To Elections.

HB 3161 (By Hancock), Relating to limited purpose subsidiary life insurance companies.

To Insurance.

HB 3162 (By Hancock), Relating to the eligibility of school district bonds under programs providing state financial assistance for instructional facilities and related debt.

To Public Education.

HB 3163 (By Hancock), Relating to responsibilities of the Texas Commission on Environmental Quality and Production Area Authorizations.
To Environmental Regulation.

HB 3164 (By Hancock), Relating to contracts between advanced practice registered nurses and health maintenance organizations, preferred provider benefit plans or other insurers.
To Public Health.

HB 3165 (By Legler), Relating to notice requirements for licensed lenders of deferred presentment transactions and motor vehicle certificate of title loans.
To Pensions, Investments, and Financial Services.

HB 3169 (By Coleman), Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.
To Natural Resources.

HB 3170 (By Coleman), Relating to notice to taxpayers of potential discontinuance or adjustment of certain tax exemptions.
To Ways and Means.

HB 3171 (By Gonzalez), Relating to improved efficiency in the delivery of Medicaid services to certain recipients, including recipients with chronic diseases, through the use of telemedicine, telehealth, and home telemonitoring services and certain disease management initiatives.
To Public Health.

HB 3172 (By Gonzalez), Relating to protective orders.
To Judiciary and Civil Jurisprudence.

HB 3173 (By Rodriguez), Relating to the required public notice of the names of a certain number of finalists for the position of superintendent of a public school district.
To Public Education.

HB 3174 (By Madden), Relating to the stay of recognition or enforcement of a foreign country judgment to allow for de novo review of a contract or agreement for a sale, offer for sale, or sell under the Securities Act.
To Judiciary and Civil Jurisprudence.

HB 3175 (By Parker), Relating to notice to certain persons that a child is in the managing conservatorship of the Department of Family and Protective Services.
To Human Services.

HB 3176 (By S. King), Relating to the prosecution of and punishment for the offense of failure to stop or report aggravated sexual assault of a child.
To Criminal Jurisprudence.

HB 3177 (By S. King), Relating to venue for certain crimes against children.
To Criminal Jurisprudence.

HB 3178 (By Lewis), Relating to expenditures and the reporting of those expenditures by lobbyists; providing criminal penalties.

To Elections.

HB 3179 (By Farias), Relating to contributions to the fund for veterans' assistance.

To Defense and Veterans' Affairs.

HB 3180 (By Johnson), Relating to annual reports regarding federal funding for state agencies.

To State Affairs.

HB 3181 (By Johnson), Relating to the right to an expunction of records and files relating to a person's arrest.

To Criminal Jurisprudence.

HB 3182 (By Ritter), Relating to the imposition of the sales tax imposed on certain oilfield portable units

To Ways and Means.

HB 3183 (By Ritter), Relating to computation of the volume of components blended with taxable diesel for the exemption from motor fuels tax.

To Ways and Means.

HB 3185 (By Paxton), Relating to a requirement of lawful presence in the United States for receipt of state educational benefits for use at a public or private institution of higher education.

To Higher Education.

HB 3186 (By Paxton), Relating to voter approval of a proposed tax rate of a taxing unit other than a school district that exceeds the rollback tax rate.

To Ways and Means.

HB 3187 (By Dutton), Relating to matters affecting municipalities.

To Urban Affairs.

HB 3188 (By Larson), Relating to prohibiting the implementation in this state of any federal greenhouse gas emissions regulatory program.

To Select State Sovereignty.

HB 3189 (By V. Gonzales), Relating to the establishment of an academic health center by a university system.

To Higher Education.

HB 3190 (By Oliveira), Relating to authorizing counties and municipalities to regulate land development; providing a penalty.

To Land and Resource Management.

HB 3191 (By Alonzo), Relating to the inclusion of optometrists, therapeutic optometrists, and ophthalmologists in Medicaid managed care provider networks providing services in the Texas-Mexico border region and other regions of the state.

To Border and Intergovernmental Affairs.

HB 3192 (By Alonzo), Relating to the investment of the permanent university fund and other funds under the management and control of the board of regents of The University of Texas System.

To Pensions, Investments, and Financial Services.

HB 3193 (By Martinez Fischer), Relating to the applicability of the general law governing groundwater conservation districts to the management of brackish groundwater.

To Natural Resources.

HB 3194 (By Martinez Fischer), Relating to the renewal or amendment of permits issued by groundwater conservation districts.

To Natural Resources.

HB 3195 (By Coleman), Relating to compensatory time off for certain state employees.

To State Affairs.

HB 3196 (By Coleman), Relating to requirements related to the reporting of emissions events by certain regulated entities under the Clean Air Act.

To Environmental Regulation.

HB 3197 (By Coleman), Relating to creating a pilot program to implement the culture change model of care at certain state supported living centers.

To Human Services.

HB 3198 (By Coleman), Relating to the exercise of eminent domain authority by certain charitable corporations.

To Land and Resource Management.

HB 3199 (By Cain), Relating to the repeal of requirements and penalties related to the grading of roses.

To Agriculture and Livestock.

HB 3200 (By Y. Davis), Relating to reregulation of retail electric services.

To State Affairs.

HB 3201 (By Y. Davis), Relating to the periodic evaluation of certain exemptions from property taxes and state taxes and the application of the sunset review process to those exemptions.

To Ways and Means.

HB 3202 (By Y. Davis), Relating to pilotage rates.

To Transportation.

HB 3203 (By Y. Davis), Relating to compulsory pilotage, including bond requirements for certain branch pilots.

To Transportation.

HB 3204 (By Y. Davis), Relating to criminal history record and other information concerning certain school district employees.

To Public Education.

HB 3205 (By Y. Davis), Relating to the authority of a customer to choose not to have an advanced meter installed.

To State Affairs.

HB 3206 (By Y. Davis), Relating to treatment of identity theft as a form of exploitation of an elderly or disabled person.

To Human Services.

HB 3207 (By Y. Davis), Relating to the establishment and operation of cemeteries by certain organized religious societies and sects in certain populous municipalities.

To Public Health.

HB 3208 (By Burkett), Relating to the designation of a segment of U.S. Highway 80 in the town of Sunnyvale as the Blue Star Memorial Highway.

To Transportation.

HB 3209 (By Harless), Relating to the computer equipment recycling program; creating an offense.

To Environmental Regulation.

HB 3210 (By Creighton), Relating to the documentary fee charged in retail installment transactions for the sale of certain vehicles.

To Pensions, Investments, and Financial Services.

HB 3211 (By Thompson), Relating to commissions paid by the Texas Windstorm Insurance Association.

To Insurance.

HB 3212 (By Burnam), Relating to the imposition of a fee on oil and gas waste disposed of by injection in a commercial injection well permitted by the Railroad Commission of Texas.

To Environmental Regulation.

HB 3213 (By Burnam), Relating to certain fees charged by retail electric providers and aggregators.

To State Affairs.

HB 3214 (By Aliseda), Relating to providing notice to certain state agencies of a criminal investigation relating to an election.

To Elections.

HB 3215 (By Button), Relating to a limitation on use of corporate revenue by economic development corporations.

To Economic and Small Business Development.

HB 3216 (By Otto), Relating to electronic communication between property owners and chief appraisers, appraisal districts, appraisal review boards, or any combination of those persons.

To Ways and Means.

HB 3217 (By Weber), Relating to the resumption of service by certain retirees under the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 3218 (By Phillips), Relating to the administration, financing, and use of the State Infrastructure Bank.

To Transportation.

HB 3219 (By Thompson), Relating to intelligence data standards and protected personal information.

To Homeland Security and Public Safety.

HB 3220 (By Hernandez Luna), Relating to the practice of dentistry.

To Public Health.

HB 3221 (By Hernandez Luna), Relating to requiring dental support for a child subject to a child support order.

To Judiciary and Civil Jurisprudence.

HB 3222 (By Hernandez Luna), Relating to the hours during which the polls are open for early voting by personal appearance.

To Elections.

HB 3223 (By Hernandez Luna), Relating to voting after polls close.

To Elections.

HB 3224 (By Hernandez Luna), Relating to the date by which a voter's registration becomes effective.

To Elections.

HB 3225 (By Hernandez Luna), Relating to the renewal of a deferred presentment transaction.

To Pensions, Investments, and Financial Services.

HB 3226 (By Hernandez Luna), Relating to the regulation of, including fee and installment plan assistance, certain small loans made to consumers.

To Pensions, Investments, and Financial Services.

HB 3227 (By Hernandez Luna), Relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

To Homeland Security and Public Safety.

HB 3228 (By Hernandez Luna), Relating to the creation of DNA records for the state and federal DNA database systems.

To Homeland Security and Public Safety.

HB 3229 (By Hernandez Luna), Relating to the right of an employee who is a victim of a crime to time off from work to attend court proceedings related to that crime.

To Business and Industry.

HB 3230 (By Hernandez Luna), Relating to the regulation of limited service pregnancy centers; providing penalties.

To Public Health.

HB 3231 (By Hernandez Luna), Relating to the eligibility of nonprofit organizations that partner with certain schools to receive grants for agricultural projects.

To Agriculture and Livestock.

HB 3232 (By Hernandez Luna), Relating to including a personal financial literacy component in certain public school mathematics courses.

To Public Education.

HB 3233 (By Hernandez Luna), Relating to public school accountability for bilingual education and English as a second language and other special language programs.

To Public Education.

HB 3234 (By Hernandez Luna), Relating to the preparation of case records of children discharged from foster care.

To Human Services.

HB 3235 (By Hernandez Luna), Relating to the provision of certain health care services to certain state employees by or at certain university facilities.

To Higher Education.

HB 3236 (By Hernandez Luna), Relating to requirements for businesses that offer plastic checkout bags to customers; providing civil and administrative penalties.

To Environmental Regulation.

HB 3237 (By Hernandez Luna), Relating to the establishment and operation of the Texas Women Veterans Program.

To Defense and Veterans' Affairs.

HB 3238 (By Price), Relating to requiring that notice of certain environmental permit applications be sent to county judges.

To Environmental Regulation.

HB 3239 (By Y. Davis), Relating to the testing of certain inmates for all types of Hepatitis.

To Corrections.

HB 3240 (By Y. Davis), Relating to requiring employers to participate in the federal E-Verify program and of the Texas Workforce Commission in regard to the E-Verify program; outlining certain duties of employers participation and providing civil penalties.

To State Affairs.

HB 3241 (By Lewis), Relating to the regulation of the location of oil and gas wells by a county in certain areas.

To Energy Resources.

HB 3242 (By Woolley), Relating to procedures for the disposition of certain weapons seized by a law enforcement agency.

To Homeland Security and Public Safety.

HB 3243 (By Elkins), Relating to a merchant's duty to cooperate with a law enforcement investigation of fraudulent or unauthorized use of a credit or debit card or other access device.

To Business and Industry.

HB 3244 (By Elkins), Relating to shareholder standing after mergers.

To Pensions, Investments, and Financial Services.

HB 3245 (By Elkins), Relating to a photograph on a personal identification certificate, driver's license, or commercial driver's license.

To Homeland Security and Public Safety.

HB 3246 (By Elkins), Relating to public improvement districts designated by a municipality or county.

To Urban Affairs.

HB 3247 (By Elkins), Relating to the board of directors of the Texas Mutual Insurance Company.

To Insurance.

HB 3248 (By Elkins), Relating to disclosure of certain offers for the sale of electricity in wholesale transactions.

To State Affairs.

HB 3249 (By Peña), Relating to a physician's authority to delegate prescribing acts to physician assistants.

To Public Health.

HB 3250 (By Woolley), Relating to the operation of a jail commissary in certain counties.

To County Affairs.

HB 3251 (By Chisum), Relating to the provision for notice and comment for pollution control projects.

To Environmental Regulation.

HB 3252 (By Chisum), Relating to a prohibition against the knowing employment of unauthorized foreign nationals; providing administrative penalties.

To State Affairs.

HB 3253 (By Martinez Fischer), Relating to ad valorem tax relief for certain commercial aircraft temporarily located in this state for manufacturing or assembly purposes.

To Ways and Means.

HB 3254 (By Strama), Relating to the creation of renewable energy reinvestment zones and the abatement of ad valorem taxes on property of a renewable energy company located in such a zone.

To Energy Resources.

HB 3255 (By Strama), Relating to the creation of guidelines for the Office of the State Demographer to encourage the inclusion of a broad variety of racial/ethnic groups in estimates and projections.

To Government Efficiency and Reform.

HB 3256 (By Strama), Relating to the extension of and expansion of eligibility for the Women's Health Program demonstration project.

To Public Health.

HB 3257 (By Strama), Relating to procedures applicable to adoption of the public school curriculum by the State Board of Education.

To Public Education.

HB 3258 (By Strama), Relating to telecommunications service discounts for educational institutions, libraries, hospitals, and telemedicine centers.

To State Affairs.

HB 3259 (By Strama), Relating to the goal of installing additional capacity for generating renewable energy.

To Energy Resources.

HB 3260 (By Strama), Relating to loans for energy improvements.

To Energy Resources.

HB 3261 (By Strama), Relating to the establishment of the Texas High Performance Schools Consortium.

To Public Education.

HB 3262 (By Strama), Relating to the procedure for interconnecting small-scale commercial renewable generation.

To State Affairs.

HB 3263 (By Strama), Relating to higher education curriculum review teams to review public school curriculum standards for college readiness purposes.

To Higher Education.

HB 3264 (By S. Miller), Relating to limiting the liability of certain persons for farm animal activities.

To Judiciary and Civil Jurisprudence.

HB 3265 (By S. Miller), Relating to the assisted administration of medications for persons with intellectual and developmental disabilities.

To Public Health.

HB 3267 (By L. Gonzales), Relating to a prohibition on school districts employing under a contract a person whose employment responsibilities relate only to extracurricular activities.

To Public Education.

HB 3268 (By Lyne), Relating to permits for air contaminant emissions of stationary natural gas engines used in combined heating and power systems.

To Environmental Regulation.

HB 3269 (By Callegari), Relating to traffic-control signalization.

To Transportation.

HB 3270 (By Veasey), Relating to the list of candidates compiled by a state or county party chair for a primary election.

To Elections.

HB 3271 (By Veasey), Relating to the removal of electronic voting system equipment from the polling place.

To Elections.

HB 3272 (By Burnam), Relating to the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

To Environmental Regulation.

HB 3273 (By Ritter), Relating to the creation and funding of the state water implementation fund for Texas to assist the Texas Water Development Board in the funding of certain projects included in the state water plan.

To Natural Resources.

HB 3274 (By Orr), Relating to the use of proceeds of an extension of credit as collateral for the extension of credit.

To Pensions, Investments, and Financial Services.

HB 3275 (By Coleman), Relating to the powers and duties of counties and political subdivisions of this state and entities created by those subdivisions.

To Ways and Means.

HB 3276 (By Coleman), Relating to the right of sheriff's departments in certain counties to maintain local control over wages, hours, and other terms and conditions of employment.

To County Affairs.

HB 3277 (By Shelton), Relating to creation of portable insurance plans.

To Insurance.

HB 3278 (By Shelton), Relating to membership of the commissioner of education and the Texas Education Agency in certain advisory committees, commissions, task forces, and other similar entities.

To Public Education.

HB 3279 (By Shelton), Relating to the creation of the Santa Rosa grant program.

To Public Health.

HB 3280 (By Guillen), Relating to additional virtual instruction at public and private elementary and secondary schools.

To Public Education.

HB 3281 (By Guillen), Relating to the containment of costs incurred in the correctional health care system.

To Corrections.

HB 3282 (By Guillen), Relating to the operation and regulation of 24-number bingo games.

To Licensing and Administrative Procedures.

HB 3283 (By Guillen), Relating to the authority of certain development corporations to undertake projects with respect to community libraries.

To Urban Affairs.

HB 3284 (By Guillen), Relating to customs brokers.

To Ways and Means.

HB 3285 (By Guillen), Relating to considering the assessment instrument results of certain students in evaluating school district and campus performance.

To Public Education.

HB 3286 (By Guillen), Relating to a requirement that developmental coursework required for entering undergraduate students at four-year public institutions of higher education be completed at a public junior college.

To Higher Education.

HB 3287 (By Giddings), Relating to inspections and license renewals by the Texas Department of Licensing and Regulation.

To Licensing and Administrative Procedures.

HB 3288 (By Giddings), Relating to breakfast programs for public school students.

To Public Education.

HB 3289 (By D. Miller), Relating to expenditure of certain wine related revenue

To Licensing and Administrative Procedures.

HB 3290 (By Harper-Brown), Relating to the repeal of the certification process for personnel service owners and the regulation of personnel services.

To Licensing and Administrative Procedures.

HB 3291 (By Harper-Brown), Relating to a deceptive act or practice in connection with a consumer's health benefit plan benefits.

To Insurance.

HB 3292 (By Harper-Brown), Relating to restrictions on written reports required to be provided by school districts and open-enrollment charter schools.

To Public Education.

HB 3293 (By Harper-Brown), Relating to the transfer of powers and duties relating to driver's licenses and personal identification cards from the Department of Public Safety to the Texas Department of Motor Vehicles.

To Transportation.

HB 3294 (By Harper-Brown), Relating to the posting of annual financial information on public Internet websites by certain transportation-related entities.

To Transportation.

HB 3295 (By Harper-Brown), Relating to the authority of the Texas Department of Motor Vehicles to set the amount of certain fees.

To Transportation.

HB 3296 (By Harper-Brown), Relating to transferring the motor vehicle inspection program from the Texas Department of Public Safety to the Texas Department of Motor Vehicles.

To Transportation.

HB 3297 (By Harper-Brown), Relating to the registration and titling of motorboats, vessels, and outboard motors by the Texas Department of Motor Vehicles.

To Transportation.

HB 3298 (By Harper-Brown), Relating to the transfer of certain vehicle registrations at the time of sale of the vehicle.

To Transportation.

HB 3299 (By Zerwas), Relating to services provided by a health care professional at an assisted living facility.

To Public Health.

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

To State Affairs.

HB 3301 (By Price), Relating to additional partial counts of electronic voting system ballots.

To Elections.

HB 3302 (By Reynolds), Relating to the authority of certain Type A economic development corporations to undertake certain categories of projects.

To Economic and Small Business Development.

HB 3303 (By Marquez), Relating to prohibiting the pre-adjudication solitary confinement of certain juveniles.

To Judiciary and Civil Jurisprudence.

HB 3304 (By Marquez), Relating to creating the offense of exploitation of an elderly individual; providing a penalty.

To Criminal Jurisprudence.

HB 3305 (By Marquez), Relating to time of day during which prisoners may be discharged or released from county jails.

To County Affairs.

HB 3306 (By Marquez), Relating to a person's eligibility for expunction of certain criminal history records and files.

To Criminal Jurisprudence.

HB 3307 (By Muñoz), Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

To Ways and Means.

HB 3308 (By Rodriguez), Relating to the operation of plug-in electric motor vehicles.

To Transportation.

HB 3309 (By Rodriguez), Relating to the authority to set maximum weights for state highways, roads, and bridges.

To Transportation.

HB 3310 (By Rodriguez), Relating to incentives for the purchase or lease of an electric-powered light-duty motor vehicle.

To Energy Resources.

HB 3311 (By Carter), Relating to the duty of an attorney ad litem appointed for a child to meet with the child or individual with whom the child resides before each court hearing.

To Judiciary and Civil Jurisprudence.

HB 3312 (By Carter), Relating to an election to authorize an increase in a school district superintendent's salary.

To Public Education.

HB 3313 (By Paxton), Relating to the electronic recording of proceedings in a statutory probate court in Collin County.

To Judiciary and Civil Jurisprudence.

HB 3314 (By Carter), Relating to a requirement that an attorney ad litem appointed for a child file a statement with the court regarding the attorney ad litem's meeting with the child or other specified person.

To Judiciary and Civil Jurisprudence.

HB 3315 (By Schwertner), Relating to an adjustment of the limitations on school district, county, municipal, and junior college district ad valorem taxes on residential homesteads of elderly and disabled persons and their surviving spouses.

To Ways and Means.

HB 3316 (By Hunter), Relating to venue projects in certain counties.

To Ways and Means.

HB 3317 (By Hunter), Relating to the use of revenue from the hotel occupancy tax by certain counties.

To Ways and Means.

HB 3318 (By Hunter), Relating to allowing the Aransas County Commissioners Court to charge interest on assessments for certain county road improvements.

To Transportation.

HB 3319 (By Hunter), Relating to a political party's use of corporate or labor union contributions.

To Elections.

HB 3320 (By Hunter), Relating to costs related to the towing and storage of a motor vehicle for certain law enforcement purposes.

To Homeland Security and Public Safety.

HB 3321 (By Hunter), Relating to the name, organization, and powers of the Port of Corpus Christi Authority of Nueces County, Texas.

To Transportation.

HB 3322 (By Hunter), Relating to covenants not to compete.

To Business and Industry.

HB 3323 (By McClendon), Relating to the standards for attorneys representing indigent defendants in capital cases.

To Criminal Jurisprudence.

HB 3324 (By McClendon), Relating to intelligence data standards and protected personal information.

To Homeland Security and Public Safety.

HB 3325 (By Turner), Relating to the payment of certain costs associated with certain educational programs of Prairie View A&M University.

To Higher Education.

HB 3326 (By Woolley), Relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

To Ways and Means.

HB 3327 (By Woolley), Relating to limiting the liability of persons who employ license holders with criminal convictions.

To Judiciary and Civil Jurisprudence.

HB 3328 (By Keffer), Relating to the disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments.

To Energy Resources.

HB 3329 (By Keffer), Relating to a daily temporary private club permit for a nonprofit corporation.

To Licensing and Administrative Procedures.

HB 3330 (By Paxton), Relating to the inventory and appraisal requirement of personal representatives of decedents' estates pending in a statutory probate court in Collin County.

To Judiciary and Civil Jurisprudence.

HB 3331 (By Coleman), Relating to the exemption of certain persons who teach social work at institutions of higher education from the licensing requirements for social workers.

To Human Services.

HB 3332 (By Peña), Relating to the hours of service of a poll watcher at a precinct polling place.

To Elections.

HB 3333 (By Peña), Relating to the authority of the governor to order the disconnection of state computer networks from the Internet.

To Technology.

HB 3334 (By Peña), Relating to the regulation of the towing and storage of vehicles.

To Licensing and Administrative Procedures.

HB 3335 (By Peña), Relating to the amount of certain general obligation bonds authorized to be issued to provide financial assistance for colonia access roadway projects to serve border colonias.

To Ways and Means.

HB 3336 (By Coleman), Relating to information regarding pertussis for parents of newborn children.

To Public Health.

HB 3337 (By V. Gonzales), Relating to the emergency medical services that give rise to an emergency medical services lien.

To Public Health.

HB 3338 (By Smithee), Relating to optional annuity increases for certain retirees and beneficiaries of the Texas Municipal Retirement System.

To Pensions, Investments, and Financial Services.

HB 3339 (By White), Relating to the conversion of certain public school campuses to charter campuses.

To Public Education.

HB 3340 (By White), Relating to a warden or certain facility employees providing information or a recommendation to a parole panel regarding an inmate eligible for parole.

To Corrections.

HB 3341 (By Anchia), Relating to the rebate, refund, or payment of tax proceeds to a qualified hotel project.

To Ways and Means.

HB 3342 (By Naishtat), Relating to representation of and by the state and joinder of the state in certain mental health proceedings.

To Human Services.

HB 3343 (By Legler), Relating to the disclosure of certain attorney's fees and expenses paid by the Texas Windstorm Insurance Association.

To Insurance.

HB 3344 (By Isaac), Relating to competitive bid requirements for public utility agencies that award construction contracts.

To Urban Affairs.

HB 3345 (By Isaac), Relating to the appointment of deputy district clerks in the 428th District Court.

To Judiciary and Civil Jurisprudence.

HB 3346 (By Burnam), Relating to certain information available to the public on a central database containing information about sex offenders.

To Criminal Jurisprudence.

HB 3347 (By Deshotel), Relating to the operation of property owners' associations.

To Business and Industry.

HB 3348 (By Deshotel), Relating to the operation of property owners' associations.

To Business and Industry.

HB 3349 (By Turner), Relating to the extension of a declaration of a local disaster.

To Homeland Security and Public Safety.

HB 3350 (By Turner), Relating to the maximum age of commitment of certain juveniles to the Texas Youth Commission.

To Judiciary and Civil Jurisprudence.

HB 3351 (By Turner), Relating to delinquent conduct for which a juvenile may be certified to stand trial as an adult in a criminal case.

To Criminal Jurisprudence.

HB 3352 (By W. Smith), Relating to the sale of park land owned by certain municipalities.

To Urban Affairs.

HB 3353 (By Truitt), Relating to the resumption of service by retirees under the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 3354 (By Truitt), Relating to the administration of and benefits payable by the Teacher Retirement System of Texas and to certain domestic relations orders.

To Pensions, Investments, and Financial Services.

HB 3355 (By Truitt), Relating to purchase of service credit in the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 3356 (By Miles), Relating to the state's historically underutilized business program, including the establishment of a contractor point system.

To State Affairs.

HB 3357 (By Miles), Relating to municipal civilian complaint review boards.

To Urban Affairs.

HB 3358 (By Miles), Relating to information on the number of calories in certain foods offered by public schools to students.

To Public Education.

HB 3359 (By Miles), Relating to mandatory supervision for certain inmates sentenced following violation of a condition of community supervision.

To Corrections.

HB 3360 (By Aycock), Relating to the application and renewal of a certificate of authorization in Texas for Out-of-State educational institutions and to the imposition of fees.

To Higher Education.

HB 3361 (By Hochberg), Relating to financial oversight of junior college districts.

To Higher Education.

HB 3362 (By Smithee), Relating to the appointment of an attorney for a workers' compensation claimant in certain proceedings initiated by a workers' compensation insurance carrier.

To State Affairs.

HB 3363 (By Rodriguez), Relating to the collection of certain foreclosure data by the Texas Department of Housing and Community Affairs.

To Urban Affairs.

HB 3364 (By Rodriguez), Relating to the posting of a notice of foreclosure sale on a county's Internet website.

To County Affairs.

HB 3365 (By White), Relating to a warden or certain facility employees providing information or a recommendation to a parole panel regarding an inmate eligible for parole.

To Corrections.

HB 3366 (By White), Relating to enhancing state jail felony offender accountability and supervision, and incentivizing compliance with treatment, educational, and vocational programming.

To Corrections.

HB 3367 (By White), Relating to the repeal of the laws authorizing the imposition of ad valorem taxes, the rates and expansion of the applicability of state and local sales and use taxes, the distribution of sales and use tax revenue to entities formerly imposing ad valorem taxes, and the replacement of ad valorem tax revenue in relation to financing public schools.

To Ways and Means.

HB 3368 (By S. King), Relating to the accreditation of education or training programs for food service industry employees.

To Public Health.

HB 3369 (By S. King), Relating to the registration of certain physical therapy facilities by the Texas Board of Physical Therapy Examiners.

To Public Health.

HB 3370 (By S. King), Relating to the renewal of a physical therapist or physical therapist assistant license issued by the Texas Board of Physical Therapy Examiners.

To Public Health.

HB 3371 (By S. King), Relating to the exemption of registered dental laboratories from certain distributing and manufacturing licensing requirements.

To Public Health.

HB 3372 (By T. King), Relating to standards for a structure that is connected to a public water supply system and has a rainwater harvesting system.

To Natural Resources.

HB 3373 (By Murphy), Relating to state contribution to the cost of certain dependents' participation in the group benefits program for state employees and their dependents.

To Pensions, Investments, and Financial Services.

HB 3374 (By Murphy), Relating to the certification of a certified capital company.

To Insurance.

HB 3375 (By Murphy), Relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits.

To Criminal Jurisprudence.

HB 3376 (By Hamilton), Relating to the declaration of local disaster.

To Homeland Security and Public Safety.

HB 3377 (By Hamilton), Relating to the licensing and registration of installers of on-site sewage disposal systems by the Texas Department of Licensing and Regulation.

To Environmental Regulation.

HB 3378 (By Hamilton), Relating to seat belt requirements for certain vehicles.

To Transportation.

HB 3379 (By Shelton), Relating to the appointment of members of the Correctional Managed Health Care Committee, and the authority of the Correctional Managed Health Care Committee to direct the allocation of legislative appropriations for the purpose of providing health care to the persons confined by the department.

To Corrections.

HB 3380 (By Shelton), Relating to certain persons receiving mental health services.

To Public Health.

HB 3381 (By Fletcher), Relating to the circumstances under which a final judgment of bond forfeiture may be reformed under a special bill of review.

To Criminal Jurisprudence.

HB 3382 (By Fletcher), Relating to the regulation of residential appliance installation under the Texas Electrical Safety and Licensing Act.

To Licensing and Administrative Procedures.

HB 3383 (By Madden), Relating to private DNA laboratories performing forensic analyses on samples or specimens related to the investigation or prosecution of certain criminal offenses.

To Homeland Security and Public Safety.

HB 3384 (By Madden), Relating to the penalties for repeat and habitual felony offenders.

To Criminal Jurisprudence.

HB 3385 (By Madden), Relating to the exchange of confidential information among certain governmental entities concerning certain juveniles.

To Corrections.

HB 3386 (By Madden), Relating to the supervision of certain people convicted of a criminal offense and to the organization and operation of certain correctional entities.

To Corrections.

HB 3387 (By Rodriguez), Relating to the regulation of food prepared, stored, distributed, or sold at farmers' markets.

To Public Health.

HB 3388 (By Fletcher), Relating to the transport of fireworks within a municipality.

To Urban Affairs.

HB 3389 (By Workman), Relating to a seller's disclosure of natural or liquid propane gas on residential real property.

To Business and Industry.

HB 3390 (By Lavender), Relating to money allocated under the federal-aid highway program.

To Transportation.

HB 3391 (By D. Miller), Relating to rainwater harvesting and other water conservation initiatives.

To Natural Resources.

HB 3392 (By D. Miller), Relating to disclosures and termination fees by certain businesses providing credit card processing services.

To Pensions, Investments, and Financial Services.

HB 3393 (By Hughes), Relating to the filing by a court reporter of an official transcript of a court proceeding.

To Judiciary and Civil Jurisprudence.

HB 3394 (By Oliveira), Relating to county building code standards for new residential construction; providing a penalty.

To County Affairs.

HB 3395 (By Callegari), Relating to state preferences for recycled products.
To Government Efficiency and Reform.

HB 3396 (By Hernandez Luna), Relating to the prosecution of and punishment for the offense of breach of computer security.
To Criminal Jurisprudence.

HB 3397 (By Allen), Relating to the eligibility of and requirements applicable to certain persons for supplemental nutrition assistance.
To Human Services.

HB 3398 (By Allen), Relating to review and revision of certain memoranda of understanding.
To Public Education.

HB 3399 (By Legler), Relating to the requirements for certain grant programs funded through the Texas emissions reduction plan.
To Environmental Regulation.

HB 3400 (By Walle), Relating to certain sentencing procedures in a capital case.
To Criminal Jurisprudence.

HB 3401 (By Coleman), Relating to the authority of the Commission on Jail Standards and addressing mental health issues in jail.
To County Affairs.

HB 3402 (By Coleman), Relating to regulation of health benefit plan issuers in this state.
To Insurance.

HB 3403 (By Weber), Relating to personal leave provided for a school district employee who is a victim of certain assaults.
To Public Education.

HB 3404 (By Naishtat), Relating to establishing a child care advisory committee to advise the Texas Facilities Commission.
To Human Services.

HB 3405 (By Chisum), Relating to land reclamation projects using tires.
To Environmental Regulation.

HB 3406 (By Naishtat), Relating to the authority of a psychologist to delegate certain acts to a person under the psychologist's supervision.
To Public Health.

HB 3407 (By L. Taylor), Relating to the recovery through gas utility rates of expenses related to a rate proceeding.
To Energy Resources.

HB 3408 (By Laubenberg), Relating to distributing or prescribing abortion-inducing drugs; providing penalties.
To Public Health.

HB 3409 (By Kolkhorst), Relating to filing amended statements reflecting change in lobby registration; creating an offense.

To Elections.

HB 3410 (By Smithee), Relating to the underwriting authority of certain surplus lines insurance agents and to the collection of surplus lines insurance premium taxes in certain circumstances.

To Insurance.

HB 3411 (By L. Gonzales), Relating to the definition of tangible personal property.

To Ways and Means.

HB 3412 (By Darby), Relating to regulation of the management and disposal of certain drinking water treatment residuals through underground injection.

To Natural Resources.

HB 3421 (By D. Miller), Relating to the designation of the El Camino Real de los Tejas National Historic Trail as a historic highway.

To Transportation.

HB 3422 (By Lozano), Relating to the use of auction proceeds from the sale of abandoned motor vehicles, watercraft, or outboard motors to compensate certain property owners.

To Homeland Security and Public Safety.

HB 3423 (By Lozano), Relating to certain criminal offenses committed in relation to a federal special investigator; providing criminal penalties.

To Criminal Jurisprudence.

HB 3424 (By Zedler), Relating to the creation of the offense for knowingly influencing or attempting to influence one or more members of the legislature through coercion or an offer of a benefit to prevent a quorum; providing penalties.

To State Affairs.

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

To State Affairs.

HB 3426 (By Zedler), Relating to the creation of the Texas Department of Health Professions to regulate certain health professions, the transfer of certain powers and duties to the department, and the abolishment of certain state agencies and other licensing entities.

To Public Health.

HB 3427 (By Zedler), Relating to the designated doctor's examination under the workers' compensation system.

To State Affairs.

HB 3428 (By Zedler), Relating to the eligibility of certain physicians to provide and receive remuneration for workers' compensation health care services.
To State Affairs.

HB 3429 (By Zedler), Relating to preauthorization of certain medical services in the workers' compensation system and the eligibility of doctors, dentists, and chiropractors to perform preauthorization utilization review.
To State Affairs.

HB 3430 (By Zedler), Relating to certain requirements in connection with review determinations by an independent review organization.
To State Affairs.

HB 3431 (By Oliveira), Relating to the designation of a segment of U.S. Highway 77/83 and State Highway 4 as Jaime Zapata Memorial Boulevard.
To Transportation.

HB 3432 (By Raymond), Relating to the promotion and marketing of alcoholic beverages.
To Licensing and Administrative Procedures.

HB 3433 (By Raymond), Relating to disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held by Webb County for the county permanent school fund.
To Public Education.

HB 3434 (By Raymond), Relating to continuing judicial training.
To Judiciary and Civil Jurisprudence.

HB 3435 (By Raymond), Relating to honesty in state taxation.
To Ways and Means.

HB 3436 (By Raymond), Relating to the creation of a county court at law in Webb County.
To Judiciary and Civil Jurisprudence.

HB 3437 (By Raymond), Relating to the promotion and marketing of alcoholic beverages.
To Licensing and Administrative Procedures.

HB 3438 (By Raymond), Relating to an election to authorize a sales and use tax adopted by certain municipalities to finance sports and community venues to be used for economic development purposes.
To Ways and Means.

HB 3439 (By Raymond), Relating to missing children and missing persons; providing a criminal penalty.
To Criminal Jurisprudence.

HB 3440 (By Pickett), Relating to creation of an offense of bullying of a school district employee by a student.
To Public Education.

HB 3441 (By Chisum), Relating to the practice of professions regulated under the Occupations Code.

To Licensing and Administrative Procedures.

HB 3442 (By Jackson), Relating to authorizing certain courts to access information in the juvenile justice information system.

To Judiciary and Civil Jurisprudence.

HB 3443 (By Jackson), Relating to the judicial immunity and powers of certain magistrates.

To Judiciary and Civil Jurisprudence.

HB 3444 (By Jackson), Relating to required disclosure for appointment of certain impartial third parties.

To Judiciary and Civil Jurisprudence.

HB 3445 (By Jackson), Relating to the operation and administration of the judicial branch of state government.

To Judiciary and Civil Jurisprudence.

HB 3446 (By Paxton), Relating to the minimum standards for abortion facilities.

To Public Health.

HB 3447 (By Aliseda), Relating to the notice provided to certain officials of the participation of unregistered voters in an election.

To Elections.

HB 3448 (By Aliseda), Relating to requirements for the application form for an early voting mail ballot.

To Elections.

HB 3449 (By Christian), Relating to notice provided to certain local officials regarding the use of land application to treat and dispose of certain oil and gas waste.

To Environmental Regulation.

HB 3450 (By Farrar), Relating to restrictions on the operations of public and private animal shelters, providing a penalty.

To Public Health.

HB 3451 (By S. King), Relating to allowable food purchases under the supplemental nutrition assistance program.

To Human Services.

HB 3452 (By Anchia), Relating to improvement districts in municipalities and counties.

To Urban Affairs.

HB 3453 (By Anchia), Relating to the regulatory authority of the consumer credit commissioner.

To Pensions, Investments, and Financial Services.

HB 3454 (By Workman), Relating to the age at which a child may express a preference to the court on issues regarding residence and conservatorship in a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 3455 (By Parker), Relating to monitoring the Internet access of certain high-risk sex offenders who are released on parole or to mandatory supervision.

To Corrections.

HB 3456 (By Eiland), Relating to the powers of a board of trustees of harbor and port facilities of certain municipalities.

To Transportation.

HB 3457 (By Eiland), Relating to the inclusion of a junior college representative on appraisal boards.

To Ways and Means.

HB 3458 (By Eiland), Relating to the registration with the Texas Department of Insurance of certain contract examiners.

To Insurance.

HB 3459 (By Eiland), Relating to the containment of costs incurred in the correctional health care system.

To Corrections.

HB 3460 (By Crownover), Relating to the filing with the state of well logs by operators of oil-related or gas-related wells; providing a penalty.

To Energy Resources.

HB 3461 (By Margo), Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Higher Education Coordinating Board.

To Higher Education.

HB 3462 (By Margo), Relating to the appointment of the board of managers of the El Paso County Hospital District.

To County Affairs.

HB 3463 (By Cain), Relating to paperwork requirements and unfunded mandates imposed on school districts.

To Public Education.

HB 3464 (By Aliseda), Relating to the penalty for making a false statement on a voter registration application.

To Elections.

HB 3465 (By Sheffield), Relating to the ability of certain municipalities enhancing participation in economic development programs, including small business development.

To Economic and Small Business Development.

HB 3466 (By Patrick), Relating to authorization for granting, in response to petitions by parents, campus charters for certain public school campuses identified as unacceptable.

To Public Education.

HB 3467 (By Patrick), Relating to restrictions on school districts making available to students food containing industrially produced trans fat.

To Public Education.

HB 3468 (By Patrick), Relating to the assessment of public school students for college readiness and developmental education courses to prepare students for college-level coursework.

To Public Education.

HB 3469 (By Patrick), Relating to the periodic review and revision of college and career readiness standards in public education.

To Public Education.

HB 3470 (By Patrick), Relating to the Texas Armed Services Scholarship Program.

To Defense and Veterans' Affairs.

HB 3471 (By Patrick), Relating to the establishment of an advisory committee to study the feasibility of requiring dental examinations for certain public school students.

To Public Education.

HB 3472 (By Patrick), Relating to the ethics and financial disclosure requirements of members of the governing board, officers, and employees of certain public retirement systems and officers and employees of a nonprofit corporation for investment of the permanent university fund.

To Elections.

HB 3473 (By Gallego), Relating to a defense to prosecution for a child younger than 14 years old for the offense of prostitution.

To Criminal Jurisprudence.

HB 3474 (By Gallego), Relating to the offense of public intoxication.

To Criminal Jurisprudence.

HB 3475 (By Gallego), Relating to the recusal and disqualification of municipal judges pursuant to the Code of Criminal Procedure.

To Judiciary and Civil Jurisprudence.

HB 3476 (By Carter), Relating to a franchise tax credit for certain taxable entities that recruit new taxable entities to this state or that relocate to this state.

To Ways and Means.

HB 3477 (By Carter), Relating to the permanent revocation of a person's driver's license or permit on conviction of a fifth offense relating to the operating of a motor vehicle while intoxicated.

To Criminal Jurisprudence.

HB 3478 (By Gallego), Relating to the punishment for criminal mischief involving cattle, horses, and exotic livestock.

To Criminal Jurisprudence.

HB 3479 (By Christian), Relating to the rate and amount of the sales and use taxes imposed on certain equipment sold, leased, or used by certain data centers.

To Ways and Means.

HB 3480 (By Christian), Relating to the stringency of requirements imposed by the Texas Commission on Environmental Quality.

To Environmental Regulation.

HB 3481 (By Christian), Relating to the sworn complaint procedures of the Texas Ethics Commission.

To Elections.

HB 3482 (By Christian), Relating to the creation of a statewide district court with exclusive, original jurisdiction over certain cases and the creation of the office of district attorney for the 200th Judicial District.

To Judiciary and Civil Jurisprudence.

HB 3483 (By Christian), Relating to seller's disclosure regarding the presence of contaminants on residential real property.

To Business and Industry.

HB 3484 (By V. Gonzales), Relating to the applicability of cumulative voting for the board of trustees of certain independent school districts.

To Border and Intergovernmental Affairs.

HB 3485 (By V. Taylor), Relating to the use of human remains in the training of search and rescue animals.

To Public Health.

HB 3486 (By V. Taylor), Relating to municipal regulation of dogs used for search and rescue or law enforcement purposes.

To Urban Affairs.

HB 3487 (By V. Taylor), Relating to regulations concerning certain service animals; providing a civil penalty.

To Business and Industry.

HB 3488 (By Menendez), Relating to the requirements for demonstrating eligibility for an ad valorem tax exemption for the residence homestead of an elderly or disabled person.

To Ways and Means.

HB 3489 (By Menendez), Relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

To Business and Industry.

HB 3490 (By Menendez), Relating to the discharge of certain patients from a hospital; providing civil penalties.

To Public Health.

HB 3491 (By Menendez), Relating to establishment and functions of certain urban land bank programs.

To Urban Affairs.

HB 3492 (By Coleman), Relating to authorizing counties to adopt buffer zone regulations and comprehensive plans and assess a roadway cost recovery fee; providing a penalty.

To Land and Resource Management.

HCR 93 (By Torres), Requesting the lieutenant governor and speaker to create a joint interim committee to study tax policy as it relates to boat sales and marine services in Texas.

To Ways and Means.

HCR 94 (By Flynn), Urging Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

To Pensions, Investments, and Financial Services.

HCR 95 (By Morrison), Granting Grandfather's Blind, Ltd., and Donner Properties permission to sue the State of Texas, the General Land Office, and the School Land Board.

To Judiciary and Civil Jurisprudence.

HCR 96 (By Veasey), Urging the United States Congress to divert funds from corn subsidies to the production of fruits and vegetables.

To Public Health.

HCR 97 (By Hunter), Memorializing the U.S. Congress to propose and submit to the states for ratification a constitutional amendment requiring term limits for members of the U.S. House of Representatives.

To State Affairs.

HCR 98 (By Hunter), Requesting the lieutenant governor and the speaker to create a joint interim committee to study the safe and effective use of high-powered air rifles.

To Culture, Recreation, and Tourism.

HCR 99 (By Truitt), Requesting the lieutenant governor and the speaker to create a joint interim committee to study the benefits, including health insurance, retirement programs, and other benefits, of active and retired state employees.

To Pensions, Investments, and Financial Services.

HCR 101 (By Eiland), Granting Mike Leach permission to sue Texas Tech University.

To Judiciary and Civil Jurisprudence.

HCR 102 (By Morrison), Memorializing the United States Congress to enact comprehensive legislation to protect religious liberty and individual conscience rights of all participants involved in accessing or providing health care.

To Public Health.

HJR 9 (By Farias), Proposing a constitutional amendment dedicating the revenue from a tax on certain sweetened beverages to fund training and programs to improve the health of public school students.

To Ways and Means.

HJR 10 (By Farias), Proposing a constitutional amendment dedicating certain revenue from a tax on certain sweetened beverages to training and programs to improve the health of public school students and to the general revenue fund.

To Ways and Means.

HJR 11 (By Farias), Proposing a constitutional amendment authorizing the legislature to limit the maximum appraised value of certain residence homesteads for ad valorem tax purposes to the purchase price of the property and to limit the frequency of reappraisals of residence homesteads.

To Ways and Means.

HJR 138 (By Ritter), Proposing a constitutional amendment providing for the creation and funding of the state water implementation fund for Texas to assist the Texas Water Development Board in the funding of certain projects included in the state water plan.

To Natural Resources.

HJR 139 (By Schwertner), Proposing a constitutional amendment to revise the ad valorem tax limitations on residence homesteads of elderly and disabled persons and their surviving spouses to take into account certain residence homestead exemptions.

To Ways and Means.

HJR 141 (By Peña), Proposing a constitutional amendment regarding the authorization of certain general obligation bonds or notes to provide financial assistance to counties for roadway projects to serve colonias.

To Ways and Means.

HJR 142 (By White), Proposing a constitutional amendment to abolish property taxes and limit the rates of state and local sales and use taxes.

To Ways and Means.

HJR 143 (By Raymond), Proposing a constitutional amendment relating to the disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held by Webb County for the county permanent school fund.

To Public Education.

SIGNED BY THE SPEAKER

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

House List No. 11

HCR 10, HCR 28

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, March 17, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 121 Ellis
Relating to photograph and live lineup identification procedures in criminal cases.

SB 257 Carona
Relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

SB 271 Uresti
Relating to the board of directors of the Bexar Metropolitan Water District.

SB 292 Watson
Relating to changes in the single-member district boundaries of the Barton Springs-Edwards Aquifer Conservation District.

SB 367 Ogden
Relating to the review by the attorney general of invoices related to legal services provided to state agencies by outside counsel.

SB 433 Hegar
Relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.

SB 514 Birdwell
Relating to the acquisition of land and facilities by the Texas State Technical College System.

SB 580 Hegar
Relating to community assistance and economic development program activities of the Lavaca-Navidad River Authority.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, March 17, 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:
LOCAL AND UNCONTESTED CALENDAR

SB 41 Zaffirini

Relating to the use of restraints in state supported living centers.

SB 43 Zaffirini

Relating to the civil liability of an employer or former employer of a mental health services provider who engages in sexual exploitation of a patient or former patient.

SB 67 Zaffirini

Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

SB 74 Nelson

Relating to the disposition of surplus or salvage data processing equipment of a university system or an institution or agency of higher education.

SB 78 Nelson

Relating to adverse licensing, listing, or registration decisions by certain health and human services agencies.

SB 79 Nelson

Relating to the contents and applicability of a school district's grading policy.

SB 81 Nelson

Relating to food manufacturers, food wholesalers, and warehouse operators required to hold a license.

SB 85 Nelson

Relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

SB 118 Uresti

Relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

SB 131 Wentworth

Relating to cemeteries in certain municipalities.

- SB 140** Shapiro
Relating to minimum public school attendance for class credit or a final grade.
- SB 155** Huffman
Relating to the eligibility of certain school district employees to participate or be enrolled in certain group health benefit programs.
- SB 156** Huffman
Relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.
- SB 176** Huffman
Relating to student eligibility for tuition rebates offered by general academic teaching institutions.
- SB 179** Estes
Relating to the service area of the North Central Texas College District.
- SB 187** Nelson
Relating to human body and anatomical specimen donation.
- SB 189** Nelson
Relating to the eligibility of certain aliens for a license to practice medicine in this state.
- SB 190** Nelson
Relating to the licensing and regulation of physicians, physician assistants, acupuncturists, and surgical assistants.
- SB 191** Nelson
Relating to disposition of a contested case by the Texas Medical Board.
- SB 192** Nelson
Relating to patient advocacy activities by nurses and certain other persons; providing an administrative penalty.
- SB 209** Zaffirini
Relating to the supervision of certain juvenile case managers.
- SB 244** Patrick
Relating to the continuing education requirements for certain peace officers.
- SB 247** Shapiro
Relating to the authority of the Texas Holocaust and Genocide Commission to participate in the establishment and operation of an affiliated nonprofit organization and provide grants.
- SB 263** Carona
Relating to the revocation, suspension, or restriction of the license of a physician placed on deferred adjudication community supervision or arrested for certain offenses.
- SB 316** Whitmire
Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

- SB 322** Carona
Relating to the requirements for reinsurance contracts covering title insurance policies issued in this state.
- SB 323** Carona
Relating to the applicability of certain laws governing corporations to limited liability companies.
- SB 328** Carona
Relating to notice of a hospital lien.
- SB 386** Williams
Relating to the Lone Star College System District service area.
- SB 391** Patrick
Relating to the provision of electronic sample copies of a textbook adopted by the State Board of Education.
- SB 396** Deuell
Relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.
- SB 416** Deuell
Relating to the amount of outstanding total liability of a mortgage guaranty insurer.
- SB 422** Duncan
Relating to the authority of a municipality or county to contract with another entity to collect certain assessments levied by the municipality or county.
- SB 426** Duncan
Relating to the liability of and payment of legal fees for court-appointed trustees of certain facilities.
- SB 428** Huffman
Relating to notice to a judgment debtor of the filing of a foreign judgment.
- SB 436** Nelson
Relating to the authority of a county to inspect day-care centers and group day-care homes.
- SB 472** West
Relating to voting practices and elections of property owners' associations.
- SB 489** Fraser
Relating to the Texas State Technical College System.
- SB 508** Lucio
Relating to the extent of extraterritorial jurisdiction of certain less populous municipalities located on a barrier island.
- SB 509** Lucio
Relating to the validation of a home-rule charter for certain municipalities.
- SB 510** Van de Putte
Relating to a voluntary statewide diabetes mellitus registry.
- SB 528** Huffman

Relating to meetings of the University of Houston System Board of Regents.

SB 539 Carona

Relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.

SB 735 Carona

Relating to prohibition of certain extra hazardous coverages by title insurance companies.

SB 747 Carona

Relating to the professions regulated by the Texas Real Estate Commission.

SB 748 Carona

Relating to business entities and associations.

SB 796 Nelson

Relating to reporting on and assessing programs for the prevention and treatment of diabetes in the state.

SCR 5 Hinojosa

Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED

March 16 - HCR 40, HCR 56, HCR 58, HCR 59, HCR 76

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-EIGHTH DAY — MONDAY, MARCH 21, 2011

The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 101).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; 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; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent — Gutierrez.

The invocation was offered by Representative Landtroop.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Lozano who presented Dr. Luis Calo of Harlingen as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

NOTICE OF WITHDRAWAL OF ELECTION CONTEST

Upon Representative D. Howard having recused herself from the proceedings and having absented herself from the house chamber, the speaker had read the following statement:

NOTICE OF WITHDRAWAL OF ELECTION CONTEST FOR THE OFFICE OF THE TEXAS HOUSE OF REPRESENTATIVES, DISTRICT 48

To the Honorable Speaker of the House of Representatives for the State of Texas:

COMES NOW, Dan Neil, Contestant in the above-styled cause of action, against Donna Howard, Contestee, and files this Notice of Withdrawal of Election Contest.

WHEREFORE, PREMISES CONSIDERED, Contestant Dan Neil withdraws his contest in House District 48.

Respectfully submitted,
BEIRNE, MAYNARD & PARSONS L.L.P.
Joseph M. Nixon
State Bar No. 15244800
James E. "Trey" Trainor, III
State Bar No. 24042052
401 W. 15th Street, Suite 845
Austin, Texas 78701
Telephone: (512) 623-6700
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Donna Garcia Davidson
State Bar No. 00783931
ATTORNEY AND COUNSELOR AT LAW
P.O. Box 12131
Austin, Texas 78711
Telephone: (512) 775-7625
ATTORNEYS FOR DAN NEIL

CERTIFICATE OF SERVICE

I certify that on the 18th day of March, 2011, a true and correct copy of the foregoing document has been sent via electronic mail and facsimile transmission to Donna Howard, by and through her attorneys at the law firm of Ray, Wood, & Bonilla, 2700 Bee Caves Road, Austin, Texas, 78746.

Joseph M. Nixon

Representative D. Howard was readmitted to the house chamber and announced present.

HR 500 - PREVIOUSLY ADOPTED
(by Hardcastle)

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

HR 500, In memory of Texas Department of Public Safety Senior Corporal David Ralph Slaton of Bowie.

On motion of Representative Geren, the names of all the members of the house were added to **HR 500** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Hardcastle who introduced family members and friends of Senior Corporal David Ralph Slaton.

(Price 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 **HB 2482** at 10:30 a.m. or upon final adjournment tomorrow 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 **HB 1810** at 2 p.m. or upon final adjournment tomorrow in E1.026.

The motion prevailed.

HR 939 - ADOPTED
(by J. Davis)

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 939**.

The motion prevailed.

The following resolution was laid before the house:

HR 939, Recognizing March 21, 2011, as World Down Syndrome Day.

HR 939 was adopted.

HR 530 - PREVIOUSLY ADOPTED
(by Schwertner)

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

HR 530, In memory of J. D. Thomas, Jr., of Georgetown.

On motion of Representative Woolley, the names of all the members of the house were added to **HR 530** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Schwertner who introduced family members of J. D. Thomas, Jr.

HR 490 - PREVIOUSLY ADOPTED (by Gallego)

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

HR 490, In memory of Joyce Ann Probst of Alpine.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 490** as signers thereof.

RESOLUTIONS ADOPTED

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 938** and **HR 947 - HR 951**.

The motion prevailed.

The following resolutions were laid before the house:

HR 938 (by Martinez Fischer), Congratulating Erwin J. De Luna of San Antonio on the occasion of his retirement from the Texas Health and Human Services Commission.

HR 947 (by Dutton), Congratulating Brian Wooten on completing the Men at Work program of Star of Hope in Houston.

HR 948 (by Dutton), Congratulating Quinton Smith on completing the Motivational Work program of Star of Hope in Houston.

HR 949 (by Dutton), Congratulating Elvin Adams on completing the Men at Work program of Star of Hope in Houston.

HR 950 (by Dutton), Congratulating Christopher Rainer on completing the Men at Work program of Star of Hope in Houston.

HR 951 (by Raymond), Congratulating Don Jose "Pepe" Diaz on his achievements as a charro.

The resolutions were adopted.

HR 450 - ADOPTED (by Bohac and Farias)

Representative Bohac moved to suspend all necessary rules to take up and consider at this time **HR 450**.

The motion prevailed.

The following resolution was laid before the house:

HR 450, Congratulating Shelly Vasbinder and Manny Salazar III on their wedding.

HR 450 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Bohac who introduced Shelly Vasbinder and Manny Salazar III.

**HR 733 - PREVIOUSLY ADOPTED
(by Garza)**

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

HR 733, Recognizing March 22, 2011, as The University of Texas at Austin Plan II Honors Day.

INTRODUCTION OF GUESTS

The chair recognized Representative Naishtat who introduced professors, students, and staff from The University of Texas at Austin Plan II Honors Program.

(Speaker in the chair)

**EMERGENCY CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 14 ON SECOND READING
(Harless, L. Taylor, Peña, Truitt, T. Smith, et al. - House Sponsors)**

CSSB 14, A bill to be entitled An Act relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

Representative Harless moved to postpone consideration of **CSSB 14** until 12:12 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 314 ON SECOND READING
(by Hardcastle)**

HB 314, A bill to be entitled An Act relating to the designation of a portion of U.S. Highway 81 as the Corporal David Slaton Memorial Highway.

HB 314 was passed to engrossment.

POSTPONED BUSINESS

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

CSSB 14 ON SECOND READING**(Harless, L. Taylor, Peña, Truitt, T. Smith, et al. - House Sponsors)**

CSSB 14, A bill to be entitled An Act relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

CSSB 14 was read second time earlier today and was postponed until this time.

CSSB 14 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ANCHIA: I wanted to ask you a couple questions about **SB 14** and voter impersonation. You alluded to the fact that this bill deals with one specific type of voter fraud, correct?

REPRESENTATIVE HARLESS: Yes, potential voter fraud.

ANCHIA: And that's voter impersonation?

HARLESS: Yes.

ANCHIA: And how does—describe how voter impersonation works.

HARLESS: Someone shows up to the poll with a voter registration card that may not be theirs and passes a vote with that card.

ANCHIA: How often does that happen in the State of Texas, do you think?

HARLESS: I'm not advised.

ANCHIA: Do you have a guess? You've gone back and looked at interim reports and studies on this issue—

HARLESS: Under our current law, there's not really tools necessary to stop this type of voter fraud. In fact, most of this, in voter fraud, we may not even know about until after the election occurs. We have heard from many witnesses over the last couple of sessions who have testified that voter impersonation, in which people's IDs or voter registration card have been used and a vote passed in that person's name, is not uncommon.

ANCHIA: Did they provide any documented cases, or was it anecdotal?

HARLESS: There was information from the secretary of state, but really, we don't have the tools to effectively deter or detect this type of voter fraud.

ANCHIA: I find it interesting that you say that we don't have the tools in current law. Are you pretty familiar with the Election Code?

HARLESS: A little. I've learned more about it the last few months.

ANCHIA: Yeah, me too, me too. What is the penalty for voter impersonation?

HARLESS: As addressed in this bill?

ANCHIA: No, no. Current law.

HARLESS: I think—

ANCHIA: It's under Section 64.012 of the Election Code.

HARLESS: And it would be a second-degree felony, if they're caught?

ANCHIA: Okay, so, under current law, just to be clear so the membership knows, it's actually a third-degree felony. So it's two to 10 years in prison and up to \$10,000 worth of fines. And in the committee substitute, it's actually bumped up to a third-degree felony so there's a penalty enhancement from third degree to second degree, so increases in severity, and then there's also an increase, a correlating increase with the attempted voter impersonation that gets bumped up as well, from its current penalty to 180 days—it's a state jail felony—180 days to two years in state jail and an optional fine of \$10,000. So there are some pretty severe penalties both in current law and in your proposed bill. Correct? A felony?

HARLESS: Yes.

ANCHIA: And, in terms of risk-reward, how many votes can you change with one case of voter impersonation?

HARLESS: How many votes can you change?

ANCHIA: Yes. You were very concerned about a legitimate voter being disenfranchised by someone conducting voter impersonation. Is it a scalable model, or when you commit an act of voter impersonation, how many votes do you change?

HARLESS: Representative Anchia, this is about restoring confidence in election process—

ANCHIA: No, I understand that—

HARLESS:—one person, one vote, and to get off on the fraud argument or how often it happens or if it even happens—we will never agree on that. The purpose of this legislation is that when you show up to vote, you prove who you say you are. It's a very simple, narrowly defined bill and we could stay here all day long discussing the fraud, but that is not what this bill is about. This bill is about protecting, deterring, and detecting possible fraud in elections.

ANCHIA: You sure? I'm trying to get at that, because you talked about voter impersonation in your layout, and I know the narrative changes, because when—you know, we studied this thing for eight years now, almost six years, seven years actually, and we haven't been able to find much said voter impersonation. Clearly, to support the bill, your narrative has to change so now it's about integrity of elections, I understand that. In going through the current—you said in your layout, we currently don't have tools to prevent this. So, I was trying to get at the tools that are in current state law, and the first one is sort of the deterrent effect of risking a state jail felony, two to 10 years in jail, \$10,000 worth of fines, to change what, one vote, right? So we're talking about deterrent effect and risk, and my question to you was, is it scalable? When you commit an act of voter impersonation, how many votes do you change?

HARLESS: I think it's possibly scalable. If you look at Representative Donna Howard's election and Dan Neil, I think that a decision was decided by, what, two votes?

ANCHIA: Were there any cases of voter impersonation there?

HARLESS: I didn't follow it that closely.

ANCHIA: I believe that there weren't.

HARLESS: But when elections are won or lost on two votes, we need to put every check and balance we can to restore the public's confidence, and not only does it restore the public's confidence in the election, there's been documented evidence in the two states that have passed this more restrictive photo ID that voter turnout increases. When people have confidence that their vote counts, they are more apt to show up and vote.

ANCHIA: And those talking points are terrific—let's just try to stay on voter impersonation. Right, so you said you're not sure of how often it occurs, you believe the tools aren't in place, you acknowledge there's a pretty significant penalty for doing it, correct? A state jail felony—

HARLESS: As it should be.

ANCHIA: As it should be, correct, so there's a pretty significant penalty for doing it. Now, let's talk about voter impersonation at the polling location. Who's typically at the polling locations?

HARLESS: As far as administrators, or people showing up to vote?

ANCHIA: Yeah, under the Election Code, who's entitled to be at the polling locations?

HARLESS: There are the election judge, the election clerk, election officers—

ANCHIA: And it's your assertion today that those people are powerless to stop voter impersonation, correct?

HARLESS: Powerless is not the word I would use.

ANCHIA: You said helpless earlier, is that a better word? They don't have the tools?

HARLESS: They need some tools.

ANCHIA: Okay, well are you familiar with Section 32.075 of the Election Code?

HARLESS: I am not.

ANCHIA: Section 32.075 of the Election Code discusses the law enforcement duties and powers of the presiding judge, of an election judge, do you know what they are?

HARLESS: No, but I know you're going to tell me.

ANCHIA: Yeah, I will, because I just want to clear up the fact that you're concerned that there are no tools, so I'll read that portion of the Election Code. The presiding judge at a polling location can prevent violations of the Election Code at the polling place, and in performing those duties, the presiding judge has the power of a state district judge, including the power to issue an arrest warrant. Were you aware of that?

HARLESS: No.

ANCHIA: Do you think issuing an arrest warrant to stop some of this purported voter impersonation is a powerful tool?

HARLESS: I think that the testimony that we've heard and the articles that have been reported on over the last few years, there have been a number of election officers and election judges that said there were people that came in to vote, they had a voter registration, they returned and voted again with a different voter registration, and they felt they didn't have the tools—

ANCHIA: And none of those cases were documented, right? None of them.

HARLESS: They were reported on.

ANCHIA: They were reported, maybe complaints, possibly investigated by the attorney general, but none of them ever documented or conclusively prosecuted, correct?

HARLESS: I don't know if that's correct or not. It was not part of our testimony.

ANCHIA: But don't you think, having the power as an election judge to issue an arrest warrant to satisfy, to enforce the provisions of the Election Code—that's not—you claim that these people are helpless, they don't have the tools. But you don't think that's a tool?

HARLESS: I don't think it's a tool when they're not required to show a photo ID when they show up to vote that says they are who they—

ANCHIA: If you're an election judge and you know you have the power of a state district judge to issue an arrest warrant and you see somebody who is potentially committing voter impersonation, and you don't do anything about it, whose fault is that?

HARLESS: I think that is the legislature's fault—

ANCHIA: It's our fault?

HARLESS:—for not putting checks and balances in place that we can require voters to prove who they are when they show up to vote.

ANCHIA: Do you have—and I noticed you avoided presenting any evidence of voter impersonation in your layout—do you have any cases of voter impersonation?

HARLESS: I'm sure you know more about that than I do.

ANCHIA: Okay, okay. You're concerned about legitimate voters being disenfranchised, right? That's really important to you.

HARLESS: I am concerned about protecting the public's trust and the integrity in the elections process.

ANCHIA: I understand, as am I, as am I. And you believe that passage of this bill will restore confidence among members of the public in the voting process and restore integrity, correct? That's what you said in your layout?

HARLESS: I do.

ANCHIA: And you believe that?

HARLESS: I do.

ANCHIA: Why does it ignore mail-in ballots?

HARLESS: This bill is only interested in one type of potential fraud, in-person voter fraud.

ANCHIA: That's really interesting to me, because we've got a bill that addresses a narrow type of fraud that you even acknowledged you had no cases of.

HARLESS: I did not say I have no cases.

ANCHIA: Then give me a case.

HARLESS: I said that they were not part of our testimony.

ANCHIA: Did you run across a case?

HARLESS: There was, media reported on it, but continue.

ANCHIA: Okay, so you have no cases of voter impersonation?

HARLESS: I have no cases we're going to discuss on the house floor.

ANCHIA: So the author has no cases on the house floor of voter impersonation, you are, yet, very, very concerned about the integrity of elections. Correct? Yet this bill doesn't deal with the type of voter fraud that we've seen most prevalently in the State of Texas, which is mail-in ballots. Correct?

HARLESS: There are other pieces of legislation that—

ANCHIA: Have you filed a bill on mail-in ballots?

HARLESS: No, sir.

ANCHIA: But you're concerned about legitimate votes that are cast being cancelled out by voter fraud, are you not?

HARLESS: I am concerned about public confidence in the election and verifying that you are who you say you are when you show up to vote. This is not the venue to discuss mail-in ballots.

ANCHIA: Well, I think it is, because, if—now the narrative has changed. Before it used to be, hey, we're really concerned about all these illegal aliens coming across the border and voting and then, when there was little to no evidence of that, then the narrative changed, and now it's the integrity of elections. Well the integrity of the elections, if you believe that narrative, also includes fraud that would cancel out a person's legitimately cast vote. Am I correct?

HARLESS: This is not the venue to discuss mail-in ballots.

ANCHIA: Where do we discuss it? Do we discuss it in the senate? Do we discuss it in the back hall?

HARLESS: On another piece of legislation, we can discuss it in all those places if you would like.

ANCHIA: If you have opened the door to the integrity of elections, then I think it's fair game to discuss that type of fraud, which we actually do see in the State of Texas—

HARLESS: I look forward to you bringing that bill to the Texas House.

ANCHIA:—which is specifically ignored by your bill. But this is really about a desire to make sure that legitimately cast votes are not counter balanced or offset, and to really restore integrity of elections. Why don't you do anything about mail-in ballots in your bill?

HARLESS: This bill is to address in-person possible voter fraud. I appreciate you bringing up the mail-in ballots, and I look forward to your bill that you will bring addressing that type of fraud.

ANCHIA: I actually chair the select committee on that, and I've had, in the past, mail-in ballot bills.

HARLESS: I think that's great legislation, I look forward to helping you with it.

ANCHIA: Here's the quandary for this body. If you say passing this bill is going to restore integrity of elections, you do nothing in this bill to deal with mail-in ballots and 70 percent of all the prosecutions by the attorney general have been mail-in ballots, then you're really not restoring integrity of elections because people, like they have for the last six years, will be reading about mail-in ballot fraud, mail-in ballot fraud, mail-in ballot fraud. Let's talk a little bit about the Voting Rights Act, if you don't mind. How much money is in the bill for informing Texans about the change in the law?

HARLESS: The fiscal note on the bill is \$2,024,000.

ANCHIA: Okay, and where's that money going to come from?

HARLESS: That money is already appropriated in our base budget that Chairman Pitts presented. We have, officially, \$43 million of HAVA funds, Help America Vote funds, leftover from past sessions, and we are pretty confident once we request the approval of use of those funds that we can use those funds to offset the costs of this fiscal note.

ANCHIA: And what is that request going to entail?

HARLESS: It entails writing to the department of elections assistance.

ANCHIA: The Elections Assistance Commission? The EAC?

HARLESS: Yes.

ANCHIA: And does it also require an amendment of our state plan?

HARLESS: I'm not advised.

ANCHIA: Okay, let me ask you about how those HAVA funds are going to be spent? How many of those HAVA funds that are appropriated in this bill are going to be dedicated to educating Latinos, African Americans, and Asians on the new photo identification requirement under **SB 14**?

HARLESS: The methodology and the fiscal note says that there will be \$2 million for the fiscal year 2012 and an estimated half a million dollars to research and develop ways to inform the public on new identification requirements. Additional cost of \$1.5 million in media advertising, television,

of—a breakdown of that: \$750,000 on television, \$300,000 in radio, and \$300,000 in print, and internet of \$150,000. The secretary of state indicates that federal funds associated with Help America Vote Act may be available for use, but the agency will need to verify that with the federal government once this is passed.

ANCHIA: And the Voting Rights Act covers the State of Texas, correct?

HARLESS: Excuse me?

ANCHIA: I'm sorry, the Voting Rights Act covers the State of Texas, correct?

HARLESS: Yes.

ANCHIA: And there are protected classes under the Voting Rights Act, correct?

HARLESS: Yes.

ANCHIA: So my question didn't relate generally to what the fiscal note said, it related specifically to Latinos and African Americans. I also included Asian Americans because of your home county, Harris County, has a significant Asian American population. So what percentages of the \$2 million will be dedicated to those protected classes?

HARLESS: It is not broken out specifically in the bill. I think this bill will increase turnout and education among all voters.

ANCHIA: Okay, but there's nothing in your bill dealing specifically with Latinos or African Americans, correct?

HARLESS: It will increase turnout of all voters and education of all voters.

ANCHIA: But is there—I'll rephrase the question in case we don't understand—

HARLESS: I'm a blonde, and that happens.

ANCHIA: Is there anything in your bill that specifically requires education of Latinos and African Americans covered under the Voting Rights Act? I'll throw in Asians as well.

HARLESS: The bill that we filed is modeled on the Georgia and Indiana legislation that have both been upheld by the U.S. Constitution and pre-cleared by the Department of Justice.

ANCHIA: Do you know what's in your bill?

HARLESS: I think I do, I've read it several times.

ANCHIA: If you know what's in your bill, then you can answer this question. Is there any funding specifically dedicated to Latinos, or African Americans, or Asians which are protected classes under the Voting Rights Act? I mean, it's either in there or it's not.

HARLESS: The funding in the bill provided education for all voters across the State of Texas.

ANCHIA: Okay, but not specifically, not specifically correct?

HARLESS: It does not specifically carve anything out. This will increase voter turnout and education for all voters.

ANCHIA: Will the educational materials and promotional materials be presented in English, Spanish, and Vietnamese, with respect to Harris County?

HARLESS: They will be printed in the language that the counties are required to provide language in.

ANCHIA: But there's nothing in your bill that specifically states that you will have bilingual Spanish, English, Vietnamese documents, correct?

HARLESS: There was an amendment that was added in the senate that says the website in each language in which the voter registration materials are available.

ANCHIA: Right, and the website is—

HARLESS: Is that what you're asking?

ANCHIA:—slightly different, the website is a little bit different than the promotional and educational materials that are going to be distributed to people who may be in the protected classes. So I was just trying to get at whether your bill includes anything related to promotional materials in English, Spanish, and Vietnamese.

HARLESS: It allows for the printing in the language that the counties are required to on all the notices at the polling places and that the county registrar will provide.

ANCHIA: And that language is in your bill?

HARLESS: Yes.

ANCHIA: Okay, can you tell me where?

HARLESS: Well, Section 31.012—

ANCHIA: On what page, really quickly.

HARLESS: Page 3, under Section 5, talks about the languages.

ANCHIA: In each language in which voter registration materials are available, I do see it in your bill.

HARLESS: And that is also a requirement of the federal voter right act, I mean that's—

ANCHIA: The Voting Rights Act?

HARLESS: Right—

ANCHIA: But, I'm asking a slightly different question. Will the, for example, TV and radio, and additional notices that are above and beyond this section of your bill which is the posted notice, is TV and radio going to be done in multiple languages?

HARLESS: To my understanding, the testimony that we had in committee, where you were at, the secretary of state said that they would look at the best practices of other states and decide the best way to accommodate that, so I don't know that that specific question was answered from the testimony in committee. You were there.

ANCHIA: I don't believe it was. And I don't think it's included in the bill either.

HARLESS: The next question?

ANCHIA: What efforts will be made to ensure African Americans and Latinos will be able to access free identification documents? Will there be mobile units or any specific outreach?

HARLESS: There was no testimony on that.

ANCHIA: Yes, but what does your bill say?

HARLESS: There is no specifics in that. That will be up to the secretary of state to decide those procedures.

ANCHIA: Have you—I know you've done a lot of work on this bill, a lot of research. What academic studies have you run across to determine the number of minorities that lack required photo identification?

HARLESS: From all the testimony that we've had in committee, there was no possible way to determine that.

ANCHIA: And you're not aware of any academic studies—is what my question was asking—any academic studies that deal with that issue?

HARLESS: There are so many studies out there, that no, they all look the same in my head. And I only have this notebook, so I couldn't bring everything.

ANCHIA: Are you aware of any studies conducted by a state agency to project the number of voters that lack the required identification and what percentage of these voters are African American or Hispanic? Are you aware of any studies like that?

HARLESS: I did not see that in testimony.

ANCHIA: But, are you aware of any studies? Above and beyond the testimony?

HARLESS: No. Not advised.

ANCHIA: Why are the identification requirements of **SB 14** more restrictive than **SB 362** from last session? Is there any evidence to suggest something's changed?

HARLESS: We've had two additional years to see that photo ID is working in other states. We've also had two additional years to hear from the public on their concerns of the integrity of the ballot box. Only a true photo ID bill can deter and detect fraud at the polls and can protect the public's confidence in the election.

ANCHIA: Is it possible that Latinos and African Americans in Texas will be put in a worse position in terms of electoral power as a result of **SB 14**?

HARLESS: I believe with all my heart that this bill will increase turnout of all voters in the State of Texas.

ANCHIA: But what if you're wrong? Are there any safeguards in the bill to remedy the situation, for example, a Sunset provision, if we see that there's a substantial number of African Americans or Latinos that are disenfranchised by this bill?

HARLESS: In the two states that have passed this type of voter, similar bills to our bill, they have showed increase in election for the minorities, and I think that we will see the same results in Texas. This will increase turnout of all voters because of the restored confidence that their vote counts.

ANCHIA: Okay, and just to be clear, Indiana, which is one of the states, is not a Voting Rights Act covered jurisdiction, right? And Georgia, which is Voting Rights Act covered, doesn't have as large a Latino population as Texas, correct?

HARLESS: I have no idea.

ANCHIA: Okay, I would submit to you it doesn't. Is there any trigger mechanism for more funding or increased outreach if something does go wrong in the bill and it turns out Latinos and African Americans are disenfranchised?

HARLESS: The testimony of the LBB—

REMARKS ORDERED PRINTED

Representative Anchia moved to print remarks between Representative Harless and Representative Anchia.

The motion prevailed.

Amendment No. 1

Representative Anchia offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by striking the enacting clause (page 1, line 4).

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Giddings offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In the recital to SECTION 9 of the bill (page 5, line 1), strike "(g) and (h)" and substitute "(g), (h), and (i)".

(2) In SECTION 9 of the bill, in amended Section 63.001(b), Election Code (page 5, line 2), strike "Subsection (h)" and substitute "Subsection (h) or (i)".

(3) In SECTION 9 of the bill, following added Section 63.001(h), Election Code (page 6, between lines 23 and 24), add the following:

(i) A voter who would otherwise be accepted for voting under this chapter but for the requirements of Subsection (b) shall be accepted for voting if, instead of presenting the identification required by Subsection (b), the voter executes an affidavit under penalty of perjury that asserts that the voter's

proof of identification meeting the requirements of Subsection (b) has been stolen and the voter presents to an election officer a copy of an official police report, dated not earlier than the 45th day before the date on which the voter seeks to vote, alleging that the voter was a victim of an offense described by Sections 31.03 or 32.51, Penal Code. The voter may redact personal information on the police report relating to the voter, other than the voter's name, address, or date of birth. A police report presented under this section is not required to contain the voter's date of birth.

CSSB 14 - POINT OF ORDER

Representative Martinez raised a point of order against further consideration of **CSSB 14** under Rule 4, Section 32(c)(2) and Rule 4, Section 32(f) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order, speaking as follows:

Mr. Martinez raises a point of order under Rule 4, Section 32(c)(2) and Rule 4, Section 32(f) in that the bill analysis is substantially or materially misleading, specifically because the bill analysis refers to six business days while the text of the bill refers only to six days.

The chair has reviewed the bill and bill analysis and finds the reference in the bill analysis to be materially or substantially misleading in the context of the bill. The point of order is sustained.

CSSB 14 was returned to the Select Committee on Voter Identification and Voter Fraud.

LEAVE OF ABSENCE GRANTED

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

Gutierrez on motion of Burnam.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry will reconvene 10 minutes after adjournment today.

Ways and Means will reconvene 15 minutes after adjournment today.

Border and Intergovernmental Affairs, 2 p.m. today.

ADJOURNMENT

Representative L. Taylor moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 1:51 p.m., adjourned until 10 a.m. tomorrow.

—————
ADDENDUM
 —————

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Monday, March 21, 2011

The Honorable Speaker of the House
 House Chamber
 Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 47 Guillen SPONSOR: Zaffirini
 In memory of U.S. Army Private First Class Ira Benjamin Laningham IV of Zapata.

SB 160 Williams
 Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

SB 173 West
 Relating to civil remedy of violations of certain municipal health and safety ordinances.

SB 312 Seliger
 Relating to the exemption of certain electric cooperatives from certain regulations.

SB 350 Williams
 Relating to the restructuring of fund obligations and accounts of the Texas Municipal Retirement System and related actuarial and accounting procedures.

SB 361 Duncan
 Relating to indemnification provisions in construction contracts.

SB 370 Seliger
 Relating to the authority of the Texas Water Development Board to provide financial assistance for certain projects if the applicant has failed to complete a request for information relevant to the project.

SB 425 Carona

Relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance; providing penalties.

SB 527 Fraser

Relating to projects funded through the Texas emissions reduction plan.

SB 566 Williams

Relating to the regulation of the practice of public accountancy.

SB 605 Rodriguez

Relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.

SB 781 Carona

Relating to the repeal of certain legislative oversight committees.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 17

Criminal Jurisprudence - **HB 341, HB 350, HB 690**

Public Education - **HB 1703**

State Affairs - **HB 888, HB 1064, HB 1165**

Ways and Means - **HB 234, HB 252, HB 361**

March 18

Agriculture and Livestock - **HB 92**

Business and Industry - **HB 681**

Culture, Recreation, and Tourism - **HB 308, HB 790, HB 1301, HB 1346, HB 1843, HB 1844, HCR 33**

Higher Education - **HB 9, HB 10**

Licensing and Administrative Procedures - **HB 378, HB 457, HB 510, HB 1510**

Public Education - **HB 675, HB 861, HB 1130**

Public Health - **HB 549, HB 670**

State Affairs - **HB 51, HB 183, HJR 65**

Transportation - **HB 238**

Ways and Means - **HB 499**

ENROLLED

March 17 - HCR 10, HCR 28

SENT TO THE GOVERNOR

March 17 - HCR 10, HCR 28, HCR 40, HCR 56, HCR 59, HCR 76

SENT TO THE SECRETARY OF THE STATE

March 17 - HCR 58

SIGNED BY THE GOVERNOR

March 18 - HCR 49, HCR 70

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-NINTH DAY — TUESDAY, MARCH 22, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 102).

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

Representative Y. Davis introduced Dr. Patrick R. Rucker, pastor, Koinonia Missionary Baptist Church, DeSoto, who offered the invocation as follows:

O God, our creator and our redeemer, we pause now to acknowledge you as our guide, our protector, and our only hope. We thank you, O God, for this day that you have given to us and pray that everything that we do on this day will be pleasing in thy sight and glorifying to your name.

O God, as these elected officials go about their daily affairs, conducting business for the benefit of the people of Texas, we pause to pray for those in this world who are struggling with natural disaster. We pray for the people of Japan who have suffered loss of life, loss of belongings, loss of shelter, loss of hope, and loss of direction. O God, we pause to pray for those who are engaged and incarcerated in war and for those who are fighting for democracy and civil liberties. O God, we pause to pray for our troops as they serve with courage and valor in Afghanistan, Iraq, and around the world, calling to you for their strength

and protection at every moment. O God, we pause to pray for the wounded and the veterans to receive the healing and support they need, and pray that every family will be encouraged and helped by those around during this period of sacrifice.

O God, we pause to pray for our country, our leader, Mr. Obama, and those who sit in places of national governmental leadership. O God, we thank you for these elected officials, our governor, our senators, and our state representatives that have committed their time and made personal sacrifices to serve their respective communities. I ask, Lord, that you would bless them in a special way. Bless their homes, and their families, and the communities to which they give service.

O God, we pause to say that we need you in all of our endeavors and our lives. So, we live by your promise that you would not leave us nor would you forsake us. Hear our prayer, Lord, and grant us thy peace. In the name of Jesus, we pray. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Christian who presented Dr. Ron McMurry of Jasper as the "Doctor for the Day."

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

(D. Howard in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 966 - ADOPTED (by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 966**.

The motion prevailed.

The following resolution was laid before the house:

HR 966, Recognizing March 19 through 26, 2011, as Austin Navy Week.

HR 966 was read and was adopted.

On motion of Representatives Eissler and Sheets, the names of all the members of the house were added to **HR 966** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Eissler who introduced the Honorable Juan Garcia, assistant secretary of the navy, and other naval officers participating in Austin Navy Week.

RESOLUTIONS ADOPTED

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 119** and **HR 121 - HR 123**.

The motion prevailed.

The following resolutions were laid before the house:

HR 119 (by P. King), Congratulating Elvera Johnson on her retirement as district clerk of Parker County.

HR 121 (by P. King), Congratulating Don Chrestman on his retirement as district judge of Parker County.

HR 122 (by P. King), Congratulating Jayne Williams Choate on her retirement as justice of the peace of Parker County.

HR 123 (by P. King), Congratulating Melvin Simons on his retirement as justice of the peace for Precinct 4 in Parker County.

The resolutions were adopted.

HR 375 - ADOPTED

(by P. King)

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 375**.

The motion prevailed.

The following resolution was laid before the house:

HR 375, Recognizing March 22, 2011, as Parker County Day at the State Capitol.

HR 375 was read and was adopted.

HR 439 - ADOPTED

(by P. King)

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 439**.

The motion prevailed.

The following resolution was laid before the house:

HR 439, Congratulating sports announcer Gentry "Ace" Little for calling his 900th game on the radio.

HR 439 was read and was adopted.

HR 265 - ADOPTED**(by P. King)**

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 265**.

The motion prevailed.

The following resolution was laid before the house:

HR 265, In memory of Jack Borden of Weatherford.

HR 265 was read and was unanimously adopted by a rising vote.

HR 844 - ADOPTED**(by D. Miller)**

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 844**.

The motion prevailed.

The following resolution was laid before the house:

HR 844, Congratulating Ray Benson on being named Texan of the Year by the Texas Legislative Conference.

HR 844 was read and was adopted.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 844** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Miller who introduced Ray Benson.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hamilton requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, during bill referral today, in E2.012, to consider the posted agenda.

Permission to meet was granted.

HR 934 - ADOPTED**(by Brown)**

Representative Brown moved to suspend all necessary rules to take up and consider at this time **HR 934**.

The motion prevailed.

The following resolution was laid before the house:

HR 934, Honoring the Texas A&M University College of Agriculture and Life Sciences on the 100th anniversary of its founding.

HR 934 was adopted.

On motion of Representative Landtroop, the names of all the members of the house were added to **HR 934** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Land and Resource Management, 12 p.m. today instead of upon adjournment.

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 **HB 260** at 10:30 a.m. or upon adjournment today in JHR 120.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, during bill referral today, in JHR 120, to consider pending business.

Permission to meet was granted.

**HR 756 - PREVIOUSLY ADOPTED
(by Sheffield)**

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

HR 756, Congratulating Lieutenant Colonel (Ret.) Deborah L. Van Dormolen of Salado on being named the 2010 Distinguished Military Retiree for Texas by the Fort Hood Retiree Council.

On motion of Representative S. King, the names of all the members of the house were added to **HR 756** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Sheffield who introduced Lieutenant Colonel (Ret.) Deborah L. Van Dormolen and Lieutenant Colonel (Ret.) Rich Castle.

**HR 624 - ADOPTED
(by Isaac)**

Representative Isaac moved to suspend all necessary rules to take up and consider at this time **HR 624**.

The motion prevailed.

The following resolution was laid before the house:

HR 624, Congratulating the Dripping Springs High School Marching Band on winning the 2009 University Interscholastic League Class 4A state championship.

HR 624 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Truitt requested permission for the Committee on Pensions, Investments, and Financial Services to meet while the house is in session, during bill referral today, in E2.014, to consider previously posted bills.

Permission to meet was granted.

HR 498 - PREVIOUSLY ADOPTED (by Pitts)

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

HR 498, In memory of longtime Legislative Budget Board analyst Val Shepperd of Austin.

On motion of Representative Turner, the names of all the members of the house were added to **HR 498** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Pitts who introduced family members of Val Shepperd.

HR 774 - PREVIOUSLY ADOPTED (by Castro)

The chair laid out the following previously adopted resolution:

HR 774, Congratulating Paul Huron IV of San Antonio for his achievements in science fair competitions.

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. 12).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hardcastle requested permission for the Committee on Agriculture and Livestock to meet while the house is in session, during bill referral today, in E1.014, to consider the posted agenda.

Permission to meet was granted.

HB 3820 - PERMISSION TO INTRODUCE

Representative Giddings requested permission to introduce and have placed on first reading **HB 3820**.

Permission to introduce was granted by (Record 103): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent — Lozano.

STATEMENT OF VOTE

When Record No. 103 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

FIVE-DAY POSTING RULE SUSPENDED

Representative Solomons moved to suspend the five-day posting rule to allow the Committee on Redistricting to consider **HB 600** at 9 a.m. Friday, March 25 in E1.004.

The motion prevailed.

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider unfinished business 30 minutes after adjournment Thursday, March 24 in JHR 140.

The motion prevailed.

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **HB 816** 30 minutes after adjournment tomorrow in JHR 140.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Creighton requested permission for the Select Committee on State Sovereignty to meet while the house is in session, during bill referral today, in 3W.9, to consider **HB 32**, **HB 335**, and **HCR 27**.

Permission to meet was granted.

Representative L. Gonzales requested permission for the Committee on County Affairs to meet while the house is in session, during bill referral today, in 3W.15, to consider pending items.

Permission to meet was granted.

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session, during bill referral today, in the Agricultural Museum (1W.14), to set the calendar.

Permission to meet was granted.

(Speaker in the chair)

**ADDRESS BY REPRESENTATIVE D. HOWARD
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative D. Howard who addressed the house on a matter of personal privilege.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 314 ON THIRD READING
(by Hardcastle)**

HB 314, A bill to be entitled An Act relating to the designation of a portion of U.S. Highway 81 as the Corporal David Slaton Memorial Highway.

HB 314 was passed by (Record 104): 149 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, during bill referral today, Agricultural Museum, for a formal meeting, to set the calendar.

State Affairs, 30 minutes after adjournment tomorrow, JHR 140, for a public hearing, to consider **HB 816**.

State Affairs, 30 minutes after adjournment Thursday, March 24, JHR 140, for a public hearing, to consider unfinished business.

Select Committee on State Sovereignty, upon adjournment today, 3W.9, for a formal meeting, to consider **HB 32**, **HB 335**, and **HCR 27**.

County Affairs, during bill referral today, 3W.15, for a formal meeting, to consider pending business.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

The speaker moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, March 24.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representative Dukes moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Joe Willie "Pinetop" Perkins of Austin.

The motion prevailed.

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

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

(P. King in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:54 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 3016 (By Oliveira), Relating to energy aggregation by counties in certain areas.

To Energy Resources.

HB 3493 (By Coleman), Relating to the creation of the employee wellness program.

To Public Health.

HB 3494 (By Coleman), Relating to voluntary deductions from the wages or salaries of deputy sheriffs for contributions to political committees.

To Homeland Security and Public Safety.

HB 3495 (By Coleman), Relating to workers' compensation death benefit eligibility for certain spouses of peace officers killed in the line of duty.

To State Affairs.

HB 3496 (By Darby), Relating to a health reimbursement arrangement program for certain eligible retirees covered by the Employees Retirement System, the Teacher Retirement System, and the University of Texas and Texas A&M Uniform Benefits.

To Pensions, Investments, and Financial Services.

HB 3497 (By Darby), Relating to the inclusion in the results of an election of ballots that were mistakenly not counted.

To Elections.

HB 3498 (By Aliseda), Relating to the penalty for illegal voting.

To Elections.

HB 3499 (By Coleman), Relating to authorizing the issuance of revenue bonds for a library at Texas Southern University.

To Higher Education.

HB 3500 (By Isaac), Relating to rules adopted by the commissioner of insurance regulating the manufacture, transportation, storage, and retail sales of fireworks.

To Insurance.

HB 3501 (By Callegari), Relating to school district personnel.

To Public Education.

HB 3502 (By Raymond), Relating to the regulation of crafted precious metal dealers and dealerships; providing a criminal penalty.

To Licensing and Administrative Procedures.

HB 3503 (By Villarreal), Relating to the creation of the Texas Fiscal Stability Commission.

To Appropriations.

HB 3504 (By Villarreal), Relating to transferring primary authority for the adoption of the public school curriculum and textbooks from the State Board of Education to the commissioner of education.

To Public Education.

HB 3505 (By Villarreal), Relating to school district governance.

To Public Education.

HB 3506 (By Villarreal), Relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.

To Public Education.

HB 3507 (By Villarreal), Relating to the tuition set aside requirement for the B-On-Time program.

To Higher Education.

HB 3508 (By Villarreal), Relating to the definition of a convention center facility and to the pledge for bonds.

To Ways and Means.

HB 3509 (By Villarreal), Relating to the computation of taxable margin for purposes of the franchise tax by a taxable entity principally engaged in Internet hosting.

To Ways and Means.

HB 3510 (By Hamilton), Relating to the regulation of the towing, booting, and storage of vehicles.

To Licensing and Administrative Procedures.

HB 3511 (By Hamilton), Relating to the eligibility requirements for licenses for certain air conditioning and refrigeration contractors.

To Licensing and Administrative Procedures.

HB 3512 (By Hamilton), Relating to the regulation of barbers and cosmetologists.

To Licensing and Administrative Procedures.

HB 3513 (By Creighton), Relating to the power of certain municipalities to establish performance standards for underground utilities, landscaping, tree preservation and sign control in a neighborhood empowerment zone.

To Land and Resource Management.

HB 3514 (By Branch), Relating to student eligibility for tuition rebates offered by general academic teaching institutions.

To Higher Education.

HB 3515 (By Branch), Relating to the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program.

To Higher Education.

HB 3516 (By Branch), Relating to requiring a public institution of higher education to make certain faculty information available to the public on the institution's Internet website.

To Higher Education.

HB 3517 (By Branch), Relating to the administration and business affairs of public institutions of higher education.

To Higher Education.

HB 3518 (By Rodriguez), Relating to local funding for mobility improvement and transportation projects; providing authority to impose a tax, issue bonds, and impose penalties.

To Transportation.

HB 3519 (By Lavender), Relating to state administration of certain assessment instruments to public school students.

To Public Education.

HB 3520 (By Hughes), Relating to advance directives or health care or treatment decisions made by or on behalf of patients.

To Human Services.

HB 3521 (By Aliseda), Relating to the termination of a volunteer deputy registrar for the submission of an incomplete application for voter registration.

To Elections.

HB 3522 (By Bonnen), Relating to the punishment for aggravated assault of emergency services personnel; imposing a criminal penalty.

To Criminal Jurisprudence.

HB 3523 (By Bonnen), Relating to the monetary penalties for Class C misdemeanors and other misdemeanors punishable by a fine only.

To Criminal Jurisprudence.

HB 3524 (By Bonnen), Relating to the evaluation of certain regional planning commissions.

To Land and Resource Management.

HB 3525 (By Y. Davis), Relating to mandatory conditions of community supervision for a person placed on community supervision for certain sexual offenses committed against a child.

To Criminal Jurisprudence.

HB 3526 (By Y. Davis), Relating to requiring certain victim information to be attached to certain arrest warrants.

To Criminal Jurisprudence.

HB 3527 (By Y. Davis), Relating to the disposition of fines for traffic violations collected by certain municipalities.

To Transportation.

HB 3528 (By Y. Davis), Relating to distribution of revenue under the public school finance system.

To Public Education.

HB 3529 (By Y. Davis), Relating to the regulation of debt collection agencies and credit bureaus.

To Pensions, Investments, and Financial Services.

HB 3530 (By Ritter), Relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

To Natural Resources.

HB 3531 (By Strama), Relating to the provision of certain prescription medications to a foster child.

To Human Services.

HB 3532 (By Strama), Relating to the creation of a competitive solar schools incentive program.

To Energy Resources.

HB 3533 (By Larson), Relating to granting certain local governments general zoning authority around certain military facilities; providing a penalty.

To Defense and Veterans' Affairs.

HB 3534 (By Kleinschmidt), Relating to liability of a political subdivision for a violation of certain laws relating to local permits.

To Land and Resource Management.

HB 3535 (By Kleinschmidt), Relating to liability of a political subdivision for a violation of certain laws relating to local permits; providing a penalty.

To Land and Resource Management.

HB 3536 (By V. Taylor), Relating to determining eligibility for indigent health care.

To Public Health.

HB 3537 (By V. Taylor), Relating to collecting information and requiring reimbursement from certain recipients of certain public benefits.

To Public Health.

HB 3538 (By Thompson), Relating to the release of certain inmates on medically recommended intensive supervision or on super-intensive supervision parole.

To Corrections.

HB 3539 (By Thompson), Relating to the authority of certain municipalities to acquire by eminent domain certain public utilities.

To Land and Resource Management.

HB 3540 (By Phillips), Relating to the administration of appraisal districts and the appraisal of property for ad valorem tax purposes.

To Ways and Means.

HB 3541 (By W. Smith), Relating to requirements to meet national ambient air quality standards.

To Environmental Regulation.

HB 3542 (By L. Gonzales), Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

To Pensions, Investments, and Financial Services.

HB 3543 (By Farrar), Relating to the inclusion of certain local government enforcement actions in the evaluation of compliance history by the Texas Commission on Environmental Quality.

To Environmental Regulation.

HB 3544 (By Farrar), Relating to the authority of the Texas Commission on Environmental Quality to grant or deny an air contaminant emissions permit.

To Environmental Regulation.

HB 3545 (By Farrar), Relating to air contaminant emissions in air quality control regions.

To Environmental Regulation.

HB 3546 (By C. Anderson), Relating to requiring the performance of an autopsy when death is caused or apparently caused by suicide.

To Criminal Jurisprudence.

HB 3548 (By Alvarado), Relating to the investment authority of the Employees Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 3549 (By Alvarado), Relating to the investment of assets under the management and control of the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 3550 (By Fletcher), Relating to imposing a law enforcement fee on certain commercial motor vehicle offenses.

To Transportation.

HB 3551 (By Garza), Relating to positions that are exempt from a sheriff's department civil service system in certain counties.

To Homeland Security and Public Safety.

HB 3552 (By Garza), Relating to the exemption from ad valorem taxation of property used to provide low-income or moderate-income housing.

To Ways and Means.

HB 3553 (By Carter), Relating to unauthorized towing.

To Licensing and Administrative Procedures.

HB 3554 (By Alvarado), Relating to the repeal of the motor fuels tax exemption for biodiesel and renewable diesel.

To Ways and Means.

HB 3555 (By Riddle), Relating to the payment of impact fees by school districts and institutions of higher education.

To Natural Resources.

HB 3556 (By Lucio), Relating to a requirement that a state agency reveal the identity of certain anonymous complainants to the person against whom the state agency has initiated a contested case.

To Licensing and Administrative Procedures.

HB 3557 (By Lucio), Relating to coverage for autism spectrum disorder under certain health benefit plans.

To Insurance.

HB 3558 (By Lucio), Relating to information used by the Electric Reliability Council of Texas to settle or resettle a market participant's load or certain trade days.

To State Affairs.

HB 3559 (By Lucio), Relating to allocation of loans made under the owner-builder loan program.

To Urban Affairs.

HB 3560 (By Lucio), Relating to the appointment and recommendations of the Border Trade Advisory Committee.

To Transportation.

HB 3561 (By Lucio), Relating to certain comprehensive development agreements of regional mobility authorities.

To Transportation.

HB 3562 (By Lucio), Relating to the liability of the state for a violation of the federal Americans with Disabilities Act.

To Judiciary and Civil Jurisprudence.

HB 3563 (By Lucio), Relating to certain comprehensive development agreements of regional mobility authorities.

To Transportation.

HB 3564 (By Lucio), Relating to certain comprehensive development agreements of regional mobility authorities.

To Transportation.

HB 3565 (By Lucio), Relating to certain comprehensive development agreements of regional mobility authorities.

To Transportation.

HB 3566 (By Lucio), Relating to certain comprehensive development agreements of regional mobility authorities.

To Transportation.

HB 3567 (By Lucio), Relating to certain comprehensive development agreements of regional mobility authorities.

To Transportation.

HB 3568 (By Lucio), Relating to the date of the election for trustees of an independent school district.

To Public Education.

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

HB 2495 (By Hernandez Luna), Relating to cemeteries and perpetual care cemetery corporations.

To Pensions, Investments, and Financial Services.

HB 2580 (By Murphy), Relating to certain investments by insurance companies and related organizations.

To Economic and Small Business Development.

HB 2646 (By Orr), Relating to distribution by the School Land Board of revenue derived from permanent school fund land or other properties to the available school fund.

To Appropriations.

HB 2652 (By Pitts), Relating to the Texas Economic Development Act.

To Ways and Means.

HB 2732 (By Oliveira), Relating to the application requirements for a local project permit.

To Land and Resource Management.

SIGNED BY THE SPEAKER

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

House List No. 12

HCR 47

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, March 22, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 116

Uresti

Relating to protective orders against dating violence.

SB 304

Nichols

Relating to employment services programs for certain residents receiving services from public hospitals or hospital districts.

SB 309 Harris

Relating to events to receive funding through a major events trust fund.

SB 341 Uresti

Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District; providing a penalty.

SB 520 Hegar

Relating to the creation, administration, powers, and duties of a county assistance district.

SB 647 Hegar

Relating to the continuation and operation of the office of public insurance counsel.

SB 809 Seliger

Relating to judicial review in district court of certain workers' compensation disputes.

SB 822 Watson

Relating to expedited credentialing of certain physicians by managed care plans.

SB 987 Hegar

Relating to the term of office and qualifications for a director of the Colorado County Groundwater Conservation District.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 21

Agriculture and Livestock - **HB 338, HB 412, HB 413, HB 414**

Corrections - **HB 200, HB 988**

County Affairs - **HB 831, HB 850, HB 1110, HB 523**

Culture, Recreation, and Tourism - **HB 716, HB 1300**

Elections - **HB 184, HB 1306, HB 1904**

Human Services - **HB 452, HB 824, HB 848**

Insurance - **HB 1032, HB 1405**

Judiciary and Civil Jurisprudence - **HB 7, HB 904, HB 905, HB 984, HB 1404**

Natural Resources - **HB 886, HB 1119, HB 1383, HB 1551**

Public Education - **HB 135, HB 336, HB 370, HB 1286**

Transportation - **HB 109, HB 377, HB 422, HB 598, HB 634, HB 787, HB 885, HB 993, HB 1148, HB 1201, HB 1251, HB 1409**

Voter Identification and Voter Fraud, Select - **SB 14**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTIETH DAY — WEDNESDAY, MARCH 23, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 105).

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; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; 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 — Eiland.

Absent — Cook.

The invocation was offered by William Eudy, pastor, Southside Church of Christ, Mineral Wells.

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

LEAVE OF ABSENCE GRANTED

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

Eiland on motion of Landtroop.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Christian who presented Dr. Keith Miller of Center as the "Doctor for the Day."

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

(Cook now present)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**HCR 118 - ADOPTED
(by V. Taylor, et al.)**

Representative V. Taylor moved to suspend all necessary rules to take up and consider at this time **HCR 118**.

The motion prevailed.

The following resolution was laid before the house:

HCR 118, Honoring Congressman Sam Johnson on the 38th anniversary of his release as a North Vietnamese Prisoner of War.

HCR 118 was read and was adopted.

On motion of Representatives Sheets and Madden, the names of all the members of the house were added to **HCR 118** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative V. Taylor who introduced the Honorable Sam Johnson.

(Cain in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Hunter moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Calendars to set a calendar at 10:20 a.m. today in 3W.15.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 10:20 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 10:20 a.m. today, 3W.15, for a formal meeting, to set a calendar.

HR 1012 - ADOPTED

(by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 1012**.

The motion prevailed.

The following resolution was laid before the house:

HR 1012, Recognizing March 20-26, 2011, as Early College High School Week.

HR 1012 was adopted.

RESOLUTIONS ADOPTED

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **SCR 28** and **SCR 29**.

The motion prevailed.

The following resolutions were laid before the house:

SCR 28 (Dukes - House Sponsor), Commending Joe E. Gonzales for his career in education and for his contributions to the success of Austin Can! Academy.

SCR 29 (Dukes - House Sponsor), Recognizing Austin Can! Academy, a dropout recovery charter high school serving at-risk students of Travis County.

The resolutions were read and were adopted.

HR 828 - ADOPTED

(by Truitt)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 828**.

The motion prevailed.

The following resolution was laid before the house:

HR 828, Recognizing March 21 through 25, 2011, as Texas Retired Teachers Week.

HR 828 was read and was adopted.

On motion of Representative Patrick, the names of all the members of the house were added to **HR 828** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Truitt who introduced members of the Texas Retired Teachers Association, speaking as follows:

Mr. Speaker, members, this resolution provides an opportunity for this body to show our appreciation for our retired public educators who have provided an invaluable service to the people of this great state. We have some very special guests joining us today, both in the gallery and on the dais. We have TRTA representatives on the dais: Tim Lee, the executive director; Bill Barnes, TRTA legislative coordinator; Carlos Ortiz, state legislative chairman for District 20; Ms. Francis Plemmons, secretary/treasurer; and last but not least, my constituent and good friend, Bill Skinner, TRTA member and a dear friend. And joining us in the gallery are several members of TRTA that have taken the time to come to Austin to be with us today. I especially want to welcome those of you who are here from my district, and I'd ask you all to please stand up and be recognized. Thank you very much for being here.

Members, TRTA has a membership base of approximately 70,000 retirees that continually work to improve their local communities throughout the state. In 2010, TRTA members selflessly gave approximately 5.8 million hours of volunteer service, equivalent to a value of more than \$121 million. For this, and the many other things they do, we are all forever indebted to them, to you. TRTA members will be visiting our offices this afternoon, and I encourage you and your staff to take the time to visit with them. TRTA members, we owe you a great deal of gratitude. Thank you for what you have done for our children. Thank you for what you have done for us. We understand what you are going through. We are listening. We are getting your hundreds of letters. We are reading them. We are hearing what you say. And please know, together we are going to get through this. Mr. Speaker, members, thank you for your consideration.

REMARKS ORDERED PRINTED

Representative Lozano moved to print remarks by Representative Truitt on **HR 828**.

The motion prevailed.

HR 812 - PREVIOUSLY ADOPTED (by White)

The chair laid out the following previously adopted resolution:

HR 812, Recognizing the Texas Forestry Association on the occasion of its seedling giveaway and commending association members for their reforestation efforts and advocacy.

On motion of Representatives White and Christian, the names of all the members of the house were added to **HR 812** as signers thereof.

HR 147 - PREVIOUSLY ADOPTED (by Giddings)

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

HR 147, Honoring the life of Dan S. Petty of Dallas.

On motion of Representative Branch, the names of all the members of the house were added to **HR 147** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Giddings who introduced family members of Dan S. Petty.

**HR 857 - ADOPTED
(by S. King)**

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 857**.

The motion prevailed.

The following resolution was laid before the house:

HR 857, Recognizing March 23, 2011, as Parent Association for the Retarded of Texas Day at the State Capitol.

HR 857 was read and was adopted.

**HR 240 - ADOPTED
(by Patrick, et al.)**

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 240**.

The motion prevailed.

The following resolution was laid before the house:

HR 240, In memory of former Arlington mayor, U.S. representative, and Tarrant County judge Tom J. Vandergriff.

HR 240 was read and was unanimously adopted by a rising vote.

On motion of Representatives Anchia and Nash, the names of all the members of the house were added to **HR 240** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Patrick who introduced family members of the Honorable Tom J. Vandergriff.

**HR 739 - PREVIOUSLY ADOPTED
(by Burkett)**

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

HR 739, Recognizing March 23, 2011, as Sunnyvale Day at the State Capitol.

**HR 979 - ADOPTED
(by Keffer)**

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HR 979**.

The motion prevailed.

The following resolution was laid before the house:

HR 979, Commending the firefighters of Texas and paying tribute to the volunteer firefighters who have died in the line of duty.

HR 979 was adopted.

On motion of Representative C. Anderson, the names of all the members of the house were added to **HR 979** as signers thereof.

HR 320 - PREVIOUSLY ADOPTED
(by **L. Gonzales**)

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

HR 320, Recognizing March 23, 2011, as Hutto Day at the State Capitol.

INTRODUCTION OF GUESTS

The chair recognized Representative L. Gonzales who introduced a delegation from Hutto.

HCR 114 - ADOPTED
(by **Craddick**)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 114**.

The motion prevailed.

The following resolution was laid before the house:

HCR 114, Designating April 2011 as Distracted Driving Awareness Month in Texas.

HCR 114 was adopted.

On motion of Representative Phillips, the names of all the members of the house were added to **HCR 114** as signers thereof.

HR 564 - PREVIOUSLY ADOPTED
(by **Kuempel**)

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

HR 564, Congratulating the football team of the Byron P. Steele II High School in Cibolo on winning the UIL 5A Division II state championship.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 564** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Kuempel who introduced players and coaches of the Byron P. Steele II High School football team.

HB 3822 - PERMISSION TO INTRODUCE

Representative Workman requested permission to introduce and have placed on first reading **HB 3822**.

Permission to introduce was granted by (Record 106): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Eiland.

Absent — Castro; Kolkhorst.

STATEMENT OF VOTE

When Record No. 106 was taken, I was temporarily out of the house chamber. I would have voted yes.

Kolkhorst

HB 3823 - PERMISSION TO INTRODUCE

Representative Thompson requested permission to introduce and have placed on first reading **HB 3823**.

Permission to introduce was granted by (Record 107): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Eiland.

Absent — McClendon.

STATEMENT OF VOTE

When Record No. 107 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HR 980 - ADOPTED (by Sheffield)

Representative Sheffield moved to suspend all necessary rules to take up and consider at this time **HR 980**.

The motion prevailed.

The following resolution was laid before the house:

HR 980, Recognizing March 23, 2011, as Salad Day and commending the owner/operators of Texas McDonald's restaurants.

HR 980 was adopted.

On motion of Representative D. Howard, the names of all the members of the house were added to **HR 980** as signers thereof.

FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **HB 162** 30 minutes after adjournment today in JHR 140.

The motion prevailed.

(Eiland now present)

(Speaker in the chair)

EMERGENCY CALENDAR SENATE BILLS SECOND READING

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

CSSB 14 ON SECOND READING**(Harless, L. Taylor, Peña, Truitt, T. Smith, et al. - House Sponsors)**

CSSB 14, A bill to be entitled An Act relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

CSSB 14 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **CSSB 14** under Rule 6, Section 16 of the House Rules on the grounds that the calendar is ineligible for consideration.

The speaker overruled the point of order, speaking as follows:

Mr. Walle raises a point of order pursuant to Rule 6, Section 16 that the initial printing of the calendar contained an error that prevents further consideration. The chair has reviewed the original and revised calendar and finds that the purpose of Rule 6, Section 16 has been complied with. The point of order is respectfully overruled.

CSSB 14 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **CSSB 14** under Rule 6, Section 16 of the House Rules on the grounds that the calendar is ineligible for consideration.

The speaker overruled the point of order, speaking as follows:

Mr. Walle raises a point of order under Rule 6, Section 16 on the grounds that the corrected calendar is not properly in order for consideration and is not eligible for consideration at this time. A similar error occurred in **HB 1111** during the 79th Legislature. In that case, an error was discovered and a new calendar was printed and considered after a two-hour layout. The chair noted in that case that the error in the calendar was corrected and was laid out more than two hours. The chair finds no violation under Rule 6, Section 16. The point of order is respectfully overruled.

PARLIAMENTARY INQUIRY

REPRESENTATIVE GALLEGO: Mr. Speaker, just a parliamentary inquiry so that I, if you don't mind, can understand the line of reasoning behind the—Mr. Walle's point of order was that Rule 6, Section 16 doesn't provide, as I read the rule. The rule indicates that "deviations from the calendar as posted shall not be permitted, except that the Committee on Calendars shall be authorized to prepare and post, not later than two hours before the house convenes, a supplemental daily calendar." So the two-hour notice under the rules applies to the supplemental daily calendar, is that not correct?

SPEAKER STRAUS: Mr. Gallego, under Rule 6, Section 16, deviations from the calendar are permitted, if they are permitted by the Committee on Calendars.

GALLEGO: Mr. Speaker, the sentence reads "deviations from the calendars as posted shall not be permitted, except in the case of the supplemental calendar."

SPEAKER: Mr. Gallego, the phrase "except" means there are deviations that are permitted.

GALLEGO: But, the exception is listed, is it not, Mr. Speaker? The exception is the supplemental daily calendar, which can be printed two hours before the house convenes.

SPEAKER: Mr. Gallego, there was a printing error in this calendar that was discovered and it's been corrected.

GALLEGO: The issue, Mr. Speaker, as I understand Mr. Walle's point of order, is that under the rules, revised calendars don't exist; supplemental calendars exist. And this was not remedied through a supplemental calendar, it was remedied so that the posting should—if we're going to do the supplemental calendar, and the posting, and the two-hour notice, then this was not a supplemental calendar which we all receive on our desks. As the routine course of the house's business, we receive supplemental calendars. And in this instance, we didn't receive a supplemental calendar, we received a revised calendar, which would seem to indicate that—I guess the difficulty for me is that you can't have it—the argument that you can't have it both ways. If it is a supplemental calendar, and there is a two-hour notice, and there is a deviation, that's fine, but if the argument is that it's a revised calendar and all this revised calendar does is take the place of the first one, then it seems that that timing should relate back. The posting notice should relate back, as well.

SPEAKER: Thank you, Mr. Gallego, for your inquiry. This is not the first time that a printing error has occurred in our calendars. On May 15 of 1997, for instance, an error in the printing was corrected under the title "Corrected Daily House Calendar." On May 20 of 1999, a correction was made under the "Corrected Daily House Calendar." And, similarly, on Tuesday, July 19, 2005, the correction was made under "Revised Daily House Calendar."

REMARKS ORDERED PRINTED

Representative Walle moved to print remarks between Representative Gallego and the speaker.

The motion prevailed.

CSSB 14 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **CSSB 14** under Rule 4, Section 11 and Rule 4, Section 12 of the House Rules on the grounds that proper notice of the committee meeting was not given and the committee meeting was not open to the public.

The speaker overruled the point of order, speaking as follows:

Representative Farrar raises a point of order under Rule 4, Section 11 and 12. Representative Farrar indicates that the meeting of the Calendars Committee began at 10:07 p.m., and that the Capitol was closed and access to the meeting room may have been denied. While the Calendars Committee did not begin meeting until 10:07 p.m., the meeting was initially posted for 9 p.m. As noted on

the State Preservation Board website, the hours of the Capitol are normally between 7 a.m. and 10 p.m. but are extended during legislative sessions, including during house committee meetings. It appears that the provisions of Rule 4, Section 11, were complied with. The point of order is respectfully overruled.

CSSB 14 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 14** under Rule 4, Section 32(c) and Rule 4, Section 32(f) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order, speaking as follows:

Representative Martinez Fischer raises a point of order under Rule 4, Section 32 in that the bill analysis fails to discuss changes on page 11, line 7 and page 11, line 27 of the bill. Specifically, Representative Martinez Fischer argues that the bill analysis fails to compare the bill to existing law and fails to list revision on page 11, line 27 as an express repeal. The chair has reviewed the bill and the bill analysis. The chair finds that the language of the bill analysis is not materially or substantially misleading and that the bill analysis, which is a summary, accurately reflects the substance of the bill. The point of order is respectfully overruled.

PARLIAMENTARY INQUIRY

REPRESENTATIVE MARTINEZ FISCHER: Thank you, Mr. Speaker—parliamentary inquiry.

SPEAKER STRAUS: State your inquiry.

MARTINEZ FISCHER: In the last part of your ruling you made reference to the bill analysis being a summary, did I hear that right?

SPEAKER: That's correct.

MARTINEZ FISCHER: Could you repeat that last line, would you indulge me? I couldn't hear back here.

SPEAKER: The bill analysis, which is a summary, accurately reflects the substance of the bill.

MARTINEZ FISCHER: And, Mr. Speaker, parliamentary inquiry.

SPEAKER: State your inquiry.

MARTINEZ FISCHER: As I read Rule 4, Section 32(c), I don't see—I don't see in the rules where members are given the opportunity to summarize the bill in the bill analysis. Fact is, I read Rule 4, Section 32(c), it says that the bill analysis must include in summary or section-by-section form a detailed analysis, not a summary analysis, a detailed analysis, and so did the chair misunderstand me when I made that argument? Is the chair under the impression that I am arguing that there should be a lesser standard than a detailed analysis? Because I didn't argue there should be a summary analysis—in fact, the rules are contrary to any

members providing a summary analysis, it says it must be detailed, it can be in a summary or a section-by-section form, but the analysis must be detailed. Is the chair in agreement with that reading of the rule, as I see it?

SPEAKER: The chair has applied the precedence from prior sessions.

MARTINEZ FISCHER: And what precedence would that be, Mr. Chairman, Mr. Speaker?

SPEAKER: For instance, Mr. Martinez Fischer, there's a precedent from the 81st Session.

MARTINEZ FISCHER: The 81st Session, would the chair be inclined as to tell me what day of the journal that was?

SPEAKER: It was May 20th, 2009.

MARTINEZ FISCHER: May 20th, 2009. Okay, now in chair's ruling—

SPEAKER: It was on **SB 865**.

MARTINEZ FISCHER: **SB 865**? Thank you, Mr. Speaker. In the chair's ruling, in effect, the chair is saying that if we—if there is an express strike-through on a bill that changes the current state of the law, there is no requirement under Rule 4, Section 32(c) or Rule 4, Section 32(c)(3) that requires a member to notify the body and the general public that we are expressly changing a legal standard.

SPEAKER: Rule 4, Section 32, Subsection (c), Subsection (2) requires a list of provisions expressly, expressly repealed by the bill or resolution.

MARTINEZ FISCHER: So, the chair's interpretation, which I would deem to be narrow—is it the chair's interpretation that what triggers an express statement of a repeal of a law is the words in a bill or resolution that says, this article or this section is expressly repealed? Is that how the chair interprets Rule 4, Section 32(c)(2)?

SPEAKER: Just one moment, Mr. Martinez Fischer. Mr. Martinez Fischer, the point of order that you raised did not point us to a section of the law that contained an express repeal.

MARTINEZ FISCHER: Then the chair may have misunderstood my point of order. Shall I reassert it, Mr. Chairman? Because I crystal clearly remember arguing to the chair that when you take two sections of the bill and take us from a discretionary standard and change it to a mandatory standard, the strike-through of the discretionary is a repeal of a statute—in fact, guts the statute—and then I argued secondarily that when you go from a "shall" standard to a "must" standard, you again are expressly repealing a statute by a strike-through and, in fact, you are gutting the existing law. I offered that, and if the chair did not analyze the point of order under that analysis, then I would like to raise that point of order again.

SPEAKER: Mr. Martinez Fischer, the chair has already ruled on the point of order. You are welcome to lodge another point and I will request, the chair would request that the exchange be reduced to writing and entered into the journal.

MARTINEZ FISCHER: I'm sorry, what about the last part, Mr. Speaker?

SPEAKER: I would request that the exchange between you and the chair be reduced to writing and entered into the journal.

MARTINEZ FISCHER: Thank you, Mr. Speaker, I was going to do the same thing. And so—but I don't have to raise another point of order—but the chair has suggested that portion of that argument was not considered by the chair because the chair was unaware that that was, that that objection was being raised, and if the chair has properly considered that, I'd like the chair to tell me there would be no need to raise an additional point of order.

SPEAKER: Mr. Martinez Fischer, the chair appreciates your arguments and the chair respectfully has overruled your point of order.

MARTINEZ FISCHER: I understand that Mr. Speaker, but on what grounds?

SPEAKER: That Rule 4, Section 32(c) has been complied with.

MARTINEZ FISCHER: In all aspects?

SPEAKER: And that the bill analysis is not substantially or materially misleading.

MARTINEZ FISCHER: And with regard to Rule 4, Section 32(c)(2), a repeal of a statute that's not explained in a detailed bill analysis, that's part of your ruling, as well?

SPEAKER: Yes, sir, it is.

MARTINEZ FISCHER: Thank you, Mr. Speaker.

REMARKS ORDERED PRINTED

The speaker moved to print remarks between Representative Martinez Fischer and the speaker.

The motion prevailed.

CSSB 14 - POINT OF ORDER

Representative Coleman raised a point of order against further consideration of **CSSB 14** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is materially or substantially misleading.

The speaker overruled the point of order, speaking as follows:

Mr. Coleman raises a point of order under Rule 4, Section 32. Specifically, the provision relating to the use of passports found on page 1 of the bill analysis is not sufficiently detailed enough continuously through the bill analysis. The chair has reviewed the bill and the bill analysis and finds that the provision complained of, relating to passports, is contained in the bill analysis and is not materially or substantially misleading. Accordingly, the point of order is respectfully overruled.

CSSB 14 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 14** under Article III, Section 49-k of the Texas Constitution on the grounds that the bill reduces, rescinds, or repeals the Texas Mobility Fund.

The speaker overruled the point of order, speaking as follows:

Mr. Martinez Fischer raises a point of order under Article III, Section 49-k of the Texas Constitution. Specifically, Mr. Martinez Fischer argues that the bill reduces, rescinds, or repeals authority to collect funds under the Texas Mobility Fund. The chair has reviewed the argument, the question raised by Mr. Martinez Fischer was a provision that was constitutional whether any infirmity must be addressed in this bill or any bill if the bill is effective unless changed. It's precisely the type of constitutional points of order traditionally not ruled on. The chair will continue that tradition and the point of order is respectfully overruled.

PARLIAMENTARY INQUIRY

REPRESENTATIVE MARTINEZ FISCHER: The chair, in his ruling, failed to indicate whether they found this to be a substantive challenge or a procedural challenge to the constitution and I'd like to know which it is.

SPEAKER STRAUS: Mr. Martinez Fischer, the chair found that this deals with a substantive constitutional issue.

MARTINEZ FISCHER: Mr. Speaker, parliamentary inquiry.

SPEAKER: State your inquiry.

MARTINEZ FISCHER: Is the constitutional article that says bills must be read on three several days, is that procedural or substantive?

SPEAKER: That is a point of order that has traditionally been ruled on by the chair.

MARTINEZ FISCHER: As procedural or substantive?

SPEAKER: As a discussion of legislative procedure.

MARTINEZ FISCHER: And Mr. Speaker, further inquiry, is the constitutional provision saying that all bills must pass both houses of the legislature, is that procedural or substantive?

SPEAKER: Again, Mr. Martinez Fischer, that is a point of order that has been ruled on, on legislative procedure.

MARTINEZ FISCHER: Okay, and the constitutional provisions related to the two-subject rule, is that also procedural, or is it substantive?

SPEAKER: Mr. Martinez Fischer, in ruling on Article III, Section 49-k of the constitution, we found that that did not fall within classes of legislative procedures traditionally ruled on by the chair.

MARTINEZ FISCHER: With respect to the substantive ruling of this chair, there was not a substantive claim made in the point of order, in fact, the point of order was launched because the procedure by which a bill comes to the floor that repeals, rescinds, or reduces constitutionally dedicated monies—my argument is, procedurally, no bill can come to the floor that does that unless they comply with the constitution, which requires them to explain how they plan to reallocate the monies they deprive from the mobility fund. And so, procedurally, that is what my point is. I'm not arguing the substantive matter, as to whether or not the Article III, Section 49 even applies in this instance. I am saying—I am saying that procedurally, just like procedurally we read bills on three separate days, just like procedurally we pass bills out of the house and senate, this is also a procedure by which we bring bills to the floor that are in order and not in order. And my procedural argument is that the bill is not in order, because procedurally it deprives the mobility fund of its dedicated source of funding, and the only way, procedurally, that we can proceed is if we allocate monies to replenish what we take. I'm not arguing as to the substantive merits of that, I'm arguing that is a necessary step for a bill to be in order. So if the chair wants to rule that procedurally I am overruled, I will sit down. But my point of order is specific to this procedural component of the constitutional article and not the substantive interpretation.

SPEAKER: Mr. Martinez Fischer, we have reviewed and heard your arguments, we've looked for precedent, there is none. And the point of order is respectfully overruled and I'd be happy to take this exchange between me and you and have it entered into the journal.

MARTINEZ FISCHER: We can put it on the journal, we can put it on a billboard, but we're here today, and just because there isn't precedent, that's not a reason to overrule the point of order. And I will say that the reason why you may not find a precedent is that the creation of the mobility fund is relatively new and I think that only in two instances in our Texas Constitution do we place the procedural hurdle of protecting dedicated funds. One is for the mobility fund, and one is for the rail relocation fund. We have an obligation, as lawmakers, to not submit the full faith and credit of the State of Texas to bond holders when we take money that they are relying on to pay for construction bonds. And so I'm not arguing the substantive part of that, I am wanting the chair to make a ruling that, procedurally, you do not have to replenish money that you procedurally take out of the mobility fund, not the substantive interpretation of the fund itself. And so if the chair wants to put in its ruling we've reviewed the procedural argument and we find, procedurally, there's nothing there, then I will sit down.

SPEAKER: Mr. Martinez Fischer, the chair will revise its ruling to include the arguments you've made, thank you.

MARTINEZ FISCHER: So that will be, in fact, the chair's ruling? Will the chair please read that ruling to me?

SPEAKER: Point of order is respectfully overruled.

MARTINEZ FISCHER: On procedural grounds?

SPEAKER: The chair has listened respectfully to your arguments and respectfully overrules your point of order.

MARTINEZ FISCHER: If the chair is making its ruling on the substantive interpretation of Article III, Section 49, then the chair has not heard my argument. My argument is on the procedural hurdle that exists with respect to Article III, Section 49. And so, procedurally, once again, Mr. Speaker, if there is an overruling of the procedural point of order, I will stand by the chair's ruling. But I need to hear that to be the chair's ruling.

SPEAKER: Mr. Martinez Fischer, the chair overrules on all grounds that you've raised. Thank you.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between the speaker and Representative Martinez Fischer.

The motion prevailed.

(Geren in the chair)

Pursuant to Rule 5, Section 28 of the House Rules, Representative Anchia requested a second extension of speaking time on **CSSB 14**.

There being objection, the request was not granted.

Amendment No. 1

Representative Anchia offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by striking the enacting clause (page 1, line 4).

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Anchia offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) Strike SECTIONS 1 and 2 of the bill (page 1, line 5, through page 2, line 2) and renumber the remaining SECTIONS of the bill accordingly.

(2) In SECTION 9 of the bill, strike amended Section 63.001(b), Election Code (page 5, lines 2 through 6), and substitute the following:

(b) On offering to vote, a voter must present to an election officer at the polling place:

(1) one form of photo identification described by Section 63.0101; or

(2) the voter's voter registration certificate, accompanied by the affidavit described by Subsection (h) [to an election officer at the polling place].

(3) In SECTION 9 of the bill, strike added Section 63.001(h), Election Code (page 6, lines 15 through 23), and substitute the following:

(h) If the requirement for identification prescribed by Subsection (b)(1) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter executes an affidavit under penalty of perjury stating that the voter is the person named on the voter registration certificate.

(4) Strike SECTION 17 of the bill (page 11, line 24, through page 12, line 20) and substitute the following:

SECTION 17. Section 65.054(b), Election Code, is amended to read as follows:

(b) A provisional ballot shall ~~may~~ be accepted ~~only~~ if the board determines that:

(1) [s] from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election; and

(2) the person meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541.

(5) In SECTION 18 of the bill, strike added Section 65.0541(a), Election Code (page 12, line 24, through page 13, line 4) and substitute the following:

(a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election, present a form of identification described by Section 63.0101 to the voter registrar for examination.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representatives Giddings and Bonnen offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In the recital to SECTION 9 of the bill (page 5, line 1), strike "(g) and (h)" and substitute "(g), (h), and (i)".

(2) In SECTION 9 of the bill, in amended Section 63.001(b), Election Code (page 5, line 2), strike "Subsection (h)" and substitute "Subsection (h) or (i)".

(3) In SECTION 9 of the bill, following added Section 63.001(h), Election Code (page 6, between lines 23 and 24), add the following:

(i) A voter who would otherwise be accepted for voting under this chapter but for the requirements of Subsection (b) shall be accepted for voting if, instead of presenting the identification required by Subsection (b), the voter executes an affidavit under penalty of perjury that asserts that the voter's proof of identification meeting the requirements of Subsection (b) has been stolen and the voter presents to an election officer a copy of an official police report, dated not earlier than the 45th day before the date on which the voter seeks to vote, alleging that the voter was a victim of an offense described by Section 32.51, Penal Code. The voter may redact personal information on the report relating to the voter, other than the voter's name, address, or date of birth. A report presented under this section is not required to contain the voter's date of birth.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Turner offered the following amendment to **CSSB 14**:

Amend **CSSB 14** as follows:

(1) SECTION 9, page 5, line 3, after "election officer" add the following language:

in a county with more than 4 million people, whom meets the requirements as set out in Chapter 85, Section 85.009 Elections Code for early voting; and Chapter 32, Section 32.002 for non-early voting or any other election governed by Chapter 32.

(2) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 32, Sec. 32.002 (2)(c), Elections Code, is amended to read as follows:

(c) The presiding judge and alternate presiding judge must be affiliated or aligned with different political parties, subject to this subsection. Before July of each year in a county to which Subsection (a)(1) applies or before August of each year in a county to which Subsection (a)(2) applies, the county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the most recent gubernatorial general election shall submit in writing to the commissioners court a list of names of persons in order of preference for each precinct who are eligible for appointment as an election judge. The county chair may supplement the list of names of persons until the 20th day before a general election or the 15th day before a special election in case an appointed election judge becomes unable to serve. The commissioners court shall appoint the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the same party as the state representative in the district where the voting place is located, and the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the other political parties list ~~party with the second highest number of votes in the precinct~~ as the alternate presiding judge. The commissioners court may reject the list if the persons whose names are submitted on the list are determined not to meet the applicable eligibility requirements.

(3) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 85, Elections Code, is amended to read as follows:

Sec. 85.009. ELECTION OFFICERS FOR GENERAL ELECTION FOR STATE AND COUNTY OFFICERS. (a) The county clerk shall select election officers for the main early voting polling place and any branch polling place from a list provided under Subsection (b), in a manner that provides equal representation to the extent possible for each political party holding a primary election in the county.

(b) Before July of each year, the county chair of each political party holding a primary election in the county shall submit in writing to the county clerk a list of names of persons in order of preference for each early voting polling place

who are eligible for selection as an election officer. The county chair may supplement the list of names of persons until the 30th day before early voting begins in case an appointed election officer becomes unable to serve.

(1) The county clerk shall appoint the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the highest number of votes in the county as the presiding election officer of that polling place and the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the second highest number of votes in the county as the alternate presiding election officer of that polling place.

(2) The county clerk shall appoint additional election officers for each polling place in the manner described by ~~Subsection (a)~~. ~~The county clerk may reject the list if the persons whose names are submitted on the list are determined not to meet the applicable eligibility requirements.~~ as follows: The county clerk shall appoint the first person meeting the applicable eligibility requirements from the list submitted by the same political party as the state representative in the district where the voting place is located and the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the other political parties list as the alternate presiding judge.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Hochberg offered the following amendment to **CSSB 14**:

Amend **CSSB 14** on page 5, line 14, by inserting "under standards adopted by the secretary of state" between "list" and the comma.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Y. Davis offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) is amended as follows:

(1) Strike lines 12 thru 14 on page 6 and replace the following:

(D) includes notice that if all procedures are followed, the voter's provisional ballot will be accepted.

(Speaker in the chair)

Amendment No. 6 was withdrawn.

Amendment No. 7

Representatives Bonnen, Zedler, Simpson, Creighton, S. Miller, Lyne, Otto, Chisum, Madden, T. Smith, W. Smith, D. Miller, Jackson, Berman, Lewis, Hartnett, Landtroop, Kleinschmidt, J. Davis, Zerwas, Flynn, Crownover, Isaac, Parker, Larson, Orr, Hopson, Truitt, Brown, Scott, Morrison, V. Taylor, P. King, Callegari, S. King, Sheets, Laubenberg, L. Gonzales, Margo, Schwertner, Price, Harper-Brown, Driver, Shelton, Aliseda, Smithee, Aycock, Hancock, and Garza offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) in SECTION 9 of the bill, in added Section 63.001(h), Election Code (page 6, lines 17-21), by striking the following:

⋮

(1) was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate; or

(2)

Amendment No. 8

Representative Eiland offered the following amendment to Amendment No. 7:

Amend Amendment No. 7 by Bonnen by striking the text of the amendment and substituting the following:

Amend **CSSB 14** (house committee printing) in SECTION 9 of the bill, by striking added Section 63.001(h)(1), Election Code (page 6, lines 18-20), and substituting the following:

(1) is considered elderly under rules adopted for this purpose by the executive commissioner of the health and human services commission, consistent with the definition of elderly used in the Government Code and the Penal Code; or

Representative Bonnen moved to table Amendment No. 8.

The motion to table prevailed by (Record 108): 99 Yeas, 50 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Amendment No. 9

Representative Alonzo offered the following amendment to Amendment No. 7:

Amend Amendment No. 7 by Bonnen by striking the text of the amendment and substituting the following:

Amend **CSSB 14** (house committee printing) in SECTION 9 of the bill, in added Section 63.001(h), Election Code (page 6, line 18), by striking "70" and substituting "65".

AMENDMENT NO. 9 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ALONZO: Mr. Veasey, one of the reasons Mr. Eiland and myself brought up this amendment is to pay particular attention to part of our state which are 65 and over, and you pointed out—and it might seem easy to some people while anybody can vote—is that part of your argument? That nobody should be set aside, especially on this law, is that right?

REPRESENTATIVE VEASEY: That is exactly right and I think the point that everybody is missing is that if you were born in 1941, which is what this bill covers. When you were born, you were born into a time when it was legal to discriminate against African Americans and Hispanics, particularly here in this state. And you were routinely denied the right to vote if you were born during that time period and if you lived during that time period and those are the people we are trying to protect by making these amendments better. I do not want my grandmother who is 98 years old, who was born during a time of rampant discrimination. I do not want the people that know her at the school house at Como Elementary School when she goes to vote in Fort Worth, the people that know her, that have known her, those folks are now in their sixties and pushing 70-years-old and my grandmother used to baby-sit them and watch after them, they know who she is. And my grandmother does not have a current driver's license and luckily she usually votes by mail. But if it were an emergency and I needed to take her up to the school to vote, I would not want them to deny her the right to cast a ballot, particularly the people who have known her and know that she is not committing voter fraud. I do not want them to have the right to say no she cannot vote. That is absolutely un-American and ridiculous and discriminatory.

ALONZO: And you know talking about that, isn't it true the reason we set up the Voting Rights Act in the United States was because what part of the United States needed to be reminded and have another hammer to make sure people are allowed to vote. What part of the United States?

VEASEY: The south and Texas.

ALONZO: Right and we can argue for ages and time that it doesn't happen, but isn't it true after we did redistricting in 2003 the supreme court said there was discrimination here in Texas?

VEASEY: Now say that again, I'm sorry.

ALONZO: That there was discrimination here in Texas after the supreme court ruled on our redistricting in San Antonio.

VEASEY: Absolutely, rampant.

ALONZO: And the reason we want to do this amendment, the reason we are for this amendment, and we're going to vote no on the Bonnen amendment is because the elderly should be protected. The elderly, as pointed out, there is more of a chance that they're not going to renew their driver's license, is that right?

VEASEY: Absolutely, if you don't have to drive, if you're on a fixed income, why would you go and spend money to get your driver's license renewed? It may not be a problem in some areas but it surely is a lot—it surely would be a problem in many rural and urban areas, where people just don't have the same access to resources and the same access to cash as others do, particularly for those who are sick and shut-in and rely on social services.

Representative Bonnen moved to table Amendment No. 9.

The motion to table prevailed by (Record 109): 98 Yeas, 50 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Crownover.

STATEMENT OF VOTE

When Record No. 109 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

AMENDMENT NO. 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE VEASEY: Members, I want to speak against the amendment, because obviously the prior two amendments that were sent up trying to protect old people, to preserve their right, for it to be easy for them to vote, and I think that's all we're asking, is just for a little flexibility on this. We're getting absolutely none at all and I think that's unfortunate because when the bill was laid out, I was under the impression that there wouldn't be different amendments added that would make the bill even more adverse than it already is, and I think we're setting up a bad precedent by voting for this.

REPRESENTATIVE BERMAN: Mr. Veasey, I'm one of those old people that you're talking about. I'm 75, and I've got lots of friends who are 75, and they want to go to the polls and vote just like everybody else, and there are provisions in the bill for the disabled, if you can't get to the polls, there are provisions to vote. I thought it was ridiculous, really, to set a limit of 70. You know, I don't need any protection, and all my friends don't need any protection. I think Mr. Bonnen has got a great amendment.

VEASEY: I think everybody's circumstances are different. I think that's what makes the legislative perspective unique. Some people may live in a rural area and it may take a long time to reach certain areas to go vote. Some people, you know, may have been born during a time where they don't have access to certain documents to obtain driver's licenses and things of that nature. You know, everybody has a different story, a different perspective, our state has not always been as urban as it is now, it has not always been as integrated as it is now.

BERMAN: Well, you're absolutely right, but Ms. Harless has many, many points in the bill that will take care of everyone and any age group. And we don't want to discriminate on age—you're discriminating against me. I want to go to the polls and vote, I don't need to be exempt.

VEASEY: Well, that's different, Leo—you may not have been affected the same way, like my grandmother, my constituents that are African American. The laws that were passed back then may have not had the same adverse impact on you as a white male as they did on other people, and that's what this is about today.

BERMAN: That's true, but there are provisions in the bill that take care of that though.

(Geren in the chair)

Amendment No. 7 was adopted by (Record 110): 97 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop;

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

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

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

Absent — Gallego.

STATEMENT OF VOTE

When Record No. 110 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

REMARKS ORDERED PRINTED

Representative Veasey moved to print remarks between Representative Alonzo and Representative Veasey and between Representative Berman and Representative Veasey.

The motion prevailed.

Amendment No. 10

Representative Y. Davis offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by striking lines 12 through 14 of page 6 and substituting the following:

(D) includes notice that if all procedures are followed and the voter is found to be eligible to vote in the election, the voter's provisional ballot will be counted.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Veasey offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 9 of the bill, in added Section 63.001(h)(1), Election Code (page 6, line 20), strike "or".

(2) In SECTION 9 of the bill, following added Section 63.001(h)(2), Election Code (page 6, line 23), between "15.001(c)" and the period, insert the following:

; or

(3) executes an affidavit under penalty of perjury stating that the voter is the same person named on the list of registered voters for the precinct

Representative Harless moved to table Amendment No. 11.

The motion to table prevailed by (Record 111): 99 Yeas, 48 Nays, 2 Present, not voting.

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

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

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

Absent — Turner.

Amendment No. 12

Representative Dutton offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 9 of the bill, in added Section 63.001(h)(1), Election Code (page 6, line 20), strike "or".

(2) In SECTION 9 of the bill, following added Section 63.001(h)(2), Election Code (page 6, line 23), between "15.001(c)" and the period, insert the following:

; or

(3) the election judge affirms that the judge knows personally

Representative Hancock moved to table Amendment No. 12.

The motion to table prevailed by (Record 112): 100 Yeas, 48 Nays, 2 Present, not voting.

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

Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Amendment No. 13

Representative Eiland offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 9 of the bill, in added Section 63.001(h), Election Code (page 6, line 20), strike "or".

(2) In SECTION 9 of the bill, following added Section 63.001(h)(2), Election Code (page 6, line 23), between "15.001(c)" and the period, insert the following:

; or

(3) executes an affidavit under penalty of perjury that asserts the voter does not have identification meeting the requirements of Subsection (b) as a result of a natural disaster declared by the president of the United States or the governor

Amendment No. 13 was adopted.

Amendment No. 14

Representative Raymond offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 9 of the bill, in added Section 63.001(h), Election Code (page 6, line 20), strike "or".

(2) In SECTION 9 of the bill, in added Section 63.001(h), Election Code (page 6, line 23), between "15.001(c)" and the underscored period, insert the following:

"; or

(3) presents a paycheck or copy of another official employment document that includes the information of the voter's employer and informs the election officer that:

(A) the voter's employer does not permit the voter to be absent from work for the purpose of obtaining photo identification; and

(B) offices of the Department of Public Safety are not open for at least two consecutive hours outside of the voter's working hours

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).

CSSB 14 - (consideration continued)

Amendment No. 14 was withdrawn.

Amendment No. 15

Representative Martinez offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 11 of the bill, in added Section 63.0012(a), Election Code (page 7, lines 15 and 16), strike "Section 521.422, Transportation Code," and substitute "Section 63.010".

(2) Strike SECTION 20 of the bill, amending Section 521.422, Transportation Code (page 13, line 18, through page 14, line 10).

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

SECTION ____ Chapter 63, Election Code, is amended by adding Section 63.010 to read as follows:

Sec. 63.010. FEES PROHIBITED FOR CERTAIN FORMS OF IDENTIFICATION DOCUMENTATION. Notwithstanding any other law, an agency, institution, or political subdivision of this state may not charge any fee for the issuance of any document that may be used:

(1) as proof of identification under this chapter; or

(2) to obtain a document that may be used as proof of identification under this chapter.

(Speaker in the chair)

Representative Harless moved to table Amendment No. 15.

The motion to table prevailed by (Record 113): 100 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel;

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

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

Present, not voting — Mr. Speaker(C).

Amendment No. 16

Representative Raymond offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 9 of the bill, in added Section 63.001(h), Election Code (page 6, line 20), strike "or".

(2) In SECTION 9 of the bill, in added Section 63.001(h), Election Code (page 6, line 23), between "15.001(c)" and the underscored period, insert the following:
"; or

(3) presents a paycheck or copy of another official employment document that includes the information of the voter's employer and informs the election officer that:

(A) the voter's employer does not permit the voter to be absent from work for the purpose of obtaining photo identification; and

(B) offices of the Department of Public Safety are not open for at least two consecutive hours outside of the voter's working hours

AMENDMENT NO. 16 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE V. TAYLOR: Mr. Speaker and members, I rise in opposition to this amendment. This deals with people who already have jobs, and in order to have a job in this country, an individual must fill out an I-9 form. An I-9 form requires identification, so I'm not really sure where this is coming from because these people already had ID to get a job in the first place. I move to table this amendment.

REPRESENTATIVE RAYMOND: Repeat that, Mr. Taylor, because I didn't quite hear you, I apologize.

V. TAYLOR: Sure. For an individual, for a U.S. citizen—and there are, only U.S. citizens should be registered to vote in this state—to have a job, they must fill out an I-9 form for their employer. To fill out an I-9 form, they have to have some form of identification.

RAYMOND: Okay, so is there a scenario that you can envision, Mr. Taylor, where somebody went to work for you, let's say, 10 years ago, right, and they had to fill out the proper forms and show you the proper ID, etcetera, right? Ten years ago. Can you imagine that there would be an instance in this state of 25 million people where registered and eligible voters might, for some reason, 10 years later, might not have the ID required by this bill. Could you imagine that scenario?

V. TAYLOR: Yes.

RAYMOND: Okay, so, you can imagine what I'm trying to get to here which is, you're exactly right. If they work for Van Taylor, and they show up at the polling place, and they have a voter registration card, and they have something from Van Taylor, Inc. saying, you know, I did not provide them time to go get a new ID as required by this bill.

V. TAYLOR: There was a question there somewhere, I'm sure.

RAYMOND: Yes, I just said, you can imagine, then, if somebody worked for you, you hired them legally 10 years ago, some point since then they lost the ID, if this bill passes, this bill becomes law, they lost their ID, but Van Taylor, Inc. didn't give them time during the day to go get the ID that they needed. You could also imagine, in a state of 25 million people, that there could be instances like that.

V. TAYLOR: Well, in the example you just gave, there are opportunities for someone to get, you know, to get their driver's license either online, as many of us have done, or by mail.

RAYMOND: I'm not sure you can go get your, the—what you're asking for in this bill—that you could get it online.

V. TAYLOR: The original form of identification, which is what you would have to have for the I-9 form, since we're only talking about employed people who are U.S. citizens, you can—you have to show up in person to get your first driver's license, to get photo ID, to take your picture somehow, of course. Subsequently, after we've gotten your picture, you can renew up to a number of times online or by mail.

RAYMOND: So if you've had your driver's license for six years—stop the clock, please.

V. TAYLOR: There's extensive training for poll workers and election judges on how to handle it when somebody doesn't have identification. We already have—we have a provisional ballot system, but the supposition that you're making, that people may show up to the polls without ID—which could happen, and this bill envisions that and gives the voter the opportunity to take care of that, but your original premise that people who are employed in this state don't have photo ID doesn't hold up when you look at the federal requirement for the I-9 form.

RAYMOND: Well, it does, as you acknowledged a minute ago, that if somebody went to work for you 10 years ago, and you hired them legally, that 10 years later they might not have the ID that they had 10 years ago, they might have lost it. Would you—you acknowledged that earlier, would you acknowledge that now?

V. TAYLOR: I do.

RAYMOND: Finally, let me ask this, Mr. Taylor, you know what those of us who are opposed to this legislation are trying to do, we're trying to protect voter rights. You recognize that, right?

V. TAYLOR: Absolutely, as are the proponents of this bill. We seek to protect voting rights by protecting the 15th Amendment by making sure every vote counts. That's what this bill is ultimately about and we seek to do in our support of voter ID.

RAYMOND: Let me ask you a question, do you believe the Voting Rights Act is a good law?

V. TAYLOR: I believe the Voting Rights Act is a great thing to protect Americans' right to vote. All Americans, regardless of—

RAYMOND: So you believe the Voting Rights Act is still necessary?

V. TAYLOR: Yes.

RAYMOND: Is that because you believe discrimination still exists?

V. TAYLOR: I think the Voting Rights Act—there are many aspects of it to protect our ability to vote, protect the 15th Amendment—

RAYMOND: Protecting discrimination in the voting place though, if you believe it's a good law, if you believe discrimination in the voting place still exists?

V. TAYLOR: I'm not sure where you're going with this, chairman.

RAYMOND: No, no, I'm not going anywhere, it's very simple, this is about protecting voting rights and I asked you if you believed the Voting Rights Act was a good law and you said yes, right?

V. TAYLOR: This bill that we're debating right here on the floor is about voter identification at the polling stations when people vote in the State of Texas.

RAYMOND: And any time you deal with a law that has to do with voting, you have to take into consideration the rights of people to vote. Any time you deal with a law as comprehensive and big as this—as comprehensive and big as this—you have to take into account people's voting rights. You would agree with that, right?

V. TAYLOR: I think that it is important to remember that this bill is about making sure that the right people show up on election day and vote—

RAYMOND: That the right people show up on election day? Who are the right people?

V. TAYLOR: The people who are registered to vote and can demonstrate that they are who they say they are through voter—through having proper voter identification.

RAYMOND: Again, and I'll let you go after this, but I just want to establish—you and I have served on committee together, it's been great getting to know you. You acknowledge that we still need the Voting Rights Act because the Voting Rights Act prevents discrimination in the polling place, and if you still think we need it, presumably, you believe there's still problems.

V. TAYLOR: Mr. Chairman, as you well know, this type of legislation, this voter identification has been approved under the Voter Rights Act in other states. I mean, this has already been litigated by other states. But the point of your amendment, coming back to what I think you wanted to talk about here today, which is the ability of people who have jobs who somehow might not have identification—those people, in this country, who have jobs, have to fill out an I-9 form, and that requires identification.

RAYMOND: And along those lines, according to the workforce commission, it says, in order to get an I-9 you have to have a voter registration card and a social security account number to get an I-9, which means those are the two things you need to get a photo ID.

V. TAYLOR: That is—those are two possible accommodations for List A, excuse me, List B or List C.

RAYMOND: That's what you need, so to get an I-9 you need a voter registration card, a social security card, so would you agree, then, that if somebody has a voter registration card, a social security card, they ought to be able to vote, too? If they're registered to vote, obviously.

V. TAYLOR: Clearly.

RAYMOND: You do? Then I can offer that amendment. You want to tell Ms. Harless back there—

V. TAYLOR: No. I still think—look, we—it is important that we have a voter registration—a voter identification requirement in this state to make sure that when people show up to vote, they are who they say they are. And—

RAYMOND: Do you think that this will—do you think it is sufficient, as it is under law, that in order to get an I-9 card, which you hang this whole thing on, that all you need is a voter registration card and a social security number? Do you think that's sufficient to get an I-9 card? That's what the law is, do you agree with the law or do you disagree with it?

V. TAYLOR: Mr. Chairman, this is a narrowly defined bill that is designed to make sure that the people who show up to vote are, in fact, who they say they are. The fact is, it is too simple to steal a voter identification card and use that for in-person ballot fraud, I have witnessed it with my own eyes—we talked about this on Monday—in Representative Anchia's district, and I watched somebody walk in and say somebody took my voter registration card, I'm here to vote, and they had been denied the right to vote.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Representative V. Taylor moved to table Amendment No. 16.

The motion to table prevailed by (Record 114): 101 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Amendment No. 17

Representative Dukes offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 14 of the bill, in amended Section 63.0101, Election Code (page 9, line 21), strike "photo".

(2) In SECTION 14 of the bill, in amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(3) In SECTION 14 of the bill, in amended Section 63.0101, Election Code (page 10, line 17), following "presentation", insert:

; or

(6) a temporary driving permit issued to the person by the Department of Public Safety

(L. Taylor in the chair)

Representative Harless moved to table Amendment No. 17.

The motion to table prevailed by (Record 115): 99 Yeas, 49 Nays, 2 Present, not voting.

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

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

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

Amendment No. 18

Representative Dutton offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 14 of the bill, in amended Section 63.0101(1), Election Code (page 9, line 22), strike "personal identification card" and substitute "personal identification voter certificate [~~card~~]".

(2) In SECTION 20 of the bill, in the recital (page 13, line 19), strike "Subsection (d)" and substitute "Subsections (d) and (e)".

(3) In SECTION 20 of the bill, following added Section 521.422(d), Transportation Code (page 14, between lines 10 and 11), insert the following:

(e) The department shall designate a personal identification certificate issued to a person under this section a personal identification voter certificate.

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

SECTION _____. Section 1.005, Election Code, is amended by adding Subdivision (25) to read as follows:

(25) "Personal identification card" means a personal identification voter certificate issued by the Department of Public Safety.

Representative Harless moved to table Amendment No. 18.

The motion to table prevailed by (Record 116): 96 Yeas, 49 Nays, 2 Present, not voting.

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

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

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

Absent — Beck; Harper-Brown; Hughes.

STATEMENTS OF VOTE

When Record No. 116 was taken, my vote failed to register. I would have voted yes.

Beck

When Record No. 116 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

Amendment No. 19

Representative Allen offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) in SECTION 14 of the bill, by striking amended Section 63.0101(1), Election Code (page 9, lines 22-27), and substituting the following:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety [~~or a similar document issued to the person by an agency of another state~~], regardless of whether the license or card has expired;

Amendment No. 19 failed of adoption by (Record 117): 56 Yeas, 89 Nays, 2 Present, not voting.

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

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

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

Absent — Gooden; King, P.; Morrison.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 117. I intended to vote no.

Bohac

When Record No. 117 was taken, my vote failed to register. I would have voted no.

Gooden

I was shown voting yes on Record No. 117. I intended to vote no.

Paxton

Amendment No. 20

Representative Alonzo offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) in SECTION 14 of the bill as follows:

(1) In amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(2) In amended Section 63.0101, Election Code (page 10, line 17), following "presentation", insert:

; or

(6) an identification card that contains the person's photograph and is issued or approved by this state

Amendment No. 20 was adopted.

Amendment No. 21

Representative Veasey offered the following amendment to **CSSB 14**:

Amend **CSSB 14** as follows:

(1) In SECTION 14 of the bill, in amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(2) In SECTION 14 of the bill, in amended Section 63.0101, Election Code, following added Subdivision (5) (page 10, line 17), insert the following:

; or

(6) a valid employee identification card that contains the person's photograph and is issued by an employer of the person in the ordinary course of the employer's business

Representative Harless moved to table Amendment No. 21.

The motion to table prevailed by (Record 118): 101 Yeas, 47 Nays, 2 Present, not voting.

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

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

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

STATEMENT OF VOTE

I was shown voting yes on Record No. 118. I intended to vote no.

Gutierrez

Amendment No. 22

Representative Gonzalez offered the following amendment to **CSSB 14**:

Amend **CSSB 14** as follows:

(1) In SECTION 14 of the bill, in amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(2) In SECTION 14 of the bill, in amended Section 63.0101, Election Code, following added Subdivision (5) (page 10, line 17), insert the following:

; or

(6) a valid identification card that contains the person's photograph and is issued by a tribal organization

Amendment No. 22 was withdrawn.

Amendment No. 23

Representative Dutton offered the following amendment to **CSSB 14**:

Amend **CSSB 14** as follows:

(1) In SECTION 14 of the bill, in amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(2) In SECTION 14 of the bill, in amended Section 63.0101, Election Code, following added Subdivision (5) (page 10, line 17), insert the following:

; or

(6) a student identification card issued by a public or private high school or institution of higher education that contains the person's photograph

Representative Phillips moved to table Amendment No. 23.

The motion to table prevailed by (Record 119): 99 Yeas, 49 Nays, 2 Present, not voting.

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

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

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

Amendment No. 24

Representative Martinez Fischer offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(2) In amended Section 63.0101, Election Code (page 10, line 17), following "presentation", insert:

; or

(6) a valid identification card that contains the person's photograph and is issued by this state

Representative Phillips moved to table Amendment No. 24.

The motion to table prevailed by (Record 120): 97 Yeas, 50 Nays, 2 Present, not voting.

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

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

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

Absent — Morrison.

Amendment No. 25

Representative Hernandez Luna offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) in SECTION 14 of the bill as follows:

(1) In amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(2) In amended Section 63.0101, Election Code (page 10, line 17), following "presentation" insert:

; or

(6) a valid identification card that contains the person's photograph and is issued by:

(A) an agency or institution of the federal government; or

(B) an agency, institution, or political subdivision of this state

Representative Phillips moved to table Amendment No. 25.

The motion to table prevailed by (Record 121): 99 Yeas, 49 Nays, 2 Present, not voting.

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

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

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

Amendment No. 26

Representative V. Gonzales offered the following amendment to **CSSB 14**:

Amend **CSSB 14** as follows:

(1) In the recital to SECTION 15 of the bill (page 10, line 26), strike "Subsection (b-1)" and substitute "Subsections (b-1) and (f)".

(2) In SECTION 15 of the bill, add the following after added Section 63.011(b-1), Election Code (page 11, between lines 18 and 19):

(f) In addition to the affidavit required by this section, a person who casts a provisional ballot under this section and is described by Section 65.054(b)(2)(B) may execute an affidavit under that section at the polling place. Forms for affidavits under Section 65.054(b)(2)(B) must be available at each polling place.

(3) In SECTION 18 of the bill, in added Section 65.0541(a)(2), Election Code (page 13, line 4), between "presence of" and "the voter registrar", insert "an election officer at the polling place or".

AMENDMENT NO. 26 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HARLESS: I wanted to clarify what our conversation was—you talked about having these affidavits at the polling place that they have to sign if they are casting a provisional ballot. You're not in any way trying to cut out the photo ID requirements, are you?

REPRESENTATIVE V. GONZALES: Not with this particular amendment. This amendment would simply say, your bill already includes the requirement that an affidavit be signed if they have to fill out a provisional ballot. All this would say is, let's make it available to them at the polling places, so that they don't have to be traveling to another location to fill out an affidavit.

HARLESS: Right, so they show up at a polling place, and they don't have one of the subscribed forms of identification, and they fill out a provisional ballot and have to sign an affidavit. You're saying that when they're at that polling place, if they want to cast the provisional ballot that requires affidavits signed, that that polling place should have those affidavits there on the location site.

V. GONZALES: That's correct.

REMARKS ORDERED PRINTED

Representative Harless moved to print remarks between Representative V. Gonzales and Representative Harless.

The motion prevailed.

Amendment No. 26 was adopted.

Amendment No. 27

Representative Miles offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) in SECTION 5 of the bill, in added Section 31.012(b), Election Code (page 3, line 21), by adding after the period: "The statewide effort shall include education targeted at low-income and minority voters."

Amendment No. 27 was adopted.

Amendment No. 28

Representatives Harper-Brown, Legler, Zerwas, Creighton, Orr, D. Miller, Sheffield, Jackson, Scott, Price, L. Taylor, P. King, Landtroop, Burkett, Weber, Isaac, Laubenberg, Huberty, Riddle, V. Taylor, Cain, Nash, Darby, Parker, Carter, C. Anderson, Crownover, Chisum, Madden, Hancock, Beck, W. Smith, Fletcher, Lewis, Margo, Workman, Button, R. Anderson, L. Gonzales, Sheets, Larson, White, and Kuempel offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) Strike SECTION 17 of the bill (page 11, line 24, through page 12, line 20) and substitute the following:

SECTION 17. Section 65.054(b), Election Code, is amended to read as follows:

(b) A provisional ballot shall ~~may~~ be accepted ~~only~~ if the board determines that:

(1) [;] from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election; and

(2) the person meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541.

(2) In SECTION 18 of the bill, strike added Section 65.0541(a), Election Code (page 12, line 24, through page 13, line 4) and substitute the following:

(a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election, present a form of identification described by Section 63.0101 to the voter registrar for examination.

Amendment No. 28 was adopted by (Record 122): 107 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Aliseda; 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.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Marquez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Torres; Truitt; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent — Giddings.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 122. I intended to vote no.

Anchia

I was shown voting yes on Record No. 122. I intended to vote no.

V. Gonzales

I was shown voting yes on Record No. 122. I intended to vote no.

Marquez

I was shown voting yes on Record No. 122. I intended to vote no.

Rodriguez

Amendment No. 29

Representative Dutton offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 18 of the bill, in added Section 65.0541(a), Election Code (page 12, line 27), strike "sixth" and substitute "seventh business".

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

SECTION _____. Section 65.051(a), Election Code, is amended to read as follows:

(a) The early voting ballot board shall verify and count provisional ballots as provided by this subchapter not later than the ninth [~~seventh~~] day after the date of an election.

SECTION _____. Section 67.003, Election Code, is amended to read as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. (a) Except as provided by Subsection (b), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not earlier than the 10th [~~eighth~~] day or later than the 11th day after election day.

(b) For an election held on the uniform election date in May, the local canvass must occur not later than the 11th day after election day and not earlier than the later of:

(1) the third day after election day;

(2) the date on which the early voting ballot board has verified and counted all provisional ballots after giving voters of provisional ballots the opportunity to present identification as provided by Section 65.0541, if a provisional ballot has been cast in the election; or

(3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Amendment No. 29 was withdrawn.

Amendment No. 30

Representative Gonzalez offered the following amendment to **CSSB 14**:

Amend **CSSB 14** as follows:

(1) In SECTION 14 of the bill, in amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(2) In SECTION 14 of the bill, in amended Section 63.0101, Election Code, following added Subdivision (5) (page 10, line 17), insert the following:

; or

(6) a valid identification card that contains the person's photograph and is issued by a tribal organization

Amendment No. 30 was adopted.

Amendment No. 31

Representative Dutton offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) in SECTION 20 of the bill, in amended Section 521.422(a), Transportation Code, by striking Subdivision (1) of that subsection (page 13, line 23), and substituting:

(1) \$10 [~~\$15~~] for a person under 60 years of age;

Representative Harless moved to table Amendment No. 31.

The motion to table prevailed by (Record 123): 99 Yeas, 47 Nays, 2 Present, not voting.

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

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

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

Absent — McClendon; Reynolds.

STATEMENTS OF VOTE

When Record No. 123 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

When Record No. 123 was taken, I was in the house but away from my desk. I would have voted no.

Reynolds

Amendment No. 32

Representative Dukes offered the following amendment to **CSSB 14**:

Amend **CSSB 14** on page 13, line 27, by striking "may" and substituting "shall".

Amendment No. 32 was adopted.

Amendment No. 33

Representative Dutton offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by striking SECTION 20 of the bill (page 13, line 18, through page 14, line 10) and substituting the following:

SECTION 20. Section 521.422, Transportation Code, is amended to read as follows:

Sec. 521.422. PERSONAL IDENTIFICATION CERTIFICATE FEE. ~~[(a)]~~
The department may not collect a fee for a personal identification certificate ~~[is:~~

~~[(1) \$15 for a person under 60 years of age;~~

~~[(2) \$5 for a person 60 years of age or older; and~~

~~[(3) \$20 for a person subject to the registration requirements under~~

~~Chapter 62, Code of Criminal Procedure].~~

~~[(b) The department shall collect an additional fee of \$1 for the issuance or renewal of a personal identification card to fund the Blindness Education, Screening, and Treatment Program established under Section 91.027, Human Resources Code, if the person applying for or renewing a personal identification card opts to pay the additional fee.~~

~~[(c) The department shall collect an additional fee of \$1 for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, to pay the costs of the Donor Education, Awareness, and Registry Program of Texas, established under Chapter 49, Health and Safety Code, and, subject to Section 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council, established under Chapter 113, Health and Safety Code, if the person applying for or renewing a personal identification card opts to pay the additional fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity~~

~~of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection.]~~

Amendment No. 33 was withdrawn.

Amendment No. 34

Representative Raymond offered the following amendment to **CSSB 14**:

Amend **CSSB 14** as follows:

(1) On page 15, line 11, insert the following new section and renumber the subsection appropriately:

SECTION 25. This Act is legally unenforceable if it does not comply with Section 5, Section 203, and Section (4)(f)(4) of the Voting Rights Act.

AMENDMENT NO. 34 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HARLESS: Mr. Speaker, members, the Voting Rights Act either does or does not apply to various sections of this bill. This is for the supreme court to determine and not the Texas Legislature. I move to table.

REPRESENTATIVE RAYMOND: Ms. Harless, do you believe the Voting Rights Act is a good law?

HARLESS: I do.

RAYMOND: So you believe there is still discrimination in the voting place?

HARLESS: I'm sorry?

RAYMOND: So you believe there is still discrimination in the voting place?

HARLESS: No, I do not think there is.

RAYMOND: Then why do you think the Voting Rights Act is a good law?

HARLESS: I think at the time, when it was passed, it was very effective. Texas is a Section 5 state, it's going to have to go for pre-clearance either before the Department of Justice or the three federal judges in the District of Columbia. They will decide if we have met the standards of the Voting Rights Act. This is not the venue for us to decide. We've got the lines that they have drawn in the cases we have already seen. We know that—we know the standards they've set, we've complied with that in our bill. This is not the venue to have this—

RAYMOND: Are you telling me we don't need the Voting Rights Act anymore?

HARLESS: You're putting words into my mouth.

RAYMOND: I'm asking. Do you believe we still need the Voting Rights Act?

HARLESS: I don't think this is the place to debate that.

RAYMOND: Yes ma'am, it is entirely the place to debate that. Would you agree this is a major piece of legislation dealing with voting in the State of Texas?

HARLESS: I do.

RAYMOND: And you do not believe that the Voting Rights Act should be discussed in this context?

HARLESS: We have discussed it.

RAYMOND: Okay, then let's continue to discuss it for a minute. Do you believe the Voting Rights Act is still necessary?

HARLESS: I believe we're still under the regulations of the Voting Rights Act.

RAYMOND: I'm asking you, because you are the author of this very important bill, and I think this is very important for people to understand your intent. Do you believe the Voting Rights Act is still necessary?

HARLESS: As I've said before, this is a federal issue to be decided by the federal courts. This isn't for us and the Texas Legislature to discuss right now.

RAYMOND: Ma'am, you are dealing with legislation here—you are proposing a bill that would affect every single voter in the State of Texas, including minorities. You would agree with that, right?

HARLESS: Say that one more time. It's hard to hear.

RAYMOND: You are presenting a bill that would affect the voting rights of every voter in the State of Texas, including minorities, would you agree with that?

HARLESS: I do not agree with that.

RAYMOND: Really, your bill doesn't apply to minorities?

HARLESS: I think we increase access to the polls by putting some checks and balances—that voters actually show ID, that they are who they are when they show up to vote in person.

RAYMOND: I have a very simple question. Does your bill apply to minorities in the State of Texas?

HARLESS: My bill applies to everyone equally across the state.

RAYMOND: Including minorities, is that right?

HARLESS: Everyone.

RAYMOND: Including minorities?

HARLESS: All Texans.

RAYMOND: Including minorities?

HARLESS: All Texans.

RAYMOND: Including minorities?

HARLESS: All Texans.

RAYMOND: You won't even acknowledge whether or not your bill affects—

HARLESS: I said it applies to all Texans.

RAYMOND: Including minorities, right?

HARLESS: All Texans. Every voter in the State of Texas.

RAYMOND: Minorities are Texans, right?

HARLESS: Do you want to go back and forth all day on this? I've answered your question.

RAYMOND: With all due respect, I feel like you are being flippant about something that's very important to millions of Texans.

HARLESS: I absolutely don't mean to be flippant. If I'm coming across that way I apologize.

RAYMOND: It's a very simple question.

HARLESS: And I gave you a very simple answer. It applies to all Texans.

RAYMOND: I'll ask you one more time. Does your bill apply to minorities in the State of Texas?

REPRESENTATIVE VEASEY: Mr. Raymond, why don't you think Representative Harless would answer your questions directly? It was a very important question dealing with the Voting Rights Act. We know that we are a Section 5 state. I hope that she knows we're a Section 5 state if she's carrying this bill, and could you maybe elaborate on why she did not want to answer your question directly?

RAYMOND: You know, it's hard to read someone else's mind. But, I will tell you that in 2006, I'm not sure every member in here knows this, but in 2006 a man named George W. Bush signed into law the extension of the Voting Rights Act for 25 years and he said, "Although we've come a long way, there's still a ways to go." And for the author of this bill not to acknowledge what a president from this state was willing to acknowledge a mere five years ago, and that is, the Voting Rights Act is still necessary. And that her bill would in fact affect millions of Texans who are minorities and who are protected by Section 2 of the Voting Rights Act is troubling. I mean I don't know what else to tell you, but I think that it should certainly give people pause to think about what's going on here.

VEASEY: If you're the author of a bill like this that's going to drastically change election law in your state, don't you think you should have a good understanding of the Voting Rights Act and the history of the Act and why it was passed before you embark on a piece of legislation that could have the type of consequences that I believe this piece of legislation will have?

RAYMOND: Well, I would expect that in the year 2011, but you just heard the exchange. It was surprising and troubling to me that the author of this bill was not willing to acknowledge the importance of the Voting Rights Act and the fact that her bill would affect millions of Texans who are protected by it.

VEASEY: You have a good amendment and because of all the good amendments that have been turned down tonight, we can see exactly where this bill is headed. Thank you, Representative Raymond.

RAYMOND: Thank you.

REPRESENTATIVE BERMAN: Richard, you're a good guy, and Richard, are you a minority?

RAYMOND: I am.

BERMAN: Is Mr. Veasey a minority?

RAYMOND: Yes, sir.

BERMAN: Are you both Texans?

RAYMOND: Yes, sir, we are.

BERMAN: Ms. Harless answered the question then. She said "all Texans."

RAYMOND: You know, Leo, and I'm glad you call me Richard, because I like for us to talk to each other in the—

BERMAN: Because I like you.

RAYMOND: You were listening to it, Leo, and you've been around 75 years, as you've just mentioned. She specifically would not answer, she specifically would not say, when I asked a simple question, "Will this affect minorities? Will your bill include minorities?" In other words, I'm a minority, is this going to apply to me? I'm going to need a voter ID to go vote, right?

BERMAN: Yes, but you're a Texan.

RAYMOND: No, but listen to it, Leo. You listen to us, you listen to us. I said well tell me, does this affect minorities? "It affects all Texans." Well, just if it would affect minorities—she wouldn't say it.

BERMAN: I think you hit her too hard, really.

RAYMOND: She's not a shrinking violet, she's a tough lady.

BERMAN: But she said "all Texans," and all Texans include every minority in Texas. Of course they do.

RAYMOND: Let me ask you, Leo. Do you believe this bill applies to minorities in the State of Texas?

BERMAN: Yes, I do.

RAYMOND: You see, you were willing to answer it.

BERMAN: But she didn't have to, she said "all Texans."

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks between Representative Harless and Representative Raymond, between Representative Veasey and Representative Raymond, and between Representative Berman and Representative Raymond.

The motion prevailed.

Representative Harless moved to table Amendment No. 34.

The motion to table prevailed by (Record 124): 99 Yeas, 48 Nays, 2 Present, not voting.

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

Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent — Burnam.

(Speaker in the chair)

Amendment No. 35

Representative Raymond offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee report) in SECTION 5 of the bill, in added Section 31.012, Election Code (page 3, between lines 25 and 26), by inserting the following new Subsection (d) and relettering the subsequent subsections of added Section 31.012, Election Code, accordingly:

(d) Sections 203 and 14(f)(4) of the Voting Rights Act apply to this section.

AMENDMENT NO. 35 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RAYMOND: Very simply, I guess I want to ask you, do you believe that this bill should comply with the Voting Rights Act?

REPRESENTATIVE PHILLIPS: I believe that we need to follow the law and make sure that we comply with every constitutional requirement that is imposed on us as a body. Now, what you're—this is a specific section and portion of the Voting Rights Act. I don't know if those sections apply to this, that will be up to the—that will be up to, ultimately, the supreme court to determine, and that's who we need to let determine. I don't think we need to by trying to second-guess what they do mean and don't mean and whether all of these provisions apply.

RAYMOND: Well, let me ask, because I see a troubling pattern here—

PHILLIPS: I can't hear you—

RAYMOND: Let me ask, because I see a troubling pattern, simple question: Do you believe that the Voting Rights Act is a good law?

PHILLIPS: That is not a question before us. There are issues of whether all of the Voting Rights Act are necessary at this time. There are parts of it that have been important to transform elections in this nation.

RAYMOND: So you believe, so you don't believe the Voting Rights Act is necessary?

PHILLIPS: I'm not going to get into—

RAYMOND: This is important—we're—

PHILLIPS: Let me answer.

RAYMOND: Let me ask my question, and then you can answer.

PHILLIPS: You asked a question, then you answered a question, then you asked a question again—

RAYMOND: No, no, I'll ask—

PHILLIPS: —but you won't let me answer.

RAYMOND: Let me—because I didn't ask it clearly I think. Do you believe—do you believe—Mr. Phillips—

PHILLIPS: Go ahead, I'm waiting for your question.

RAYMOND: Let me ask this, you recognize that Texas is a protected—do you know or do you recognize that Texas is a protected state under the Voting Rights Act? Just yes or no.

PHILLIPS: Yes, I do. The federal government, under George Bush, they voted to extend the Voting Rights Act for 25 years; yes, they did.

RAYMOND: Okay, so you recognize that we're covered by that then?

PHILLIPS: And that's the whole point, we're covered by that and we don't need to say—you're trying to impose something on this bill from a federal perspective. We either are or we aren't.

RAYMOND: Exactly, and all I'm saying with this amendment—all I'm saying with this amendment—and this is why I'm baffled why you would move to table it, is that if we don't comply with the Voting Rights Act, it should not become law. Is it your position that if it does not comply with the Voting Rights Act it should still become law?

PHILLIPS: You're bringing sections in and saying this has to apply to every provision, and that's not the—

RAYMOND: No, no, no, no—

PHILLIPS: That's not what we need to do, we need to leave that for the federal government. I mean, for the courts to decide whether we comply. Because the lawyers have worked through this to craft this, and we do not want to do anything that's going to viol—so that's what we're going to do.

RAYMOND: This, very specifically, what you just said is not accurate, Larry. This amendment very specifically applies to one section of the bill.

PHILLIPS: Right.

RAYMOND: The voter identification education section. That's all. If you look at the amendment.

PHILLIPS: You're asking to include, and say this section of federal law applies to what we're doing. That's part of the—I don't know—I mean, from my perspective, I don't know that we need to be here saying, well, gosh, we want everything to apply to everything we do. If it's covered by it, it's covered by it, Mr. Raymond. We don't need to include it. They'll determine that.

RAYMOND: Surely—I want to make sure I'm hearing you right—surely you would want us to comply with federal voting rights?

PHILLIPS: Mr. Raymond, that's exactly the point we've been making.

RAYMOND: You do want us to comply with the—so, I'm clear, you do want this—you do, you do want this—

PHILLIPS: No, we want to comply with federal law. And that's exactly the intent and purpose of what we're doing here today in trying to comply with federal law. That's why we're trying to keep this bill simple, and the whole procedure simple, instead of adding stuff to it that may trigger a section that does or does not apply. I don't see the problem.

RAYMOND: Well, you—again, are you saying that **SB 14**, the section that I—the voter identification education section—do you want it to comply with the federal voting rights laws?

PHILLIPS: I want this to comply with federal laws, and if the voting rights laws that are in effect apply to this and they're constitutional, the supreme court will uphold it, and if they don't, they won't.

RAYMOND: Well, then all my amendment says—

PHILLIPS: Your amendment says this has to apply here, and that's something we're saying we're not going to start doing. We could go through and say we want the entire constitution of the United States to apply to this law. It either does, or it doesn't. We don't need to do that as a state. The federal government passes the laws that they do, and we're either going to follow those laws or not. We either have to or we don't, and that's part of the debate that is going on across this nation of what we do and we do not want to—we don't want to incorporate—we're trying to stop federal laws that we don't agree with—

RAYMOND: So, you believe that—so I'm clear—you believe that this section of the bill, which deals with language, right, voter identification education, and the words language are used in that section of the bill, you believe that they may not need to comply with the Voting Rights Act, is that correct?

PHILLIPS: Either they—either do or they don't.

RAYMOND: And if they don't, it should not—it should not—

PHILLIPS: No, then you're starting to put a requirement or a hurdle that may or may not need to be there.

RAYMOND: Larry, how could you honestly look at me and say we're talking about—let me finish my question—how could you honestly look at me and say we have a major piece of legislation here and the section of the bill that deals with voter identification education and uses the words language, because, obviously in the State of Texas, there are people like my grandmother who didn't speak English, but who was a United States citizen her whole life, that that would not be covered and should not be covered by the Voting Rights Act? How can you honestly say that, Larry?

Again members, it is frustrating in the year 2011, to stand up here and be debating members of this legislature who do not want—who appear to me—do not want the Voting Rights Act to apply to this bill. It is disheartening, it is wrong, and I think in the end you will not prevail. We shall overcome.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Representative Phillips moved to table Amendment No. 35.

The motion to table prevailed by (Record 125): 100 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Amendment No. 36

Representative Dutton offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 18 of the bill, in added Section 65.0541(a), Election Code (page 12, line 27), strike "sixth" and substitute "seventh business".

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

SECTION _____. Section 65.051(a), Election Code, is amended to read as follows:

(a) The early voting ballot board shall verify and count provisional ballots as provided by this subchapter not later than the ninth [~~seventh~~] day after the date of an election.

SECTION _____. Section 67.003, Election Code, is amended to read as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. (a) Except as provided by Subsection (b), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not earlier than the 10th [~~eighth~~] day or later than the 11th day after election day.

(b) For an election held on the uniform election date in May, the local canvass must occur not later than the 11th day after election day and not earlier than the later of:

(1) the third day after election day;

(2) the date on which the early voting ballot board has verified and counted all provisional ballots after giving voters of provisional ballots the opportunity to present identification as provided by Section 65.0541, if a provisional ballot has been cast in the election; or

(3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Representative Harless moved to table Amendment No. 36.

The motion to table prevailed by (Record 126): 99 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Menendez; Woolley.

RULES SUSPENDED

Representative Hunter moved to suspend all necessary rules to allow the Committee on Calendars to set a calendar at 6:45 p.m. today in 3W.15.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 6:45 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Calendars, 6:45 p.m. today, 3W.15, for a formal meeting, to set a calendar.

Transportation is rescheduled for 9 a.m. Monday, March 28.

CSSB 14 - (consideration continued)

Amendment No. 37

Representative Hernandez Luna offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) in SECTION 9 of the bill, in amended Section 63.001(c), Election Code (page 5, line 17), by adding after the period "If in determining whether a voter's name is on the list of registered voters the election officer determines that the voter's name on the documentation does not match the name on the list, the voter shall be accepted for voting as otherwise required by this section if the voter submits an affidavit stating that the voter is the person on the list of registered voters and that the voter has legally changed the voter's name after marriage or divorce."

Amendment No. 37 failed of adoption by (Record 127): 49 Yeas, 99 Nays, 1 Present, not voting.

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

Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; 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, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Bonnen.

Amendment No. 38

Representative Burnam offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) in SECTION 9 of the bill as follows:

(1) In amended Section 63.001(h), Election Code (page 6, line 20), strike "or".

(2) In amended Section 63.001, Elections Code (page 6, line 23), between "15.001(c)" and the period, insert the following:

; or

(3) a temporary driving permit issued by the Department of Public Safety following the revocation of a driver's license

Amendment No. 38 failed of adoption by (Record 128): 48 Yeas, 100 Nays, 1 Present, not voting.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent — Villarreal.

Amendment No. 39

Representatives Anchia and Strama offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) Strike SECTIONS 1 and 2 of the bill (page 1, line 5, through page 2, line 2) and renumber the remaining SECTIONS of the bill accordingly.

(2) In SECTION 9 of the bill, in amended Section 63.001(b), Election Code (page 5, line 2), strike "Except as provided by Subsection (h), on [On]" and substitute "On".

(3) In SECTION 9 of the bill, strike added Sections 63.001(g) and (h), Election Code (page 5, line 25 through page 6, line 23), and substitute the following:

(g) If the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011. An election officer shall provide a voter who presents the voter's voter registration certificate an affidavit to execute under penalty of perjury that, in addition to meeting the requirements of Section 63.011(a), states the voter is the person named on the voter registration certificate.

(h) For a voter who is not accepted for voting under this section, an election officer shall:

(1) inform the voter of the voter's right to cast a provisional ballot under Section 63.011; and

(2) provide the voter with written information, in a form prescribed by the secretary of state, that lists the requirements for identification.

(4) Strike SECTION 17 of the bill (page 11, line 24, through page 12, line 20) and substitute the following:

SECTION 17. Section 65.054(b), Election Code, is amended to read as follows:

(b) A provisional ballot shall ~~may~~ be accepted ~~only~~ if the board determines that, from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election and:

(1) the voter meets the identification requirements of Section 63.001(b) at the time the ballot was cast; or

(2) the voter presented the voter's voter registration certificate with the affidavit described by Section 63.001(g) and the signature on the voter's provisional voting affidavit is substantially similar to the signature on the voter's voter registration application or other public record in the possession of the voter registrar.

(5) Strike SECTION 18 of the bill (page 12, line 21, through page 13, line 6) and renumber the remaining SECTIONS accordingly.

LEAVES OF ABSENCE GRANTED

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

Bonnen on motion of Hancock.

Branch on motion of Patrick.

Cook on motion of Patrick.

Geren on motion of Hancock.

Hunter on motion of Patrick.

Keffer on motion of Hancock.

Kolkhorst on motion of Hancock.

Lucio on motion of Patrick.

Rodriguez on motion of Patrick.

Truitt on motion of Patrick.

CSSB 14 - (consideration continued)

Representative Hancock moved to table Amendment No. 39.

(Bonnen and Truitt now present)

The motion to table prevailed by (Record 129): 94 Yeas, 47 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg;

Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Branch; Cook; Geren; Hunter; Keffer; Kolkhorst; Lucio; Rodriguez.

(Cook and Rodriguez now present)

Amendment No. 40

Representative Menendez offered the following amendment to **CSSB 14**:

Amend **CSSB 14** by adding the following appropriately numbered section and by renumbering the existing sections as appropriate:

SECTION _____. The provisions of this Act requiring a voter to provide a photo identification in order to be accepted for voting do not apply to an election held in a county in which the commissioners court of the county finds that the implementation of the photo identification requirement would be a financial burden on the county.

(Geren, Hunter, Keffer, Kolkhorst, and Lucio now present)

(Brown in the chair)

Representative Phillips moved to table Amendment No. 40.

The motion to table prevailed by (Record 130): 98 Yeas, 48 Nays, 2 Present, not voting.

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

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

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

Absent, Excused, Committee Meeting — Branch.

Absent — Martinez.

(Branch now present)

Amendment No. 41

Representative Anchia offered the following amendment to **CSSB 14**:

Amend **CSSB 14** by adding the following appropriately numbered section and by renumbering the existing sections as appropriate:

SECTION _____. Section 521.424, Transportation Code, is amended to read as follows:

Sec. 521.424. **DUPLICATE LICENSE OR CERTIFICATE FEE.** (a) Except as provided by Subsection (b), the [The] fee for a duplicate driver's license or duplicate personal identification certificate is \$10.

(b) The department may not collect a fee for a duplicate personal identification certificate from a person who meets the requirements of Section 521.422(d).

Amendment No. 41 was withdrawn.

Amendment No. 42

Representative Walle offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

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

SECTION _____. Section 15.001, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Each voter registration certificate issued must contain:

(1) the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state;

(2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;

(3) the month, day, and year of the voter's birth;

(4) the number of the county election precinct in which the voter resides;

(5) the voter's effective date of registration if an initial certificate;

(6) the voter's registration number;

(7) an indication of the period for which the certificate is issued;

(8) a statement explaining the circumstances under which the voter will receive a new certificate;

(9) a space for stamping the voter's political party affiliation;

(10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;

(11) a space for the voter's signature;

(12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;

(13) a space for the voter to correct the information on the certificate followed by a signature line;

(14) the statement: "If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar.";

(15) the registrar's mailing address and telephone number; ~~and~~

(16) the jurisdictional or distinguishing number for the following territorial units in which the voter resides, as determined by the voter registrar:

(A) congressional district;

(B) state senatorial district;

(C) state representative district;

(D) commissioners precinct;

(E) justice precinct;

(F) city election precinct; and

(G) school district election precinct; and

(17) if applicable to the county in which the voter resides, the photograph of the voter to whom the certificate is issued.

(d) The commissioners court of a county may adopt an order requiring the voter registrar to:

(1) obtain a photograph of each county voter to include on the voter's voter registration certificate; or

(2) issue to each county voter a voter registration identification card instead of a voter registration certificate containing the information required by this section and the voter's photograph.

SECTION _____. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.013 to read as follows:

Sec. 31.013. PHOTO IDENTIFICATION ACCESS. (a) The secretary of state shall establish methods for a voter registrar, if required, to obtain a photograph of each registered voter from a driver's license or other identification issued by the state to that voter for use on the voter's voter registration certificate or voter registration identification card.

(b) For purposes of this section, the secretary of state may enter into agreements with the Department of Public Safety or other state agencies and governmental entities for assistance with assigning photographs to the appropriate voter's voter registration certificate or voter registration identification card.

SECTION _____. (a) As soon as practicable after the effective date of this Act, the secretary of state shall establish, subject to Subsection (b) of this section, the method for obtaining photographs for use on voter registration certificates or voter registration identification cards required by Section 31.013, Election Code, as added by this Act.

(b) The method described by Subsection (a) of this section must allow for voter registration certificates or voter registration identification cards including photographs to be issued beginning with the general election for state and county officers held in 2012.

(2) In SECTION 14 of the bill, in amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(3) In SECTION 14 of the bill, in amended Section 63.0101, Election Code, following added Subdivision (5) (page 10, line 17), insert the following:
; or

(6) a voter registration certificate or voter registration identification card that contains the voter's photograph

Representative Phillips moved to table Amendment No. 42.

The motion to table prevailed by (Record 131): 95 Yeas, 52 Nays, 2 Present, not voting.

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

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

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

Absent — Villarreal.

Amendment No. 43

Representative Rodriguez offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.0091 to read as follows:

Sec. 63.0091. REGISTRATION AT POLLING PLACE; VOTING PROCEDURES. (a) This section applies to the conduct of voting and to the registration of voters notwithstanding and in addition to other applicable provisions of this code.

(b) A person who would be eligible to vote in an election under Section 11.001, but for the requirement to be a registered voter, shall be accepted for voting in the precinct of the person's residence if, on the day the person offers to vote, the person:

(1) submits a voter registration application that complies with Section 13.002; and

(2) presents proof of identification in a form described by Section 63.0101 that also establishes the person's residence.

(c) Persons voting under this section shall be processed separately at the polling place from persons who are voting under regular procedures.

(d) The secretary of state shall prescribe the procedures necessary to implement this section and to ensure the proper and orderly conduct of elections.

Representative Phillips moved to table Amendment No. 43.

The motion to table prevailed by (Record 132): 96 Yeas, 50 Nays, 2 Present, not voting.

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

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

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

Absent — Marquez; Torres.

STATEMENT OF VOTE

When Record No. 132 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

(Speaker in the chair)

Amendment No. 44

Representative Gallego offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. The changes in law made by this Act do not apply to any county in which the Department of Public Safety of the State of Texas has not established a full service driver's license office.

Representative Harless moved to table Amendment No. 44.

The motion to table prevailed by (Record 133): 100 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Amendment No. 45

Representative Anchia offered the following amendment to **CSSB 14**:

Amend **CSSB 14** by adding the following appropriately numbered section and by renumbering the existing sections as appropriate:

SECTION _____. Section 521.424, Transportation Code, is amended to read as follows:

Sec. 521.424. DUPLICATE LICENSE OR CERTIFICATE FEE. (a) Except as provided by Subsection (b), the [The] fee for a duplicate driver's license or duplicate personal identification certificate is \$10.

(b) The department may not collect a fee for a duplicate personal identification certificate from a person who meets the requirements of Section 521.422(d).

Amendment No. 45 was adopted.

Amendment No. 46

Representative Martinez offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.007 to read as follows:

Sec. 521.007. NOTICE OF IDENTIFICATION FOR VOTING PURPOSES. The department shall provide notice to each applicant for an original or renewal driver's license or personal identification certificate that the department may not collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, and meets the requirements of Section 521.422(d).

Representative Harless moved to table Amendment No. 46.

The motion to table prevailed by (Record 134): 100 Yeas, 45 Nays, 1 Present, not voting.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent — Alonzo; Deshotel; Miles; Peña.

STATEMENTS OF VOTE

When Record No. 134 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 134 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

Amendment No. 47

Representative Alonzo offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.0091 to read as follows:

Sec. 63.0091. REGISTRATION AT POLLING PLACE; VOTING PROCEDURES. (a) This section applies to the conduct of voting and to the registration of voters notwithstanding and in addition to other applicable provisions of this code.

(b) A person who would be eligible to vote in an election under Section 11.001, but for the requirement to be a registered voter, shall be accepted for voting in the precinct of the person's residence if, on the day the person offers to vote, the person:

(1) submits a voter registration application that complies with Section 13.002; and

(2) presents proof of identification in a form described by Section 63.0101 that also establishes the person's residence.

(c) Persons voting under this section shall be processed separately at the polling place from persons who are voting under regular procedures.

(d) The secretary of state shall prescribe the procedures necessary to implement this section and to ensure the proper and orderly conduct of elections.

Amendment No. 47 was withdrawn.

Amendment No. 48

Representatives Bonnen, Bohac, and T. Smith offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Every provision in this Act and every application of the provisions in this Act are severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

Amendment No. 48 was adopted. (The vote was reconsidered later today, and Amendment No. 48 was adopted by Record No. 146.)

Amendment No. 49

Representative Alonzo offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.0091 to read as follows:

Sec. 63.0091. REGISTRATION AT POLLING PLACE; VOTING PROCEDURES. (a) This section applies to the conduct of voting and to the registration of voters notwithstanding and in addition to other applicable provisions of this code.

(b) A person who would be eligible to vote in an election under Section 11.001, but for the requirement to be a registered voter, shall be accepted for voting in the precinct of the person's residence if, on the day the person offers to vote, the person:

(1) submits a voter registration application that complies with Section 13.002; and

(2) presents proof of identification in a form described by Section 63.0101 that also establishes the person's residence.

(c) Persons voting under this section shall be processed separately at the polling place from persons who are voting under regular procedures.

(d) The secretary of state shall prescribe the procedures necessary to implement this section and to ensure the proper and orderly conduct of elections.

Representative Harless moved to table Amendment No. 49.

The motion to table prevailed by (Record 135): 99 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Frullo; Lucio.

STATEMENTS OF VOTE

When Record No. 135 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 135 was taken, I was in the house but away from my desk. I would have voted no.

Lucio

Amendment No. 50

Representative Raymond offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2011, Subchapter C, Chapter 20, Election Code, is amended by adding Section 20.067 to read as follows:

Sec. 20.067. TRAVEL REIMBURSEMENT PROGRAM. (a) The Department of Public Safety shall establish and operate a travel reimbursement program, under which an individual who earns not more than 100 percent of the income standard established by applicable federal poverty guidelines may submit an application for reimbursement to the department to recover the expenses incurred by the individual in traveling to and from the department office to obtain a photo identification for purposes of voting.

(b) The department shall reimburse an individual meeting the requirements described by Subsection (a).

(c) The department shall adopt necessary rules to implement the program required by this section.

AMENDMENT NO. 50 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RAYMOND: Mr. Phillips, you know that the State of Texas, in the last year, it was reported that we had an additional around half a million, or 428,000 more people, fell into poverty in the State of Texas, are you aware of that?

REPRESENTATIVE PHILLIPS: We had a population that has continued to grow. Yes, we have.

RAYMOND: But last year it was reported, official figures reported that over 400,000 more people in the State of Texas fell under the poverty level.

PHILLIPS: We have a much larger state and much more populous state. That's correct.

RAYMOND: Right, so we've got over four million people that I would call poor. I mean this would be someone who earns, if you're an individual, someone who earned \$10,800 year. If you're a family of two, it'd be \$14,000 a year. Families of three, \$18,000 a year.

PHILLIPS: Mr. Raymond, we've clearly—clearly in the bill, it affords those who can't afford a voter ID card. I think we're getting far afield from this legislation—

RAYMOND: Well, here's what concerns me, and I hope would concern you. Minorities in the State of Texas outnumber Anglos about three to one in terms of those who fall under the poverty level, all right? So what I am seeking to do here is to help anyone who is poor, who would have a hardship being able to drive. As I said, I grew up in Benavides, 26 miles from the closest office. And there are a lot of people in Benavides, where I grew up, who are poorer than poor. There are a lot of people who are from San Isidro, where my grandparents were, 33 miles away from the closest DPS office. There are a lot of people out there who were poorer than poor, who are United States citizens, who are qualified and registered voters, but if this law were to pass, would have to go far away. Now, I know you're not poor, but surely you recognize that that can be a hardship on people? That, you know, when you had the poll tax and you had to pay a dollar or two dollars, people said, "Oh, a dollar, two dollars to be able to vote, that's not that much." In this case, you're saying with your bill, that you're supporting here, that if it costs you \$10 or \$15 or \$20 to travel to be able to go get what you need to get to allow you to vote, well then suck it up. You're going to have to do it, if you want to vote.

PHILLIPS: Mr. Raymond, for a long time people make decisions, they plan ahead and I don't think this is—

RAYMOND: They plan ahead?

PHILLIPS: They plan ahead.

RAYMOND: They plan ahead to be poor?

PHILLIPS: No, they plan ahead when they need to register to vote and run into town. You're talking about traveling far when they're going to get services and so what you're doing is you're trying to create a certain class and I respectfully disagree that that's necessary here. You're talking about people traveling far and not being able to get there.

RAYMOND: Well, let me just ask you—you really believe that there will not be people in the State of Texas, because they are poor, who will not be able to afford to get what you're asking them to get to be able to vote?

PHILLIPS: And we've had some people here, from our own body, that testify about how important it is for the security and confidence in elections. And they will go and they proudly will obtain the right to vote.

RAYMOND: Would you just answer the question honestly, Larry?

PHILLIPS: No, I don't think so.

RAYMOND: You really believe, of the four million poor people in the State of Texas, two-thirds who are—nearly three-fourths, of which are minority. And that's why I believe this is aimed at minorities. You really believe that many of those people—you think they're all going to be able to vote?

PHILLIPS: No, I just think you're just raising an issue and I think it's a red herring. I think it's clear. The polls in this state show that minorities by a majority—

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks by Representative Phillips and Representative Raymond.

The motion prevailed.

Representative Phillips moved to table Amendment No. 50.

The motion to table prevailed by (Record 136): 100 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner;

Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent — Deshotel; Farrar; Pickett.

CSSB 14 - AMENDMENTS LIMITED

Representative Geren moved to limit amendments to **CSSB 14** to those pending on the speaker's desk.

The motion was seconded.

The motion to limit amendments prevailed.

Amendment No. 51

Representative Gutierrez offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1.014, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall reimburse each county for any cost incurred by the county in implementing the voter identification requirements under Section 63.001.

Representative Harless moved to table Amendment No. 51.

The motion to table prevailed by (Record 137): 99 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner;

Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent — Cain; Dutton; White.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 137. I intended to vote no.

Alvarado

When Record No. 137 was taken, I was in the house but away from my desk. I would have voted yes.

White

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keffer requested permission for the Committee on Energy Resources to meet while the house is in session, at 1 p.m. tomorrow, in E2.036, to attend pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Keffer moved to suspend the five-day posting rule to allow the Committee on Energy Resources to consider pending business at 1 p.m. tomorrow in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs meeting is cancelled.

Energy Resources meeting is cancelled.

CSSB 14 - (consideration continued)

Amendment No. 52

Representative Castro offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.014 to read as follows:

Sec. 63.014. UNLAWFULLY REQUIRING PRESENTATION OF IDENTIFICATION. (a) Only an election officer may require a voter to present proof of identification at the polling place. A person, other than an election officer, who asserts that a voter must present proof of identification to the person in order to be allowed to vote or who for purposes of harassing a voter requests that the voter present proof of identification to the person, commits an offense.

(b) An offense under this section is a felony of the third degree unless the person is convicted of an attempt. In that case, the offense is a Class A misdemeanor.

(L. Taylor in the chair)

Representative Harless moved to table Amendment No. 52.

The motion to table prevailed by (Record 138): 99 Yeas, 49 Nays, 2 Present, not voting.

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

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

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

Amendment No. 53

Representative Lucio offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 521.124, Transportation Code, is amended to read as follows:

Sec. 521.124. TEMPORARY LICENSE[; ~~ISSUED WITHOUT PHOTOGRAPH~~]. (a) The department may issue a temporary license without a photograph of the license holder[;

~~[(+)] to an applicant who is out of state or a member of the armed forces of the United States[; or~~

~~[(2) if the department otherwise determines that a temporary license is necessary].~~

(b) A temporary license issued under Subsection (a) is valid only until the applicant has time to appear and be photographed and a license with a photograph is issued.

(c) Except as provided by Subsection (a), a temporary license issued by the department must include the photograph of the person to whom the license is issued.

(d) If all application requirements are met, a temporary license must be issued by the department on the day of application.

(2) In SECTION 17 of the bill, in added Section 65.054(b)(2)(A), Election Code (page 12, line 7), between "Section 65.0541" and the underscored semicolon insert "or presents a temporary license issued by the Department of Public Safety that contains the voter's photograph in the period prescribed under Section 65.0541".

(3) In SECTION 18 of the bill, in added Section 65.0541(a)(1), Election Code (page 13, line 2), between "63.0101" and "to the voter registrar" insert "or a temporary license issued by the Department of Public Safety that contains the voter's photograph"

Amendment No. 53 was adopted.

Amendment No. 54

Representative Alvarado offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.014 to read as follows:

Sec. 63.014. SECRETARY OF STATE RECORDKEEPING. (a) The secretary of state shall keep detailed records showing, for the state and for each county and each election precinct, demographic information relating to:

(1) the eligible voters who were prevented from voting as a result of failing to meet the requirements for being accepted to vote; and

(2) the eligible voters who were required to file provisional ballots as a result of the requirements for being accepted to vote that include the number of those provisional ballots that were not counted.

(b) The secretary of state may adopt rules to implement this section, including rules requiring other state agencies and authorities holding elections to record information relevant to the record required by this section.

Representative Harless moved to table Amendment No. 54.

The motion to table prevailed by (Record 139): 98 Yeas, 49 Nays, 2 Present, not voting.

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

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

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

Absent — Margo.

Amendment No. 55

Representative Veasey offered the following amendment to **CSSB 14**:

Amend **CSSB 14** by adding the following appropriately numbered section to read as follows and by renumbering the existing sections as appropriate:

SECTION . Chapter 63, Election Code, is amended by adding Section 63.0013 to read as follows:

Sec. 63.0013. USE OF VOTER REGISTRATION CERTIFICATE FOLLOWING CERTAIN ELECTIONS. (a) Following a general election for state and county officers, the secretary of state shall determine whether, throughout the state, a majority of the persons who were required to cast a provisional vote under Section 63.011 because the voter lacked the photo identification required by Section 63.001(b), were members of a racial or ethnic minority protected by Section 5 of the federal Voting Rights Act.

(b) If the secretary of state makes the determination under Subsection (a) that a majority of voters who lacked photo identification were members of a racial or ethnic minority, in all subsequent elections held in the state, a voter may be accepted for voting under Section 63.001(b) by providing the voter's voter registration certificate to an election officer at the polling place.

(c) The secretary of state shall prescribe procedures as necessary to implement this section.

AMENDMENT NO. 55 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LOZANO: Representative Veasey, are you familiar with the supreme court decision that upheld the Indiana voter ID law?

REPRESENTATIVE VEASEY: I am familiar with it, yes.

LOZANO: And, do you recall that the justices, the 6-3 decision, the six in favor of upholding, didn't they make statements to that effect that if it was proven to disproportionately impact one racial or ethnic group, that then this issue should be revisited?

VEASEY: Absolutely, and that is exactly what this amendment addresses. It says that if there's discrimination that takes place, and we know that it would be discrimination if most of the people that were denied the right to vote were black and Hispanic, because Ms. Harless had said that that is not going to happen. That, in fact, people will have confidence in what is taking place during election process and that confidence will actually bolster turnout, so there's nothing to fear by this amendment.

LOZANO: Yes, okay, thank you.

VEASEY: So, members, I give you a chance to come and stand with me, just in case real discrimination takes place, which, I think, probably will. But here's your chance to prove, once and for all, that you will come and stand with me. I move passage.

REPRESENTATIVE HARLESS: Members, I'm not a big fan of talk radio. I don't listen to it, and I don't believe everything they say, but I move to table.

LOZANO: Representative Harless, are you familiar with the supreme court decision in which the United States Supreme Court upheld the Indiana voter ID law?

HARLESS: Yes.

LOZANO: And are you familiar that was a 6-3 decision, six in favor of opposing the law?

HARLESS: Yes.

LOZANO: Are you familiar with the opinions issued—the majority opinion?

HARLESS: The what?

LOZANO: Are you familiar with the majority opinion that justices issued in the supreme court decision?

HARLESS: Yes.

LOZANO: Do you recall anywhere in there where the majority opinion said that even though upholding the integrity of the ballot was paramount, that if the law showed to be disproportionately impacting a minority group, then the issues should be revisited?

HARLESS: Yes.

LOZANO: So wouldn't this amendment actually be an extension of what the majority of that supreme court held in that ruling?

HARLESS: In the *Marion v.—Crawford v. Marion County Election Board*, the court ruled the requirement to produce photo ID imposes only a limited burden on the voter and justifies by the states interest in restoring confidence in elections and deterring fraud.

VEASEY: Members, especially my friends on the other side of the aisle that are republican, I ask you to please join me in defeating Ms. Harless' motion to table and support this amendment. This is a very easy amendment. All it says is that if people have really been discriminated against that you will come and stand with me and that you will come and join me. That is the argument that is made over and over and over on the republican talk radio shows—on WBAP, that's what republican friends say—that if you can prove real discrimination, I will come and stand with you. Now, this amendment says that if the secretary of state determines that most of the people are denied the right to vote are black and Hispanic, that the law will no longer exist. Ms. Harless has said, over and over that that will not happen. That, in fact, more people will go out to vote, because they will have confidence in the voting process. So, why not accept this amendment, so we can move along, and we can all feel good that we stood up against discrimination.

LOZANO: Mr. Veasey, I understand the significance of this amendment, and I really hope everyone's listening, because this amendment could potentially save this bill from adverse actions from the United States Supreme Court. We should not, and I think you would agree, be sending out bills that are probably going to get overturned by the United States Supreme Court. Based on their ruling, this behooves us—it would behoove us to support this amendment. Based on the six justices in favor of the voter ID law in Indiana saying exactly what your amendment says, I think it would be in our best interest, in the house of representatives, to support this amendment. I strongly urge everyone to vote against tabling this amendment.

VEASEY: I think that this is the amendment that definitely follows the supreme court decision, and I also believe that this is the amendment that makes you feel good about not committing discrimination against your neighbor. Taking an overseas mission, or fellowshiping with the church across town once a year, and passing this bill is not the way to feel good. The way to feel good is to stand up for civil rights when you have the opportunity to. I move to defeat Ms. Harless' amendment—please vote no on the motion to table.

Representative Harless moved to table Amendment No. 55.

The motion to table prevailed by (Record 140): 99 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren;

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

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

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

Absent — Marquez.

STATEMENT OF VOTE

When Record No. 140 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

REMARKS ORDERED PRINTED

Representative Lozano moved to print remarks between Representative Harless and Representative Lozano and between Representative Veasey and Representative Lozano.

The motion prevailed.

(Speaker in the chair)

Amendment No. 56

Representative Anchia offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The changes in law made by this Act do not take effect unless the comptroller certifies that the changes will not reduce the revenue made available to the Texas mobility fund under Section 49-k, Article III, Texas Constitution.

Representative Harless moved to table Amendment No. 56.

The motion to table prevailed by (Record 141): 99 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Hopson; Riddle.

STATEMENTS OF VOTE

When Record No. 141 was taken, my vote failed to register. I would have voted yes.

Hopson

When Record No. 141 was taken, I was in the house but away from my desk. I would have voted yes.

Riddle

Amendment No. 57

Representative Anchia offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of this Act is provided in a general appropriations act of the 82nd Legislature.

Representative Harless moved to table Amendment No. 57.

The motion to table prevailed by (Record 142): 99 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Howard, C.; Smith, W.

Amendment No. 58

Representative Anchia offered the following amendment to **CSSB 14**:

Amend **CSSB 14** by striking SECTION 25 of the bill (house committee printing, page 15, lines 11-12) and substituting the following:

SECTION 25. Except as otherwise provided by this Act, this Act takes effect on the later of:

(1) January 1, 2012; or

(2) the date on which the secretary of state completes a study that:

(A) provides an analysis, disaggregated by ethnicity and county, of the access to photo identification by state residents, including the availability of, location of offices for, and cost of obtaining the following:

(i) a passport;

(ii) a driver's license or personal identification card; and

(iii) citizenship documents that include the person's photograph; and

(B) provides an analysis of the potential impact on voter turnout if the changes in law made by this Act take effect based on:

(i) aggregate turnout data at the county level; and

(ii) individual-level survey data from current population surveys conducted by the United States Census Bureau for source data.

Representative Harless moved to table Amendment No. 58.

The motion to table prevailed by (Record 143): 101 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Amendment No. 59

Representative Dutton offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) as follows:

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

SECTION _____. Section 1.005, Election Code, is amended by adding Subdivision (25) to read as follows:

(25) "Early voting ballot board" means the early voting and provisional voting ballot board.

(2) In the recital to SECTION 17 of the bill (page 11, line 25), strike "Subsection (b)" and substitute "Subsections (a) and (b)".

(3) In SECTION 17 of the bill, before amended Section 65.054(b), Election Code (page 11, between lines 26 and 27), add the following:

(a) The early voting and provisional voting ballot board shall examine each affidavit executed under Section 63.011 and determine whether to accept the provisional ballot of the voter who executed the affidavit.

Amendment No. 59 was adopted.

Amendment No. 60

Representative Reynolds offered the following amendment to **CSSB 14**:

Amend **CSSB 14** by adding the following appropriately numbered SECTION and renumbering the existing SECTIONS as appropriate:

SECTION _____. Effective January 1, 2012, Subchapter A, Chapter 61, Election Code, is amended by adding Section 61.015 to read as follows:

Sec. 61.015. ILLEGAL REMOVAL OF VOTER FROM CERTAIN DOCUMENTS. (a) An election officer commits an offense if the officer knowingly removes the name of an eligible voter from the list of registered voters or the poll list for a precinct.

(b) An offense under this section is a state jail felony.

Representative Hancock moved to table Amendment No. 60.

The motion to table prevailed by (Record 144): 99 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Eiland; Villarreal.

Amendment No. 61

Representative Martinez offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by inserting the following appropriately-numbered SECTION and updating any cross-references accordingly:

SECTION _____. The changes in law made by this Act do not apply to a lineal descendant of a person who was not permitted to vote:

(1) by law or party resolution adopted on or after January 1, 1923, in a primary election of any political party required by law to hold a primary because of the person's race, color, or previous condition of servitude; or

(2) by law or party resolution adopted after March 2, 1836, because of a presumption based on the person's race, nationality, or color.

Representative Harless moved to table Amendment No. 61.

The motion to table prevailed by (Record 145): 100 Yeas, 44 Nays, 2 Present, not voting.

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

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

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

Absent — Eiland; King, T.; Strama; Villarreal.

CSSB 14 - POINT OF ORDER

Representative Castro raised a point of order against further consideration of **CSSB 14** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order, speaking as follows:

Representative Castro raises a point of order against further consideration of **SB 14**. Specifically, he alleges the bill analysis violates Rule 4, Section 32 in that it fails to identify the effective dates of the bill, including a website providing notice of identification requirements. The chair has reviewed the bill and the bill analysis. The chair finds the bill analysis was not substantially or materially misleading as it relates to the effective date of the bill. The point of order is respectfully overruled.

Amendment No. 48 - Vote Reconsidered

Representative Veasey moved to reconsider the vote by which Amendment No. 48 was adopted.

The motion to reconsider prevailed.

Amendment No. 48 was adopted by (Record 146): 100 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs meeting is cancelled.

CSSB 14 - (consideration continued)**Amendment No. 62**

Representative Strama offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. ELECTION INTEGRITY TRAINING. The secretary of state shall annually conduct, in at least four different geographic regions of the state, election integrity training for election officers, law enforcement personnel, and prosecutors in detecting, investigating, and prosecuting instances of voter fraud in which a person impersonates another person for the purpose of voting.

SECTION 2. Subchapter A, Chapter 273, Election Code, is amended by adding Sections 273.005 and 273.006 to read as follows:

Sec. 273.005. ELECTION INTEGRITY TASK FORCE. Each district attorney or criminal district attorney shall create an election integrity task force to investigate and prosecute instances of voter fraud in which a person impersonates another person for purposes of voting.

Sec. 273.006. POST-ELECTION INTEGRITY AUDIT. (a) Following the general election for state and county officers, the county clerk of each county shall conduct a post-election integrity audit to examine and investigate any evidence of voter fraud in which a person impersonates another person for purposes of voting.

(b) The county clerk shall:

(1) not later than the 90th day after the date of the general election for state and county officers, file a report with the secretary of state and the commissioners court of the county providing details of the evidence collected in the audit; and

(2) refer any evidence of voter fraud collected under the audit to the county or district attorney with jurisdiction in the county.

SECTION 3. This Act takes effect September 1, 2011.

Amendment No. 62 - Point of Order

Representative Phillips raised a point of order against further consideration of Amendment No. 62 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules on the grounds that the amendment is not germane to the bill and the amendment would change the original purpose of the bill.

The point of order was withdrawn.

Representative Harless moved to table Amendment No. 62.

The motion to table prevailed by (Record 147): 100 Yeas, 49 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg;

Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Amendment No. 63

Representative Eiland offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Title 2, Election Code, is amended by adding Chapter 11A to read as follows:

CHAPTER 11A. VOTER IDENTIFICATION

Sec. 11A.001. APPLICABILITY. (a) Except as provided by Subsection (b), this chapter supersedes a provision of this code or a statute outside this code to the extent of any conflict.

(b) This chapter does not apply to the voter registration of a person who is 65 years of age or older. This subsection expires September 1, 2031.

Sec. 11A.002. DEFINITION. In this chapter, "department" means the Department of Public Safety.

Sec. 11A.003. VOTER IDENTIFICATION ISSUED BY DEPARTMENT. (a) The secretary of state shall adopt rules in conjunction with the department to establish a process by which the issuance of a driver's license or a personal identification card by the department is the sole means of voter identification for the purposes of being accepted for voting.

(b) The process established under this section must:

(1) phase out the use of voter registration certificates; and

(2) provide for the encryption of a person's voter registration number on the person's driver's license or personal identification card.

Sec. 11A.004. RULES. (a) The secretary of state shall adopt rules as necessary for the implementation and administration of this chapter.

(b) The department shall adopt rules as necessary for the implementation and administration of this chapter.

SECTION 2. Subchapter A, Chapter 12, Election Code, is amended by adding Section 12.007 to read as follows:

Sec. 12.007. CERTAIN ELECTION OFFICERS ARE VOTER REGISTRARS. An election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar.

SECTION 3. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), a [A] provisional ballot may be accepted only if the board determines that, from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election.

(b-1) A provisional ballot cast under Section 85.0312 shall be accepted if the voter registrar determines the applicant is eligible for registration under Section 85.0312(d).

SECTION 4. Subchapter B, Chapter 85, Election Code, is amended by adding Section 85.0312 to read as follows:

Sec. 85.0312. REGISTRATION AT POLLING PLACE DURING EARLY VOTING. (a) A person who would be eligible to vote in an election under Section 11.001, but for the requirement to be a registered voter, shall be accepted during early voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if, on the day the person offers to vote, the person:

(1) submits a voter registration application that complies with Section 13.002 to an election officer at the polling place; and

(2) presents as proof of residence:

(A) a Texas driver's license, including a temporary license or instruction permit, or personal identification card issued to the person by the Department of Public Safety that states the person's current address on the day the person seeks to vote; or

(B) a utility bill addressed to the person dated not earlier than the 30th day before the date the person seeks to vote, and:

(i) a Texas driver's license, including a temporary license or instruction permit, or personal identification card issued to the person by the Department of Public Safety, regardless of whether the address stated on the license or card is current on the day the person seeks to vote;

(ii) a United States passport issued to the person; or

(iii) a United States military identification card that contains the person's photograph.

(b) The election officer shall make a copy of the proof of residence submitted under Subsection (a)(2) and attach it to the registration application. The election officer shall return the original proof of residence to the voter.

(c) A person voting under this section shall vote a provisional ballot in the manner provided by Section 63.011 except that the person is not required to submit the affidavit under Section 63.011(a).

(d) For each registration corresponding to a ballot cast under this section, the voter registrar shall review the application and copy of the proof of residence and determine whether the applicant is eligible for registration as provided by Subchapter C, Chapter 13. The registrar shall inform the early voting ballot board of a determination made under this subsection. A registration approved under this subsection takes effect on the date the vote was cast.

(e) The secretary of state may by rule:

(1) designate additional documents that a person may offer to prove the person's residence to register and vote under this section; and

(2) prescribe procedures to implement this section.

SECTION 5. Section 521.422, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), the [The] fee for a personal identification certificate is:

- (1) \$15 for a person under 60 years of age;
- (2) \$5 for a person 60 years of age or older; and
- (3) \$20 for a person subject to the registration requirements under

Chapter 62, Code of Criminal Procedure.

(d) The department may not collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of being accepted for voting and does not have another form of identification for that purpose, and:

(1) who is a registered voter in this state and presents a valid voter registration certificate; or

(2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

SECTION 6. Not later than January 1, 2012, the secretary of state and the Department of Public Safety shall adopt rules required to implement the changes in law made by this Act.

SECTION 7. This Act takes effect September 1, 2011.

Representative Harless moved to table Amendment No. 63.

The motion to table prevailed by (Record 148): 100 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

CSSB 14 - REMARKS

REPRESENTATIVE ALISEDA: Members, Mr. Speaker, it is such an honor to be standing here representing my district as a state representative and supporting Representative Harless and this voter ID bill. As I stated earlier today, I am a Mexican immigrant. I came to this country at the age of four and became a United States citizen at the age of 17. I want to show you what they use in Mexico to vote. This is a Mexican, federally issued, biometric ID card. It has on the front, a picture, on the back, a magnetic strip containing additional information, and a fingerprint. I'm a proud American now, and using an ID to vote just makes common sense, and we need it here and need it now. We need an ID in this country to do anything in today's society—to cash a check, to open a bank account, to do something as simple as rent a movie. Americans expect it, Americans want it. They want it because they want to believe their voting system is at least as safe as renting a movie at Blockbuster.

Do I believe that there are some Americans who do not vote because they feel it is useless because of fraud? Yes. How do I know that? Because they have told me so. I served this country for five years as a United States naval officer—my country. I did not do that so some dead person could vote, or so that Mickey Mouse registered by ACORN could vote. I served my home county, Bee County, as county attorney for eight years. In 1990, as a young democrat county attorney, I had investigated and I had prosecuted voter fraud cases. I actually had convictions. I did not do that just to bring the perpetrators to justice. I did it because my citizens needed to believe they had a clean and fair election system and that someone was fighting for that. That is exactly why I strongly support this bill.

My district is comprised of seven counties south of San Antonio, west of Corpus Christi. According to 2008 statistics, one county in my district, Goliad County, had more people registered to vote than persons eligible to vote. Under current laws, the opportunity for fraud is there. In 2008, a high-water mark for voter registration, Texas had an overall registration rate of 76 percent of eligible voters. In McMullen County, another one of my counties, in 2008, we had a voter registration percent of 97.9, 21.4 percent above the state average. The opportunity for fraud was probably there. In Jim Wells County—some of you may have heard of Jim Wells County, that's the home of the infamous "Box 13." In 2008, they had an eligible voter registration of 90.44 percent, or 14 percent above the state average. The opportunity for fraud was probably there. In 2004, in Bee County, we had a woman cast a ballot as if she was her deceased mother. In 2007, the Texas State Auditors Office found that Texas had 49,049 registered voters who may have been ineligible to vote. Of those, there were 23,500 voters on the rolls who were probably deceased. Would voter ID probably have stopped them if they had tried to vote? I think so. There were also 2,359 voters identified as having duplicate records. I believe voter ID would have helped there also. In the voter ID committee, I heard testimony from election officials that in-person voter fraud had probably occurred and that they had witnessed it. They testified that they had voters show up with multiple ID cards. Do I believe voter fraud has

occurred? Yes. I believe that the majority of my constituents in my district, democrats, independents, and republicans want this, and I intend to vote for it and I ask that you do, also.

REMARKS ORDERED PRINTED

Representative Peña moved to print remarks by Representative Aliseda.

The motion prevailed.

REPRESENTATIVE VEASEY: Members, I'm not going to talk long. We've had a very, very long evening. Of course, you know I'm in opposition of this bill, it discriminates and I think it will disenfranchise. And I was just kind of thinking about the history of the Texas House of Representatives and what has changed over the last 100 years or so. Obviously, the chamber has changed. It wasn't too long ago that there were no African Americans or no Hispanics at all that served in this body and it was largely because of the discrimination that took place at the polling place. And there was time when this body upheld certain segregationist policies that dealt with integrated schools and interracial marriage and other things like that, that obviously we would find despicable today. But, what hasn't changed, even though the parties have changed, is that when it comes time to doing the right thing on decisions that largely involve race, that conservatives just cannot do the right thing. It's too hard. People didn't do the right thing in regards to school desegregation, people just stuck with their communities. People didn't want to go against, people thought they weren't going to be able to come back here when it dealt with segregation, when it dealt with whether our colleges and universities were going to be integrated. People didn't do the right thing. When it came time to take a stance on slavery, people couldn't do the right thing. But I guarantee you, the people that served here in the 1950s and 60s, they'll look back and say, "You know what? That was wrong. When I was in the Texas Legislature, I should have done something. I should have stood up. I thought school segregation was right then. I thought that segregated water fountains were right then. I should have stood up and done the right thing." And I can guarantee you, after this bill passes, and we see who is discriminated against and we see who suffers because of the strict requirements in this bill, that just like the people who served here in the 1950s, just like the people who served here in the in 1930s and the people who served here during reconstruction and before. They had to look back in shame. They didn't have a good story to tell their kids and their grandkids about how they dealt with the issue of race. We are making the same mistake.

REPRESENTATIVE BURNAM: Representative Veasey, you and I were raised on the west side of Fort Worth, is that correct?

VEASEY: That is correct.

BURNAM: And while you're younger than I, we have very similar experiences in and around the Lake Como community neighborhood and what they have endured over the years. A couple of weeks ago, when we had the immigrant rights rally here, I was speaking in the crowd and I made mention to the fact of legislators of the 50s and 60s in Jim Crow times. And I said, this session was

shaping up to be the most overtly racist session that I have witnessed in 25 or 30 years. Do you think what we have seen and heard today bears up on my comment?

VEASEY: I think that what is being done here today is no different from the things that were done here in the 50s, no different from the things that were done here previous to that. The things that were done here during reconstruction or before. I think it's horrible, I think it discriminates against people. I think that we'll look back in shame and I think we'll all look back and say, that's wrong. Because, people always do that. There is not a person here that will say what happened in the 50s and what happened in the 60s was the right thing. Back then everybody thought it was the right thing. But nobody would say it's the right thing, today. Back then it was very socially acceptable, it was the right thing to do. As a matter of fact, if you weren't against school desegregation back in the 1950s, then you were seen as an oddity in your community. You probably weren't invited to come back to the Lions Club.

BURNAM: Mr. Veasey, you know I am extremely proud to have your grandmother and your mother as my constituents, and I bet you also know that they are extremely proud of you today.

VEASEY: Thank you very much and I think it's time to close. I want to thank my colleagues for joining me. But, the people that will lose out, because of this bill, will mainly be Hispanics and blacks, poor, elderly, rural, and it's a shame that we are traveling back in history instead of moving forward and winning the future.

REPRESENTATIVE MARTINEZ: The foundation has been laid and the bricks and the mortar to start the building of wall has commenced. And although this is not a wall for a building, this is a wall built as yet another barrier, another obstacle, for minorities. This voter ID bill, or should I say, this voter restriction bill, voter suppression bill, is one of the toughest in the country. A bill that oppresses minorities and their right to vote. A bill written and fortified on pure speculation. For those members that have come up here and have talked about seeing voter fraud, why didn't you do anything about it? Pure speculation, members. Many of you who are in this chamber have never had the experience of not being served at a restaurant, or having to pick up the order at the back door, or being treated differently because of your race or the color of your skin. I can still remember growing up and hearing my grandparents and my parents saying they couldn't go to the south side of town after 10 o'clock because of their race. I can remember my grandfather saying that he couldn't pick up his order in a restaurant or be seated because he was Hispanic, because he was Mexican American. And all this is, and all this happened because of their race. This bill, members, is a personal attack on minorities. This bill undermines every civil rights movement, the work of every civil rights leader, and most of all undermines every minority in this state. Some members in this chamber can go back and check off your political agenda. You've done what you've had to do, you're going to vote on this bill. But to some of us, it is personal. This is our voice, this is the voice of the minorities I represent in my district, the voice of

minorities across the State of Texas. And we are taking a stand against the continuous oppression and persecution that this bill brings. For the minority members in this house, I ask you to stand with me today. To members who care about the minorities you represent, I ask you to stand with me today, so we can together against the continued oppression, persecution, and voter suppression in this state.

REPRESENTATIVE REYNOLDS: Are you familiar with Proverbs 31:8-9?

MARTINEZ: I would like for you to please refresh my memory on that, Representative Reynolds.

REYNOLDS: Well, I would say that Proverbs 31:8-9 simply says, "Speak out for the one who cannot speak, for the rights of those who are doomed. Speak out, judge fairly, and defend the right of oppressed and needy people." Would you say that that scripture pretty much summarizes the sentiments of the statement that you made in opposition of this, **SB 14**?

MARTINEZ: Absolutely representative, and I'm on a roll if you give it to me, I'll recite it right now.

REYNOLDS: Proverbs 31:8-9. Thank you.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks by Representative Veasey and between Representative Reynolds and Representative Martinez.

The motion prevailed.

REPRESENTATIVE Y. DAVIS: Thank you, Ms. Harless, I just want to get on the record, because there had been some discussion with regard to the cost of the bill and funding for the bill. So, I'd like to ask you, if you could explain to me, who's going to pay for this legislation we're passing? What is your understanding—who will pay for it?

REPRESENTATIVE HARLESS: My understanding is that there is a \$2,024,000 fiscal note on it. We have money in the general appropriations bill, and we have a contingency rider. There's HAVA funds available if we request them and we are approved.

Y. DAVIS: Is it your explanation that there are actually two riders then?

HARLESS: One—

Y. DAVIS: Okay, so you mentioned two, so it's just the one contingency rider that deals with HAVA funds, is that correct?

HARLESS: I don't remember mentioning two—there's only one rider.

Y. DAVIS: I'm sorry—

HARLESS: I don't remember mentioning two. There's only—there always has been— and there's only one rider.

Y. DAVIS: Okay, and so if those HAVA funds, and those HAVA funds represent federal funding from the Obama administration, is that correct?

HARLESS: Yes, they do.

Y. DAVIS: Okay, if those HAVA funds are not funded at the 2.024 level or if they are not funded at all, is there money for implementation of this bill, to your knowledge?

HARLESS: Yes.

Y. DAVIS: Okay, and could you explain what that funding source would be?

HARLESS: I think we have general appropriations funds set aside for the funding of this bill to educate voters.

Y. DAVIS: Okay, and is that a different rider than the one we just talked about?

HARLESS: In the appropriations bill that was laid out in January or February on page I-92, there is \$39 million of HAVA funds and underneath the secretary of state and for this coming year and \$9 million for the next year.

Y. DAVIS: So, it is your representation that we don't have to have the funds associated with this contingency law, but that they will be using funds that have already been received and will be used for a new program?

HARLESS: They're received and they're used for election training.

Y. DAVIS: But are they already obligated, or are they additional funds—they are existing funds that are not obligated, is that your understanding?

HARLESS: Yes.

Y. DAVIS: And so we, in fact, would not have to apply for this money under Rider No. 11, the contingency appropriations, based on what you just articulated, is that correct?

HARLESS: We have to ask for approval from the election administration to use those funds for this source. That was the testimony in committee.

Y. DAVIS: Okay, so we would—so, I guess I want to make sure I understand—your representation is that the secretary of state already has HAVA funds that have not been appropriated that we can utilize for this program, whether we get additional funds or not won't matter. Is that what you're saying?

HARLESS: I'm not on the finance committee, but I know what's in the appropriations bill. There is money there for that.

Y. DAVIS: Okay, but I want to make sure I'm asking it correctly, because in the bill that we're going to take up next week, are you suggesting that, based on that bill that—the bill that's going to come to us—funds have not been appropriated, so if we don't get new funds, we have funds available for this program.

HARLESS: If we don't get new funds, we already have the HAVA money sitting in the general revenue. The testimony in committee, secretary of state Ann McGeehan, stated that we have received some \$2 million of HAVA funds. We have spent up to—whatever the difference is—that equals the \$43 million, and that money is to be spent for election training. It's in the general appropriations

bill that Chairman Pitts laid out at the beginning of the session. I'm not sure what the next appropriations bill that we'll vote on will actually have in it, because I don't serve on Appropriations.

Y. DAVIS: Okay, for members—for those of us who don't serve on Appropriations either, I don't either, so I'm trying to understand where the money's going to come from, and to the extent that we don't need these funds, do we already have money allocated? I just want to make sure that I ask a question. If we don't get additional funds, will we have—will there be an issue with regard to this bill being passed down to our counties and they then are responsible to implement this without additional resources from the state?

HARLESS: The county passed what the secretary of state passes down, they receive funds for this, this is part of their normal duties. Every session, there are some election law changes. It is my understanding, from testimony from Harris County, that this has been their normal practice.

Y. DAVIS: This is a little bit more than normal practice because we're altering the entire process. And so, to the extent that this is a totally new program, the cost would be much greater than they traditionally would have as programs that were continuations of our existing program, wouldn't you say?

HARLESS: Yes, there was testimony in committee, the secretary of state spent a lot of time talking about what they wanted to do and what they would look to other states for best practices. They have budgets set aside every single year to enact new changes in election code.

Y. DAVIS: And my last question is, based on that deal, we really don't need this contingency rider? Is that what you're suggesting based on your comments?

HARLESS: It could be possible, but I didn't want to take any chance.

Y. DAVIS: Okay, but—and you're sure we don't have to worry about counties contacting us with regard to additional expenses for the implementing a new voter plan without having received money from the state? Is that your representation?

HARLESS: That is my understanding. The county receives money from the secretary of state that comes from the HAVA funds.

Y. DAVIS: That's a different question. My question is, based on implementing a new program, do we expect that the counties will incur additional costs to implement the new program that we will not fund?

HARLESS: I do not expect them to, but I cannot say for sure that they won't have additional costs.

Y. DAVIS: And if there are additional costs based on us passing this new bill, you're suggesting that the counties would then be responsible for those costs.

HARLESS: Excuse me, say that one more time.

Y. DAVIS: Are you suggesting that the counties could have additional costs associated with implementation of this program if we would not send funds to the counties for this program? Is that—

HARLESS: The counties have additional costs on a lot of legislation we've passed, and a lot of it's election. Every other session we pass new election laws that the county has to implement. I don't know if they will with this bill.

Y. DAVIS: Is it your intent that this bill would not put another—an additional cost on the counties with regard to implementation of this new program?

HARLESS: I—that is my intent.

REMARKS ORDERED PRINTED

Representative Y. Davis moved to print remarks between Representative Harless and Representative Y. Davis.

The motion prevailed.

REPRESENTATIVE L. GONZALES: First of all, thank you.

HARLESS: You're welcome.

L. GONZALES: Thank you for all you've done, for all your hard work—we appreciate it very much. I stand here before you as a very proud Latino, and I've got some questions for you.

HARLESS: Okay.

L. GONZALES: Is it your intention for this bill to disenfranchise ethnic minority voters?

HARLESS: No, sir.

L. GONZALES: Is it your intention, or anybody who has joint-authored or coauthored this bill, to disenfranchise ethnic minority voters?

HARLESS: No, sir.

L. GONZALES: Is it your intention for this bill to disenfranchise any voter, regardless of race, ethnicity, socioeconomic status, disability, age, or any combination thereof?

HARLESS: No.

L. GONZALES: Is it the intention of anybody who has joint-authored or coauthored this bill to disenfranchise any voter, regardless of race, ethnicity, socioeconomic status, disability, age, or any combination thereof?

HARLESS: No, it is not.

L. GONZALES: So we are not targeting my Hispanic 86-year-old grandfather?

HARLESS: No, we're not.

L. GONZALES: So we are not targeting my Hispanic 84-year-old grandmother?

HARLESS: No.

L. GONZALES: Does this bill in any way disenfranchise any voter?

HARLESS: No.

L. GONZALES: Would you agree that the heart and the soul of our republic is the elections process? That these results determine our policy makers, and the decisions they make, which affect our everyday lives, that it is imperative that the voters of Texas have confidence in the integrity of the elections process, and that **SB 14** goes a very long way to accomplish and secure this confidence?

HARLESS: I think it absolutely does.

REMARKS ORDERED PRINTED

Representative L. Gonzales moved to print remarks between Representative Harless and Representative L. Gonzales.

The motion prevailed.

REPRESENTATIVE GARZA: Representative Harless, I wanted to echo the sentiments of Representative Gonzales. I come from the west side of San Antonio; my father was a first generation Hispanic who served in the military for over 20 years. And I came to this place, the house of representatives, to basically—the attitude that minorities, especially we, as Hispanics, are disabled in our ability to get an identification, a driver's license, to be able to do what it takes to exercise our right to vote, it's sometimes insulting. We have the ability and we have the right, and my father and many of the Hispanics that are here are examples that we are able, and we want to begin to proclaim the ability of our people to achieve the many things that we have as a race. So, I think the positive part is that we are able, and our people are able, to achieve these things that have been said that they're not able or disenfranchised or unable to do. And being a Texan and being Hispanic, I know that we are to overcome, and we have overcome, and we will continue to overcome. But to answer some of the questions that caused some confusion to some of the representatives, I wanted to ask you specifically, will this bill encourage voter participation by all Texans, regardless of race, ethnicity, socioeconomic status, their disability, their age, or any of the combinations thereof, by giving them confidence in the election process that Representative Aliseda spoke about?

HARLESS: I believe it will.

GARZA: And let me ask you again, with the passage of this bill, will all Texans, including those mentioned, have equal access to this election process with the passage of this bill?

HARLESS: Yes.

GARZA: So, the Hispanic voters in my district, House District 117, will have full confidence that their vote will count in a trustworthy election process?

HARLESS: Yes.

GARZA: And the African American voters in my district—they'll have full confidence that their vote will count in this trustworthy election process?

HARLESS: Yes.

GARZA: Okay, and finally, every voter in my district of 117 in San Antonio, and every house district in the State of Texas, regardless of race, ethnicity, their socioeconomic status, their disability, age, or, again, any combination thereof, will have full confidence that their vote will count in a trustworthy election process.

HARLESS: Absolutely, yes.

REMARKS ORDERED PRINTED

Representative Garza moved to print remarks between Representative Harless and Representative Garza.

The motion prevailed.

REPRESENTATIVE COLEMAN: Thank you, Ms. Harless, and you know you and I are really good friends.

HARLESS: We are.

COLEMAN: And I respect you greatly, and this is nothing personal to you.

HARLESS: I know that, and I appreciate that. Thank you, I feel the same.

COLEMAN: Do you know if the members who said that they represent people of color, did they come from districts that are a majority of color?

HARLESS: Say that one more time, the end part.

COLEMAN: Do they come from the districts that are majority of color? Do they have districts that are more people that are black and brown or other ethnicities than non black and brown?

HARLESS: I can't answer that, Garnet.

COLEMAN: Are they from majority minority districts? This is important for the record. You may not be able to answer it, but that is important for the record.

HARLESS: I would say that they probably think that their district is majority minority. I don't know that, I'm not advised of that.

COLEMAN: Well, we're thinking it's not the case and they're speaking on behalf of their opinion, but in terms of how we do law in this state, it is based on the number of people who reside in a district and whether or not that is protected. Ms. Harless, is that true?

HARLESS: Say the last—

COLEMAN: The Voting Rights Act. Isn't that based on the number of people of color that reside in a district that are protected under the Voting Rights Act?

HARLESS: I'm not advised.

COLEMAN: Okay. So the answer is yes. You may not be advised, but I can tell you under the law that the answer is yes. I'm advising you that is the case.

HARLESS: Okay.

COLEMAN: Now, when you say that the individuals in this room did not believe that they were disenfranchised, is that because you didn't hear them or you didn't see them or you didn't know that was the majority of the sentiment of the people who represent majority minority districts that actually were making comment on this floor? I know you may not be advised, but I can tell you right now and you can see that the majority of them do believe that they were disenfranchised, and they are the majority of the people in this house that are districts' representatives from districts that are districts that are majority minority. Isn't that correct?

HARLESS: I think the record speaks for itself. They've testified on record. We have transcripts of it. A lot of the communication—

COLEMAN: The record speaks for itself, but it's clear that the members standing around me right now, and the members that have been there today actually did say that they believe this bill disenfranchised their constituents, and that disenfranchisement was a reason why they didn't want to vote for this bill and thought this bill needed to be changed. And, since you aren't advised I will let you know that is the case. Thank you, Ms. Harless, for doing such a great job on a difficult subject.

HARLESS: Thank you.

REMARKS ORDERED PRINTED

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

The motion prevailed.

CSSB 14, as amended, was passed to third reading by (Record 149): 101 Yeas, 48 Nays, 1 Present, not voting.

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

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

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

Present, not voting — Mr. Speaker(C).

REASONS FOR VOTE

Numerous amendments to improve **SB 14** would have made the bill more fair by reducing the risk of disenfranchising eligible, registered Texas voters. Unfortunately, the majority rejected amendments to expand the types of photo identification acceptable for voting. They rejected an amendment that would have allowed voters to sign an affidavit swearing to their identity, and to cast a provisional ballot with the assurance that their ballot would be counted if the signature on the affidavit matched the signature on the voter registration file. The majority also voted against exemptions for seniors, the indigent, people with religious objections, and women who have had their names changed due to marriage or divorce. High school students over 18 will not be able to vote with their school IDs. College students legally registered in Texas will not be able to vote with out-of-state driver's licenses. In addition, this bill is a vast unfunded mandate on counties. **SB 14** also unconstitutionally and illegally raids the Texas mobility fund. In light of our historic budget shortfall, this bill is fiscally irresponsible. Finally, these disadvantages of the bill must be weighed against its purported advantages in terms of reducing voter impersonation. In the absence of evidence of voter fraud of a type that would be prevented by the provisions in this bill, it is clear that this bill would do more harm than good to the integrity of our elections system.

Anchia, Castro, Dukes,
Gallego, Hernandez Luna,
Hochberg, D. Howard, Lozano,
Lucio, Martinez, Martinez
Fischer, McClendon, Muñoz,
and Vo

Numerous amendments to improve **SB 14** would have made the bill more fair by reducing the risk of disenfranchising eligible, registered Texas voters. Unfortunately, the majority rejected amendments to expand the types of photo identification acceptable for voting. They rejected an amendment that would have allowed voters to sign an affidavit swearing to their identity, and to cast a provisional ballot with the assurance that their ballot would be counted if the signature on the affidavit matched the signature on the voter registration file. The majority also voted against exemptions for seniors, the indigent, people with religious objections, and women who have had their names changed due to marriage or divorce. High school students over 18 will not be able to vote with their school IDs. College students legally registered in Texas will not be able to vote with out-of-state driver's licenses. In addition, this bill is a vast unfunded mandate on counties. In light of our historic budget shortfall, this bill is fiscally irresponsible. Finally, these disadvantages of the bill must be weighed against its

purported advantages in terms of reducing voter impersonation. In the absence of evidence of voter fraud of a type that would be prevented by the provisions in this bill, it is clear that this bill would do more harm than good to the integrity of our elections system.

Menendez

Numerous amendments to improve **SB 14** would have made the bill more fair by reducing the risk of disenfranchising eligible, registered Texas voters. Unfortunately, the majority rejected amendments to expand the types of photo identification acceptable for voting. They rejected an amendment that would have allowed voters to sign an affidavit swearing to their identity, and to cast a provisional ballot with the assurance that their ballot would be counted if the signature on the affidavit matched the signature on the voter registration file.

Villarreal

HB 4 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **HB 4**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 10 a.m. on Monday, March 28.

Section 2. (a) During second and third reading consideration of the bill, any amendment that adds or increases an item of appropriation in the bill is not in order unless the amendment contains an equal or greater reduction in one or more items of appropriation in the bill from the fund or funds against which the appropriation is to be certified.

(b) The provisions of this section do not apply to an amendment that makes an adjustment in an item of appropriations solely to correct a technical clerical error.

The Committee on Calendars rule was adopted by (Record 150): 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; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto;

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

Present, not voting — Mr. Speaker(C).

Absent — Burnam; Deshotel; Guillen; Oliveira; Rodriguez.

HB 275 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **HB 275**:

All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 10 a.m. on Monday, March 28.

The Committee on Calendars rule was adopted by (Record 151): 147 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; 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; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Burnam; Guillen.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 71 ON SECOND READING**(by Martinez and Hughes)**

HB 71, A bill to be entitled An Act relating to the fee charged for the Texas Airport Directory.

Representative Martinez moved to postpone consideration of **HB 71** until 9:59 a.m. Thursday, March 31.

The motion prevailed.

HB 229 ON SECOND READING**(by Solomons)**

HB 229, A bill to be entitled An Act relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

Representative Solomons moved to postpone consideration of **HB 229** until 9:59 a.m. Thursday, March 31.

The motion prevailed.

HB 451 ON SECOND READING**(by Lucio, Creighton, Branch, and Bohac)**

HB 451, A bill to be entitled An Act relating to the creation of a Don't Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state.

Amendment No. 1

Representative Lucio offered the following amendment to **HB 451**:

Amend **HB 451** on page 1, between lines 22 and 23, by inserting:

(e) The Texas Department of Transportation shall post a sign that complies with program requirements at a major highway water crossing at the time a previously posted sign identifying the crossing or prohibiting dumping at the crossing is scheduled to be replaced.

Amendment No. 1 was adopted.

HB 451, as amended, was passed to engrossment by (Record 152): 122 Yeas, 21 Nays, 1 Present, not voting.

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

Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anderson, C.; Aycock; Berman; Bonnen; Cain; Darby; Fletcher; Howard, C.; King, P.; Legler; Lyne; Madden; Miller, S.; Parker; Paxton; Shelton; Simpson; Smith, T.; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Eiland; Hughes; Johnson; Marquez; Thompson; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 152. I intended to vote no.

Flynn

I was shown voting yes on Record No. 152. I intended to vote no.

Phillips

I was shown voting yes on Record No. 152. I intended to vote no.

Weber

FIVE-DAY POSTING RULE SUSPENDED

Representative Kolkhorst moved to suspend the five-day posting rule to allow the Committee on Public Health to consider the previously posted agenda and pending business at 8 a.m. March 24, in E2.030.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Branch requested permission for the Committee on Higher Education to meet while the house is in session, during bill referral today, in E1.014, to consider the previously posted agenda.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Health, 8 a.m. March 24, E2.030, for a public hearing, to consider the previously posted agenda and pending business.

Energy Resources, 1 p.m. March 24, E2.036, for a public hearing, to consider pending business.

(Lozano in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, during bill referral today, in E1.026, to consider pending business.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

Representative S. Davis moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. today, Thursday, March 24.

The motion prevailed.

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

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

(V. Taylor in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:14 a.m. Thursday, March 24, adjourned until 10 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 1295 (By Shelton), Relating to a pilot project to increase enrollee access to primary care services and simplify enrollment procedures under the child health plan program.

To Human Services.

HB 1338 (By T. Smith), Relating to the requirement that a voter provide proof of citizenship when registering to vote.

To Elections.

HB 1412 (By Chisum), Relating to requiring a voter to present proof of identification; providing penalties.

To Elections.

HB 1458 (By Harless), Relating to requiring a voter to present proof of identification; providing penalties.

To Elections.

HB 1533 (By Eiland), Relating to voter registration.
To Elections.

HB 2665 (By P. King), Relating to abolishing the Texas Funeral Service Commission and the Texas State Board of Plumbing Examiners and transferring the functions of those agencies to the Texas Department of Licensing and Regulation.

To State Affairs.

HB 2825 (By Otto), Relating to the investment management of the permanent university fund.

To Higher Education.

HB 3166 (By Callegari), Relating to the abolition and consolidation of state agencies.

To Government Efficiency and Reform.

HB 3167 (By Callegari), Relating to the repeal of occupational licensing requirements.

To Government Efficiency and Reform.

HB 3168 (By Callegari), Relating to the operation of state agencies

To Government Efficiency and Reform.

HB 3266 (By S. Miller), Relating to the audit of retail and mail order pharmacy claims of certain public employees.

To Insurance.

HB 3413 (By Darby), Relating to the property and funding of the Texas Department of Motor Vehicles.

To Transportation.

HB 3414 (By Darby), Relating to certain fiscal matters relating to the Department of Agriculture.

To Appropriations.

HB 3415 (By Darby), Relating to the authority of the Texas Animal Health Commission to set and collect fees.

To Appropriations.

HB 3416 (By Darby), Relating to eliminating a requirement that the Texas Alcoholic Beverage Commission transfer certain funds to the Department of Agriculture for the Texas Wine Marketing Assistance Program.

To Appropriations.

HB 3417 (By Darby), Relating to state fiscal matters regarding business and economic development.

To Appropriations.

HB 3418 (By Darby), Relating to state fiscal matters related to natural resources and the environment.

To Appropriations.

HB 3419 (By Darby), Relating to state fiscal matters related to certain regulatory agencies.

To Appropriations.

HB 3420 (By Darby), Relating to the fee on delivery of certain petroleum products.

To Appropriations.

HB 3547 (By Alvarado), Relating to enforcement by a local government of fire safety standards at certain child-care facilities.

To Urban Affairs.

HB 3569 (By Lucio), Relating to the review of certain documents by the attorney general; imposing certain fees.

To Government Efficiency and Reform.

HB 3570 (By Smithee), Relating to insurance coverage requirements for certain amusement rides.

To Insurance.

HB 3571 (By Phillips), Relating to the use of revenue sharing as a means of repayment of Texas Department of Transportation cost participation in a toll facility of a public entity.

To Transportation.

HB 3572 (By S. King), Relating to the creation of the 1st Multicounty Court at Law composed of Fisher and Nolan Counties and the abolishment of the County Court at Law of Nolan County.

To Judiciary and Civil Jurisprudence.

HB 3573 (By S. King), Relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.

To Business and Industry.

HB 3574 (By Torres), Relating to the Texas Back to Work initiative.

To Economic and Small Business Development.

HB 3575 (By Thompson), Relating to the operation of casino gaming in this state by federally recognized Indian tribes on certain land; providing penalties.

To Licensing and Administrative Procedures.

HB 3576 (By Thompson), Relating to the operation of casino gaming in this state by federally recognized Indian tribes on certain land and by licensed operators at horse and greyhound racetracks and licensed locations; providing penalties.

To Licensing and Administrative Procedures.

HB 3577 (By L. Gonzales), Relating to eligibility requirements for the Texas Educational Opportunity Grant.

To Higher Education.

HB 3578 (By L. Gonzales), Relating to clarification of the authorized uses for loans under public institution of higher education emergency loan programs.
To Higher Education.

HB 3579 (By L. Gonzales), Relating to repayment assistance for certain physician education loans.
To Higher Education.

HB 3580 (By Frullo), Relating to the issuance of specialty license plates for surviving spouses of disabled veterans of the United States armed forces.
To Defense and Veterans' Affairs.

HB 3581 (By Driver), Relating to authorizing the sale of beer by wineries.
To Licensing and Administrative Procedures.

HB 3582 (By Harless), Relating to the allocation to a school district of the expenses of a joint election.
To Elections.

HB 3583 (By Harless), Relating to the authority of local law enforcement authorities to enforce certain laws regulating coin-operated machines; providing criminal penalties.
To Licensing and Administrative Procedures.

HB 3584 (By Strama), Relating to the Texas emerging technology fund.
To Technology.

HB 3585 (By V. Taylor), Relating to the adoption of voting procedures necessary to implement the federal Military and Overseas Voter Empowerment Act.
To Elections.

HB 3586 (By V. Taylor), Relating to unit operations for oil, gas, or oil and gas production or carbon dioxide storage.
To Energy Resources.

HB 3587 (By Callegari), Relating to the functions of the Texas Guaranteed Student Loan Corporation.
To Higher Education.

HB 3588 (By Coleman), Relating to the use of a county risk management pool by certain county and district officers instead of the execution of bonds.
To County Affairs.

HB 3589 (By Hancock), Relating to claim-handling deadlines in the event of certain weather-related catastrophes or natural disasters.
To Insurance.

HB 3590 (By Hancock), Relating to the cancellation of homeowners insurance policies.
To Insurance.

HB 3591 (By D. Howard), Relating to the confidentiality of information obtained by a compliance office of an institution of higher education.
To Higher Education.

HB 3592 (By D. Howard), Relating to the Lower Colorado River Authority.
To Natural Resources.

HB 3593 (By W. Smith), Relating to providing notice of foreclosure to certain lien holders.

To Business and Industry.

HB 3594 (By Aliseda), Relating to the termination of a volunteer deputy registrar for the submission of late or incomplete applications for voter registration.

To Elections.

HB 3595 (By Chisum), Relating to energy efficiency goals and energy efficiency programs.

To Energy Resources.

HB 3596 (By Hancock), Relating to public school finance and the allocation of state funds.

To Public Education.

HB 3597 (By Larson), Relating to the powers and duties of certain public improvement districts.

To Urban Affairs.

HB 3598 (By Huberty), Relating to the criminal registration procedure for a convicted arsonist.

To Criminal Jurisprudence.

HB 3599 (By Garza), Relating to contracting with emerging fund managers by the State Board of Education for investment of the permanent school fund.

To Public Education.

HB 3600 (By Garza), Relating to municipal and county authority to enforce a solid waste collection and transportation services franchise.

To Environmental Regulation.

HB 3601 (By Garza), Relating to the issuance of cease and desist orders by the Texas Medical Board.

To Public Health.

HB 3602 (By Garza), Relating to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain areas associated with the Barton Springs segment of the Edwards Aquifer.

To Natural Resources.

HB 3603 (By Garza), Relating to the distribution of money appropriated from a municipal court building security fund.

To Criminal Jurisprudence.

HB 3604 (By Smithee), Relating to enforcement of certain insurance provisions in construction contracts.

To Business and Industry.

HB 3605 (By Smithee), Relating to the payment of losses by the Texas Windstorm Insurance Association
To Insurance.

HB 3606 (By Kuempel), Relating to the payment of development impact fees by certain political subdivisions or governmental entities.
To Urban Affairs.

HB 3607 (By Kuempel), Relating to construction managers-at-risk used by local governments.
To Urban Affairs.

HB 3608 (By Kuempel), Relating to a franchise tax credit for contributions to programs for at-risk youth.
To Ways and Means.

HB 3609 (By Smithee), Relating to insurance premium and maintenance taxes, and payment of excess losses of the Texas Windstorm Insurance Association.
To Insurance.

HB 3610 (By Thompson), Relating to periodic rate adjustments by electric utilities.
To State Affairs.

HB 3611 (By Truitt), Relating to the administration of medications for persons with intellectual and developmental disabilities.
To Public Health.

HB 3612 (By Turner), Relating to the administration of the Texas Save and Match Program to assist qualifying beneficiaries under the state's prepaid tuition plans and college savings plans and to the treatment of a beneficiary's assets under prepaid tuition plans and college savings plans in determining eligibility for student financial assistance and other assistance programs.
To Higher Education.

HB 3613 (By Walle), Relating to the operation of the Texas Windstorm Insurance Association.
To Insurance.

HB 3614 (By Hughes), Relating to the interest rate on a refund of ad valorem taxes made following the final determination of an appeal that decreases a property owner's tax liability.
To Ways and Means.

HB 3615 (By Hughes), Relating to the authority of the chief appraiser of an appraisal district to increase the appraised value of property if the appraised value of the property was reduced in an appeal in a prior year.
To Ways and Means.

HB 3616 (By Naishtat), Relating to designating October as Disability History and Awareness Month.
To Human Services.

HB 3617 (By Madden), Relating to abolishing the Texas Commission on Fire Protection, the Commission on Jail Standards, and the Commission on Law Enforcement Officer Standards and Education and transferring certain of the powers and duties of those agencies to the newly created Public Safety Licensing Commission.

To Homeland Security and Public Safety.

HB 3618 (By S. Miller), Relating to the regulation of restricted fireworks.

To County Affairs.

HB 3619 (By S. Miller), Relating to the application of certain concealed handgun license laws to certain statewide elected officials and members of the legislature.

To Homeland Security and Public Safety.

HB 3620 (By Isaac), Relating to changes in participation in public utility agencies.

To Natural Resources.

HB 3621 (By Bonnen), Relating to the Gulf Coast Water Authority.

To Natural Resources.

HB 3622 (By R. Anderson), Relating to liability for the death of a pet.

To Judiciary and Civil Jurisprudence.

HB 3623 (By Darby), Relating to the environmental review of certain transportation projects by the Texas Department of Transportation.

To Transportation.

HB 3624 (By Hochberg), Relating to the eligibility of educational aides for tuition exemptions at public institutions of higher education.

To Higher Education.

HB 3625 (By Carter), Relating to a task force on school district administrative efficiency.

To Public Education.

HB 3626 (By Kolkhorst), Relating to the Texas Economic Development Act.

To Ways and Means.

HB 3627 (By Aliseda), Relating to the use of audio and visual recording devices in a polling place.

To Elections.

HB 3628 (By Aliseda), Relating to the offense of unacknowledged assistance to a voter in completing an application for a ballot to be voted by mail.

To Elections.

HB 3629 (By Shelton), Relating to abolishing the Department of Assistive and Rehabilitative Services and transferring its powers and duties to the Department of Aging and Disability Services and the Department of State Health Services.

To Human Services.

HB 3630 (By Hunter), Relating to certain unprofessional conduct by a health care provider.

To Public Health.

HB 3631 (By Branch), Relating to the imposition of certain conditions and limitations on the receipt of tuition and fee exemptions at public institutions of higher education.

To Higher Education.

HB 3632 (By Hamilton), Relating to the effect on local regulation of the use and sale of fireworks.

To Land and Resource Management.

HB 3633 (By Legler), Relating to participation in retirement programs by certain employees.

To Pensions, Investments, and Financial Services.

HB 3634 (By Villarreal), Relating to including additional territory in the state in a junior college district.

To Higher Education.

HB 3635 (By Dutton), Relating to the registration of and taxes and fees imposed on sexually oriented businesses; providing a civil penalty.

To Licensing and Administrative Procedures.

HB 3636 (By Dutton), Relating to safety measures for culverts or other similar flood or drainage systems maintained by governmental entities.

To Urban Affairs.

HB 3637 (By S. Miller), Relating to the regulation of equine dental technicians; providing penalties.

To Agriculture and Livestock.

HB 3638 (By Hancock), Relating to telecommunications and the universal service fund.

To State Affairs.

HB 3639 (By Pitts), Relating to state fiscal matters related to public and higher education.

To Appropriations.

HB 3640 (By Pitts), Relating to the remittance and allocation of certain taxes and fees.

To Appropriations.

HB 3641 (By Pitts), Relating to the remittance and allocation of gasoline and diesel fuel tax collections.

To Appropriations.

HB 3642 (By Pitts), Relating to the dates on which franchise tax payments are due from certain taxable entities.

To Appropriations.

HB 3643 (By Pitts), Relating to the remittance of mixed beverage taxes and taxes and fees on certain alcoholic beverages.

To Appropriations.

HB 3644 (By Pitts), Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

To Appropriations.

HB 3645 (By Pitts), Relating to state contributions made to fund the Teacher Retirement System of Texas and certain group benefits for retired school employees.

To Pensions, Investments, and Financial Services.

HB 3646 (By Turner), Relating to the powers and duties of the Legislative Budget Board, including the receipt of reports by the board.

To State Affairs.

HB 3647 (By Turner), Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

To Appropriations.

HB 3648 (By Otto), Relating to state fiscal matters related to the judiciary.

To Appropriations.

HB 3649 (By Otto), Relating to state fiscal matters related to law enforcement and criminal justice.

To Appropriations.

HB 3650 (By Otto), Relating to cash payments provided to an inmate released on parole, mandatory supervision, or conditional pardon from the Texas Department of Criminal Justice.

To Appropriations.

HB 3651 (By Otto), Relating to the appropriation of certain revenue for information technology projects.

To Appropriations.

HB 3652 (By Otto), Relating to handling fees imposed by the comptroller for processing unclaimed property.

To Appropriations.

HB 3653 (By Otto), Relating to the registration fee and registration renewal fee for lobbyists.

To Appropriations.

HB 3654 (By Otto), Relating to the review of certain documents by the attorney general; imposing certain fees.

To Appropriations.

HB 3655 (By Otto), Relating to the State Bar of Texas membership dues and minimum continuing legal education requirements for an attorney employed by the office of the attorney general.

To Appropriations.

HB 3656 (By Otto), Relating to reimbursement to a county for payment to a person who reports for jury service.

To Appropriations.

HB 3657 (By Otto), Relating to the collection of certain fees by the Commission on Jail Standards.

To Appropriations.

HB 3658 (By Otto), Relating to the judicial and court personnel training fund.

To Appropriations.

HB 3659 (By Otto), Relating to contributions by public retirement systems to the State Pension Review Board fund.

To Appropriations.

HB 3660 (By Otto), Relating to requiring the secretary of state to publish the session laws of the legislature electronically and eliminating certain requirements for publishing and distributing volumes of the session laws.

To Appropriations.

HB 3661 (By Otto), Relating to abolishing the state boot camp program.

To Appropriations.

HB 3662 (By Otto), Relating to fees for process server certification.

To Appropriations.

HB 3663 (By Otto), Relating to the use and management of the Texas preservation trust fund account.

To Appropriations.

HB 3664 (By Otto), Relating to the calculation of the amount of state aid to be received by community supervision and corrections departments.

To Appropriations.

HB 3665 (By Otto), Relating to state fiscal matters related to general government.

To Appropriations.

HB 3666 (By Zerwas), Relating to state fiscal matters related to health and human services and state agencies administering health and human services programs.

To Appropriations.

HB 3667 (By Peña), Relating to the establishment and administration of an employment verification compliance program, deterring the use of unauthorized foreign workers, imposing powers and duties on executive agencies, and providing for remedies.

To State Affairs.

HB 3668 (By Callegari), Relating to certificates of public convenience and necessity for water or sewer services.

To Natural Resources.

HB 3669 (By Carter), Relating to the funding for and user friendliness of the website operated by the Public Utility Commission of Texas to provide information regarding the power to choose retail electric providers.

To State Affairs.

HB 3670 (By Carter), Relating to accreditation standards for child care training.

To Human Services.

HB 3671 (By W. Smith), Relating to the development, financing, construction, and operation of toll projects.

To Transportation.

HB 3672 (By Dutton), Relating to requiring the comptroller to provide notice to a person who will be regarded as a retailer or seller for purposes of sales and use tax.

To Ways and Means.

HB 3673 (By Dutton), Relating to offers of settlement in civil cases.

To Judiciary and Civil Jurisprudence.

HB 3674 (By Eiland), Relating to the use of unsworn declarations.

To Judiciary and Civil Jurisprudence.

HB 3675 (By Eiland), Relating to assessments and taxes on subscription video service providers.

To State Affairs.

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

To State Affairs.

HB 3677 (By Brown), Relating to the administrative fee charged by the Department of Information Resources to other entities for the purchase of certain commodity items.

To State Affairs.

HB 3678 (By Brown), Relating to implementation of certain cost-saving measures for the Medicaid vendor drug program and child health plan program prescription drug benefits.

To Public Health.

HB 3679 (By Martinez Fischer), Relating to a prohibition on the marketing of foods of minimal nutritional value on public school campuses.

To Public Health.

HB 3680 (By Martinez Fischer), Relating to the types of food or beverages that may be sold to students on public school campuses.

To Public Health.

HB 3681 (By Martinez Fischer), Relating to assessments of physical fitness of public school students and campus ratings based on that assessment.

To Public Education.

HB 3682 (By Martinez Fischer), Relating to physical activity requirements applicable to public school students.

To Public Education.

HB 3683 (By Martinez Fischer), Relating to hearings and appeals in connection with the insurance commissioner's disapproval of a property and casualty insurance rate.

To Insurance.

HB 3684 (By Callegari), Relating to evaluating and providing for efficient government resource allocation.

To Government Efficiency and Reform.

HB 3685 (By Aliseda), Relating to the collection and distribution of sales taxes and the hours of operation for certain retailers.

To Ways and Means.

HB 3686 (By Brown), Relating to allowing certain identifiable communities in the extraterritorial jurisdiction of a municipality to incorporate.

To County Affairs.

HB 3687 (By Perry), Relating to the closed formulary for workers' compensation pharmaceutical benefits.

To State Affairs.

HB 3688 (By Hochberg), Relating to the collection of contributions by the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 3689 (By Oliveira), Relating to the partnership agreement between The University of Texas at Brownsville and the Texas Southmost College District.

To Higher Education.

HB 3690 (By Anchia), Relating to the boundaries and financing of a public improvement district.

To Urban Affairs.

HB 3691 (By Gallego), Relating to the provision of certain programs and services by a community supervision and corrections department.

To Corrections.

HB 3692 (By Gallego), Relating to peace officer interaction with persons with mental illness and to a person's incompetency to stand trial.

To Criminal Jurisprudence.

HB 3693 (By Gallego), Relating to the supplemental compensation of certain local administrative district judges.

To Judiciary and Civil Jurisprudence.

HB 3694 (By Gallego), Relating to certain requirements of sports officials by the University Interscholastic League.

To Public Education.

HB 3695 (By Gallego), Relating to confidentiality of Class C misdemeanor records related to the conviction of a child.

To Criminal Jurisprudence.

HB 3696 (By Gallego), Relating to concurrent state and federal legislative jurisdiction over units of the national park system in this state.

To Culture, Recreation, and Tourism.

HB 3697 (By Gallego), Relating to the establishment of a Service to Texas requirement for undergraduate students at public institutions of higher education and the establishment of a Service to Texas program.

To Higher Education.

HB 3698 (By Gallego), Relating to jurisdiction of district courts and criminal district courts in certain criminal proceedings.

To Criminal Jurisprudence.

HB 3699 (By Turner), Relating to the disposal of nonparty compact low-level radioactive waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

To Environmental Regulation.

HB 3700 (By Larson), Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

To Transportation.

HB 3701 (By Fletcher), Relating to the confidentiality of certain personal information.

To State Affairs.

HB 3702 (By Raymond), Relating to sales and use tax imposed by boards of certain municipal transit departments.

To Ways and Means.

HB 3703 (By Raymond), Relating to the use of certain aviation and air transportation-related tax proceeds for aviation facilities development.

To Ways and Means.

HB 3704 (By Brown), Relating to the taxation of political subdivisions of the state.

To Ways and Means.

HB 3705 (By Hamilton), Relating to the creation of the disaster reconstruction coordination office within the governor's office; creating the disaster contingency account.

To Homeland Security and Public Safety.

HB 3706 (By Callegari), Relating to measures in anticipation of federal legislation that would recognize the sovereignty of the states by providing each state with autonomy in determining whether and to what extent certain federal programs or mandates would apply in that state.

To Select State Sovereignty.

HB 3707 (By Christian), Relating to the waiting period for certain spouses filing for divorce on the grounds of insupportability.

To Judiciary and Civil Jurisprudence.

HB 3708 (By Hochberg), Relating to the Early High School Graduation Scholarship Program.

To Public Education.

HB 3709 (By Hochberg), Relating to reducing costs in public school extracurricular activities.

To Public Education.

HB 3710 (By Lewis), Relating to filling vacancies in appellate judicial offices by appointment, partisan elections for all judicial offices, and nonpartisan elections for the retention or rejection for all judicial offices.

To Judiciary and Civil Jurisprudence.

HB 3711 (By D. Howard), Relating to requirements for the coordinated admission program at The University of Texas at Austin.

To Higher Education.

HB 3712 (By Giddings), Relating to the reporting of information by a school district relating to certain offenses committed by certain students.

To Public Education.

HB 3713 (By Giddings), Relating to a grant program to promote good citizenship.

To Public Education.

HB 3714 (By McClendon), Relating to the regulation of controlled substances and the establishment of an electronic system for monitoring controlled substances; providing criminal penalties.

To Public Health.

HB 3715 (By Workman), Relating to standards applicable to propane distribution system retailers.

To Energy Resources.

HB 3716 (By Guillen), Relating to the evaluation of applications for certain financial assistance administered by the Texas Department of Housing and Community Affairs.

To Urban Affairs.

HB 3717 (By Guillen), Relating to fees for emergency first response service provided by certain counties.

To Border and Intergovernmental Affairs.

HB 3718 (By Gutierrez), Relating to the sale of real property.

To Business and Industry.

HB 3719 (By Gutierrez), Relating to truancy and the jurisdiction of justice courts

To Public Education.

HB 3720 (By Turner), Relating to the transfer of housing funds from the Texas Department of Housing and Community Affairs to the Texas Veterans Commission.

To Defense and Veterans' Affairs.

HB 3721 (By Patrick), Relating to formula funding for certain semester credit hours earned for dual course credit.

To Higher Education.

HB 3722 (By Guillen), Relating to the boater education program at the parks and wildlife department.

To Culture, Recreation, and Tourism.

HB 3723 (By Guillen), Relating to optional fees on the registration of a vehicle imposed by a county.

To Transportation.

HB 3724 (By Guillen), Relating to the Chronic Kidney Disease Task Force
To Public Health.

HB 3725 (By Guillen), Relating to the preservation and maintenance of the Alamo by the Texas Historical Commission.

To Culture, Recreation, and Tourism.

HB 3726 (By Guillen), Relating to an annual report of the private entity granted care and custody of the Alamo.

To Culture, Recreation, and Tourism.

HB 3727 (By Hilderbran), Relating to the computation of the property tax on temporary production aircraft.

To Ways and Means.

HB 3728 (By Jackson), Relating to the composition of and powers and duties of the Commission on Jail Standards.

To County Affairs.

HB 3729 (By Martinez), Relating to the expansion of extraterritorial jurisdiction in certain municipalities.

To Land and Resource Management.

HB 3730 (By Martinez), Relating to the department of transportation's privatization of maintenance contracts.

To Transportation.

HB 3731 (By Martinez), Relating to the accommodation of bicycles, pedestrians, and mass transit riders on streets and highways.

To Transportation.

HB 3732 (By Martinez), Relating to the authority of a regional mobility authority to enter into a comprehensive development agreement.

To Transportation.

HB 3733 (By Martinez), Relating to the creation of Texas Task Force 3 in the Rio Grande Valley.

To Homeland Security and Public Safety.

HB 3734 (By Martinez), Relating to certain comprehensive development agreements of the Texas Department of Transportation.

To Transportation.

HB 3735 (By Martinez), Relating to the composition of the Texas Commission on Fire Protection and the disposition of certain fees collected by the commission.

To Urban Affairs.

HB 3736 (By Martinez), Relating to appointment of a department head of a fire or police department in certain municipalities.

To Urban Affairs.

HB 3737 (By Martinez), Relating to broadcasting of athletic competitions sponsored or sanctioned by the University Interscholastic League.

To Public Education.

HB 3738 (By Martinez), Relating to the designation of the Mid Valley Airport as the disaster relief headquarters for the Rio Grande Valley.

To Homeland Security and Public Safety.

HB 3739 (By Morrison), Relating to exempting the sale of certain property used for research and development from the sales tax.

To Ways and Means.

HB 3740 (By Guillen), Relating to the preservation and maintenance of the Alamo and the financial accountability and transparency of persons granted care and custody over certain historic state real properties.

To Culture, Recreation, and Tourism.

HB 3741 (By Brown), Relating to an intercollegiate athletics fee at Texas A&M University.

To Higher Education.

HB 3742 (By Schwertner), Relating to the environmental review of certain transportation projects by the Texas Department of Transportation

To Transportation.

HB 3743 (By Workman), Relating to the rights, powers, functions, and duties of the West Travis County Municipal Utility District No. 5.

To Natural Resources.

HB 3744 (By V. Gonzales), Relating to the reimbursement methodology used for certain services provided to Medicaid recipients.

To Public Health.

HB 3745 (By Eiland), Relating to the participation of certain retirees under the proportionate retirement program in the Texas Public School Employees Group Benefits Program.

To Pensions, Investments, and Financial Services.

HB 3746 (By Frullo), Relating to providing resources designed to combat crimes against children, especially crimes regarding child exploitation and child pornography trafficking involving the Internet.

To Criminal Jurisprudence.

HB 3747 (By McClendon), Relating to the selection of certain members of the board of trustees of the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 3748 (By Phillips), Relating to creating the division of forensic services; abolishing the Texas Forensic Science Commission and transferring certain duties of the commission and the Department of Public Safety to the division of forensic services.

To Homeland Security and Public Safety.

HB 3749 (By Oliveira), Relating to establishing certain rights of an owner of the surface estate in land who does not own any interest in the mineral estate in the land in connection with the exploration for and production of the minerals.

To Energy Resources.

HB 3750 (By Dutton), Relating to the waiver of sovereign immunity of a school district for certain claims arising from the provision of community education child care services.

To Judiciary and Civil Jurisprudence.

HB 3751 (By Harper-Brown), Relating to the presiding officers of the early voting ballot board and a recount committee used in certain elections.

To Elections.

HB 3752 (By Harper-Brown), Relating to a financial institution's action regarding certain withdrawals and deposits.

To Pensions, Investments, and Financial Services.

HB 3753 (By P. King), Relating to the employment of physicians and other staff by certain municipal hospital authorities.

To Urban Affairs.

HB 3754 (By Hilderbran), Relating to the powers and duties of the Office of Public Utility Counsel.

To State Affairs.

HB 3755 (By Cook), Relating to management of certain metropolitan rapid transit authorities.

To Transportation.

HB 3756 (By Carter), Relating to imposing liens for labor and materials provided by interior designers.

To Business and Industry.

HB 3757 (By Callegari), Relating to the coordination of rural and small community initiatives.

To Economic and Small Business Development.

HB 3758 (By Giddings), Relating to the issuance of citations to certain public school students on school property during regular school hours or on a vehicle owned or operated by a county or independent school district.

To Public Education.

HB 3759 (By White), Relating to the criminal offenses for which and the circumstances under which certain communication devices may be detected and communications may be intercepted.

To Criminal Jurisprudence.

HB 3760 (By Oliveira), Relating to home loans that are not federally related mortgage loans; providing civil penalties.

To Pensions, Investments, and Financial Services.

HB 3761 (By Marquez), Relating to the treatment of and services provided to certain inmates in the custody of the Texas Department of Criminal Justice, to the provision of medical care to inmates in the custody of the department, to the release of inmates on parole and other forms of supervised release, and to certain other matters affecting the department.

To Corrections.

HB 3762 (By Marquez), Relating to creating a transparent and deliberative process by which execution procedures are determined.

To Corrections.

HB 3763 (By Marquez), Relating to the release of inmates in the custody of the Texas Department of Criminal Justice on parole or other forms of supervised release.

To Corrections.

HB 3764 (By Marquez), Relating to the policies of the Texas Department of Criminal Justice regarding the use of, and treatment of inmates confined in, administrative segregation.

To Corrections.

HB 3765 (By Pitts), Relating to the date on which certain payments are made by the state under the Foundation School Program.

To Appropriations.

HB 3766 (By Pitts), Relating to the use of proceeds from a county jail's commissary operation.

To Appropriations.

HB 3767 (By Pitts), Relating to the exemption from the sales and use tax for tangible personal property or a taxable service that is resold or otherwise transferred.

To Appropriations.

HB 3768 (By Peña), Relating to a lien on a cause of action or claim of an individual who receives emergency medical services in certain counties.

To Judiciary and Civil Jurisprudence.

HB 3769 (By Smithee), Relating to allowing driver education courses to be delivered by course providers.

To Public Education.

HB 3770 (By Burkett), Relating to unstructured activity requirements for public elementary school students.

To Public Education.

HB 3771 (By Harper-Brown), Relating to the authority of the Texas Department of Transportation to approve safety standards for high-speed rail; authorizing a fee.

To Transportation.

HB 3772 (By Pitts), Relating to tax records.

To Appropriations.

HB 3773 (By Pitts), Relating to the duties of the comptroller of public accounts to audit the Office of Court Administration's Collection Improvement Program.

To Appropriations.

HB 3774 (By Pitts), Relating to the administration, collection, enforcement of various taxes and fees; providing penalties.

To Appropriations.

HB 3775 (By Guillen), Relating to deer breeder operations; providing penalties.

To Culture, Recreation, and Tourism.

HB 3776 (By Guillen), Relating to deer identification and deer breeder operations.

To Culture, Recreation, and Tourism.

HB 3777 (By Gallego), Relating to collection, storage, and distribution of criminal history record information; providing penalties.

To Criminal Jurisprudence.

HB 3778 (By Guillen), Relating to deer removal, destruction, and deer breeder operations; providing penalties.

To Culture, Recreation, and Tourism.

HB 3779 (By Guillen), Relating to licensing of deer breeder operations; providing penalties.

To Culture, Recreation, and Tourism.

HB 3780 (By Alonzo), Relating to compliance with rules, bylaws, and written policies adopted by a school district's board of trustees.

To Public Education.

HB 3781 (By Naishtat), Relating to the maintenance by certain hospitals of records regarding certain uncompensated care costs.

To Public Health.

HB 3782 (By Guillen), Relating to deer breeder operations; providing penalties.

To Culture, Recreation, and Tourism.

HB 3783 (By Callegari), Relating to cost-saving and efficiency in government.

To Public Education.

HB 3784 (By Callegari), Relating to the ethics and financial disclosure requirements and audits of certain governmental bodies.

To Government Efficiency and Reform.

HB 3785 (By Callegari), Relating to a tax exemption for inactive oil and gas wells.

To Ways and Means.

HB 3786 (By Craddick), Relating to the requirements for certain extensions of credit to consumers.

To Pensions, Investments, and Financial Services.

HB 3787 (By Allen), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

HB 3788 (By Marquez), Relating to the authority of a county civil service commission to administer oaths and issue subpoenas; providing a penalty.

To County Affairs.

HB 3789 (By Phillips), Relating to the development of toll projects through public-private partnerships.

To Transportation.

HB 3790 (By Pitts), Relating to state fiscal matters.

To Appropriations.

HB 3791 (By Pitts), Relating to the interest on certain tax refunds or credits.

To Appropriations.

HB 3792 (By Burnam), Relating to municipal authority to regulate gas pipelines located within the municipality.

To Energy Resources.

HB 3793 (By Phillips), Relating to the permissible uses of the state highway fund.

To Ways and Means.

HB 3794 (By Burkett), Relating to disputes under insurance policies.

To Insurance.

HB 3795 (By Elkins), Relating to authorized investments for governmental entities.

To Pensions, Investments, and Financial Services.

HB 3796 (By Gallego), Relating to the composition of certain judicial districts.

To Judiciary and Civil Jurisprudence.

HB 3797 (By Gallego), Relating to the validation of the creation, operation, and dissolution of, and certain acts related to, a venue project.

To Ways and Means.

HB 3798 (By Martinez Fischer), Relating to the franchise tax, franchise tax rates and computation; alternative revenue sources and spending priorities for this state; certain taxes affecting businesses; making an appropriation; providing penalties.

To Ways and Means.

HB 3799 (By S. Miller), Relating to timely filing of surplus lines policy; providing penalties.

To Insurance.

HB 3800 (By Paxton), Relating to the licensing and regulation of professional fitness trainers; providing a penalty.

To Licensing and Administrative Procedures.

HB 3801 (By S. Davis), Relating to the exception of certain personal information from disclosure under the public information law.

To State Affairs.

HB 3802 (By S. Davis), Relating to liability of certain public utilities that allow recreational use of land that the public utility owns, occupies, or leases.

To Judiciary and Civil Jurisprudence.

HB 3803 (By Phillips), Relating to the creation of the Cottonwood Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 3804 (By Gallego), Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 3805 (By Morrison), Relating to director elections and powers of the Texana Groundwater Conservation District.

To Natural Resources.

HB 3806 (By Hardcastle), Relating to the authority of the board of directors of the Haskell County Hospital District to employ health care providers.

To County Affairs.

HB 3807 (By Woolley), Relating to the option of providing electronic recordings of proceedings in the municipal court of record for the City of Houston.

To Judiciary and Civil Jurisprudence.

HB 3808 (By T. King), Relating to fishing with certain archery equipment in certain counties.

To Culture, Recreation, and Tourism.

HB 3809 (By Hardcastle), Relating to the authority of the board of directors of the Muenster Hospital District to employ physicians and other health care providers.

To County Affairs.

HJR 12 (By Larson), Proposing a constitutional amendment providing that a member of the legislature or person holding a statewide elective office automatically vacates office on announcing a candidacy or becoming a candidate for another elective office before the final full year of the person's term of office.

To State Affairs.

HJR 13 (By Legler), Proposing a constitutional amendment authorizing garnishment of wages for the recovery of fraudulently obtained unemployment benefits or of taxes or fees owed to the state.

To Economic and Small Business Development.

HJR 14 (By Veasey), Proposing a constitutional amendment authorizing the legislature to create a social loan program.

To Human Services.

HJR 15 (By Rodriguez), Proposing a constitutional amendment increasing the rates of taxes imposed on gasoline and diesel fuel, adjusting those rates annually for inflation, and dedicating certain revenue from those taxes to the design, construction, and maintenance of public roadways.

To Ways and Means.

HJR 129 (By Naishtat), Proposing a constitutional amendment requiring a state senator or state representative to forfeit office on the final conviction of a felony.

To State Affairs.

HJR 130 (By Branch), Meeting requirements of the United States Department of Education concerning federal student aid by naming private institutions of higher education in the State of Texas that are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate.

To Higher Education.

HJR 131 (By Rodriguez), Proposing a constitutional amendment allowing the expenditure of motor vehicle fuel taxes, registration fees, and federal reimbursement for those revenues for passenger rail, transit, and freight rail.

To Transportation.

HJR 132 (By Landtroop), Proposing a constitutional amendment relating to the right to life beginning at fertilization.

To State Affairs.

HJR 133 (By Gonzalez), Proposing a constitutional amendment authorizing a federally recognized Indian tribe in a county along the Texas-Mexico international border to conduct certain gaming activity on certain tribal lands.

To Licensing and Administrative Procedures.

HJR 134 (By Oliveira), Proposing a constitutional amendment authorizing a county to regulate land development if approved by a majority vote in a countywide election.

To Land and Resource Management.

HJR 135 (By Phillips), Proposing a constitutional amendment relating to an individual's or a religious organization's free exercise of religion.

To State Affairs.

HJR 136 (By Price), Proposing a constitutional amendment providing that a legislator who is absent without excuse for an extended period during a legislative session vacates office and is not counted in determining a quorum of the applicable house of the legislature.

To State Affairs.

HJR 137 (By Ritter), Proposing constitutional amendments relating to the funding of certain water projects.

To Natural Resources.

HJR 140 (By Hunter), Proposing a constitutional amendment on the length of legislative terms and number of years a person may serve in the legislature.

To State Affairs.

HJR 144 (By Raymond), Proposing a constitutional amendment regarding the dedication by general law of revenue of or money received by this state and money held in or deposited to an account or fund inside or outside the state treasury and the authorized expenditure or appropriation of revenue or money dedicated by general law.

To Ways and Means.

HJR 145 (By Raymond), Proposing a constitutional amendment providing honesty in state taxation.

To Ways and Means.

HJR 146 (By V. Taylor), Proposing a constitutional amendment to repeal the provision that requires the automatic resignation of certain county, municipal, or district officeholders if they become candidates for another office.

To Elections.

HJR 147 (By Hamilton), Proposing a constitutional amendment authorizing the legislature to legalize and regulate the conduct of gaming in this state and authorizing the conduct of gaming by certain federally recognized Indian tribes.

To Licensing and Administrative Procedures.

HJR 148 (By Ritter), Proposing a constitutional amendment relating to county delegation of authority regarding the disposition of county school lands and proceeds of a county permanent school fund.

To Public Education.

HJR 149 (By Larson), Proposing a constitutional amendment to require the comptroller of public accounts to make a state revenue report after the first year of a state fiscal biennium and the governor to call a special session of the legislature if actual state revenue for that fiscal year was at least five percent less than projected revenue.

To Appropriations.

HJR 150 (By Kleinschmidt), Proposing a constitutional amendment authorizing the legislature to provide for a four-year term for the chief appraiser of an appraisal district.

To Ways and Means.

HJR 151 (By Thompson), Proposing a constitutional amendment authorizing the operation of casino games in this state by federally recognized Indian tribes on certain land.

To Licensing and Administrative Procedures.

HJR 152 (By Thompson), Proposing a constitutional amendment authorizing the operation of casino games in this state by federally recognized Indian tribes on certain land and by licensed operators at horse and greyhound racetracks and licensed locations.

To Licensing and Administrative Procedures.

HJR 153 (By Villarreal), Proposing a constitutional amendment authorizing the legislature to pass laws relating to junior college districts, including laws for the assessment and collection of taxes by a junior college district without the necessity of an election.

To Higher Education.

HJR 154 (By Dutton), Proposing a constitutional amendment increasing the number of state senators from 31 to 41.

To State Affairs.

HJR 155 (By Lewis), Proposing a constitutional amendment for filling vacancies in appellate judicial offices by appointment, for partisan elections for all judicial offices, and for subsequent nonpartisan retention elections for all judicial offices.

To Judiciary and Civil Jurisprudence.

HJR 156 (By C. Howard), Proposing a constitutional amendment to require that taxation be fair and equal and that the full cash value of property, calculated only when property is purchased, constructed, or exchanged, be used for purposes of ad valorem taxation.

To Ways and Means.

HJR 157 (By Phillips), Proposing a constitutional amendment limiting the purposes for which revenue from taxes on motor fuels and lubricants may be used.

To Ways and Means.

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

HB 16 (By Riddle), Relating to requiring a voter to present proof of identification.

To Elections.

HB 112 (By Harless), Relating to requiring a voter to present proof of identification.

To Elections.

HB 186 (By Perry), Relating to requiring a voter to present proof of identification; creating a penalty.

To Elections.

HB 239 (By Parker), Relating to the offense of paying or receiving certain forms of compensation for facilitating the registration of voters; providing criminal penalties.

To Elections.

HB 248 (By Chisum), Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

To Elections.

HB 250 (By Hilderbran), Relating to requiring a voter to present proof of identification; providing penalties.

To Elections.

HB 369 (By Hochberg), Relating to procedures concerning verification of certain information submitted in a voter registration application.

To Elections.

HB 401 (By T. Smith), Relating to requiring a voter to present proof of identification.

To Elections.

HB 539 (By C. Anderson), Relating to requiring a voter to present proof of identification.

To Elections.

HB 624 (By Bonnen), Relating to requiring a voter to present proof of identification.

To Elections.

HB 715 (By Hochberg), Relating to automatic voter registration on issuance or change of a driver's license or identification card by the Department of Public Safety.

To Elections.

HB 1596 (By Isaac), Relating to documentation acceptable as proof of identification for voting.

To Elections.

HB 1912 (By Bonnen), Relating to transferring the Texas Department of Rural Affairs to the Office of Rural Affairs within the Department of Agriculture and abolishing the board of the Texas Department of Rural Affairs.

To Government Efficiency and Reform.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, March 23, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 240 Huffman

Relating to examination requirements for certain applicants for a license to practice medicine.

SB 313 Seliger

Relating to priority groundwater management areas.

SB 411 Estes

Relating to the amount of wine certain wineries may sell directly to consumers.

SB 461 Williams

Relating to the design and issuance of license plates for United States paratroopers.

SB 493 Fraser

Relating to the idling of motor vehicles.

SB 576 Eltife

Relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.

SB 777 Williams

Relating to re-creating the scholarship trust fund for fifth-year accounting students as a trust fund outside the state treasury.

SB 832 Rodriguez

Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, March 23, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 24 Van de Putte

Relating to the prosecution, punishment, and certain criminal and civil consequences of offenses involving or related to the trafficking of persons and to certain protections for victims of those offenses.

SB 144 West

Relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.

SB 181 Shapiro

Relating to the calculation and reporting of water usage by municipalities and water utilities for state water planning and other purposes.

SB 248 Estes

Relating to the regulation of public grain warehouse operators.

SB 329 Watson

Relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.

SB 390 Hegar

Relating to the continuing issuance of freshwater fishing stamps by the Parks and Wildlife Department.

SB 524 Hegar

Relating to the issuance of certain permits for the movement of oversize or overweight vehicles.

SB 801 Hegar

Relating to the authority of the seawall commission in Matagorda County to build and maintain recreational facilities near the seawall.

SJR 9

West

Proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 22Appropriations - **HB 4, HB 275**Border and Intergovernmental Affairs - **HB 397, HCR 68**Defense and Veterans' Affairs - **HB 447**Elections - **HB 174, HB 185, HB 1570**Government Efficiency and Reform - **HB 682**Judiciary and Civil Jurisprudence - **HB 149, HB 345, HB 372, HB 713**State Affairs - **HB 12, HB 197, HB 804**Ways and Means - **HB 645, HB 658, HB 843, HB 1040****ENGROSSED****March 22 - HB 314****ENROLLED****March 22 - HCR 47**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIRST DAY — THURSDAY, MARCH 24, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 153).

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

The invocation was offered by Toby Castleberry, senior pastor, Calvary Baptist Church, Vernon, as follows:

Dear Heavenly Father, today we come into your presence recognizing you, honoring you, and worshipping you. We acknowledge you as our creator, as our sustainer, as our provider, and most of all, as our redeemer. Today we lift up your high and holy name.

Dear Heavenly Father, today we thank you. We thank you for your blessings poured out upon us as a nation, poured out upon us as a state. We thank you for your grace, for your mercy, and for your love.

Father, as we see you this morning we also see ourselves, and we ask that you forgive us. Forgive us when we fail you. Forgive us when we forsake you. Forgive us when we live in neglect of you.

Lord, now today, I pray for those who will labor in this house, for those who will make decisions today, for those who represent our state. I pray that you lead them. I pray that you guide them. I pray that you encourage them. I pray that you will strengthen them. I pray for their families, for their spouses, for their kids, and their grandkids. I pray that you greatly bless them. I pray all of this for your purpose and for your glory. In my king's name, I pray. In Jesus' name. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Larson who presented Dr. Tamara Dominguez of San Antonio as the "Doctor for the Day."

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

HB 1 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **HB 1** (the general appropriations bill):

During second reading and third reading consideration of the bill, any amendment that adds or increases an item of appropriation in Articles I-X is not in order unless the amendment contains an equal or greater reduction in one or more other items of appropriation in one of those articles from the fund or funds against which the appropriation is to be certified. The provisions of this rule do not apply to an amendment that makes an adjustment in an item of appropriations solely to correct a technical clerical error.

The Committee on Calendars rule was adopted by (Record 154): 143 Yeas, 0 Nays, 1 Present, not voting. (The vote was reconsidered later today, and the Committee on Calendars rule was adopted by Record No. 155.)

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; 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; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg;

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

Present, not voting — Mr. Speaker(C).

Absent — Brown; Hernandez Luna; Lucio; Mallory Caraway; Patrick; Torres.

STATEMENTS OF VOTE

When Record No. 154 was taken, my vote failed to register. I would have voted yes.

Hernandez Luna

When Record No. 154 was taken, my vote failed to register. I would have voted yes.

Lucio

When Record No. 154 was taken, my vote failed to register. I would have voted yes.

Mallory Caraway

When Record No. 154 was taken, my vote failed to register. I would have voted yes.

Patrick

(Torres in the chair)

HR 298 - PREVIOUSLY ADOPTED (by Hardcastle)

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

HR 298, Recognizing March 24, 2011, as Wilbarger County and City of Vernon Day at the State Capitol.

INTRODUCTION OF GUESTS

The chair recognized Representative Hardcastle who introduced a delegation from Wilbarger County.

HR 937 - ADOPTED (by Walle)

Representative Walle moved to suspend all necessary rules to take up and consider at this time **HR 937**.

The motion prevailed.

The following resolution was laid before the house:

HR 937, Welcoming students, parents, teachers, and administrators from Assumption Catholic School in Houston to the State Capitol.

HR 937 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Workman who introduced players and coaches of the Regents School of Austin football team.

HCR 62 - PREVIOUSLY ADOPTED

(by Workman, et al.)

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

HCR 62, Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

On motion of Representative Flynn, the names of all the members of the house were added to **HCR 62** as signers thereof.

HR 130 - ADOPTED

(by P. King)

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 130**.

The motion prevailed.

The following resolution was laid before the house:

HR 130, Honoring the Grace After Fire organization for providing support and resources to women veterans.

HR 130 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 130** as signers thereof.

RESOLUTIONS ADOPTED

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 860**, **HR 891 - HR 893**, and **HR 1009 - HR 1011**.

The motion prevailed.

The following resolutions were laid before the house:

HR 860 (by Cain), Honoring Robert William Coldwell of Mount Pleasant High School on his visit to the State Capitol.

HR 891 (by Gallego), Honoring Joe Trevino for his contributions to the state champion San Felipe High School golf team of 1957.

HR 892 (by Gallego), Honoring Felipe Romero for his contributions to the state champion San Felipe High School golf team of 1957.

HR 893 (by Gallego), Honoring Higinio "Gene" Vasquez for his contributions to the state champion San Felipe High School golf team of 1957.

HR 1009 (by Gallego), Honoring Mario Reyes Lomas for his contributions to the state champion San Felipe High School golf team of 1957.

HR 1010 (by Gallego), Honoring Lupe Felan for his contributions to the San Felipe High School golf teams of 1956 and 1957.

HR 1011 (by Gallego), Honoring Humberto G. Garcia of Del Rio, the author of the book Mustang Miracle about the state champion San Felipe High School golf team of 1957.

The resolutions were adopted.

On motion of Representative Castro, the names of all the members of the house were added to **HR 860, HR 891 - HR 893, and HR 1009 - HR 1011** as signers thereof.

HR 1008 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1008**.

The motion prevailed.

The following resolution was laid before the house:

HR 1008, Honoring the 1957 San Felipe High School state champion golf team and Humberto Garcia, who tells the team's story in the book Mustang Miracle.

HR 1008 was read and was adopted.

On motion of Representative Castro, the names of all the members of the house were added to **HR 1008** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gallego who introduced Humberto Garcia and members of the 1957 San Felipe High School golf team.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 1016 - ADOPTED
(by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 1016**.

The motion prevailed.

The following resolution was laid before the house:

HR 1016, Recognizing March 25, 2011, as Greek Independence Day.

HR 1016 was adopted.

HR 1022 - ADOPTED**(by Geren)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1022**.

The motion prevailed.

The following resolution was laid before the house:

HR 1022, In memory of former Texas state senator Don Kennard.

HR 1022 was unanimously adopted by a rising vote.

HR 882 - ADOPTED**(by L. Taylor)**

Representative L. Taylor moved to suspend all necessary rules to take up and consider at this time **HR 882**.

The motion prevailed.

The following resolution was laid before the house:

HR 882, Welcoming members of Leadership Friendswood to the State Capitol on March 24, 2011.

HR 882 was read and was adopted.

HR 936 - ADOPTED**(by Smithee and Price)**

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 936**.

The motion prevailed.

The following resolution was laid before the house:

HR 936, Honoring Wales H. Madden, Jr., of Amarillo.

HR 936 was adopted.

HR 1013 - ADOPTED**(by Lozano)**

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 1013**.

The motion prevailed.

The following resolution was laid before the house:

HR 1013, Honoring Dr. Louis Agnese, Jr., on the occasion of the 25th anniversary of his inauguration as president of the University of the Incarnate Word.

HR 1013 was adopted.

HR 989 - ADOPTED**(by D. Howard)**

Representative D. Howard moved to suspend all necessary rules to take up and consider at this time **HR 989**.

The motion prevailed.

The following resolution was laid before the house:

HR 989, Recognizing the Texas Council of Teachers of English Language Arts on the occasion of its Legislative Advocacy Day at the State Capitol.

HR 989 was read and was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 11).

HB 1 - VOTE RECONSIDERED

Representative Hunter moved to reconsider the vote by which the Committee on Calendars rule on **HB 1** was adopted.

The motion to reconsider prevailed.

The Committee on Calendars rule was adopted by (Record 155): 104 Yeas, 44 Nays, 2 Present, not voting.

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

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

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

STATEMENT OF VOTE

I was shown voting yes on Record No. 155. I intended to vote no.

T. King

**HR 967 - ADOPTED
(by Alvarado, Hernandez Luna, and Farrar)**

Representative Alvarado moved to suspend all necessary rules to take up and consider at this time **HR 967**.

The motion prevailed.

The following resolution was laid before the house:

HR 967, Honoring Father William Culpeper Davis on his 80th birthday.

HR 967 was adopted.

On motion of Representative Hernandez Luna, the names of all the members of the house were added to **HR 967** as signers thereof.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, during bill referral today, in E2.030, to consider the previously posted agenda and pending business.

Permission to meet was granted.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

SCR 28 was previously adopted.

SCR 29 was previously adopted.

HR 513 (by Phillips), Recognizing February 24, 2011, as Texas Farm Bureau District 4 Day at the State Capitol.

HR 580 (by Flynn), Recognizing May 2011 as Motorcycle Safety and Awareness Month.

HR 611 (by P. King), Recognizing March 2011 as American Red Cross Month and honoring the Parker County Branch of the Chisholm Trail Regional Chapter of the American Red Cross.

HR 618 (by Landtroop), Recognizing March 1, 2011, as Texas Farm Bureau District 2 Day at the State Capitol.

HR 656 (by Lavender), Welcoming students from Texas Middle School in Texarkana to the State Capitol.

HR 658 (by Zerwas), Welcoming members of the West I-10 Chamber of Commerce to the State Capitol.

HR 684 (by Flynn), Congratulating Chester and Clara Lee of Greenville on their 50th wedding anniversary.

HR 749 (by Veasey), Commemorating the Read Across America celebration of Dr. Seuss's 107th birthday at Sunrise McMillian Elementary School in Fort Worth.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 793 (by Veasey), In memory of Juanita Maurine Cash of Fort Worth.

HR 794 (by Veasey), In memory of Laura Castleberry of Fort Worth.

The resolutions were unanimously adopted by a rising vote.

(Huberty in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Phillips moved to suspend the five-day posting rule to allow the Committee on Transportation to consider **HB 3413** at 9 a.m. Monday, March 28 in E2.036.

The motion prevailed.

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider bills and resolutions previously scheduled for the March 23 public hearing, 30 minutes after adjournment today in JHR 140.

The motion prevailed.

Representative Sheffield moved to suspend the five-day posting rule to allow the Committee on Energy Resources to consider bills previously scheduled for March 23 at 1 p.m or upon adjournment today in E2.036.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Chisum on motion of Otto.

(Speaker in the chair)

EMERGENCY CALENDAR SENATE BILLS THIRD READING

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

SB 14 ON THIRD READING

(Harless, L. Taylor, Peña, Truitt, T. Smith, et al. - House Sponsors)

SB 14, A bill to be entitled An Act relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

(Chisum now present)

SB 14 was passed by (Record 156): 101 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

GENERAL STATE CALENDAR

HOUSE BILLS

THIRD READING

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

HB 451 ON THIRD READING

(by Lucio, Creighton, Branch, and Bohac)

HB 451, A bill to be entitled An Act relating to the creation of a Don't Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state.

HB 451 was passed by (Record 157): 132 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; 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; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst;

Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Aycock; Cain; Callegari; Darby; Hardcastle; Howard, C.; Jackson; Landtroop; Lyne; Miller, S.; Paxton; Perry; Phillips; Simpson; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Wednesday, March 30.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Local and Consent Calendars, upon adjournment today, 3W.15, for a formal meeting, to set a calendar.

Public Education, upon adjournment today, Desk 56, for a formal meeting, to consider pending business.

Natural Resources, upon adjournment today, 1W.14, for a formal meeting, to consider pending business.

Human Services, upon adjournment today, Desk 12, for a formal meeting, to consider pending business.

Energy Resources, 1 p.m. or upon adjournment today, E2.036, for a public hearing, to consider bills previously scheduled for March 23.

Corrections, upon adjournment today, Desk 50, for a formal meeting, to consider pending business.

Higher Education, upon adjournment today, Desk 94, for a formal meeting, to consider **HB 2631**, **HB 2909**, and pending business.

Environmental Regulation, upon adjournment today, 3W.9, for a formal meeting, to consider pending business.

Technology, upon adjournment today, 3W.15, for a formal meeting, to consider pending business.

State Affairs, 30 minutes after adjournment today, JHR 140, for a public hearing, to consider bills and resolutions previously scheduled for March 23.

FIVE-DAY POSTING RULE SUSPENDED

Representative Coleman moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **HB 1869** at 10:30 a.m. or upon adjournment today in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, upon adjournment today, E2.016, for a public hearing, to consider **HB 1869** and the posted agenda.

ADJOURNMENT

Representative Price moved that the house adjourn until 1 p.m. Monday, March 28.

The motion prevailed.

The house accordingly, at 11:44 a.m., adjourned until 1 p.m. Monday, March 28.

ADDENDUM

SIGNED BY THE SPEAKER

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

Senate List No. 11

SCR 28, SCR 29

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, March 24, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:
LOCAL AND UNCONTESTED CALENDAR

SB 37 Zaffirini

Relating to the duration of the interagency task force on ensuring appropriate care settings for persons with disabilities.

SB 61 Zaffirini

Relating to juvenile case managers.

SB 72 Nelson

Relating to streamlining of and utilization management in Medicaid long-term care waiver programs.

SB 77 Nelson

Relating to certain requirements for certain sponsoring organizations and other institutions participating in the Child and Adult Care Food Program.

SB 80 Nelson

Relating to public health laboratories administered by the Department of State Health Services.

SB 101 Van de Putte

Relating to the regulation of nonjudicial foreclosure on residences owned by certain members of the military, including foreclosure by a property owners' association.

SB 132 Wentworth

Relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.

SB 193 Nelson

Relating to the regulation of the practice of nursing.

SB 221 Nelson

Relating to the Department of Family and Protective Services, including protective services and investigations of alleged abuse, neglect, or exploitation for certain adults who are elderly or disabled; providing a criminal penalty.

SB 228 Nelson

Relating to reporting requirements for institutions of higher education conducting human stem cell research.

SB 250 Zaffirini

Relating to protective orders for stalking victims.

SB 256 Nelson

Relating to requiring a private autopsy facility to post a notice for filing a complaint against a physician; providing a penalty.

SB 279 Davis

Relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

SB 282 Zaffirini

Relating to eliminating certain reporting, planning, student developmental, and other requirements imposed on the Texas Higher Education Coordinating Board or public institutions of higher education.

SB 283 Harris

Relating to the appointment of associate judges in child protective services cases.

SB 286 Harris

Relating to attorney's fees and other amounts taxed as costs in guardianship proceedings.

SB 333 Fraser

Relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.

SB 335 Fraser

Relating to an exemption from regulation as health spas for certain governmental hospitals and clinics.

SB 351 Williams

Relating to the maximum capacity of a container of wine sold to a retail dealer.

SB 360 Fraser

Relating to the composition and use of money in the rural water assistance fund.

SB 398 Duncan

Relating to the board of hospital managers of the Lubbock County Hospital District.

SB 400 Shapiro

Relating to the entities eligible to make purchases using the cooperative purchasing program administered by the comptroller.

SB 439 Van de Putte

Relating to an exclusion from unemployment compensation chargebacks for certain employers of uniformed service members.

SB 458 Seliger

Relating to initial claims under the unemployment compensation system.

SB 481 Harris

Relating to the removal of a guardian of an incapacitated person ordered by a court.

SB 485 Huffman

Relating to proper venue for certain criminal prosecutions of mortgage fraud.

SB 488 Van de Putte

Relating to criminal background checks on users of online dating services and to disclosures of online dating safety measures; providing a civil penalty.

SB 490 Fraser

Relating to the Hamilton County Hospital District.

SB 494 Fraser

Relating to the authority of certain local governmental entities to borrow money for a public hospital.

- SB 502** West
Relating to determinations of paternity; creating an offense.
- SB 503** Jackson
Relating to coverage for certain towing and storage expenses under a motor vehicle insurance policy.
- SB 542** Hegar
Relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.
- SB 543** Hegar
Relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.
- SB 545** Seliger
Relating to employment records for law enforcement officers, including procedures to correct employment termination reports; providing an administrative penalty.
- SB 558** Duncan
Relating to the Swisher Memorial Hospital District.
- SB 559** Duncan
Relating to the Rankin County Hospital District.
- SB 563** Jackson
Relating to information regarding job matching services provided by the Texas Workforce Commission; providing a criminal penalty.
- SB 567** Williams
Relating to the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.
- SB 582** Harris
Relating to service of process on certain domestic and foreign entities for the collection of delinquent property taxes.
- SB 594** Van de Putte
Relating to certain procedures applicable to electronic prescriptions for Schedule II controlled substances.
- SB 633** Hinojosa
Relating to the educational scope of Texas A&M University—Corpus Christi.
- SB 638** Jackson
Relating to the computation of a surplus credit for certain successor employing units.
- SB 716** Harris
Relating to the periodic review of the child support guidelines.
- SB 761** West
Relating to the employment of physicians by certain hospitals associated with nonprofit fraternal organizations.
- SB 764** Williams

Relating to a prohibition against use of school district resources for a hotel.

SB 785 Harris

Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

SB 792 Duncan

Relating to the duties of the secretary of state.

SB 799 Nelson

Relating to the definition of "first sale" for purposes of the taxes imposed on certain liquor.

SB 850 Zaffirini

Relating to formula funding for certain semester credit hours earned for dual course credit.

SB 851 Zaffirini

Relating to a uniform deadline for student financial assistance for public institutions of higher education other than public junior colleges.

SB 859 Duncan

Relating to small and large employer health group cooperatives.

SB 886 Carona

Relating to the execution docket and other records of certain court clerks.

SB 890 Carona

Relating to certain promotional activities for certain alcoholic beverage permit holders.

SB 892 Carona

Relating to the approval of designs, plans, and specifications of industrialized housing and buildings.

SB 918 Wentworth

Relating to immunity for reporting insurance fraud.

SB 944 Jackson

Relating to the creation of an advisory committee to make recommendations to the commissioner of insurance regarding certain automobile insurance claims.

SB 983 Carona

Relating to the elimination of certain requirements for certain customer-specific communications contracts.

SCR 11 Hegar

Designating May 22 of each year from 2011 through 2020 as William Elmo Merrem Day in honor of the first Eagle Scout from Texas.

SCR 16 Nelson

Designating the month of March each year from 2011 through 2020 as Women Veterans Month in tribute to the immeasurable contributions that women in the military have made to this nation.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 23

Appropriations - **HB 1**

Insurance - **HB 1157**

Judiciary and Civil Jurisprudence - **HB 289, HB 906, HB 942, HB 1209, HB 1438, HB 1674, HB 1970**

Natural Resources - **HB 1120, HB 1524**

Ways and Means - **HB 258**

SENT TO THE GOVERNOR

March 23 - HCR 47

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SECOND DAY — MONDAY, MARCH 28, 2011

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

The roll of the house was called and a quorum was announced present (Record 158).

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

Absent, Excused — Castro.

Absent — Allen.

The invocation was offered by Representative Hardcastle.

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

LEAVE OF ABSENCE GRANTED

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

Castro on motion of Walle.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Brown who presented Dr. KurtisW. Davis and Dr. John Simmons of Bryan as the "Doctors for the Day."

The house welcomed Drs. Davis and Simmons and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Deshotel in the chair)

LEAVE OF ABSENCE GRANTED

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

Allen on motion of Deshotel.

HR 1038 - ADOPTED

(by Ritter)

Representative Ritter moved to suspend all necessary rules to take up and consider at this time **HR 1038**.

The motion prevailed.

The following resolution was laid before the house:

HR 1038, Recognizing March 28, 2011, as Leadership Southeast Texas Day at the State Capitol.

HR 1038 was read and was adopted.

On motion of Representative Deshotel, the names of all the members of the house were added to **HR 1038** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representatives Ritter and Hamilton who introduced representatives of Leadership Southeast Texas.

(Geren in the chair)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, upon adjournment today, 3W.15, for a formal meeting, to set a calendar.

(Veasey in the chair)

HR 850 - ADOPTED**(by Burkett)**

Representative Burkett moved to suspend all necessary rules to take up and consider at this time **HR 850**.

The motion prevailed.

The following resolution was laid before the house:

HR 850, Recognizing March 28, 2011, as Miss Texas Day at the State Capitol and honoring Ashley Melnick, Miss Texas 2010, and Madison Fuller, Miss Teen Texas 2010.

HR 850 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Burkett who introduced Ashley Melnick, Miss Texas 2010, and Madison Fuller, Miss Teen Texas 2010.

(L. Gonzales in the chair)

HR 1060 - ADOPTED**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1060**.

The motion prevailed.

The following resolution was laid before the house:

HR 1060, Commemorating the 19th annual scholarship luncheon and fashion gala hosted by the Knights of Peter Claver and its ladies auxiliary, Council and Court No. 72.

HR 1060 was adopted.

(Otto in the chair)

HR 866 - ADOPTED**(by Rodriguez)**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 866**.

The motion prevailed.

The following resolution was laid before the house:

HR 866, In memory of Denis J. Guenin of San Antonio.

HR 866 was unanimously adopted by a rising vote.

(Speaker in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Judiciary and Civil Jurisprudence to consider **HB 3673** at 2 p.m. or upon adjournment today in E2.010.

The motion prevailed.

Representative W. Smith moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Environmental Regulation to consider **HB 1933** at 1:30 p.m. or upon final adjournment/recess Wednesday, March 30 in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, 1:30 p.m. or upon final adjournment/recess Wednesday, March 30, E2.030, for a public hearing, to consider **HB 1933** and the previously posted agenda.

Judiciary and Civil Jurisprudence, 2 p.m. or upon adjournment today, E2.010, for a public hearing, to consider **HB 3673** and the previously posted agenda.

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

Calendars, upon adjournment today, 3W.15, for a formal meeting, to set a calendar.

(Kuempel in the chair)

Culture, Recreation, and Tourism, upon adjournment today, Desk 16, for a formal meeting, to consider pending business.

PROVIDING FOR ADJOURNMENT

Representative Thompson moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 12 p.m. tomorrow in memory of Representative Allen's husband, Lawrence Alvin Allen, Sr., of Houston.

The motion prevailed.

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

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

(P. King in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:51 p.m., adjourned until 12 p.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 3810 (By Fletcher), Relating to the creation of Harris County Improvement District No. 22; providing authority to levy an assessment, impose a tax, and issue bonds.

To Urban Affairs.

HB 3811 (By Gallego), Relating to the annual audit of the books and records of the Big Bend Regional Hospital District.

To County Affairs.

HB 3812 (By C. Howard), Relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 3813 (By Isaac), Relating to the Hudson Ranch Fresh Water Supply District No. 1.

To Natural Resources.

HB 3814 (By Rodriguez), Relating to certain financial powers and duties of the Travis-Creedmoor Municipal Utility District.

To Natural Resources.

HB 3815 (By Lewis), Relating to the authority of the Ector County Hospital District to employ and commission peace officers.

To County Affairs.

HB 3816 (By Hardcastle), Relating to the authority of the board of directors of the Nocona Hospital District to employ physicians and other health care providers.

To County Affairs.

HB 3817 (By Hardcastle), Relating to the authority of the Gainesville Hospital District to employ physicians and other health care providers.

To County Affairs.

HB 3818 (By Geren), Relating to a limitation on production fees on groundwater withdrawals assessed by the Northern Trinity Groundwater Conservation District.

To Natural Resources.

HB 3819 (By Crownover), Relating to the creation of the Valencia Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.

To Urban Affairs.

HB 3820 (By Giddings), Relating to a consumer's option to prevent the sale of the consumer's financial information by a financial institution; providing a civil penalty.

To Pensions, Investments, and Financial Services.

HB 3821 (By Eiland), Relating to temporary directors and the continuation in existence of the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County.

To Natural Resources.

HB 3822 (By Workman), Relating to land excluded from the Hill Country Priority Groundwater Management Area.

To Natural Resources.

HB 3823 (By Thompson), Relating to the regulation of certain telecommunicators; providing penalties.

To Homeland Security and Public Safety.

HB 3824 (By Eiland), Relating to the board of directors of the Cedar Bayou Navigation District.

To Transportation.

HB 3825 (By Phillips), Relating to the Fannin County Juvenile Board.

To Corrections.

HB 3826 (By Eiland), Relating to the board of directors of the Cedar Bayou Navigation District.

To Transportation.

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

HB 257 (By Hilderbran), Relating to the periods for presumed abandonment of certain unclaimed personal property.

To Ways and Means.

HB 3472 (By Patrick), Relating to the ethics and financial disclosure requirements of members of the governing board, officers, and employees of certain public retirement systems and officers and employees of a nonprofit corporation for investment of the permanent university fund.

To Pensions, Investments, and Financial Services.

HB 3604 (By Smithee), Relating to enforcement of certain insurance provisions in construction contracts.

To Insurance.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, March 28, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 62 Workman SPONSOR: Watson
Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

HCR 114 Craddick SPONSOR: Wentworth
Designating April 2011 as Distracted Driving Awareness Month in Texas.

SB 117 Uresti
Relating to allowing municipally owned utility systems in certain cities to fund a program to aid low-income residents in paying their bills.

SB 219 Nelson
Relating to health and mental health services for children in foster care and kinship care.

SB 356 Watson
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 387 Williams
Relating to the sale and consumption in this state of raw oysters harvested from Texas waters.

SB 430 Nichols
Relating to written notice to a groundwater conservation district of groundwater contamination.

SB 478 Estes
Relating to the protection of stray bison.

SB 622 Nelson

Relating to the privacy of protected health information and personal information; providing civil and criminal penalties.

SB 690 Carona

Relating to the enforcement of a self-service storage facility lien; providing a penalty.

SB 762 Carona

Relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

SB 798 Nelson

Relating to the amounts of administrative penalties assessed or imposed against certain health facilities.

SB 889 Carona

Relating to assignment of rents to holders of certain security interests in real property.

SB 945 Patrick

Relating to authorizing a public junior college to award an associate degree to a student enrolled in a four-year public institution of higher education who previously attended the junior college.

SB 966 Uresti

Relating to high school diplomas for certain military veterans.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 24

Criminal Jurisprudence - **HB 994, HB 1173, HB 1215, HB 1343**

Environmental Regulation - **HB 1981**

Judiciary and Civil Jurisprudence - **HB 720**

Ways and Means - **HB 11**

March 25

Business and Industry - **HB 346, HB 366, HB 989, HB 1228**

Corrections - **HB 1770, HB 1940, HB 2124**

Economic and Small Business Development - **HB 479, HB 1050**

Higher Education - **HB 399, HB 650, HB 723, HB 1341, HB 2631, HB 2909**

Human Services - **HB 841, HB 943, HB 1493, HB 2258, HB 2609**

Insurance - **HB 1020, HB 2154, HB 2503**

Licensing and Administrative Procedures - **HB 1804, HB 2375**

Natural Resources - **HB 444, HB 571, HB 610, HB 849, HB 865**

Technology - **HB 1504, HB 2340**

ENGROSSED

March 24 - HB 451

SIGNED BY THE GOVERNOR

March 24 - HCR 10, HCR 28, HCR 40, HCR 56, HCR 59, HCR 76

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-THIRD DAY — TUESDAY, MARCH 29, 2011

The house met at 12 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 159).

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

Absent, Excused — Allen; Smithee.

The invocation was offered by Reverend Bob D. Long, pastor, Rally Call Ministries, Austin, as follows:

Lord, we open today's house session acknowledging you in all our ways, and we give thanks to you, O God, father of our Lord Jesus Christ, Creator God, and God of the Bible. We give thanks to you for sending your son, Jesus Christ, to give his life as ransom and redemption for whosoever would believe upon him.

We acknowledge you as the author and giver of life, liberty, and the pursuit of happiness. We thank you for that being the very foundation of America, Lord. May it be the inheritance we leave to the generations following us. Lord, you have declared that blessed is the nation whose God is the Lord. May Texas be a part of bringing America into being blessed again in that very way, O God. In the

name of Jesus, I pray that you grace these elected leaders to honor those foundations more than they ever have before and that our lives and our laws will reflect that more at the end of this session than it did in the beginning.

We acknowledge today, Lord, that righteousness and justice are the very foundation of your throne. I am asking you, Lord, to empower this house to keep honesty, truth, and justice as the foundation of every decision, in the name of Jesus. We acknowledge that your voice is majestic, that your voice is powerful, that your voice is heard upon the waters, that you, the very God of glory, do thunder. Lord, your voice makes the very earth shake. Your voice makes the nations shake. The sea and the dry lands shake at your voice. Lord, in the name of Jesus, I pray that today your voice will be heard in the heart of every house member. We acknowledge that human civil government was instituted by you, O God, and, therefore, all human governments are accountable and answerable to you. We acknowledge that civil government is a servant to you and to the people and not the other way around. We acknowledge that holding governmental office is a calling from you. I pray today that by your Holy Spirit, you will constantly remind every one of these elected men and women that you alone are the one we ultimately answer to. Lord, I pray that these men and women make a difference in the State of Texas. When this session ends, let the decisions made and the laws passed all be ones that you will be pleased with and that the people will be blessed by. In Jesus' name. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Allen on motion of Thompson.

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

Smithee on motion of Jackson.

REGULAR ORDER OF BUSINESS SUSPENDED

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CAPITOL PHYSICIAN

The speaker recognized Representative D. Miller who presented Dr. Todd Howell of Fredericksburg as the "Doctor for the Day."

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

(Harper-Brown in the chair)

HR 528 - PREVIOUSLY ADOPTED

(by Aliseda)

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

HR 528, Recognizing March 29, 2011, as Goliad County Day at the State Capitol.

INTRODUCTION OF GUESTS

The chair recognized Representative Aliseda who introduced a delegation from Goliad County.

HR 941 - ADOPTED

(by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 941**.

The motion prevailed.

The following resolution was laid before the house:

HR 941, Recognizing March 29, 2011, as Hopkins County Day at the State Capitol.

HR 941 was read and was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 941** as signers thereof.

HR 1020 - ADOPTED

(by Orr and Zedler)

Representative Orr moved to suspend all necessary rules to take up and consider at this time **HR 1020**.

The motion prevailed.

The following resolution was laid before the house:

HR 1020, Honoring the members of the Burleson Area Chamber of Commerce on the occasion of their visit to the State Capitol on March 29, 2011.

HR 1020 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Orr who introduced members of the Burleson Area Chamber of Commerce.

(Speaker in the chair)

HCR 79 - ADOPTED

(by Aliseda and Sheets)

Representative Aliseda moved to suspend all necessary rules to take up and consider at this time **HCR 79**.

The motion prevailed.

The following resolution was laid before the house:

HCR 79, In memory of U.S. Marine Corps Lance Corporal Colton Wesley Rusk of Orange Grove.

HCR 79 was read and was unanimously adopted by a rising vote.

On motion of Representative Sheets, the names of all the members of the house were added to **HCR 79** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Aliseda who introduced family members of U.S. Marine Corps Lance Corporal Colton Wesley Rusk and his military working dog, Eli.

(Hamilton in the chair)

HR 840 - ADOPTED

(by W. Smith, Berman, Zedler, Farias, and White)

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 840**.

The motion prevailed.

The following resolution was laid before the house:

HR 840, Recognizing March 29, 2011, as Vietnam Veterans Day.

HR 840 was read and was adopted.

On motion of Representative Flynn, the names of all the members of the house were added to **HR 840** as signers thereof.

HR 1031 - ADOPTED

(by Sheffield)

Representative Sheffield moved to suspend all necessary rules to take up and consider at this time **HR 1031**.

The motion prevailed.

The following resolution was laid before the house:

HR 1031, Recognizing March 29, 2011, as Texas Charity Advocates Day at the State Capitol.

HR 1031 was read and was adopted.

On motion of Representative Nash, the names of all the members of the house were added to **HR 1031** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Sheffield who introduced members of the Boys & Girls Club of Killeen.

HCR 123 - ADOPTED
(by Scott, et al.)

Representative Scott moved to suspend all necessary rules to take up and consider at this time **HCR 123**.

The motion prevailed.

The following resolution was laid before the house:

HCR 123, Honoring the Vietnam Veterans Memorial Fund and the National Park Service for their collaboration on The Education Center at The Wall.

HCR 123 was adopted.

HR 1051 - ADOPTED
(by W. Smith and Legler)

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 1051**.

The motion prevailed.

The following resolution was laid before the house:

HR 1051, Honoring the Deer Park Chamber of Commerce for its outstanding work in behalf of its community.

HR 1051 was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HR 1051** as signers thereof.

HR 1050 - ADOPTED
(by Shelton)

Representative Shelton moved to suspend all necessary rules to take up and consider at this time **HR 1050**.

The motion prevailed.

The following resolution was laid before the house:

HR 1050, Honoring Harmony Science Academy of Fort Worth.

HR 1050 was adopted.

HR 1028 - ADOPTED
(by L. Gonzales)

Representative L. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 1028**.

The motion prevailed.

The following resolution was laid before the house:

HR 1028, Congratulating the McNeil High School boys' basketball team on winning the 400th game in its history.

HR 1028 was adopted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Pickett moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Defense and Veterans' Affairs to consider **HB 2042** at 8 a.m. Thursday, March 31 in E2.012.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Hardcastle requested permission for the Committee on Agriculture and Livestock to meet while the house is in session, during bill referral today, in E1.014, to consider pending business.

Permission to meet was granted.

Representative Quintanilla requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, during bill referral today, in E2.012, to continue the posted agenda.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative J. Davis moved to suspend the five-day posting rule to allow the Committee on Economic and Small Business Development to consider **HB 1711**, **HB 2463**, **HB 2538**, **HB 2581**, **HB 2654**, and **HB 2831** at 8 a.m. tomorrow in E2.010.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, during bill referral today, in 3W.9, to consider pending items.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Coleman moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **HB 2266** upon final adjournment Thursday, March 31 in E2.016.

The motion prevailed.

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **HB 263**, **HB 1900**, and **HB 3258** 30 minutes after final adjournment tomorrow in JHR 140.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

Representative Creighton requested permission for the Select Committee on State Sovereignty to meet while the house is in session, during bill referral today, in 1W.14, to consider pending business and to reconsider the vote on **HB 32**, **HB 335**, and **HCR 27**.

Permission to meet was granted.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. Thursday, March 31.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Economic and Small Business Development, upon final recess today, Desk 14, for a formal meeting, to consider pending business.

Economic and Small Business Development, 8 a.m. tomorrow, E2.010, for a public hearing, to consider **HB 1711**, **HB 2463**, **HB 2538**, **HB 2581**, **HB 2654**, and **HB 2831**.

State Affairs, 30 minutes after final adjournment tomorrow, JHR 140, for a public hearing, to consider **HB 263**, **HB 1900**, **HB 3258**, and the previously posted agenda.

County Affairs, during bill referral today, 3W.9, for a formal meeting, to consider pending items.

Select Committee on State Sovereignty, during bill referral today, 1W.14, for a formal meeting, to consider pending business and to reconsider the vote on **HB 32**, **HB 335**, and **HCR 27**.

Judiciary and Civil Jurisprudence, 9:30 a.m. tomorrow, E2.036, for a formal meeting, to consider pending business.

State Affairs, during bill referral today, 3W.15, for a formal meeting, to consider pending business.

Rules and Resolutions, upon final recess today, 1W.14, for a formal meeting, to set a calendar.

Defense and Veterans' Affairs, 8 a.m. Thursday, March 31, E2.012, for a public hearing, to consider **HB 2042** and pending business.

PROVIDING FOR RECESS

Representatives Schwertner and D. Howard moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow in memory of Anthony "Biff" Johnson of Leander.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1, 2, and 3.)

(S. King in the chair)

RECESS

In accordance with a previous motion, the house, at 1:34 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 3827 (By Zerwas), Relating to the creation of the Fulshear Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

To Natural Resources.

HB 3828 (By Hochberg), Relating to the creation of the Gulfton Area Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

To Natural Resources.

SB 24 to Judiciary and Civil Jurisprudence.

SB 37 to Human Services.

SB 43 to Judiciary and Civil Jurisprudence.

SB 61 to Corrections.

SB 67 to Higher Education.

SB 85 to Judiciary and Civil Jurisprudence.

SB 101 to Defense and Veterans' Affairs.

SB 115 to Judiciary and Civil Jurisprudence.

- SB 118** to Public Health.
- SB 121** to Criminal Jurisprudence.
- SB 132** to Homeland Security and Public Safety.
- SB 141** to Pensions, Investments, and Financial Services.
- SB 156** to Public Health.
- SB 160** to Natural Resources.
- SB 176** to Higher Education.
- SB 192** to Public Health.
- SB 193** to Public Health.
- SB 209** to Corrections.
- SB 244** to Homeland Security and Public Safety.
- SB 247** to Culture, Recreation, and Tourism.
- SB 250** to Criminal Jurisprudence.
- SB 257** to Transportation.
- SB 271** to Natural Resources.
- SB 279** to Judiciary and Civil Jurisprudence.
- SB 292** to Natural Resources.
- SB 309** to Economic and Small Business Development.
- SB 312** to State Affairs.
- SB 313** to Natural Resources.
- SB 329** to Environmental Regulation.
- SB 333** to Natural Resources.
- SB 341** to Natural Resources.
- SB 350** to Pensions, Investments, and Financial Services.
- SB 351** to Licensing and Administrative Procedures.
- SB 360** to Natural Resources.
- SB 361** to Judiciary and Civil Jurisprudence.
- SB 370** to Natural Resources.
- SB 386** to Higher Education.
- SB 391** to Public Education.
- SB 396** to Urban Affairs.
- SB 398** to County Affairs.
- SB 411** to Licensing and Administrative Procedures.
- SB 416** to Insurance.

SB 425 to Insurance.

SB 576 to Ways and Means.

List No. 2

SB 116 to Judiciary and Civil Jurisprudence.

SB 335 to Public Health.

SB 390 to Culture, Recreation, and Tourism.

SB 422 to Ways and Means.

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

HB 2853 (By J. Davis), Relating to tax increment financing.
To Economic and Small Business Development.

HB 3468 (By Patrick), Relating to the assessment of public school students for college readiness and developmental education courses to prepare students for college-level coursework.
To Higher Education.

List No. 3

HR 813 (By Aliseda), Honoring artist Lee Ricks of Pleasanton for his professional achievements.
To Rules and Resolutions.

HR 814 (By Aliseda), In memory of Mark Lynn Cude of Pleasanton.
To Rules and Resolutions.

HR 815 (By Aliseda), Commemorating the 100th anniversary of the Jourdanton Independent School District.
To Rules and Resolutions.

HR 819 (By Frullo), In memory of Harold Dennis Long of Lubbock.
To Rules and Resolutions.

HR 820 (By Frullo), Congratulating Chief Dale Holton on his retirement from the Lubbock Police Department.
To Rules and Resolutions.

HR 821 (By Frullo), In memory of Paul E. Taylor of Lubbock.
To Rules and Resolutions.

HR 822 (By Schwertner), Commemorating the 25th anniversary of Reunion Ranch in Georgetown.
To Rules and Resolutions.

HR 823 (By Schwertner), Honoring Sergeant Major Richard L. Cosper on his retirement from the Texas Army National Guard.
To Rules and Resolutions.

HR 824 (By Schwertner), Congratulating Bert and Susy Cogdill of Georgetown on their 50th wedding anniversary.

To Rules and Resolutions.

HR 825 (By Hilderbran), In memory of Laudys Pittard of Novice.

To Rules and Resolutions.

HR 826 (By Gallego), In memory of Victor H. Garcia, Jr., of Del Rio.

To Rules and Resolutions.

HR 827 (By Gallego), In memory of Guss Lines of Alpine.

To Rules and Resolutions.

HR 830 (By Sheffield), Commemorating the 110th anniversary of the founding of RVOS Farm Mutual Insurance Company in Temple.

To Rules and Resolutions.

HR 832 (By L. Gonzales), In memory of Edmund G. Schmidt, the former mayor of Hutto.

To Rules and Resolutions.

HR 834 (By Veasey), Congratulating Sam L. Sibert on his induction into the 2009-2010 Eastern Oklahoma State College Alumni Hall of Fame.

To Rules and Resolutions.

HR 836 (By Hardcastle), Commemorating the 2011 Red River BBQ Battle in Vernon.

To Rules and Resolutions.

HR 837 (By D. Miller), Honoring Rotary International president Ray Klingensmith on the occasion of his visit to New Braunfels.

To Rules and Resolutions.

HR 838 (By D. Miller), Commending the Cowboy Capital Rodeo Association of Bandera for its contributions to its community.

To Rules and Resolutions.

HR 839 (By Shelton), Congratulating Austin Graham on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 841 (By Kolkhorst), Commending the Bellville Heritage Cowgirls for its achievements as a precision mounted drill team.

To Rules and Resolutions.

HR 842 (By Workman), Granting permission to the South Central Texas District of Optimist International to use the house chamber on April 10, 2011.

To House Administration.

HR 843 (By Workman), Commending Chris C. Barron for his service as chief of the Manchaca Fire/Rescue Department and executive director of the State Firemen's and Fire Marshals' Association of Texas.

To Rules and Resolutions.

HR 846 (By Guillen), In memory of Miriam Smith Vale of Rio Grande City.
To Rules and Resolutions.

HR 847 (By McClendon), Commemorating the centennial of the death of frontier hero U.S. Army Brigadier General John Lapham Bullis.

To Rules and Resolutions.

HR 848 (By McClendon), In memory of Willie D. Barnett of San Antonio.

To Rules and Resolutions.

HR 849 (By McClendon), Honoring Fayette Francis, founder of the Vintage Jewels Chapter of the Red Hat Society, San Antonio, on the occasion of the chapter's fifth anniversary.

To Rules and Resolutions.

HR 851 (By Burkett), Congratulating Terry Greer on being named the 2011 Firefighter of the Year by the Mesquite Fire Department.

To Rules and Resolutions.

HR 852 (By Murphy), Congratulating Ann Woodroof on her receipt of the 2010 John E. Wolf Citizenship Cup Award from the Houston Association of REALTORS.

To Rules and Resolutions.

HR 853 (By Murphy), Congratulating Ed Wolff on being named the 2010 REALTOR of the Year by the Houston Association of REALTORS.

To Rules and Resolutions.

HR 854 (By Scott), In memory of Leo Raymond Vrana of Corpus Christi.

To Rules and Resolutions.

HR 855 (By Fletcher), Commemorating the 150th anniversary of the unification of the Republic of Italy and posthumously recognizing Giuseppe Garibaldi as an honorary Texan.

To Rules and Resolutions.

HR 858 (By Raymond), Honoring Manuelita Guajardo Juarez of Laredo on her 104th birthday.

To Rules and Resolutions.

HR 859 (By Schwertner), Congratulating Pete Kauffman of Georgetown on his 90th birthday.

To Rules and Resolutions.

HR 861 (By Flynn), Congratulating Dick and Linda Murphy of Caddo Mills on their 50th wedding anniversary.

To Rules and Resolutions.

HR 862 (By Flynn), Congratulating Bill and Lorena Dickard of Van on their 60th wedding anniversary.

To Rules and Resolutions.

HR 863 (By Flynn), In memory of U.S. Army Staff Sergeant Chauncy Ryan Mays of Cookville.

To Rules and Resolutions.

HR 864 (By Veasey), In memory of David M. Beckerman.

To Rules and Resolutions.

HR 865 (By Veasey), Acknowledging the Slocum massacre of 1910.

To Rules and Resolutions.

HR 867 (By C. Anderson), Honoring Bill and Diane Jones of Waco on their 45th wedding anniversary.

To Rules and Resolutions.

HR 868 (By C. Anderson), In memory of Gail Coker of Waco.

To Rules and Resolutions.

HR 869 (By C. Anderson), In memory of Bernice Brown of McGregor.

To Rules and Resolutions.

HR 870 (By Carter), Honoring the Bentwood Republican Women's Club for its many accomplishments.

To Rules and Resolutions.

HR 871 (By Carter), Honoring the Lake Highlands Republican Women's Club of Dallas for working to make a difference in the lives of their fellow Texans.

To Rules and Resolutions.

HR 872 (By Carter), Commending Northwood Republican Women for their achievements.

To Rules and Resolutions.

HR 873 (By S. Davis), Congratulating Dr. H. Randolph Bailey on being named the Distinguished Houston Surgeon for 2011 by the Houston Surgical Society.

To Rules and Resolutions.

HR 874 (By Quintanilla), Congratulating Edward and Eric Nunez for achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 875 (By Hughes), In memory of Benjamin Palmer Bradley of Gladewater.

To Rules and Resolutions.

HR 876 (By Hughes), In memory of Skylar Brooke Carpenter of Quitman.

To Rules and Resolutions.

HR 877 (By Chisum), Honoring Horace "Gorilla" Puckett and Bruce Hlesko for founding the charitable organization Fireball, which benefits the Shriners Hospital for Children in Galveston.

To Rules and Resolutions.

HR 878 (By Margo), Honoring Dell Thomas Holmsley of El Paso on his 71st birthday.

To Rules and Resolutions.

HR 879 (By Hunter), In memory of Joe Michael Plummer of Corpus Christi.

To Rules and Resolutions.

HR 880 (By Hunter), In memory of Monica Marie Villarreal of Corpus Christi.

To Rules and Resolutions.

HR 881 (By Cain), Recognizing April 6, 2011, as Lamar County Day at the State Capitol.

To Rules and Resolutions.

HR 883 (By Martinez), Commemorating the 75th anniversary of Valley Grande Adventist Academy in Weslaco.

To Rules and Resolutions.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, March 29, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 38 Zaffirini

Relating to the inclusion of certain private postsecondary educational institutions and career schools and colleges in the higher education accountability system of the Texas Higher Education Coordinating Board.

SB 58 Zaffirini

Relating to the designation of segments of State Highway 359, State Highway 16, and State Highway 285 as the Veterans of the Korean War Memorial Highway.

SB 587 Uresti

Relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

SB 728 Seliger

Relating to a groundwater conservation district's recovery of expenses in closing or capping a well.

SB 766 Estes

Relating to the liability of a sport shooting range and the regulation of firearms, ammunition, firearm supplies, and sport shooting ranges.

SB 864 Rodriguez

Relating to the services included in a retail price list provided by a funeral establishment.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 28

Criminal Jurisprudence - **HB 1638**

Defense and Veterans' Affairs - **HB 282, HB 559**

Human Services - **HB 710**

Licensing and Administrative Procedures - **HB 1625, HB 1953, HB 1956, HB 2035, HB 2039, HB 2376**

Natural Resources - **HB 218, HB 935, HB 1060, HB 1177, HB 1210, HB 1281, HB 1732, HB 1734, HB 1756, HB 1757, HB 1758, HB 1778, HB 1932, HB 2007, HB 2207, HB 2238, HB 2360**

Pensions, Investments, and Financial Services - **HB 213, HB 755, HB 2248, HB 2282**

Public Education - **HB 291, HB 359, HB 1334, HB 1462, HB 1555, HB 1682, HB 1834, HB 2366, HB 2971**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-THIRD DAY (CONTINUED) — WEDNESDAY, MARCH 30, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 160).

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

Absent, Excused — Allen.

Absent — Smith, W.

The invocation was offered by Reverend Bayard Pratt, pastor, Martin United Methodist Church, Bedford, as follows:

In a world in which traditions need to be reshaped and purged as much as protected, O God, bless us all with uncertainty. Grant us grace not to find reasons to support what we already hold, but to seek a truth greater than anything that we have as yet conceived. And remind us in these moments of reflection that our neighbors suffer from injustices we too were born to correct, for the world is now too dangerous for anything but truth, and too small for anything but love.

May we not be overcome by the inevitable contrast between what we expect and what the world intends. So may our prayer, O God, be that you will grant us grace to press to think beyond knowledge and power, beyond pride and certainty, on behalf instead of what lies beyond; to truth and beauty, to grace and love, and to dreams and justice for all.

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

(W. Smith now present)

REGULAR ORDER OF BUSINESS SUSPENDED

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

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. 13).

CAPITOL PHYSICIAN

The speaker recognized Representative Isaac who presented Dr. Fred Merian of Wimberley as the "Doctor for the Day."

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

HR 865 - ADOPTED (by Veasey)

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 865**.

The motion prevailed.

The following resolution was laid before the house:

HR 865, Acknowledging the Slocum massacre of 1910.

HR 865 was read and was adopted.

On motion of Representative Burnam, the names of all the members of the house were added to **HR 865** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Veasey who introduced Myrt Hollie and members of his family.

(Cook in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

RESOLUTIONS ADOPTED

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 912** and **HR 1090**.

The motion prevailed.

The following resolutions were laid before the house:

HR 912 (by Lewis), Congratulating Larry Feeler on being named the 2011 Entrepreneur of the Year by the Odessa Chamber of Commerce.

HR 1090 (by Lewis), Honoring Leonard Bruce on his retirement as a prosecutor with the Ector County District Attorney's Office.

The resolutions were adopted.

HR 1091 - ADOPTED (by Price)

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 1091**.

The motion prevailed.

The following resolution was laid before the house:

HR 1091, Recognizing the month of March as Brain Injury Awareness Month.

HR 1091 was adopted.

HR 780 - ADOPTED (by Truitt)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 780**.

The motion prevailed.

The following resolution was laid before the house:

HR 780, Recognizing the 22nd Annual Conference of the Texas Association of Public Employee Retirement Systems taking place March 27 through 30, 2011.

HR 780 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Truitt who introduced representatives of the Texas Association of Public Employee Retirement Systems.

HR 1062 - ADOPTED (by S. Davis, Murphy, Callegari, and Bohac)

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1062**.

The motion prevailed.

The following resolution was laid before the house:

HR 1062, Recognizing March 30, 2011, as Pachyderm Day at the State Capitol.

HR 1062 was adopted.

On motion of Representative Murphy, the names of all the members of the house were added to **HR 1062** as signers thereof.

HCR 125 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 125**.

The motion prevailed.

The following resolution was laid before the house:

HCR 125, Recognizing March 30, 2011, as Marshall Day at the State Capitol.

HCR 125 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HCR 125** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hughes who introduced a delegation from Marshall.

LEAVE OF ABSENCE GRANTED

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

S. Miller on motion of Callegari.

ELIGIBILITY OF CALENDARS RULES SUSPENDED

Representative Hunter moved to suspend all necessary rules to take up and consider **HB 4** and **HB 275** scheduled on the Daily Calendar set for 10 a.m. tomorrow at 8:30 a.m. tomorrow and to take up and consider **HB 1** scheduled on the Daily Calendar set for 10 a.m. Friday, April 1 at 8:30 a.m. Friday, April 1.

The motion prevailed by (Record 161): 143 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Miller, S.

Absent — Aliseda; Anderson, R.; Patrick; Paxton.

STATEMENTS OF VOTE

When Record No. 161 was taken, I was temporarily out of the house chamber. I would have voted yes.

Aliseda

When Record No. 161 was taken, I was temporarily out of the house chamber. I would have voted yes.

R. Anderson

HR 969 - ADOPTED (by Creighton)

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 969**.

The motion prevailed.

The following resolution was laid before the house:

HR 969, Recognizing March 30, 2011, as Montgomery County Day at the State Capitol.

HR 969 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Creighton who introduced a delegation from Montgomery County.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report (members registering votes are shown following the caption):

HB 74 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 92 (by Cook and Pitts), A bill to be entitled An Act relating to the regulation of slaughterers by certain counties.

HB 149 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 200 (by Parker), A bill to be entitled An Act relating to the notification of the release of certain inmates given to certain courts and law enforcement agencies.

HB 315 (by Flynn), A bill to be entitled An Act relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 350 (by Walle), A bill to be entitled An Act relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.

HB 361 (by Otto), A bill to be entitled An Act relating to the composition of the agricultural advisory board of an appraisal district.

Amendment No. 1

Representative Otto offered the following amendment to **HB 361**:

Amend **HB 361** (house committee printing) as follows:

(1) On page 1, line 5, strike "Section 6.12(b), Tax Code, is" and substitute "Sections 6.12(b) and (d), Tax Code, are".

(2) On page 1, between lines 12 and 13, insert the following:

(d) The board shall meet at the call of the chief appraiser at least once [~~three times~~] a year.

Amendment No. 1 was adopted.

HB 367 (by Orr and Shelton), A bill to be entitled An Act relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

CSHB 370 (by Hochberg), A bill to be entitled An Act relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.

HB 378 (by Guillen), A bill to be entitled An Act relating to stationary tow trucks on a highway; providing a penalty.

HB 388 (by Raymond, Guillen, and Lozano), A bill to be entitled An Act relating to the designation of segments of State Highways 359, 16, and 285 as the Veterans of the Korean War Memorial Highway.

CSHB 422 (by Guillen), A bill to be entitled An Act relating to certain oversize and overweight permits issued by the Texas Department of Transportation.

CSHB 434 (by Parker, Gonzalez, Laubenberg, J. Davis, Zerwas, et al.), A bill to be entitled An Act relating to the minimum standards for licensed child-care facilities and registered family homes. (Phillips recorded voting no.)

HB 447 (by Menendez), A bill to be entitled An Act relating to the powers of a defense base development authority.

HB 457 (by Craddick), A bill to be entitled An Act relating to restrictions on the promotion and operation of charitable raffles. (Aycock, Hunter, S. King, and Solomons recorded voting no.)

Amendment No. 1

Representative Craddick offered the following amendment to **HB 457**:

Amend **HB 457** (house committee report) on page 1, lines 22-23, by striking "but may not be hired solely to organize or conduct a raffle" and substituting "but the member's work organizing or conducting a raffle may not be more than a de minimis portion of the member's employment with the organization".

Amendment No. 1 was adopted.

HB 462 (by Kleinschmidt), A bill to be entitled An Act relating to the assignment of special judges in county courts in certain counties.

HB 478 (by Orr), A bill to be entitled An Act relating to certain court costs associated with the offense of failing to secure a child passenger in a motor vehicle.

CSHB 549 (by Dutton), A bill to be entitled An Act relating to the disposition of a decedent's remains.

HB 591 (by D. Miller), A bill to be entitled An Act relating to naming a segment of Interstate Highway 10 in Kendall County the Trooper Kurt David Knapp Memorial Highway.

HB 646 (by Orr), A bill to be entitled An Act relating to reporting requirements for salvage motor vehicles by insurance companies.

HB 699 (by Deshotel), A bill to be entitled An Act relating to the Port Authority Advisory Committee and funding of port security, transportation, and facility projects and port studies.

HB 801 (by C. Anderson and Beck), A bill to be entitled An Act relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.

HB 805 (by Callegari), A bill to be entitled An Act relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

HB 824 (by Villarreal, et al.), A bill to be entitled An Act relating to an outreach campaign to promote fathers' involvement with their children before birth. (Aycock, Hunter, P. King, S. King, Laubenberg, Lavender, Paxton, Phillips, Solomons, and Zedler recorded voting no.)

HB 831 (by Craddick), A bill to be entitled An Act relating to the authority of certain local governmental entities to borrow money for a public hospital.

HB 843 (by Geren, et al.), A bill to be entitled An Act relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.

CSHB 848 (by Guillen and Raymond), A bill to be entitled An Act relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.

HB 850 (by Craddick), A bill to be entitled An Act relating to the Rankin County Hospital District.

HB 861 (by Patrick), A bill to be entitled An Act relating to membership of the state continuing advisory committee for special education services.

HB 885 (by Rodriguez), A bill to be entitled An Act relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.

HB 904 (by Thompson), A bill to be entitled An Act relating to court costs imposed on conviction and deposited to the municipal court building security fund. (Laubenberg, Paxton, and Solomons recorded voting no.)

HB 905 (by Thompson and Gonzalez), A bill to be entitled An Act relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.

HB 906 (by Thompson), A bill to be entitled An Act relating to appointments made in and the appeal of certain suits affecting the parent-child relationship.

HB 984 (by Truitt), A bill to be entitled An Act relating to agreements between contiguous municipalities regarding jurisdiction of cases in municipal courts.

HB 993 (by Rodriguez and Martinez), A bill to be entitled An Act relating to the closure of a road or highway by certain firefighters.

HB 1110 (by Craddick), A bill to be entitled An Act relating to the contracting authority of the Midland County Hospital District.

HB 1130 (by Huberty), A bill to be entitled An Act relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.

HB 1209 (by L. Taylor, et al.), A bill to be entitled An Act relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

HB 1251 (by Deshotel), A bill to be entitled An Act relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.

HB 1286 (by D. Howard, Hochberg, et al.), A bill to be entitled An Act relating to adoption of rules by the University Interscholastic League.

HB 1383 (by Quintanilla), A bill to be entitled An Act relating to the territory of the El Paso County Water Control and Improvement District No. 4.

HB 1409 (by Flynn), A bill to be entitled An Act relating to the designation of a segment of State Highway 243 in Van Zandt County as the Veterans Memorial Parkway.

HB 1481 (by Truitt, Naishtat, J. Davis, and Raymond), A bill to be entitled An Act relating to the use of person first respectful language in reference to individuals with disabilities.

CSHB 1510 (by Hamilton), A bill to be entitled An Act relating to the regulation of manufactured housing.

HB 1551 (by Aycock), A bill to be entitled An Act relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.

HB 1674 (by Jackson), A bill to be entitled An Act relating to procedures for establishment, modification, and enforcement of child support obligations.

HB 1703 (by Martinez Fischer), A bill to be entitled An Act relating to the schedule for administration of state-administered assessment instruments in public schools.

HB 1844 (by Guillen), A bill to be entitled An Act relating to storage of local government records by the Texas State Library and Archives Commission.

HCR 33 (by Raymond, Guillen, Pitts, and Martinez Fischer), Authorizing the burial of Susana I. Aleman in the State Cemetery.

HCR 45 (by Kleinschmidt), Designating Giddings as the official Depot Capital of Texas.

HR 523 (by Aliseda), Honoring the legacy of community service of the post office in Campbellton and urging Congress to direct the U.S. Postal Service to continue operating the Campbellton Post Office in Atascosa County.

HB 74 (by Flynn, Sheffield, Landtroop, and Farias), A bill to be entitled An Act relating to persons authorized to control the disposition of the remains of certain members of the United States armed forces.

HB 149 (by Raymond), A bill to be entitled An Act relating to the appointment of a parenting coordinator or parenting facilitator in a suit affecting the parent-child relationship.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, upon first adjournment today, Desk 47, for a formal meeting, to consider pending business.

ADJOURNMENT

Representative Harless moved that the house adjourn until 1:15 p.m. today.

The motion prevailed.

The house accordingly, at 11:56 a.m., adjourned until 1:15 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 13**HCR 62, HCR 114****MESSAGES FROM THE SENATE**

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, March 30, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 17 Carona

Relating to the regulation of residential mortgage loan servicers; providing an administrative penalty.

SB 19 Nichols

Relating to the development, financing, construction, and operation of certain toll projects.

SB 166 Shapiro

Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

SB 431 Jackson

Relating to the use of fraudulent or fictitious military records; creating an offense.

SB 691 Estes

Relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

SB 727 Seliger
Relating to groundwater conservation district management plans.

SB 876 Watson
Relating to the fee for a personal identification certificate for a homeless individual.

SB 888 Carona
Relating to the authority of a regional transportation authority to create a local government corporation.

SB 1007 Williams
Relating to certain comprehensive development agreements of the Texas Department of Transportation.

SB 1165 Carona
Relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FOURTH DAY — WEDNESDAY, MARCH 30, 2011

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

The roll of the house was called and a quorum was announced present (Record 162).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; King, T.; Miller, S.

LEAVES OF ABSENCE GRANTED

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

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

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

(Record 163): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; King, T.; Miller, S.

HB 92

HB 74

HB 149

HB 200

HB 315

HB 350

HB 361

HB 367

HB 370

HB 378

HB 388

HB 422

HB 434 (Phillips - no) (145-1-1)

HB 447

HB 457 (Aycock, Hunter, S. King, and Solomons - no) (142 - 4 - 1)

HB 462

HB 478

HB 549

HB 591

HB 646

HB 699

HB 801

HB 805

HB 824 (Aycock, Hunter, P. King, S. King, Laubenberg, Lavender, Paxton, Phillips, Solomons, and Zedler - no) (136 - 10 - 1)

HB 831

HB 843

HB 848

HB 850

HB 861

HB 885

HB 904 (Laubenberg, Paxton, and Solomons - no) (143 - 3 - 1)

HB 905

HB 906

HB 984

HB 993

HB 1110

HB 1130

HB 1209

HB 1251

HB 1286

HB 1383

HB 1409

HB 1481

HB 1510

HB 1551

HB 1674

HB 1703

HB 1844

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 163: 146 Yeas, 0 Nays, 1 Present, not voting; members registering votes and the results of the vote are shown following resolution number).

HCR 33

HCR 45

HR 523

REGULAR ORDER OF BUSINESS SUSPENDED

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

LEAVE OF ABSENCE GRANTED

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

T. King on motion of Hopson.

HR 833 - ADOPTED

(by Button, Thompson, Crownover, McClendon, and Truitt)

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 833**.

The motion prevailed.

The following resolution was laid before the house:

HR 833, Congratulating the Honorable Beverly Woolley, the first Republican woman selected to serve as speaker pro tempore of the Texas House of Representatives.

HR 833 was read and was adopted.

On motion of Representative Turner, the names of all the members of the house were added to **HR 833** as signers thereof.

(Speaker in the chair)

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 215 ON SECOND READING
(by Gallego, Hartnett, and Giddings)**

CSHB 215, A bill to be entitled An Act relating to photograph and live lineup identification procedures in criminal cases.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 215**:

Amend **CSHB 215** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.20 to read as follows:

Art. 38.20. PHOTOGRAPH AND LIVE LINEUP IDENTIFICATION PROCEDURES

Sec. 1. In this article, "institute" means the Bill Blackwood Law Enforcement Management Institute of Texas located at Sam Houston State University.

Sec. 2. This article applies only to a law enforcement agency of this state or of a county, municipality, or other political subdivision of this state that employs peace officers who conduct photograph or live lineup identification procedures in the routine performance of the officers' official duties.

Sec. 3. (a) Each law enforcement agency shall adopt, implement, and as necessary amend a detailed written policy regarding the administration of photograph and live lineup identification procedures in accordance with this article. A law enforcement agency may adopt:

(1) the model policy adopted under Subsection (b); or

(2) the agency's own policy that, at a minimum, conforms to the requirements of Subsection (c).

(b) The institute, in consultation with large, medium, and small law enforcement agencies and with law enforcement associations, scientific experts in eyewitness memory research, and appropriate organizations engaged in the development of law enforcement policy, shall develop, adopt, and disseminate to all law enforcement agencies in this state a model policy and associated training materials regarding the administration of photograph and live lineup identification procedures. The institute shall provide for a period of public comment before adopting the policy and materials.

(c) The model policy or any other policy adopted by a law enforcement agency under Subsection (a) must:

(1) be based on:

(A) credible field, academic, or laboratory research on eyewitness memory;

(B) relevant policies, guidelines, and best practices designed to reduce erroneous eyewitness identifications and to enhance the reliability and objectivity of eyewitness identifications; and

(C) other relevant information as appropriate; and

(2) address the following topics:

(A) the selection of photograph and live lineup filler photographs or participants;

(B) instructions given to a witness before conducting a photograph or live lineup identification procedure;

(C) the documentation and preservation of results of a photograph or live lineup identification procedure, including the documentation of witness statements, regardless of the outcome of the procedure;

(D) procedures for administering a photograph or live lineup identification procedure to an illiterate person or a person with limited English language proficiency;

(E) for a live lineup identification procedure, if practicable, procedures for assigning an administrator who is unaware of which member of the live lineup is the suspect in the case or alternative procedures designed to prevent opportunities to influence the witness;

(F) for a photograph identification procedure, procedures for assigning an administrator who is capable of administering a photograph array in a blind manner or in a manner consistent with other proven or supported best practices designed to prevent opportunities to influence the witness; and

(G) any other procedures or best practices supported by credible research or commonly accepted as a means to reduce erroneous eyewitness identifications and to enhance the objectivity and reliability of eyewitness identifications.

Sec. 4. (a) Not later than December 31 of each odd-numbered year, the institute shall review the model policy and training materials adopted under this article and shall modify the policy and materials as appropriate.

(b) Not later than September 1 of each even-numbered year, each law enforcement agency shall review its policy adopted under this article and shall modify that policy as appropriate.

Sec. 5. (a) Any evidence or expert testimony presented by the state or the defendant on the subject of eyewitness identification is admissible only subject to compliance with the Texas Rules of Evidence. Evidence of compliance with the model policy or any other policy adopted under this article or with the minimum requirements of this article is not a condition precedent to the admissibility of an out-of-court eyewitness identification.

(b) Notwithstanding Article 38.23 as that article relates to a violation of a state statute, a failure to conduct a photograph or live lineup identification procedure in substantial compliance with the model policy or any other policy adopted under this article or with the minimum requirements of this article does not bar the admission of eyewitness identification testimony in the courts of this state.

SECTION 2. (a) Not later than December 31, 2011, the Bill Blackwood Law Enforcement Management Institute of Texas shall develop, adopt, and disseminate the model policy and associated training materials required under Article 38.20, Code of Criminal Procedure, as added by this Act.

(b) Not later than September 1, 2012, each law enforcement agency to which Article 38.20, Code of Criminal Procedure, as added by this Act, applies shall adopt a policy as required by that article.

(c) The change in law made by Section 5, Article 38.20, Code of Criminal Procedure, as added by this Act, applies only to a photograph or live lineup identification procedure conducted on or after September 1, 2012, regardless of whether the offense to which the procedure is related occurred before, on, or after September 1, 2012.

SECTION 3. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

CSHB 215, as amended, was passed to engrossment. (Berman and Flynn recorded voting no.)

HB 310 ON SECOND READING (by T. King)

HB 310, A bill to be entitled An Act relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.

Representative Hopson moved to postpone consideration of **HB 310** until 8:30 a.m. tomorrow.

The motion prevailed.

CSHB 338 ON SECOND READING (by Aycock)

CSHB 338, A bill to be entitled An Act relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species.

(L. Taylor in the chair)

CSHB 338 was passed to engrossment by (Record 164): 109 Yeas, 33 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez Fischer; Menendez; Miller, D.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez;

Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Miles; Naishtat; Oliveira; Reynolds; Strama; Thompson; Turner; Villarreal; Vo; Walle.

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

Absent, Excused — Allen; King, T.; Miller, S.

Absent — Beck; Veasey.

STATEMENTS OF VOTE

When Record No. 164 was taken, I was temporarily out of the house chamber with constituents. I would have voted yes.

Beck

I was shown voting yes on Record No. 164. I intended to vote no.

Rodriguez

CSHB 563 ON SECOND READING

(by Pickett, Rodriguez, Harper-Brown, and Martinez)

CSHB 563, A bill to be entitled An Act relating to the purposes and designation of a transportation reinvestment zone.

CSHB 563 was passed to engrossment. (Berman, S. Davis, Landtroop, Laubenberg, Paxton, and Perry recorded voting no.)

HB 612 ON SECOND READING

(by Hopson)

HB 612, A bill to be entitled An Act relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.

HB 612 was passed to engrossment.

HB 613 ON SECOND READING

(by Hopson and Farrar)

HB 613, A bill to be entitled An Act relating to the unauthorized harvesting of standing timber; providing for the imposition of a criminal penalty.

HB 613 was passed to engrossment.

CSHB 716 ON SECOND READING

(by S. Miller, Christian, and Deshotel)

CSHB 716, A bill to be entitled An Act relating to the taking of certain feral hogs and coyotes using a helicopter.

Representative Christian moved to postpone consideration of **CSHB 716** until 8:30 a.m. Monday, April 4.

The motion prevailed.

HB 1165 ON SECOND READING
(by Keffer, Chisum, Landroop, Darby, et al.)

HB 1165, A bill to be entitled An Act relating to the exemption of certain electric cooperatives from certain regulations.

Representative Keffer moved to postpone consideration of **HB 1165** until 10 a.m. Tuesday, April 5.

The motion prevailed.

HB 1404 ON SECOND READING
(by Sheffield, Legler, Riddle, Fletcher, and Berman)

HB 1404, A bill to be entitled An Act relating to certain temporary orders in a suit affecting the parent-child relationship during a parent's military deployment.

HB 1404 was passed to engrossment.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Callegari requested permission for the Committee on Government Efficiency and Reform to meet while the house is in session, during bill referral today, in the Agricultural Museum (1W.14), to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Branch moved to suspend the five-day posting rule to allow the Committee on Higher Education to consider **HB 3468** at 2 p.m. or upon final adjournment today in E1.014.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative W. Smith requested permission for the Committee on Environmental Regulation to meet while the house is in session, during bill referral today, in E2.030, to consider pending business and items from a posted notice.

Permission to meet was granted.

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, during bill referral today, in E2.016, to consider pending business.

Permission to meet was granted.

Representative Hernandez Luna requested permission for the Committee on Elections to meet while the house is in session, during bill referral today, in 1W.14, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative J. Davis moved to suspend the five-day posting rule to allow the Committee on Economic and Small Business Development to consider **HB 665, HB 2432, HB 2494, HB 3151, HB 3465, and HJR 122** at 3 p.m. today in E1.030.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative J. Davis requested permission for the Committee on Economic and Small Business Development to meet while the house is in session, during bill referral today, in E1.030, to consider **HB 665, HB 2432, HB 2494, HB 3151, HB 3465, and HJR 122**.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Darby moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Transportation to consider **HB 2223** during bill referral today in E2.028.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Darby requested permission for the Committee on Transportation to meet while the house is in session, during bill referral today, in E2.028, to consider **HB 2223**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Economic and Small Business Development, 3 p.m. today, E1.030, for a public hearing, to consider **HB 665, HB 2432, HB 2494, HB 3151, HB 3465, and HJR 122**.

Higher Education, 2 p.m. or upon final adjournment today, E1.014, for a public hearing, to consider **HB 3468** and the previously posted agenda.

Government Efficiency and Reform, during bill referral today, Agricultural Museum (1W.14), for a formal meeting, to consider pending business.

Transportation, during bill referral today, E2.028, for a public hearing, to consider **HB 2223** and previously posted business.

Elections, during bill referral today, 1W.14, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Madden requested permission for the Committee on Corrections to meet while the house is in session, during bill referral today, in E2.014, to consider the previously posted agenda.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

Representative Peña moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 8:30 a.m. tomorrow in memory of Benigno "Benny" Layton of Edcouch.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(V. Taylor in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:58 p.m., adjourned until 8:30 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HR 884 (By Pitts), In memory of longtime Ennis volunteer firefighter Jodie Harbert, Jr.

To Rules and Resolutions.

HR 885 (By W. Smith), In memory of George Calvin Love of Houston.

To Rules and Resolutions.

HR 886 (By W. Smith), Commemorating the dedication of a Texas Historical Marker honoring George Washington Carver High School in Baytown.

To Rules and Resolutions.

HR 887 (By W. Smith), Congratulating Deysi Martinez of Channelview on quickly mastering English as her second language and winning third-place honors in the Crenshaw Elementary School spelling bee.

To Rules and Resolutions.

HR 888 (By Berman), Commemorating the 2011 conference of the Texas Association for Symphony Orchestras in Austin.

To Rules and Resolutions.

HR 889 (By Craddick), Congratulating Charles and Sylvia Hale of Stanton on their 50th wedding anniversary.

To Rules and Resolutions.

HR 890 (By Gallego), In memory of Juan S. Olivares, Jr., of Del Rio.

To Rules and Resolutions.

HR 895 (By Frullo), Honoring Tony and Margaret Balios of Lubbock on their 50th wedding anniversary.

To Rules and Resolutions.

HR 896 (By C. Anderson), Congratulating Carrol and Blanch Ward of McGregor on their 60th wedding anniversary.

To Rules and Resolutions.

HR 897 (By C. Anderson), Congratulating Sam and Emily Skrhak of McGregor on their 50th wedding anniversary.

To Rules and Resolutions.

HR 898 (By C. Anderson), Congratulating Ed and Merle Wittner of Woodway on their 60th wedding anniversary.

To Rules and Resolutions.

HR 899 (By C. Anderson), Congratulating Boots and Dorothy Baker on their 50th wedding anniversary.

To Rules and Resolutions.

HR 900 (By C. Anderson), Congratulating Ray and Joan Anderson on their 50th wedding anniversary.

To Rules and Resolutions.

HR 901 (By C. Anderson), Congratulating Charles and Ruby Jo Crelia of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

HR 902 (By C. Anderson), Congratulating Fred and Martha Vinson of Waco on their 70th wedding anniversary.

To Rules and Resolutions.

HR 903 (By C. Anderson), Congratulating Jack and Faye Dell Clements of West on their 60th wedding anniversary.

To Rules and Resolutions.

HR 904 (By C. Anderson), Congratulating Ervin and Mary Kaddatz of West on their 70th wedding anniversary.

To Rules and Resolutions.

HR 905 (By C. Anderson), Congratulating Steve and Karen Briggs of Robinson on their 25th wedding anniversary.

To Rules and Resolutions.

HR 906 (By Marquez), Congratulating Jim Phillips on being named the 2010 El Pasoan of the Year by El Paso Inc.

To Rules and Resolutions.

HR 907 (By Marquez), Congratulating Casa Ford Lincoln Mercury for its service to the residents of El Paso.

To Rules and Resolutions.

HR 908 (By Marquez), Honoring Dr. Diana Natalicio for her service as president of The University of Texas at El Paso.

To Rules and Resolutions.

HR 909 (By Marquez), Honoring Dr. Richard Rhodes for his service as president of El Paso Community College.

To Rules and Resolutions.

HR 910 (By Marquez), In memory of Frank Alarcon of El Paso.

To Rules and Resolutions.

HR 911 (By Marquez), Honoring Woody and Gayle Hunt of El Paso for their philanthropic work.

To Rules and Resolutions.

HR 914 (By W. Smith), In memory of Charles Garrison of Deer Park.

To Rules and Resolutions.

HR 915 (By W. Smith), Congratulating Vesta Grubb for her outstanding achievements as a student at Lee College.

To Rules and Resolutions.

HR 916 (By Burkett), Congratulating Captain David Shedd on being named the 2011 Mesquite Fire Department Officer of the Year.

To Rules and Resolutions.

HR 917 (By Burkett), Congratulating Jason Sutcliffe on being named the 2011 Paramedic of the Year by the Mesquite Fire Department.

To Rules and Resolutions.

HR 918 (By Veasey), In memory of Steave Randolph Powell, Jr., of Forest Hill.

To Rules and Resolutions.

HR 919 (By Veasey), Commemorating the 128th Session of the Texas Annual Conference of the African Methodist Episcopal Zion Church.

To Rules and Resolutions.

HR 920 (By Morrison), In memory of Leonard H. Von Dohlen III of Goliad.

To Rules and Resolutions.

HR 921 (By Marquez), Commemorating the 50th anniversary of the El Paso Museum of Art.

To Rules and Resolutions.

HR 922 (By T. King), In memory of Carolyn Louise Baker of Hondo.

To Rules and Resolutions.

HR 923 (By Aliseda), Commending Arthur McCall of Pleasanton for his achievements as an artist and game warden.

To Rules and Resolutions.

HR 924 (By Button), In memory of Leona "DeRue" Fischer of Sunnyvale.

To Rules and Resolutions.

HR 925 (By Margo), In memory of Sondra Dailey of El Paso.

To Rules and Resolutions.

HR 926 (By L. Gonzales), In memory of Mayor David Begier of Hutto.

To Rules and Resolutions.

HR 927 (By Gallego), Congratulating Casie De Luna on being named Firefighter of the Year by the Val Verde County Volunteer Fire Rescue Department.

To Rules and Resolutions.

HR 928 (By C. Howard), In memory of Houston businessman and community leader Gilbert Manly Turner.

To Rules and Resolutions.

HR 929 (By C. Howard), Commemorating the 100th anniversary of the founding of the Republic of China in Taiwan.

To Rules and Resolutions.

HR 931 (By Isaac), In memory of Guillermo Hernandez, Sr., of San Marcos.

To Rules and Resolutions.

HR 932 (By Huberty), Recognizing May 5, 2011, as Helmet Safety Day in honor of Thomas Joseph Stanton II of Kingwood.

To Rules and Resolutions.

HR 933 (By Hartnett), Congratulating Webelos Scouts of Cub Scout Pack No. 710 in Dallas on attaining the Arrow of Light Award.

To Rules and Resolutions.

HR 935 (By Naishtat), Recognizing May 1 through 8, 2011, as the Holocaust Days of Remembrance.

To Rules and Resolutions.

HR 940 (By Cain), Recognizing March 31, 2011, as Titus County Day at the State Capitol.

To Rules and Resolutions.

HR 942 (By Coleman), Recognizing April 13, 2011, as County Government Day at the State Capitol.

To Rules and Resolutions.

HR 943 (By Hilderbran), In memory of Richard Y. Thorpe of Ballinger.
To Rules and Resolutions.

HR 944 (By Hilderbran), Congratulating Robert M. Terrill on his retirement as constable for Precinct 4 of Kerr County.
To Rules and Resolutions.

HR 945 (By Hilderbran), In memory of Danny Duggan of Cherokee.
To Rules and Resolutions.

HR 946 (By C. Howard), In memory of Nicolis "Nico" Terrel Williams of Sugar Land.
To Rules and Resolutions.

HR 952 (By S. Davis), Congratulating Van Van Osdall of Houston on her 100th birthday.
To Rules and Resolutions.

HR 953 (By Veasey), In memory of Paula Dare Roberts Baker.
To Rules and Resolutions.

HR 954 (By Dukes), Commemorating the induction of Willie Wells into the Texas Sports Hall of Fame.
To Rules and Resolutions.

HR 955 (By Flynn), Congratulating Glen and Sherry Northcutt of Ben Wheeler on their 50th wedding anniversary.
To Rules and Resolutions.

HR 956 (By Strama), Honoring Victor Gonzales, mayor pro tem of Pflugerville, on becoming a Certified Municipal Official.
To Rules and Resolutions.

HR 957 (By Strama), Recognizing May 2011 as Fibromyalgia Awareness Month.
To Rules and Resolutions.

HR 959 (By Hunter), Welcoming the 2011 Feria de las Flores contestants to the State Capitol.
To Rules and Resolutions.

HR 960 (By Sheffield), Congratulating Ernest and Lillian Winkler of Temple on their 65th wedding anniversary.
To Rules and Resolutions.

HR 961 (By Sheffield), Congratulating Willie and Eula Bennett of Rockdale on their 65th wedding anniversary.
To Rules and Resolutions.

HR 962 (By Sheffield), Congratulating Rufus and Betty Ruth Hurley of Temple on their 60th wedding anniversary.
To Rules and Resolutions.

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

To Rules and Resolutions.

HR 964 (By Coleman), In memory of Ernest Zachary Clouser of Houston.

To Rules and Resolutions.

HR 965 (By Hardcastle), In memory of Henry Leland Snow of Wichita Falls.

To Rules and Resolutions.

HR 968 (By Crownover), Honoring the life of S. J. "Sweet" Estes on the occasion of her posthumous nomination to the National Cowgirl Museum and Hall of Fame.

To Rules and Resolutions.

HR 970 (By Pitts), In memory of Chuck Demoney of Waxahachie.

To Rules and Resolutions.

HR 971 (By Eiland), In memory of Elinor Steinhagen Burrus.

To Rules and Resolutions.

HR 972 (By Eiland), Honoring Marian Thomas for her work as executive director and CEO of Communities in Schools of Galveston County.

To Rules and Resolutions.

HR 973 (By Flynn), Congratulating the Canton High School archery team on winning its second consecutive state championship.

To Rules and Resolutions.

HR 974 (By P. King), Congratulating the Brock High School girls' basketball team on winning the 2011 UIL 2A state championship.

To Rules and Resolutions.

HR 975 (By Parker), Recognizing the last week of January 2012 as Texas Human Trafficking Awareness Week.

To Rules and Resolutions.

HR 976 (By Parker), Congratulating Elizabeth Lester on being named the 2010 Student Ambassador of the Year by People to People Ambassador Programs.

To Rules and Resolutions.

HR 977 (By Zerwas), In memory of Captain Thomas Araguz III of the Wharton Volunteer Fire Department.

To Rules and Resolutions.

HR 978 (By Cain), Honoring Dr. M. LaVelle Hendricks on his 20th pastoral anniversary with East Caney Missionary Baptist Church in Sulphur Springs.

To Rules and Resolutions.

HR 981 (By Sheffield), Congratulating Jesse and Minnie Garcia of Temple on their 60th wedding anniversary.

To Rules and Resolutions.

HR 982 (By Sheffield), Congratulating Melvin and Alice Gerngross of Temple on their 70th wedding anniversary.

To Rules and Resolutions.

HR 983 (By Hilderbran), In memory of Harold Dean Martin of Junction.

To Rules and Resolutions.

HR 984 (By Hardcastle), Commemorating the 50th anniversary of Fred's Corner Grille in Vernon.

To Rules and Resolutions.

HR 985 (By Hardcastle), In memory of Edward L. Lehman, Jr., of Vernon.

To Rules and Resolutions.

HR 986 (By Bonnen), Congratulating Theodore and Dorothy Kaspar of Brazoria on their 50th wedding anniversary.

To Rules and Resolutions.

HR 987 (By Bonnen), In memory of Harry Edward Wille, Jr., of Clute.

To Rules and Resolutions.

HR 988 (By Bonnen), In memory of Robert Raye Dixon of Brazoria County.

To Rules and Resolutions.

HR 990 (By D. Howard), In memory of George Quentin Breazeale of Austin.

To Rules and Resolutions.

HR 991 (By Zedler), Congratulating Casey and Kyle Shufelt of Fort Worth on the birth of their son, Jude Anthony Shufelt.

To Rules and Resolutions.

HR 992 (By C. Anderson), Congratulating the members of the West High School Lady Trojan powerlifting team on their performance at the Texas High School Powerlifting Association Region II Championship.

To Rules and Resolutions.

HR 993 (By C. Anderson), Congratulating the Crawford High School Lady Pirates basketball team on winning the 2010-2011 District 16-2A championship.

To Rules and Resolutions.

HR 994 (By C. Anderson), Congratulating the Robinson High School tennis team for qualifying for the 2011 state tournament.

To Rules and Resolutions.

HR 995 (By C. Anderson), In memory of Deryl W. Abbe, Sr., of Waco.

To Rules and Resolutions.

HR 996 (By C. Anderson), In memory of V. Irene Clifton of Hewitt.

To Rules and Resolutions.

HR 997 (By C. Anderson), In memory of Lucia Alderete Anaya of McGregor.

To Rules and Resolutions.

HR 998 (By C. Anderson), In memory of Montie Belle Seals of Waco.
To Rules and Resolutions.

HR 999 (By C. Anderson), Commending Alexis Rodriguez of Waco for rescuing her two cousins from a house fire.
To Rules and Resolutions.

HR 1000 (By C. Anderson), Congratulating Ella Whitley on her selection as a finalist for the 2011 H-E-B Excellence in Education Award.
To Rules and Resolutions.

HR 1001 (By C. Anderson), In memory of Gean Bartoli of Waco.
To Rules and Resolutions.

HR 1002 (By C. Anderson), Congratulating the Midway High School softball team on winning the First Annual Midway Varsity Tournament.
To Rules and Resolutions.

HR 1003 (By C. Anderson), In memory of Mary Sykora of West.
To Rules and Resolutions.

HR 1004 (By C. Anderson), Congratulating the Midway High School 2011 Spirit of Midway Award winners.
To Rules and Resolutions.

HR 1005 (By Cook), Congratulating Joe B. Cannon on his receipt of the 2010 Outstanding 50-Year Lawyer Award from the Texas Bar Foundation.
To Rules and Resolutions.

HR 1006 (By McClendon), Commending the San Antonio Youth Council of the NAACP on its 12th annual Youth Image Awards Banquet.
To Rules and Resolutions.

HR 1007 (By McClendon), Commemorating the centennial of the death of frontier hero U.S. Army Brigadier General John Lapham Bullis.
To Rules and Resolutions.

HR 1014 (By Lozano), Commending the Honorable Juan Manuel Escobar of Kingsville for his public service.
To Rules and Resolutions.

HR 1015 (By Margo), Congratulating Jaime Barceleau of El Paso on receiving the 2011 Lifetime Achievement Award from the Rio Grande Branch of the National Association of Social Workers.
To Rules and Resolutions.

HR 1017 (By Burkett), Congratulating Gary Cooper on being named the 2010 Civilian of the Year by the Mesquite Police Department.
To Rules and Resolutions.

HR 1018 (By Burkett), Congratulating Officer Stephen Killingsworth on being named the 2010 Mesquite Police Department Officer of the Year.
To Rules and Resolutions.

HR 1019 (By Orr), In memory of former Texas state representative Charles D. Kirkham, Jr., of Cleburne.

To Rules and Resolutions.

HR 1021 (By J. Davis), Honoring NASA for its accomplishments and legacy and recognizing March 31, 2011, as Space Day.

To Rules and Resolutions.

HR 1023 (By Carter), Welcoming members of the State Republican Executive Committee to the State Capitol.

To Rules and Resolutions.

HR 1024 (By Veasey), Honoring Pastor Emeritus Hoise Bell of Berea Baptist Church on the dedication of a chapel in his name.

To Rules and Resolutions.

HR 1025 (By D. Miller), Honoring Gene Carnes for his contributions to Freemasonry.

To Rules and Resolutions.

HR 1026 (By Kleinschmidt), Commemorating the 2011 Masonic Oak ceremony.

To Rules and Resolutions.

HR 1027 (By Cain), Congratulating Georgia Weddle on her receipt of the Lifetime Achievement Award from the Girl Scouts of Northeast Texas.

To Rules and Resolutions.

HR 1029 (By L. Gonzales), Congratulating McNeil High School basketball coach Darrell Hagemann on winning his 400th game.

To Rules and Resolutions.

HR 1030 (By Shelton), In memory of Barrett Martin Havran of Fort Worth.

To Rules and Resolutions.

HR 1032 (By Brown), Congratulating the George Bush Presidential Library and Museum at Texas A&M University in College Station on receiving its two-millionth visitor.

To Rules and Resolutions.

HR 1033 (By Aycock), Recognizing April 6, 2011, as Burnet County Day at the State Capitol.

To Rules and Resolutions.

HR 1034 (By Hilderbran), Congratulating Paul and Monica Minzenmayer of Rowena on earning the 2011 Achievement Award from the American Farm Bureau Federation.

To Rules and Resolutions.

HR 1036 (By Bonnen), Congratulating J. Michael and Leslie A. Lowrey of Lake Jackson on their receipt of the 2011 Philanthropist of the Year award from the Community Foundation of Brazoria County.

To Rules and Resolutions.

HR 1037 (By Bonnen), Congratulating Jimmy Miller on his receipt of the 2009 Peace Officer of the Year award from the 100 Club of Brazoria County.
To Rules and Resolutions.

HR 1039 (By Eiland), Recognizing March 31, 2011, as Jack Johnson Day at the State Capitol.
To Rules and Resolutions.

HR 1040 (By Hardcastle), Congratulating the Paducah High School boys' basketball team on winning the UIL IA Division II state championship.
To Rules and Resolutions.

HR 1041 (By Castro), In memory of U.S. Air Force Airman First Class Corey C. Owens of San Antonio.
To Rules and Resolutions.

HR 1042 (By Peña), In memory of Felipe Lopez of Edinburg.
To Rules and Resolutions.

HR 1043 (By Johnson), Commemorating the 100th anniversary of the founding of Kappa Alpha Psi Fraternity.
To Rules and Resolutions.

HR 1044 (By Y. Davis), Congratulating the boys' basketball team of Kimball High School in Dallas on winning the UIL 4A state championship.
To Rules and Resolutions.

HR 1045 (By Isaac), In memory of Dr. Bonnie Ann Powers-Prather of Arlington.
To Rules and Resolutions.

HR 1046 (By Button), Recognizing May 2011 as Asian-Pacific American Heritage Month.
To Rules and Resolutions.

HR 1047 (By S. King), In memory of Tom Gordon of Abilene.
To Rules and Resolutions.

HR 1048 (By S. King), Congratulating the girls' basketball team of Wylie High School in Abilene on winning the UIL 3A state championship.
To Rules and Resolutions.

HR 1049 (By Workman), Congratulating the Austin Waldorf School boys' basketball team on its outstanding 2010-2011 season.
To Rules and Resolutions.

HR 1052 (By Frullo), Commending Roger Haldenby on his career with Plains Cotton Growers, Inc.
To Rules and Resolutions.

HR 1053 (By Guillen), Commemorating the dedication of Bravo Park in Zapata County and the unveiling of a marker honoring the park's namesake, Judge Manuel B. Bravo.
To Rules and Resolutions.

HR 1054 (By Guillen), Congratulating Doris Howdeshell on her retirement as director of the travel information division of the Texas Department of Transportation.

To Rules and Resolutions.

HR 1055 (By Margo), In memory of Frank Feuille IV of El Paso.

To Rules and Resolutions.

HR 1056 (By V. Gonzales), In memory of Cristina "Crissy" Dalia Huff of Palmhurst.

To Rules and Resolutions.

HR 1057 (By V. Gonzales), Congratulating Dr. Stephanie Alvarez on her receipt of the Outstanding Latino/a Faculty in Higher Education (Teaching Institutions) Award from the American Association of Hispanics in Higher Education.

To Rules and Resolutions.

HR 1058 (By V. Gonzales), Honoring Edinburg Children's Hospital on five years of service to the Rio Grande Valley.

To Rules and Resolutions.

HR 1059 (By V. Gonzales), In memory of Blanca Ramirez Shawn of San Juan.

To Rules and Resolutions.

HR 1061 (By Burkett), Congratulating Captain Terry Ratliff on his retirement from the Mesquite Fire Department.

To Rules and Resolutions.

HR 1063 (By Schwertner), Honoring T. J. "Hap" Rosson of Georgetown on his 100th birthday.

To Rules and Resolutions.

HR 1064 (By Hilderbran), In memory of retired U.S. Army colonel and university professor Dr. Charles T. McDowell.

To Rules and Resolutions.

HR 1065 (By Gutierrez), In memory of Rafael Hernandez of San Antonio.

To Rules and Resolutions.

HR 1066 (By Gutierrez), Recognizing April 13, 2011, as Alice Trevino Ramirez Day and commending Ms. Ramirez on her 35th anniversary at the Discovery School of San Antonio.

To Rules and Resolutions.

HR 1067 (By Raymond), In memory of Fernando A. Salinas of Laredo.

To Rules and Resolutions.

HR 1068 (By Raymond), In memory of Barbara Kazen of Laredo.

To Rules and Resolutions.

SB 41 to Human Services.

SB 72 to Public Health.

SB 74 to Higher Education.

SB 77 to Human Services.

SB 78 to Human Services.

SB 79 to Public Education.

SB 80 to Public Health.

SB 81 to Public Health.

SB 131 to Public Health.

SB 140 to Public Education.

SB 144 to Criminal Jurisprudence.

SB 155 to Pensions, Investments, and Financial Services.

SB 173 to Urban Affairs.

SB 179 to Higher Education.

SB 181 to Natural Resources.

SB 187 to Public Health.

SB 189 to Public Health.

SB 190 to Public Health.

SB 191 to Public Health.

SB 221 to Human Services.

SB 228 to Higher Education.

SB 240 to Public Health.

SB 248 to Agriculture and Livestock.

SB 256 to Public Health.

SB 263 to Public Health.

SB 282 to Higher Education.

SB 283 to Judiciary and Civil Jurisprudence.

SB 286 to Judiciary and Civil Jurisprudence.

SB 304 to Economic and Small Business Development.

SB 323 to Business and Industry.

SB 328 to Business and Industry.

SB 400 to Human Services.

SB 408 to Natural Resources.

SJR 9 to Criminal Jurisprudence.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 29

County Affairs - **HB 460, HB 729, HB 811, HB 840, HB 851, HB 871, HB 1091, HB 1293, HB 1496, HB 1567, HB 1568, HB 1604, HB 1885, HB 1990, HB 2351**

Criminal Jurisprudence - **HB 27**

Higher Education - **HB 992, HB 1495, HB 2433**

Judiciary and Civil Jurisprudence - **HB 1325, HB 1889**

Natural Resources - **HB 2521**

Public Education - **HB 500**

State Affairs - **HJR 19, HJR 56**

Technology - **HB 1052**

Transportation - **HB 1112, HB 1116, HB 1271, HB 1305, HB 1330, HB 1353, HB 1376, HB 1422, HB 1473, HB 1499**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIFTH DAY — THURSDAY, MARCH 31, 2011

The house met at 8:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 165).

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

Absent, Excused — Allen; Rodriguez.

The invocation was offered by Reverend Dr. Ronald D. Henderson, senior pastor, Custer Road United Methodist Church, Plano, as follows:

God our Creator, God of the universe, God of all people, God who breathes life and inspiration into all of your creation. We your people approach you, living God, to invoke your presence and to give you thanks for this day and to give you thanks for these men and women who have heard the call to be servant leaders, who are committed to making Texas a better, a safer, and a more wholesome place for all of her citizens, guests, and strangers alike.

Creator God, as these men and women wrestle with tough decisions, dreams, and visions for a better tomorrow, may their imaginations, their willpower, and compassion for your people transcend any barriers that may separate them from one another or hinder them from doing good for your people. We are reminded from the holy book you gave to us that the earth is the Lord's. This is your land,

we are your people, and the men and women who have been elected by your people to this Texas House of Representatives are your modern-day judges and scribes who are to do justice for all and to all. Guide their thinking, guide their deliberations, and guide their framing of laws that will govern all of us. Guide their votes and guide their hearts.

God, you have blessed Texas with natural resources and with resourceful people. In the midst of tough and challenging times, let this be a good legislative session, good not for a few, but good for all of your people. May this legislature be guided by your righteousness. We thank you and pray in the name of the God of the universe. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Rodriguez on motion of D. Howard.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Farias in the chair)

HR 1021 - ADOPTED

(by J. Davis)

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1021**.

The motion prevailed.

The following resolution was laid before the house:

HR 1021, Honoring NASA for its accomplishments and legacy and recognizing March 31, 2011, as Space Day.

HR 1021 was read and was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HR 1021** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative J. Davis who introduced representatives of NASA.

CAPITOL PHYSICIAN

The chair recognized Representative Larson who presented Dr. Michael Dominguez of San Antonio as the "Doctor for the Day."

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

RESOLUTIONS ADOPTED

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 940**, **HR 1049**, **HR 1069**, **HR 1079**, and **HR 1096**.

The motion prevailed.

The following resolutions were laid before the house:

HR 940 (by Cain), Recognizing March 31, 2011, as Titus County Day at the State Capitol.

HR 1049 (by Workman), Congratulating the Austin Waldorf School boys' basketball team on its outstanding 2010-2011 season.

HR 1069 (by Christian), Recognizing March 31, 2011, as Shelby County Day at the State Capitol.

HR 1079 (by Branch), Commemorating the 2011 Dallas International Film Festival.

HR 1096 (by Gooden), Honoring Jean Ann Ables-Flatt of Terrell on her receipt of a lifetime achievement award from the Texas Historical Commission.

The resolutions were adopted.

HR 1099 - ADOPTED (by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 1099**.

The motion prevailed.

The following resolution was laid before the house:

HR 1099, Recognizing March 31, 2011, as U.S. Army Senior Service College Fellows Program Day at the State Capitol.

HR 1099 was read and was adopted.

On motion of Representatives Eissler and C. Anderson, the names of all the members of the house were added to **HR 1099** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Eissler who introduced the Honorable Rick Noriega and participants in the U.S. Army Senior Service College Fellows Program.

(Geren in the chair)

HR 1092 - ADOPTED
(by Morrison)

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 1092**.

The motion prevailed.

The following resolution was laid before the house:

HR 1092, Congratulating John W. Griffin, Jr., of Victoria on being named chair of the American Diabetes Association Board of Directors.

HR 1092 was read and was adopted.

HR 763 - ADOPTED
(by W. Smith)

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 763**.

The motion prevailed.

The following resolution was laid before the house:

HR 763, Commemorating the 75th anniversary of Community Resource Credit Union in Baytown.

HR 763 was adopted.

HR 888 - ADOPTED
(by Berman)

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 888**.

The motion prevailed.

The following resolution was laid before the house:

HR 888, Commemorating the 2011 conference of the Texas Association for Symphony Orchestras in Austin.

HR 888 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Berman who introduced representatives of the Texas Association for Symphony Orchestras.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 215 ON THIRD READING
(by Gallego, Hartnett, Giddings, and Carter)

HB 215, A bill to be entitled An Act relating to photograph and live lineup identification procedures in criminal cases.

HB 215 was passed by (Record 166): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Allen; Rodriguez.

Absent — Anderson, R.

STATEMENTS OF VOTE

When Record No. 166 was taken, I was in the house but away from my desk. I would have voted yes.

R. Anderson

I was shown voting yes on Record No. 166. I intended to vote no.

Berman

HB 338 ON THIRD READING (by Aycock)

HB 338, A bill to be entitled An Act relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species.

HB 338 was passed by (Record 167): 129 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; 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.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Garza; Giddings; Gonzales, L.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.;

Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anchia; Davis, Y.; Farrar; Gallego; Gonzales, V.; Gonzalez; Hernandez Luna; Howard, D.; Lucio; Mallory Caraway; Martinez; Naishtat; Reynolds; Strama.

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

Absent, Excused — Allen; Rodriguez.

Absent — Murphy; Quintanilla; Raymond.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 167. I intended to vote no.

Alonzo

I was shown voting yes on Record No. 167. I intended to vote no.

Coleman

I was shown voting yes on Record No. 167. I intended to vote no.

Marquez

When Record No. 167 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

HB 563 ON THIRD READING

(by Pickett, Rodriguez, Harper-Brown, and Martinez)

HB 563, A bill to be entitled An Act relating to the purposes and designation of a transportation reinvestment zone.

HB 563 was passed by (Record 168): 138 Yeas, 5 Nays, 2 Present, not voting.

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

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

Nays — Davis, S.; Landtroop; Laubenberg; Perry; Simpson.

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

Absent, Excused — Allen; Rodriguez.

Absent — Hilderbran; Quintanilla; Sheffield.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 168. I intended to vote no.

Berman

When Record No. 168 was taken, I was in the house but away from my desk. I would have voted yes.

Sheffield

HB 612 ON THIRD READING (by Hopson)

HB 612, A bill to be entitled An Act relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.

HB 612 was passed by (Record 169): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield;

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

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

Absent, Excused — Allen; Rodriguez.

Absent — Hilderbran; Menendez; Quintanilla; Shelton.

HB 613 ON THIRD READING

(by Hopson and Farrar)

HB 613, A bill to be entitled An Act relating to the unauthorized harvesting of standing timber; providing for the imposition of a criminal penalty.

HB 613 was passed by (Record 170): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Allen; Rodriguez.

Absent — Deshotel; Peña; Quintanilla; Smith, T.

STATEMENT OF VOTE

When Record No. 170 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

HB 1404 ON THIRD READING
(by Sheffield, Legler, Riddle, Fletcher, and Berman)

HB 1404, A bill to be entitled An Act relating to certain temporary orders in a suit affecting the parent-child relationship during a parent's military deployment.

HB 1404 was passed by (Record 171): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Allen; Rodriguez.

Absent — Madden; Quintanilla; Smith, T.

STATEMENT OF VOTE

When Record No. 171 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

POSTPONED BUSINESS

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

HB 310 ON SECOND READING
(by T. King)

HB 310, A bill to be entitled An Act relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.

HB 310 was read second time on March 30 and was postponed until 8:30 a.m. today.

Representative T. King moved to postpone consideration of **HB 310** until 10 a.m. Tuesday, April 5.

The motion prevailed.

HB 71 ON SECOND READING
(by Martinez and Hughes)

HB 71, A bill to be entitled An Act relating to the fee charged for the Texas Airport Directory.

HB 71 was read second time on March 23 and was postponed until 9:59 a.m. today.

HB 71 was passed to engrossment. (Berman, Simpson, and White recorded voting no.)

HB 229 ON SECOND READING
(by Solomons)

HB 229, A bill to be entitled An Act relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

HB 229 was read second time on March 23 and was postponed until 9:59 a.m. today.

Representative Solomons moved to postpone consideration of **HB 229** until 10 a.m. Tuesday, April 5.

The motion prevailed.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 64 (by Aycock), Recognizing April 13, 2011, as Leadership Highland Lakes Day at the State Capitol.

HCR 65 (by Aycock), Recognizing April 13, 2011, as Leadership Killeen Day at the State Capitol.

HCR 77 (by Zerwas), Recognizing March 1, 2011, as Donate Life Texas Day at the State Capitol.

HR 88 (by Alonzo), Recognizing Diez y Seis de Septiembre (Mexican Independence Day), 2011.

HR 89 (by Alonzo), Recognizing Diez y Seis de Septiembre (Mexican Independence Day), 2012.

HR 316 (by McClendon), Commending the African American Leadership Institute of San Antonio for its outstanding public service.

HR 380 (by Peña and Guillen), Recognizing April 9, 2011, as Welcome Home South Texas Vietnam Veterans Day.

HR 581 (by Aliseda), Recognizing April 6, 2011, as Atascosa County Day at the State Capitol.

HR 584 (by Ritter), Recognizing April 27, 2011, as Texas Water Conservation Day at the State Capitol.

HR 605 (by Kleinschmidt), Honoring Andrew Dean Livingston on his 65th birthday.

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

HR 748 (by Zerwas), Recognizing May 2011 as Fight Arthritis Pain Month in Texas.

HR 781 (by Truitt), Commemorating the 50th anniversary of the founding of the Colleyville Garden Club.

HR 813 (by Aliseda), Honoring artist Lee Ricks of Pleasanton for his professional achievements.

HR 815 (by Aliseda), Commemorating the 100th anniversary of the Jourdanton Independent School District.

HR 820 (by Frullo), Congratulating Chief Dale Holton on his retirement from the Lubbock Police Department.

HR 822 (by Schwertner), Commemorating the 25th anniversary of Reunion Ranch in Georgetown.

HR 823 (by Schwertner), Honoring Sergeant Major Richard L. Cosper on his retirement from the Texas Army National Guard.

HR 824 (by Schwertner), Congratulating Bert and Susy Cogdill of Georgetown on their 50th wedding anniversary.

HR 830 was withdrawn.

HR 834 (by Veasey), Congratulating Sam L. Sibert on his induction into the 2009-2010 Eastern Oklahoma State College Alumni Hall of Fame.

HR 836 (by Hardcastle), Commemorating the 2011 Red River BBQ Battle in Vernon.

HR 837 (by D. Miller), Honoring Rotary International president Ray Klingensmith on the occasion of his visit to New Braunfels.

HR 838 (by D. Miller), Commending the Cowboy Capital Rodeo Association of Bandera for its contributions to its community.

HR 839 (by Shelton), Congratulating Austin Graham on attaining the rank of Eagle Scout.

HR 841 (by Kolkhorst), Commending the Bellville Heritage Cowgirls for its achievements as a precision mounted drill team.

HR 849 (by McClendon), Honoring Fayette Francis, founder of the Vintage Jewels Chapter of the Red Hat Society, San Antonio, on the occasion of the chapter's fifth anniversary.

HR 851 (by Burkett), Congratulating Terry Greer on being named the 2011 Firefighter of the Year by the Mesquite Fire Department.

HR 852 (by Murphy), Congratulating Ann Woodroof on her receipt of the 2010 John E. Wolf Citizenship Cup Award from the Houston Association of REALTORS.

HR 853 (by Murphy), Congratulating Ed Wolff on being named the 2010 REALTOR of the Year by the Houston Association of REALTORS.

HR 855 (by Fletcher), Commemorating the 150th anniversary of the unification of the Republic of Italy and posthumously recognizing Giuseppe Garibaldi as an honorary Texan.

HR 858 (by Raymond), Honoring Manuelita Guajardo Juarez of Laredo on her 104th birthday.

HR 859 (by Schwertner), Congratulating Pete Kauffman of Georgetown on his 90th birthday.

HR 861 (by Flynn), Congratulating Dick and Linda Murphy of Caddo Mills on their 50th wedding anniversary.

HR 862 (by Flynn), Congratulating Bill and Lorena Dickard of Van on their 60th wedding anniversary.

HR 867 (by C. Anderson), Honoring Bill and Diane Jones of Waco on their 45th wedding anniversary.

HR 870 (by Carter), Honoring the Bentwood Republican Women's Club for its many accomplishments.

HR 871 (by Carter), Honoring the Lake Highlands Republican Women's Club of Dallas for working to make a difference in the lives of their fellow Texans.

HR 872 (by Carter), Commending Northwood Republican Women for their achievements.

HR 873 (by S. Davis), Congratulating Dr. H. Randolph Bailey on being named the Distinguished Houston Surgeon for 2011 by the Houston Surgical Society.

HR 874 (by Quintanilla), Congratulating Edward and Eric Nunez for achieving the rank of Eagle Scout.

HR 877 (by Chisum), Honoring Horace "Gorilla" Puckett and Bruce Hlesko for founding the charitable organization Fireball, which benefits the Shriners Hospital for Children in Galveston.

HR 878 (by Margo), Honoring Dell Thomas Holmsley of El Paso on his 71st birthday.

HR 881 was withdrawn.

HR 883 (by Martinez), Commemorating the 75th anniversary of Valley Grande Adventist Academy in Weslaco.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 83 (by Alonzo), Honoring the life of Cesar Chavez and recognizing the month beginning March 31, 2012, as Cesar Chavez Farmworker Appreciation Month.

HR 814 (by Aliseda), In memory of Mark Lynn Cude of Pleasanton.

HR 819 (by Frullo), In memory of Harold Dennis Long of Lubbock.

HR 821 (by Frullo), In memory of Paul E. Taylor of Lubbock.

HR 825 (by Hilderbran), In memory of Laudys Pittard of Novice.

HR 826 (by Gallego), In memory of Victor H. Garcia, Jr., of Del Rio.

HR 827 (by Gallego), In memory of Guss Lines of Alpine.

HR 832 (by L. Gonzales), In memory of Edmund G. Schmidt, the former mayor of Hutto.

HR 846 (by Guillen), In memory of Miriam Smith Vale of Rio Grande City.

HR 847 (by McClendon), Commemorating the centennial of the death of frontier hero U.S. Army Brigadier General John Lapham Bullis.

HR 848 (by McClendon), In memory of Willie D. Barnett of San Antonio.

HR 854 (by Scott), In memory of Leo Raymond Vrana of Corpus Christi.

HR 863 (by Flynn), In memory of U.S. Army Staff Sergeant Chauncy Ryan Mays of Cookville.

HR 864 (by Veasey), In memory of David M. Beckerman.

HR 868 (by C. Anderson), In memory of Gail Coker of Waco.

HR 869 (by C. Anderson), In memory of Bernice Brown of McGregor.

HR 875 (by Hughes), In memory of Benjamin Palmer Bradley of Gladewater.

HR 876 (by Hughes), In memory of Skylar Brooke Carpenter of Quitman.

HR 879 (by Hunter), In memory of Joe Michael Plummer of Corpus Christi.

HR 880 (by Hunter), In memory of Monica Marie Villarreal of Corpus Christi.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 4 ON SECOND READING(by **Pitts, Aycock, Darby, Zerwas, Otto, et al.**)

CSHB 4, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

Amendment No. 1

Representative McClendon offered the following amendment to **CSHB 4**:
Floor Packet Page No. 1

Amend **CSHB 4** (house committee printing) as follows:

- (1) On page 1, line 13, strike "\$1,133,626,046" and substitute "\$1,140,437,249".
- (2) On page 2, line 14, strike "\$2,541,907" and substitute "\$9,353,110".
- (3) On page 15, line 6, strike "\$76,111,610" and substitute "\$69,300,407".
- (4) On page 15, line 12, strike Subdivision (1) and renumber the remaining subdivisions accordingly.

Representative Otto moved to table Amendment No. 1.

The motion to table prevailed by (Record 172): 101 Yeas, 41 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Rodriguez.

Absent — Eiland; Guillen; Menendez; Pickett; Raymond.

STATEMENTS OF VOTE

When Record No. 172 was taken, I was in the house but away from my desk. I would have voted no.

Guillen

When Record No. 172 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **CSHB 4**:

Floor Packet Page No. 2

Amend **CSHB 4** by adding new language to be inserted on page 1, line 19 as follows between the "0001" and ";":

". Notwithstanding any other provision, no appropriation shall be expended by the Office of the Attorney General for litigation of any voting right matter seeking judicial preclearance in the United States District Court of the District of Columbia as provided by 42 U.S.C. 1973;

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Burnam offered the following amendment to **CSHB 4**:

Floor Packet Page No. 5

Amend SECTION 1 of **CSHB 4** (house committee printing) as follows:

- (1) On page 2, line 11, strike "\$271,118" and insert "\$306,118".
- (2) On page 16, line 24, strike "\$4,739,004" and insert "\$4,704,004".

Representative Crownover moved to table Amendment No. 3.

The motion to table prevailed by (Record 173): 103 Yeas, 40 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Rodriguez.

Absent — Eiland; Menendez; Pickett; Raymond.

STATEMENT OF VOTE

When Record No. 173 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

Amendment No. 4

Representative McClendon offered the following amendment to **CSHB 4**:
Floor Packet Page No. 7

Amend **CSHB 4** (house committee printing) as follows:

- (1) On page 2, line 14, strike "\$2,541,907" and substitute "\$22,906,319".
- (2) On page 7, lines 10 and 11, strike Subdivision (76) and renumber the remaining subdivisions accordingly.

(Geren in the chair)

Representative Otto moved to table Amendment No. 4.

(Keffer in the chair)

The motion to table prevailed by (Record 174): 99 Yeas, 46 Nays, 2 Present, not voting.

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

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg;

Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Thompson; Turner; Veasey; Vo; Walle.

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

Absent, Excused — Allen; Rodriguez.

Absent — Villarreal.

STATEMENT OF VOTE

When Record No. 174 was taken, my vote failed to register. I would have voted no.

Villarreal

INTRODUCTION OF GUEST

The speaker recognized Representative Woolley who introduced Lyle Lovett.

CSHB 4 - (consideration continued)

(Geren in the chair)

Amendment No. 5

Representative McClendon offered the following amendment to **CSHB 4**:
Floor Packet Page No. 8

Amend **CSHB 4** (house committee printing) as follows:

- (1) On page 2, line 14, strike "\$2,541,907" and substitute "\$14,938,918".
- (2) On page 4, lines 13 and 14, strike Subdivision (37) and renumber the remaining subdivisions accordingly.

(Speaker in the chair)

Representative Otto moved to table Amendment No. 5.

The motion to table prevailed by (Record 175): 100 Yeas, 46 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Rodriguez.

Absent — Christian.

Amendment No. 6

Representative Villarreal offered the following amendment to **CSHB 4**:

Floor Packet Page No. 9

Amend **CSHB 4** as follows:

(1) On page 2, line 14, strike "\$2,541,907" and substitute "\$8,741,907".

(2) On page 3, line 23, strike "\$57,526,851" and substitute "\$51,326,851".

Representative Aycock moved to table Amendment No. 6.

The motion to table prevailed by (Record 176): 97 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Rodriguez.

Absent — Farrar; Flynn.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 176. I intended to vote no.

Carter

When Record No. 176 was taken, my vote failed to register. I would have voted no.

Flynn

I was shown voting yes on Record No. 176. I intended to vote no.

White

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).

CSHB 4 - (consideration continued)

Amendment No. 7

Representative Villarreal offered the following amendment to **CSHB 4**:
Floor Packet Page No. 11

Amend **CSHB 4** (house committee printing) as follows:

(1) On page 3, line 23, strike "\$57,526,851" and substitute "\$51,326,851".

(2) Add the following appropriately numbered subdivision to SECTION 1 of the bill and renumber the remaining subdivisions accordingly:

() Windham School District: \$6,200,000 from General Revenue Fund 0001;

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Christian offered the following amendment to **CSHB 4**:
Floor Packet Page No. 16

Amend **CSHB 4** (house committee printing), in SECTION 1 of the bill (page 24, line 7), by striking "\$63,512,303" and substituting "86,762,303".

Amendment No. 8 was withdrawn.

Amendment No. 9

Representative Walle offered the following amendment to **CSHB 4**:
Floor Packet Page No. 39

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. There is hereby appropriated to the institutions listed in Section 1 from page 15, line 12 to page 17, line 7 for the two-year period beginning on the effective date of this Act the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue

receipts for the 2010-2011 biennium stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to the agency by this Act and must be used to prevent a reduction in appropriations.

Representative Aycock moved to table Amendment No. 9.

The motion to table prevailed by (Record 177): 98 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Rodriguez.

Absent — Alonzo.

STATEMENT OF VOTE

I was shown voting yes on Record No. 177. I intended to vote no.

Bohac

Amendment No. 10

Representative Farrar offered the following amendment to **CSHB 4**:
Floor Packet Page No. 41

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. There is hereby appropriated to the School for the Blind and Visually Impaired for the two-year period beginning on the effective date of this Act the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the 2010-2011 biennium stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to the agency by this Act and must be used to prevent a reduction in appropriations.

Representative Aycock moved to table Amendment No. 10.

The motion to table prevailed by (Record 178): 94 Yeas, 51 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Rodriguez.

Absent — Peña; Weber.

Amendment No. 11

Representative Farrar offered the following amendment to **CSHB 4**:

Floor Packet Page No. 42

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. There is hereby appropriated to the School for the Deaf for the two-year period beginning on the effective date of this Act the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the 2010-2011 biennium stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to the agency by this Act and must be used to prevent a reduction in appropriations.

Representative Aycock moved to table Amendment No. 11.

The motion to table prevailed by (Record 179): 94 Yeas, 52 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Rodriguez.

Absent — Weber.

Amendment No. 12

Representative Farrar offered the following amendment to **CSHB 4**:
Floor Packet Page No. 43

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Unexpended balances in Texas Legislature, Preservation Board Governor Mansion Restoration (estimated to be \$8,900,000), as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the

2012-2013 biennium, are appropriated to the institution listed in Section 1 from page 3, line 16 to page 3, line 17. These agencies may not encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to institutions listed in Section 1 from page 15, line 12 to page 17, line 7 by this Act and must be used to prevent a reduction in appropriations.

Representative Aycock moved to table Amendment No. 12.

The motion to table prevailed by (Record 180): 100 Yeas, 47 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Rodriguez.

Amendment No. 13

Representative Farrar offered the following amendment to **CSHB 4**:

Floor Packet Page No. 44

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Unexpended balances in Preservation Board Governor Mansion Restoration (estimated to be \$8,900,000) as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to the institutions listed in Section 1 from page 3, line 14 to page 3, line 15. This agency may not encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after

that date is void. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to institution listed in Section 1 from page 3, line 14 to page 3, line 15 by this Act and must be used to prevent a reduction in appropriations.

Representative Aycock moved to table Amendment No. 13.

The motion to table prevailed by (Record 181): 100 Yeas, 46 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Rodriguez.

Absent — Jackson.

STATEMENT OF VOTE

I was shown voting yes on Record No. 181. I intended to vote no.

Bohac

Amendment No. 14

Representative Coleman offered the following amendment to **CSHB 4**:
Floor Packet Page No. 38

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. There is hereby appropriated to the Health and Human Services Commission for the two-year period beginning on the effective date of this Act the amount of any general revenue collected by the Comptroller in

excess of the amount of probable general revenue receipts for the 2010-2011 biennium stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to the agency by this Act and must be used to prevent a reduction in appropriations.

(L. Taylor in the chair)

Representative Zerwas moved to table Amendment No. 14.

The motion to table prevailed by (Record 182): 98 Yeas, 48 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Rodriguez.

STATEMENT OF VOTE

I was shown voting yes on Record No. 182. I intended to vote no.

Carter

LEAVE OF ABSENCE GRANTED

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

Hilderbran on motion of Hopson.

CSHB 4 - (consideration continued)**Amendment No. 15**

Representative P. King offered the following amendment to **CSHB 4**:

Floor Packet Page No. 48

Amend **CSHB 4** by adding the following section, numbered appropriately, and renumbering subsequent sections of the bill accordingly:

SECTION _____. (a) In this section, "state agency" has the meaning assigned by Section 317.001, Government Code.

(b) Except as provided by Subsection (d) of this section, a state agency may not:

(1) fill the position of an employee if the position:

(A) is vacant on the effective date of this section; or

(B) becomes vacant after the effective date of this section; or

(2) divert to another use, including a use for salary, wages, or benefits of another employee, money appropriated for the salary, wages, or benefits attributable to a position described by Subdivision (1) of this subsection.

(c) On September 1, 2011, the comptroller shall deposit the unexpended money appropriated for salary, wages, or benefits for an employee's vacant position to which Subsection (b) of this section applies to the credit of the fund or account from which the money was appropriated.

(d) A state agency may fill a vacant position and may use to fill that position money appropriated for the salary, wages, or benefits attributable to one or more positions described by Subsection (b)(1) of this section only if:

(1) the agency determines that filling the position is necessary to prevent or ameliorate an emergency related to the agency's public purposes;

(2) the agency notifies the governor and the Legislative Budget Board

of:

(A) the nature of the emergency;

(B) the functions of the position to be filled;

(C) the salary, wages, and benefits proposed to be paid to a person to fill the position; and

(D) any other information requested by the governor or the Legislative Budget Board; and

(3) the governor and the Legislative Budget Board approve the agency's proposal to fill the position and the salary, wages, and benefits to be paid to fill the vacancy.

(e) To the extent of any conflict, this section supersedes any other Act of the 82nd Legislature, Regular Session, 2011.

(f) This section expires September 2, 2011.

(g) This section takes effect immediately if this Act 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 this section to take immediate effect, this section does not take effect.

Amendment No. 16

Representative P. King offered the following amendment to Amendment No. 15:

Amend amendment by P. King on pg. 48 to read as follows:

Amend **CSHB 4** by adding the following section, numbered appropriately, and renumbering subsequent sections of the bill accordingly:

SECTION _____. (a) In this section, "state agency" has the meaning assigned by Section 317.001, Government Code.

(b) Except as provided by Subsection (d) of this section, a state agency may not:

(1) fill the position of an employee if the position:

(A) is vacant on the effective date of this section; or

(B) becomes vacant after the effective date of this section; or

(2) divert to another use, including a use for salary, wages, or benefits of another employee, money appropriated for the salary, wages, or benefits attributable to a position described by Subdivision (1) of this subsection.

(c) On September 1, 2011, the comptroller shall deposit the unexpended money appropriated for salary, wages, or benefits for an employee's vacant position to which Subsection (b) of this section applies to the credit of the fund or account from which the money was appropriated.

(d) A state agency may fill a vacant position and may use to fill that position money appropriated for the salary, wages, or benefits attributable to one or more positions described by Subsection (b)(1) of this section only if:

(1) the agency determines that filling the position is necessary to prevent or ameliorate an emergency related to the agency's public purposes;

(2) the agency notifies the governor and the Legislative Budget Board

of:

(A) the nature of the emergency;

(B) the functions of the position to be filled;

(C) the salary, wages, and benefits proposed to be paid to a person to fill the position; and

(D) any other information requested by the governor or the Legislative Budget Board; and

~~(3) the governor and the Legislative Budget Board approve the agency's proposal to fill the position and the salary, wages, and benefits to be paid to fill the vacancy.~~

(e) To the extent of any conflict, this section supersedes any other Act of the 82nd Legislature, Regular Session, 2011.

(f) This section expires September 2, 2011.

~~(g) This section takes effect immediately if this Act 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 this section to take immediate effect, this section does not take effect.~~

(Speaker in the chair)

Amendment No. 16 was adopted.

Amendment No. 15, as amended, was adopted. (D. Howard recorded voting no.)

Amendment No. 17

Representative Coleman offered the following amendment to **CSHB 4**:
Floor Packet Page No. 52

Amend **CSHB 4** by adding the following section:

SECTION ____ Medicaid Waiver For Certain Populations. Contingent on findings that a Medicaid waiver for the below populations is cost effective and feasible, the Health and Human Services Commission may seek a Medicaid waiver or waivers from the Centers for Medicare and Medicaid Services. The Medicaid waiver(s) should incorporate the following principles without reducing the health benefit plan for already eligible enrollees:

- (a) efficiently leverage state, local, federal and other funding to:
 - (1) increase state flexibility in its use of Medicaid funding for those certain populations;
 - (2) allow the state to be a more prudent purchaser and payer of health care for those certain populations;
 - (3) ensure Medicaid coverage for those certain populations;
- (b) cover through Medicaid the following certain populations:
 - (1) Individuals receiving mental health services on the county level up to 75 percent FPL
 - (2) Individuals receiving treatment for HIV/AIDS up to 150 percent FPL
- (c) solicit broad-based stakeholder input.

Further it is the intent of the Legislature that in leveraging state, local, and other funding that the Commission employ the use of intergovernmental transfers and other procedures to ensure the highest level of federal match for the certain populations.

Representative Zerwas moved to table Amendment No. 17.

The motion to table prevailed by (Record 183): 97 Yeas, 43 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Christian; Guillen; Menendez; Peña; Pickett; Raymond.

STATEMENTS OF VOTE

When Record No. 183 was taken, I was in the house but away from my desk. I would have voted no.

Guillen

When Record No. 183 was taken, I was in the house but away from my desk. I would have voted no.

Pickett

When Record No. 183 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

Amendment No. 18

On behalf of Representative Gallego, Representative Martinez offered the following amendment to **CSHB 4**:

Floor Packet Page No. 53

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. There is hereby appropriated to the Texas Education Agency for the Foundation School Program and to restore reductions in classroom instructional services for the two-year period beginning on the effective date of this Act the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the 2010-2011 biennium stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to the agency by this Act and must be used to prevent a reduction in appropriations.

Representative Aycok moved to table Amendment No. 18.

The motion to table prevailed by (Record 184): 96 Yeas, 46 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Cain; Menendez; Pickett; Raymond.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 184. I intended to vote no.

Bohac

When Record No. 184 was taken, I was in the house but away from my desk. I would have voted yes.

Cain

When Record No. 184 was taken, I was in the house but away from my desk. I would have voted no.

Pickett

When Record No. 184 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

Amendment No. 19

Representative Zerwas offered the following amendment to **CSHB 4**:
Floor Packet Page No. 58

Amend **CSHB 4** by inserting the appropriately numbered rider and renumbering any subsequent riders accordingly.

____. Regional Trauma Account. Available revenue for the Regional Trauma Account 5137 (Red Light Camera Trauma Fund) in excess of the Biennial Revenue Estimate is appropriated under Strategy A.1.1, Enterprise Oversight and Policy, to the Health and Human Services Commission for the state fiscal year ending August 31, 2011, to be used to reimburse uncompensated trauma care.

Amendment No. 19 was withdrawn.

Amendment No. 20

Representative Darby offered the following amendment to **CSHB 4**:

Floor Packet Page No. 60

Amend **CSHB 4** by decreasing General Revenue Funds for the Soil and Water Conservation Board in the fiscal year 2011 by \$1,100,000 and increase General Revenue for the Soil and Water Conservation Board by \$800,000 in fiscal year 2012 and \$300,000 in 2013.

Amendment No. 21

Representative Darby offered the following amendment to Amendment No. 20:

Amend the Darby amendment on pg. 60 to **CSHB 4** as follows:

(1) Amending Section (1)(a)(130) to read as follows:

SECTION 1(a)(130): Soil and Water Conservation Board: ~~\$1,690,749~~
\$2,790,749 from General Revenue Fund 0001;

(2) Adding the appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. APPROPRIATION TO THE SOIL AND WATER CONSERVATION BOARD. The appropriations from the General Revenue Fund 0001 for the two year period beginning on the effective date of this Act to the Soil and Water Conservation Board are hereby increased by \$1,100,000.

Amendment No. 21 was adopted.

Amendment No. 20, as amended, was adopted.

Amendment No. 22

Representative Marquez offered the following amendment to **CSHB 4**:

Floor Packet Page No. 63

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. There is hereby appropriated to the Department of Aging and Disability Services for the two-year period beginning on the effective date of this Act the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the 2010-2011 biennium stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The amount of general

revenue made available by this section must not exceed the amount of the reduction in appropriations made to the agency by this Act and must be used to prevent a reduction in appropriations.

Representative Zerwas moved to table Amendment No. 22.

The motion to table prevailed by (Record 185): 92 Yeas, 47 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Anderson, R.; Callegari; Lyne; Menendez; Peña; Pickett; Raymond.

STATEMENTS OF VOTE

When Record No. 185 was taken, I was in the house but away from my desk. I would have voted no.

Pickett

When Record No. 185 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

I was shown voting yes on Record No. 185. I intended to vote no.

White

Amendment No. 23

Representative Marquez offered the following amendment to **CSHB 4**:

Floor Packet Page No. 64

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. There is hereby appropriated to the institutions listed in Section 1 from page 3, line 24 to page 8, line 4 for the two-year period beginning on the effective date of this Act the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the 2010-2011 biennium stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to the agency by this Act and must be used to prevent a reduction in appropriations.

Representative Aycock moved to table Amendment No. 23.

The motion to table prevailed by (Record 186): 98 Yeas, 46 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Gutierrez; Peña.

STATEMENT OF VOTE

I was shown voting yes on Record No. 186. I intended to vote no.

White

Amendment No. 24

Representative Gallego offered the following amendment to **CSHB 4**:

Floor Packet Page No. 68

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Unexpended balances in Preservation Board Governor Mansion Restoration (estimated to be \$8,900,000) as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to Sul Ross State University and Sul Ross State University Rio Grande College. The State Preservation Board may not encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to Sul Ross State University and Sul Ross State University Rio Grande College by this Act and must be used to prevent a reduction in appropriations.

Amendment No. 24 was withdrawn.

Amendment No. 25

Representative Burnam offered the following amendment to **CSHB 4**:

Floor Packet Page No. S-1

Amend SECTION 1 of **CSHB 4** (house committee printing) as follows:

- (1) On page 2, line 11, strike "\$271,118" and insert "\$306,118".
- (2) On page 3, line 12, strike "\$90,277,640" and insert "\$90,242,640".

Representative Aycock moved to table Amendment No. 25.

The motion to table prevailed by (Record 187): 99 Yeas, 44 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — King, T.; McClendon.

STATEMENTS OF VOTE

When Record No. 187 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. 187. I intended to vote yes.

Strama

Amendment No. 26

Representative Castro offered the following amendment to **CSHB 4**:

Floor Packet Page No. 33

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Unexpended balances in General Revenue Funds appropriated for the Office of the Governor, the Office of the Attorney General, and the State Preservation Board as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to the University of Texas at San Antonio. The Office of the Governor, the Office of the Attorney General, and the State Preservation Board may not encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to the University of Texas at San Antonio by this Act and must be used to prevent a reduction in appropriations.

Amendment No. 27

Representative Castro offered the following amendment to Amendment No. 26:

Amend Amendment No. 26 to **CSHB 4** by Castro (page 33, prefiled amendments packet) as follows:

- (1) On line 5 between "SECTION ____." and "Unexpended" insert "(a)".
- (2) Following line 18 add:

(b) Unexpended balances in General Revenue Funds appropriated for the Office of the Governor, the Office of the Attorney General, and the State Preservation Board as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to the University of Texas Health Science Center at San Antonio. The Office of the Governor, the Office of the Attorney General, and the State Preservation Board may not encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. The amount of general

revenue made available by this section must not exceed the amount of the reduction in appropriations made to the University of Texas Health Science Center at San Antonio by this Act and must be used to prevent a reduction in appropriations.

(c) Unexpended balances in General Revenue Funds appropriated for the Office of the Attorney General, as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to Alamo Community College. The Office of the Attorney General may not encumber its unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to Alamo Community College by this Act and must be used to prevent a reduction in appropriations.

Amendment No. 27 was adopted.

Representative Otto moved to table Amendment No. 26, as amended.

The motion to table prevailed by (Record 188): 101 Yeas, 45 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 3 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 3 p.m. today, 3W.15, for a formal meeting, to set a calendar.

CSHB 4 - (consideration continued)

Amendment No. 28

Representative Castro offered the following amendment to **CSHB 4**:

Floor Packet Page No. 35

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. There is hereby appropriated to the Higher Education Coordinating Board for the two-year period beginning on the effective date of this Act the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the 2010-2011 biennium stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to the agency by this Act and must be used to prevent a reduction in appropriations.

(D. Miller in the chair)

Representative Aycock moved to table Amendment No. 28.

The motion to table prevailed by (Record 189): 93 Yeas, 51 Nays, 3 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Amendment No. 29

Representative Castro offered the following amendment to **CSHB 4**:
Floor Packet Page No. 36

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Unexpended balances in General Revenue Funds appropriated for the Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to The Higher Education Coordinating Board for TEXAS Grants and Tuition Equalization Grant Program. The Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts may not encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to The Higher Education Coordinating Board by this Act and must be used to prevent a reduction in appropriations.

Representative Aycock moved to table Amendment No. 29.

The motion to table prevailed by (Record 190): 93 Yeas, 51 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Lyne.

STATEMENT OF VOTE

When Record No. 190 was taken, I was in the house but away from my desk. I would have voted yes.

Lyne

Amendment No. 30

Representative Walle offered the following amendment to **CSHB 4**:

Floor Packet Page No. 40

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Unexpended balances in Texas Emerging Technology Fund Account No. 5124 (estimated to be \$138,260,000) and unexpended balances in General Revenue Funds appropriated for the Office of the Attorney General Litigation Expenses (estimated to be \$7,885,554), Texas Legislature, Preservation Board Governor Mansion Restoration (estimated to be \$8,900,000), Texas Forest Service (estimated to be \$335,223), Court of Criminal Appeals Judicial Education Administrative Allocation (estimated to be \$100,000), Department of Motor Vehicles Vehicle Registration (estimated to be \$45,889,330) as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to the institution listed in Section 1 from page 3, line 22 to page 3, line 23. These agencies may not encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to institutions listed in Section 1 from page 15, line 12 to page 17, line 7 by this Act and must be used to prevent a reduction in appropriations.

Amendment No. 31

Representative Walle offered the following amendment to Amendment No. 30:

Amend Floor Amendment No. 30 by Walle (page 40, pre-filed amendments packet) as follows:

(1) On page 1, lines 5-7, strike "balances in Texas Emerging Technology Fund Account No. 5124 (estimated to be \$138,260,000) and unexpended".

(2) On page 1, lines 13-14, strike "Department of Motor Vehicles Vehicle Registration (estimated to be \$45,889,330)".

(3) On page 1, line 19, strike "March 1, 2011," and substitute "the effective date of this Act,".

Amendment No. 31 was adopted.

Representative Otto moved to table Amendment No. 30, as amended.

The motion to table prevailed by (Record 191): 98 Yeas, 47 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

(Speaker in the chair)

Amendment No. 32

Representative Paxton offered the following amendment to **CSHB 4**:
Floor Packet Page No. 18

Amend **CSHB 4** (house committee printing) on page 26, between lines 16 and 17, by inserting the following:

(h) The appropriations from the general revenue fund for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to each agency for salaries and wages are reduced respectively for each agency, in an amount equal to:

(1) 0.625 percent of the wages or salary for each person in a position with the agency under Salary Schedule A, B, or C who earns more than \$60,000 annually; and

(2) 0.625 percent of the wages or salary for each person in a position with the agency on the Schedule of Exempt Positions listed in Section 3.05, Article IX, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), who earns more than \$60,000 annually.

Amendment No. 33

Representative Paxton offered the following amendment to Amendment No. 32:

Amend Floor Amendment No. 32 to **CSHB 4** by Paxton (page 18, prefiled amendment packet) on line 3 of the amendment by striking "from the general revenue fund".

Amendment No. 33 was adopted.

Amendment No. 34

Representative Naishtat offered the following amendment to Amendment No. 32:

Amend Amendment No. 32 by Paxton (floor packet page 18) on line 15, after the period, by inserting the following:

(i) The requirements of subsection (h) shall not apply to the salary or wages paid by an agency to a peace officer or tax auditor.

LEAVES OF ABSENCE GRANTED

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

Bonnen on motion of Legler.

Cook on motion of Legler.

Geren on motion of Legler.

Hunter on motion of Legler.

Lucio on motion of Legler.

Ritter on motion of Legler.

Truitt on motion of Legler.

Zerwas on motion of Legler.

CSHB 4 - (consideration continued)

Amendment No. 34 was adopted.

Amendment No. 35

Representative Kolkhorst offered the following amendment to Amendment No. 32:

Amend Amendment No. 32 to **CSHB 4** by Paxton by striking lines 8-15 of the amendment and substituting the following:

(1) 2.7 percent of the wages or salary for each person in a position with the agency under Salary Schedule B who earns more than \$100,000 annually, which is expected to be the equivalent of 0.625% of the wages or salary for each person in a position under Salary Schedule A, B, or C who earns more than \$60,000 annually; and

(2) 2.7 percent of the wages or salary for each person in a position with the agency on the Schedule of Exempt Positions listed in Section 3.05, Article IX, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), who earns more than \$100,000 annually, which is expected to be the equivalent of 0.625% of the wages or salary for each person in a position on the Schedule of Exempt Positions listed in Section 3.05, Article IX, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act) who earns more than \$60,000 annually.

(Bonnen, Cook, Geren, Hunter, Lucio, Ritter, Truitt, and Zerwas now present)

Amendment No. 35 was adopted.

Amendment No. 32, as amended, was withdrawn.

Amendment No. 36

Representative Strama offered the following amendment to **CSHB 4**:

Floor Packet Page No. 59

Amend **CSHB 4** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Unexpended balances in the Texas Emerging Technology Fund in the Office of the Governor as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to the Texas Education Agency for the Foundation School Program. No additional grants may be obligated from the unexpended balance of the Texas Emerging Technology Fund. The amount of general revenue made available by this section must not exceed the amount of the reduction in appropriations made to the Texas Education Agency by this Act and must be used to prevent a reduction in appropriations.

Amendment No. 37

Representatives Strama and J. Davis offered the following amendment to Amendment No. 36:

Floor Packet Page No. 59

Amend Amendment No. 36 to **CSHB 4** on page 59 of the prefiled amendment packet by striking page 1, lines 5 through 15 of the amendment, and substituting the following

SECTION _____. Unobligated balances in the Texas Emerging Technology Fund in the Office of the Governor as of the effective date of this Act may not be obligated in any manner during the remainder of the state fiscal year ending August 31, 2011.

Amendment No. 37 was adopted.

Amendment No. 36, as amended, was adopted. (White recorded voting yes.)

CSHB 4 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PITTS: Mr. Speaker, members, let me make sure everyone understands what **HB 4** is. **HB 4** is a bill that pays our current bills. It's a bill that pays the electricity, the salaries, the school districts for the rest of this biennium. These aren't cuts that are going to be borne by these agencies in the next few months. These agencies were asked 15 months ago to make these cuts and those cuts are already in place. And it's not something the agencies have to cut once this bill is passed. This bill will not be signed by the governor until some time probably in June, but these cuts have already been made.

REPRESENTATIVE Y. DAVIS: Thanks, Chairman Pitts, I appreciate what you're saying and because you are saying it, I thought it was a good time for me to ask my questions. It relates to the fact that we're paying bills—this bill relates to the bills we will pay for 2011, is that correct?

PITTS: It's bills for 2011, yes.

Y. DAVIS: And the bills for 2011 should've been paid with the bill we passed last year, is that correct? The biennium—bill that we passed?

PITTS: It was anticipated that they would be paid by the bill we passed last session.

Y. DAVIS: And so, is that based on—I want to understand this process. By constitution, we are required to have a certified budget, is that correct?

PITTS: That is correct.

Y. DAVIS: And so based on our requirement to have a certified budget, who then certifies the budget and then signs it to say that these funds are available to run our government?

PITTS: Comptroller.

Y. DAVIS: Okay, in the certification process of this budget, it indicated that we were going to excess of \$84 million, isn't that correct?

PITTS: That's about right.

Y. DAVIS: And the previous biennium we had about \$2.9 billion that was excess of what we were supposed to spend, is that correct?

PITTS: I'm not sure about that number, but I think it's about right.

Y. DAVIS: Trust me, it's what they say.

PITTS: Okay, I trust you.

Y. DAVIS: My question is, how are we to determine as a state whether or not we can rely or count on the certification process for a budget if, in fact, we're here today paying bills for this biennium that we thought we already budgeted for?

PITTS: You know, the comptroller would have no way to know that our sales taxes would go down. And that is one of the main reasons why our treasury does not have enough money in it to pay the existing bills we will have the rest of this biennium.

Y. DAVIS: And so, to the extent that you said this was happening 15 months ago—we had agencies looking at this—when did the comptroller notify us, or when were we notified that we, in fact, could not pay the bills that we projected to already have allocated funds to pay?

PITTS: I'm not advised.

Y. DAVIS: To the extent that this happens, if we were not in session at this time, how would those bills be paid? What mechanism would be in place to protect the commitments that the state's made?

PITTS: I imagine that we would be back in special session, Yvonne. And the reason that is, there are some opportunities to borrow balances. And the big balance she could borrow is the rainy day fund. And she could borrow the rainy day fund, right now, to pay our existing bills, but she has to pay that rainy day back before August 31, 2011.

Y. DAVIS: So, in fact, we don't have the money, based on her projections, there were not—her projections do not represent what we need to pay our bills, is that correct?

PITTS: The projections that she made a year and a half ago were anticipated, but they did not become a reality, and because of that, we need additional money.

Y. DAVIS: But, in reading back and forth, one of the questions that kept coming up was whether or not it was a \$3 billion, \$10 billion, or an \$18 billion, or \$27 billion. Are we to think that we can't do better forecasting than we are 27, to 18, 12, or four, or six, I mean—

PITTS: You have to realize, you know, that about a year ago or so we started talking about—the Appropriations Committee—we were talking about a shortfall for the next biennium. And that's what we said was approximately \$18 billion, for the next biennium. We were not talking about a shortfall for this biennium.

Y. DAVIS: And so—which is troubling, because if we're talking about \$18 billion for the next biennium, what protections or what assurances or what methodologies or methods are put in place to protect us from having a similar situation, so that what the projections are closer to what our actual needs will be? Is there something that triggers, so that we as legislators are not told when we get to session that, in fact, there is going to be a huge deficit?

PITTS: Not that I'm aware of.

Y. DAVIS: So, we could very easily find ourselves very easily in the same situation after we do **HB 1**, is that correct?

PITTS: That is correct.

Y. DAVIS: So, do we consider the fact that all of those stimulus, in some cases, people like to say Obama-era money, that came from the federal government—have we talked about that infusion of money? What it did to protect this budget?

PITTS: You know, Yvonne, we had about a \$10 billion budget shortfall when we came into session last session, and we were able to cut our general revenue budget by over a billion dollars. And then we used some of the stimulus package's one-time only money. In fact, we said in Article XIII that everything in Article XIII funded by the stimulus package would be one-time only. But, the stimulus package did help to fill our hole on Medicaid and public school growth.

Y. DAVIS: Which is about \$16 billion, is that correct? Is it \$16 billion that we—?

PITTS: No, not \$16 billion. I think it was—I'd be guessing, but it's a whole lot less than that.

Y. DAVIS: Ten? Eleven?

PITTS: It was used to fill some holes on Medicaid and schools—

Y. DAVIS: And all I'm trying to ask, Mr. Chairman, is whether or not we as legislators are being informed enough and involved enough to know how we get away from this same crisis with **HB 1**, because, members, I don't know if you realize, we really are broke and we're paying bills that we already should—money, funds available for—

PITTS: Representative Davis, we asked the comptroller to come in, we wrote her a letter and asked her why we missed it so much, and then we asked her to come in and testify before the full Appropriations Committee, which she did.

Y. DAVIS: And Mr. Chairman, do you remember her responses with regard to how we missed it by so far?

PITTS: Basically, it was the sales tax.

Y. DAVIS: Okay, so the sales tax difference is how much?

PITTS: Yes.

Y. DAVIS: No, I mean, do we know how much the gap was, the sales tax gap?

PITTS: \$3.8 billion.

Y. DAVIS: So, this is all on sales tax. This does not have anything to do with the other kinds of problems we have with our franchise tax or other structural—

PITTS: \$3.8 billion is the sales tax, I am told. That's why we have the \$4.3 billion shortfall.

Y. DAVIS: It's just from the sales tax?

PITTS: It's the sales tax, it's the margins tax, it's just the slow economy in the State of Texas.

Y. DAVIS: So, it's all of it, then?

PITTS: It's a combination.

Y. DAVIS: It's a combination of all of them not performing the way we expected.

PITTS: The sales tax is the largest amount.

Y. DAVIS: Okay, the last question I want to ask you, Mr. Chairman, is you're asking us to vote on this bill. I'm just wondering is there any way that we, as members of the legislature, is there some way that we would have been notified or she could have provided us with the knowledge of this occurring before we got here to the session?

PITTS: Let me make sure I understood you.

Y. DAVIS: Okay, let me restate it.

PITTS: I think I heard that you are going to vote for **HB 4**?

Y. DAVIS: No, no, I don't think you heard correctly at all. I said, let me make sure, to clear it up, if you heard that.

PITTS: Okay, okay, I was in shock and I wasn't sure I heard the rest of it.

Y. DAVIS: I would be in shock, as well. So, let me ask you something—would this kind of issue be forced today, and potentially it could be forced after we pass **HB 1**? Have you, as chairman of Appropriations, have you a mechanism where you are notified? I know you have the LBB, but, have you figured out a way to provide us as legislators some input with regard to this kind of crisis, so that we can start communicating with our constituents with regard to what's going on? Because, earlier projections from this biennium never suggested this kind of shortfall and the need to have a crisis in paying bills right now.

PITTS: You know, Representative Davis, I have seen riders or bills that require an annual, a BRE, and things that would probably help answer your question.

Y. DAVIS: But, you're the chairman of Appropriations and I'm assuming you'll be there until you decide not to be there, so based on your probability of you being there, have you instituted or do you have something in place that we can be assured will trigger communication to those of us in the legislature that we're broke, and stop this nonsense about we got this flourishing economy when we come in here and make emergency appropriations to pay our bills?

PITTS: I think there are things that are being considered right now that will answer your question.

Y. DAVIS: Great, and are you authoring that as the chair of the committee?

PITTS: No, I think that it's somebody else. I have seen some riders, or a piece of legislation to do that.

Y. DAVIS: Mr. Chairman, do you think you need me to help you with some of those riders?

PITTS: Sure do, come on down.

Y. DAVIS: All right, thanks.

CSHB 4, as amended, was passed to engrossment by (Record 192): 100 Yeas, 46 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

REASON FOR VOTE

CSHB 4 approves cuts to state agencies and vital programs that were mandated by three people: the governor, the lieutenant governor, and the speaker. Because the legislature was not in session at the time this directive was given to agencies, there was minimal opportunity for public input or a robust debate on the issue by the full house. In light of our budget shortfall for both the current biennium and the next biennium, I believe we need to have a broad discussion of what our state's funding priorities should be and which programs and services we need to protect. I voted against **CSHB 4** because it seeks legislative approval as an afterthought, and decisions about reducing revenue are too important to our state's economic future to be made in this manner.

D. Howard

REMARKS ORDERED PRINTED

Representative Y. Davis moved to print remarks between Representative Pitts and Representative Y. Davis.

The motion prevailed.

CSHB 275 ON SECOND READING

(by Pitts, Giddings, Otto, Riddle, Aycock, et al.)

CSHB 275, A bill to be entitled An Act relating to making an appropriation of money from the economic stabilization fund for expenditure during the current state fiscal biennium.

Amendment No. 1

Representative Turner offered the following amendment to **CSHB 275**:

Floor Packet Page No. 4

Amend **CSHB 275** as follows:

In SECTION 1 of the bill, on line 6, strike ~~\$3,117,661,120~~ and replace with \$4,273,557,000.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, at 4 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, 4 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 275 - (consideration continued)

Representative Pitts moved to table Amendment No. 1.

The motion to table prevailed by (Record 193): 97 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

STATEMENT OF VOTE

I was shown voting no on Record No. 193. I intended to vote present, not voting.

Callegari

MESSAGE FROM THE SENATE

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

CSHB 275 - (consideration continued)**Amendment No. 2**

Representative Coleman offered the following amendment to **CSHB 275**:
Floor Packet Page No. 5

Amend **CSHB 275** (house committee printing) as follows:

(1) On page 1, line 6, strike "3,117,661,120" and substitute "\$3,715,931,346".

(2) On page 1, between lines 12 and 13, insert the following new Subsection (b),(c),(d) and (e), SECTION 1, and re-letter any subsequent subsections accordingly:

(b) In addition to the amounts appropriated to the Veteran's Commission, for the 2010-2011 biennium, the amount of \$359, 819 is appropriated to the Veteran's Commission to prevent a reduction in appropriations made by an Act of the 82d Legislature.

(c) In addition to the amounts appropriated to the Texas Education Agency, for the 2010-2011 biennium, the amount of \$151,035,340 is appropriated to the Texas Higher Education Institutions to prevent a reduction in appropriations for Public Junior/Community Colleges made by an Act of the 82d Legislature.

(d) In addition to the amounts appropriated to the Texas Higher Education Coordinating Board, for the 2010-2011 biennium, the amount of \$76,111,610 is appropriated to the Texas Higher Education Coordinating Board for Public Junior/Community Colleges to prevent a reduction in appropriations for Public Junior/Community Colleges made by an Act of the 82d Legislature.

(e) In addition to the amounts appropriated to:

The University of Texas System Administration;

The University of Texas at Arlington;

The University of Texas at Austin;

The University of Texas at Dallas;

The University of Texas at El Paso;

The University of Texas - Pan American;

The University of Texas at Brownsville;

The University of Texas of the Permian Basin;

The University of Texas at San Antonio;

The University of Texas at Tyler;

Texas A&M University System Administrative;

Texas A&M University;

Texas A&M University at Galveston;
Prairie View A&M University;
Tarleton State University;
Texas A&M University - Corpus Christi;
Texas A&M University - Kingsville;
Texas A&M International University;
West Texas A&M University;
Texas A&M University - Commerce;
Texas A&M University - Texarkana;
University of Houston System Administration;
University of Houston;
University of Houston - Clear Lake;
University of Houston - Downtown
University of Houston - Victoria;
Midwestern State University;
University of North Texas System Administration;
University of North Texas;
Stephen F. Austin State University;
Texas Southern University;
Texas Tech University System Administration;
Texas Tech University;
Angelo State University;
Texas Woman's University;
Texas State University System;
Lamar University;
Lamar Institute of Technology;
Lamar State College - Orange;
Lamar State College - Port Arthur;
Sam Houston State University;
Texas State University - San Marcos;
Sul Ross State University;
Sul Ross State University Rio Grande College;
The University of Texas Southwestern Medical Center at Dallas;
The University of Texas Medical Branch at Galveston;
The University of Texas Health Science Center at Houston;
The University of Texas Health Science Center at San Antonio;
The University of Texas M. D. Anderson Cancer Center;
The University of Texas Health Center at Tyler;
Texas A&M University System Health Science Center;
University of North Texas Health Science Center at Fort Worth;
Texas Tech University Health Sciences Center;
Texas State Technical College System Administration;
Texas State Technical College - Harlingen;
Texas State Technical College - West Texas;
Texas State Technical College - Marshall; and
Texas State Technical College - Waco

for the 2010-2011 biennium, the amount of \$369,763,457 is also appropriated to prevent a reduction in appropriations made by an Act of the 82nd Legislature.

Amendment No. 3

Representative Farias offered the following amendment to Amendment No. 2.

Amend Amendment No. 2 by Coleman to **CSHB 275** (page 5 through 7 of the prefiled amendment packet) by inserting "Texas A&M University - San Antonio" between lines 15 and 16 on page 2 of the amendment.

Amendment No. 3 was adopted.

(Harper-Brown in the chair)

Representative Pitts moved to table Amendment No. 2, as amended.

The motion to table prevailed by (Record 194): 96 Yeas, 49 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Amendment No. 4

Representative Gallego offered the following amendment to **CSHB 275**:
Floor Packet Page No. 9

Amend **CSHB 275** (house committee printing) as follows:

(1) On page 1, line 6, strike "3,117,661,120" and substitute "\$3,268,696,460."

(2) On page 1, between lines 12 and 13, insert the following new Subsection (b), SECTION 1, and re-letter any subsequent subsections accordingly:

(b) In addition to the amounts appropriated to the Texas Education Agency for the 2010-2011 biennium, the amount of \$151,035,340 is appropriated to the Texas Education Agency to prevent a reduction in appropriations to the Foundation School Program and classroom instructional services made by an Act of the 82nd Legislature.

Representative Pitts moved to table Amendment No. 4.

The motion to table prevailed by (Record 195): 97 Yeas, 48 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Amendment No. 5

Representative Walle offered the following amendment to **CSHB 275**:

Floor Packet Page No. 10

Amend **CSHB 275** (house committee printing) as follows:

(1) On page 1, line 6, strike "3,117,661,120" and substitute "\$3,193,772,730".

(2) On page 1, between lines 12 and 13, insert the following new Subsection (b), SECTION 1, and re-letter any subsequent subsections accordingly:

(b) In addition to the amounts appropriated to the Texas Higher Education Coordinating Board for the 2010-2011 biennium, the amount of \$76,111,610 is appropriated to the Texas Higher Education Coordinating Board for Public Junior/Community Colleges to prevent a reduction in appropriations for Public Junior/Community Colleges made by an Act of the 82nd Legislature.

Representative Pitts moved to table Amendment No. 5.

The motion to table prevailed by (Record 196): 97 Yeas, 48 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Amendment No. 6

Representative Zedler offered the following amendment to **CSHB 275**:

Floor Packet Page No. 12

Amend **CSHB 275** (house committee printing) as follows:

(1) On page 1, line 6, strike "The amount of" and substitute "An amount not to exceed".

(2) On page 1, line 13, between "(b)" and "This Act", insert:

The maximum amount of the appropriation authorized by Subsection (a) of this section is reduced by an amount equal to the amount by which the aggregate amount of reductions in state spending for the state fiscal year ending August 31, 2011, provided by **HB 4**, 82nd Legislature, Regular Session, 2011, or similar legislation, as finally enacted, exceeds the aggregate amount of reductions in state

spending for that year provided by the committee substitute for **HB 4**, 82nd Legislature, Regular Session, 2011, before any second reading amendments to that substitute.

(c)

(3) On page 1, line 13, strike "only if it" and substitute:
only if:

(1) **HB 4**, 82nd Legislature, Regular Session, 2011, or similar legislation:

(A) is enacted and becomes law; and

(B) as enacted, provides for aggregate reductions in spending for the state fiscal year ending August 31, 2011, at least as great as the aggregate reductions in spending for that fiscal year provided by that bill as passed by the house of representatives; and

(2) this Act

Amendment No. 7

Representative P. King offered the following amendment to Amendment No. 6:

Amend Floor Amendment No. 6 by Zedler (page 12, pre-filed amendment packet) by striking lines 2-26 and substituting:

(1) On page 1, between lines 17 and 18, insert:

(c) This Act takes effect only if **HB 4**, 82nd Legislature, Regular Session, 2011, or another Act of the 82nd Legislature substantially similar in effect to that legislation, is enacted and becomes law.

(2) On page 1, line 18, strike "immediately" and substitute "July 1, 2011".

Amendment No. 7 was adopted by (Record 197): 99 Yeas, 47 Nays, 1 Present, not voting.

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

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

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

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Hilderbran; Rodriguez.

Amendment No. 6, as amended, was adopted.

Amendment No. 8

Representative McClendon offered the following amendment to **CSHB 275**:
Floor Packet Page No. 13

Amend **CSHB 275** on page 1, between lines 12 and 13, by inserting the following:

(a-1) The amount of \$12,397,011 is appropriated from the economic stabilization fund to The University of Texas at San Antonio for use during the state fiscal year ending August 31, 2011, to make expenditures previously authorized by appropriations for the state fiscal biennium ending August 31, 2011.

Representative Pitts moved to table Amendment No. 8.

The motion to table prevailed by (Record 198): 100 Yeas, 45 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Amendment No. 9

Representative McClendon offered the following amendment to **CSHB 275**:

Floor Packet Page No. 14

Amend **CSHB 275** on page 1, between lines 12 and 13, by inserting the following:

(a-1) The amount of \$4,000,000 is appropriated from the economic stabilization fund to Texas A&M University–San Antonio for the state fiscal year ending August 31, 2011, for the purpose of funding university programs and making other expenditures for the university, in addition to other amounts appropriated for that purpose.

(Speaker in the chair)

Representative Pitts moved to table Amendment No. 9.

The motion to table prevailed by (Record 199): 101 Yeas, 45 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

Amendment No. 10

Representative McClendon offered the following amendment to **CSHB 275**:
Floor Packet Page No. 15

Amend **CSHB 275** on page 1, between lines 12 and 13, by inserting the following:

(a-1) The amount of \$6,811,203 is appropriated from the economic stabilization fund to the Alamo Community College District for the state fiscal year ending August 31, 2011, for the purpose of funding programs and making expenditures previously authorized by the legislature for the state fiscal biennium ending August 31, 2011.

Representative Aycock moved to table Amendment No. 10.

The motion to table prevailed by (Record 200): 100 Yeas, 43 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Eiland; Orr; Peña.

Amendment No. 11

Representative McClendon offered the following amendment to **CSHB 275**:
Floor Packet Page No. 16

Amend **CSHB 275** on page 1, between lines 12 and 13, by inserting the following:

(a-1) The amount of \$20,364,412 is appropriated from the economic stabilization fund to The University of Texas Health Science Center at San Antonio for the state fiscal year ending August 31, 2011, for the purpose of funding programs and making expenditures previously authorized by the legislature for the state fiscal biennium ending August 31, 2011, for that purpose.

Representative Aycock moved to table Amendment No. 11.

The motion to table prevailed by (Record 201): 100 Yeas, 43 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Eiland; Orr; Peña.

Amendment No. 12

Representative Hochberg offered the following amendment to **CSHB 275**:
Floor Packet Page No. 21

Amend **CSHB 275** (house committee printing) by striking lines 13 through 17 and substituting the following:

(b) This Act:

(1) takes effect only if it receives a vote of three-fifths of the members present in each house of the legislature, as provided by Section 49-g(k), Article III, Texas Constitution, and is subject to certification by the comptroller of public accounts as provided by that subsection; and

(2) is contingent on the enactment by the legislature and the becoming law of a general appropriations bill for the 2012-2013 biennium that makes an appropriation to the Foundation School Program in an amount equal to or greater than the amount necessary to fully fund the school finance formulas in Chapters 41 and 42, Education Code, as that law existed on January 1, 2011. If a general appropriations bill described by this subdivision does not become law, this Act has no effect.

(Bohac in the chair)

Representative Aycock moved to table Amendment No. 12.

The motion to table prevailed by (Record 202): 93 Yeas, 48 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Carter; Larson; Peña; Solomons.

STATEMENTS OF VOTE

When Record No. 202 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 202 was taken, my vote failed to register. I would have voted yes.

Larson

I was shown voting no on Record No. 202. I intended to vote yes.

Torres

Amendment No. 13

Representative Castro offered the following amendment to **CSHB 275**:

Floor Packet Page No. 20

Amend **CSHB 275** (house committee printing) by striking lines 13 through 17 and substituting the following:

(b) This Act:

(1) takes effect only if it receives a vote of three-fifths of the members present in each house of the legislature, as provided by Section 49-g(k), Article III, Texas Constitution, and is subject to certification by the comptroller of public accounts as provided by that subsection; and

(2) is contingent on the enactment by the legislature and the becoming law of a general appropriations bill for the 2012-2013 biennium that makes an appropriation to the TEXAS Grant program in an amount equal to or greater than the product of the appropriations to that program made by Chapter 1424 (SB 1), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act) plus the amount necessary to meet the costs of the estimated growth in program enrollment for the 2012 and 2013 fiscal years. If a general appropriations bill described by this subdivision does not become law, this Act has no effect.

Representative Pitts moved to table Amendment No. 13.

The motion to table prevailed by (Record 203): 95 Yeas, 49 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Carter.

STATEMENTS OF VOTE

When Record No. 203 was taken, my vote failed to register. I would have voted yes.

Carter

I was shown voting no on Record No. 203. I intended to vote yes.

Torres

Amendment No. 14

Representative Eiland offered the following amendment to **CSHB 275**:

Floor Packet Page No. 22

Amend **CSHB 275** (house committee printing) by striking lines 13 through 17 and substituting the following:

(b) This Act:

(1) takes effect only if it receives a vote of three-fifths of the members present in each house of the legislature, as provided by Section 49-g(k), Article III, Texas Constitution, and is subject to certification by the comptroller of public accounts as provided by that subsection; and

(2) is contingent on the enactment by the legislature and the becoming law of a general appropriations bill for the 2012-2013 biennium that makes an appropriation to the state Medicaid program in an amount equal to or greater than the product of the appropriations to that program made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act) plus the amount necessary to meet the costs of the estimated growth in program enrollment for the 2012 and 2013 fiscal years. If a general appropriations bill described by this subdivision does not become law, this Act has no effect.

Amendment No. 15

Representative Eiland offered the following amendment to Amendment No. 14:

Amend Amendment No. 14 to **CSHB 275** by Eiland (prefiled amendment packet, page 22) by striking page 1, lines 10 through 19 of the amendment and substituting the following:

and becoming law of a general appropriations bill for the state fiscal biennium ending August 31, 2013, that makes appropriations for the state Medicaid program in a total amount that is equal to or greater than the total amount necessary to meet the costs of the estimated Medicaid caseload and cost growth for that biennium as compared to the previous state fiscal biennium.

(c) If a general appropriations bill that makes the appropriations described by Subsection (b)(2) of this section does not become law, this Act has no effect.

Amendment No. 15 was adopted.

Representative Zerwas moved to table Amendment No. 14, as amended.

The motion to table prevailed by (Record 204): 97 Yeas, 47 Nays, 2 Present, not voting.

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

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Madden.

Amendment No. 16

Representative Gallego offered the following amendment to **CSHB 275**:

Floor Packet Page No. 23

Amend **CSHB 275** (house committee printing) by striking lines 13 through 17 and substituting the following:

(b) This Act:

(1) takes effect only if it receives a vote of three-fifths of the members present in each house of the legislature, as provided by Section 49-g(k), Article III, Texas Constitution, and is subject to certification by the comptroller of public accounts as provided by that subsection; and

(2) is contingent on the enactment by the legislature and the becoming law of a general appropriations bill for the 2012-2013 biennium that makes an appropriation to the Pre-kindergarten Early Start Grant programs in an amount equal to or greater than the product of the appropriations to that program made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act) plus the amount necessary to meet the costs of the estimated growth in program enrollment for the 2012 and 2013 fiscal years. If a general appropriations bill described by this subdivision does not become law, this Act has no effect.

Representative Otto moved to table Amendment No. 16.

The motion to table prevailed by (Record 205): 95 Yeas, 49 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Eiland.

Amendment No. 17

Representative Marquez offered the following amendment to **CSHB 275**:

Floor Packet Page No. 24

Amend **CSHB 275** (house committee printing) by striking lines 13 through 17 and substituting the following:

(b) This Act:

(1) takes effect only if it receives a vote of three-fifths of the members present in each house of the legislature, as provided by Section 49-g(k), Article III, Texas Constitution, and is subject to certification by the comptroller of public accounts as provided by that subsection; and

(2) is contingent on the enactment by the legislature and the becoming law of a general appropriations bill for the 2012-2013 biennium that makes an appropriation to nursing home programs in an amount equal to or greater than the product of the appropriations to that program made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act) plus the amount necessary to meet the costs of the estimated growth in program enrollment for the 2012 and 2013 fiscal years. If a general appropriations bill described by this subdivision does not become law, this Act has no effect.

Representative Zerwas moved to table Amendment No. 17.

The motion to table prevailed by (Record 206): 92 Yeas, 51 Nays, 3 Present, not voting.

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

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

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

Absent — Martinez Fischer.

STATEMENT OF VOTE

When Record No. 206 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

(Speaker in the chair)

Amendment No. 18

Representative Turner offered the following amendment to **CSHB 275**:

Floor Packet Page No. 42

Amend **CSHB 275** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

The following amounts are appropriated from the economic stabilization fund to the comptroller of public accounts for the purpose of depositing those amounts to the credit of the general revenue fund as money available for use during the state fiscal year ending August 31, 2011, to make expenditures previously authorized by appropriations from general revenue for the state fiscal biennium ending August 31, 2011 as follows:

- (1) Alamo Community College: \$6,811,203;
- (2) Alvin Community College: \$630,970;
- (3) Amarillo College: \$1,286,495;

- (4) Angelina College: \$630,541;
- (5) Austin Community College: \$3,507,989;
- (6) Blinn College: \$2,047,679;
- (7) Brazosport College: \$438,799;
- (8) Central Texas College: \$1,588,719;
- (9) Cisco Junior College: \$522,994;
- (10) Clarendon College: \$199,528;
- (11) Coastal Bend College: \$487,469;
- (12) College of the Mainland: \$476,780;
- (13) Collin County Community College: \$2,387,580;
- (14) Dallas County Community College: \$8,912,016;
- (15) Del Mar College: \$1,391,753;
- (16) El Paso Community College: \$2,523,687;
- (17) Frank Phillips College: \$212,352;
- (18) Galveston College: \$354,701;
- (19) Grayson County College: \$558,045;
- (20) Hill College: \$793,644;
- (21) Houston Community College: \$5,275,284;
- (22) Howard College: \$822,395;
- (23) Kilgore College: \$937,550;
- (24) Laredo Community College: \$963,810;
- (25) Lee College: \$767,122;
- (26) Lone Star College System: \$4,621,188;
- (27) McLennan Community College: \$1,050,779;
- (28) Midland College: \$952,683;
- (29) Navarro College: \$1,136,872;
- (30) North Central Texas College: \$958,088;
- (31) Northeast Texas Community College: \$317,400;
- (32) Odessa College: \$635,532;
- (33) Panola College: \$397,491;
- (34) Paris Junior College: \$695,431;
- (35) Ranger College: \$156,117;
- (36) San Jacinto College: \$2,916,262;
- (37) South Plains College: \$1,127,037;
- (38) South Texas College: \$2,292,651;
- (39) Southwest Texas Junior College: \$574,796;
- (40) Tarrant County College: \$4,739,004;
- (41) Temple College: \$620,631;
- (42) Texarkana College: \$697,627;
- (43) Texas Southmost College: \$1,737,231;
- (44) Trinity Valley Community College: \$1,482,408;
- (45) Tyler Junior College: \$1,969,699;
- (46) Vernon College: \$442,264;
- (47) Victoria College: \$508,508;
- (48) Weatherford College: \$617,559;
- (49) Western Texas College: \$300,881; and

(50) Wharton County Junior College: \$634,366.

Representative Pitts moved to table Amendment No. 18.

The motion to table prevailed by (Record 207): 94 Yeas, 52 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

Amendment No. 19

Representative Gutierrez offered the following amendment to **CSHB 275**:
Floor Packet Page No. 45

Amend **CSHB 275** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION A1.AA(a) The amount of \$3,117,661,120 is appropriated from the economic stabilization fund to the comptroller of public accounts for the purpose of depositing that amount to the credit of the general revenue fund as money available for use during the state fiscal year ending August 31, 2011, with \$500,000,000 for the Department of Aging and Disability Services for the purpose of A.6.1 Nursing Facility Payments; \$10,000,000 to the Library and Archives Commission for strategy A.1.1 Library Resource Sharing Services, and to make expenditures previously authorized by appropriations from general revenue for the state fiscal biennium ending August 31, 2011.

Amendment No. 20

Representative Gutierrez offered the following amendment to Amendment No. 19:

Amend Floor Amendment No. 19 to **CSHB 275** by adding the following:

_____. The amount of \$3,117,661,120 is appropriated from the economic stabilization fund to the comptroller of public accounts for the purpose of depositing that amount to the credit of the general revenue fund as money available for use during the state fiscal year ending August 31, 2011, with \$500,000,000 for the Department of Aging and Disability Services for the purpose of A.6.1 Nursing Facility Payments with the ability to carry over unexpended balances following the full funding of nursing facility payments into the 2012-2013 biennium; \$10,000,000 to the Library and Archives Commission for strategy A.1.1 Library Resource Sharing Services with the ability to carry over unexpended balances into the 2012-2013 biennium expressly for the purpose provided, and to make expenditures previously authorized by appropriations from general revenue for the state fiscal biennium ending August 31, 2011.

Amendment No. 20 was adopted.

Representative Zerwas moved to table Amendment No. 19, as amended.

The motion to table prevailed by (Record 208): 97 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran; Rodriguez.

Amendment No. 21

Representative Alonzo offered the following amendment to **CSHB 275**:
 Floor Packet Page No. 47

Amend **CSHB 275** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION _____. The 82nd Legislature of the State of Texas expresses support for and urges the Texas Department of Transportation to provide funding for the promotion of economic development through the construction by the City of Dallas of a streetcar line connecting downtown Dallas and Oak Cliff.

Amendment No. 21 was withdrawn.

CSHB 275, as amended, was passed to engrossment by (Record 209): 142 Yeas, 2 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; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; 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; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; 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; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Elkins; Mallory Caraway.

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

Absent, Excused — Allen; Hilderbran; Rodriguez.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 209. I intended to vote yes.

Castro

I was shown voting no on Record No. 209. I intended to vote yes.

Mallory Caraway

I was shown voting present, not voting on Record No. 209. I intended to vote yes.

Marquez

FIVE-DAY POSTING RULE SUSPENDED

Representative Hamilton moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Licensing and Administrative Procedures to consider **HB 1522**, **HB 1823**, **HB 2271**, **HB 2419**, **HB 2643**, **HB 3287**, and **HB 3510** at 8 a.m. Monday, April 4 in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, today, 1W.14.

Licensing and Administrative Procedures, 8 a.m. Monday, April 4, E2.030, for a public hearing, to consider **HB 1522**, **HB 1823**, **HB 2271**, **HB 2419**, **HB 2643**, **HB 3287**, and **HB 3510**.

STATEMENT OF VOTE

I was absent on March 31, 2011, due to illness and was unable to vote on **CSHB 4** and **CSHB 275**. Had I been present, I would have voted nay on **CSHB 4** on second reading and nay on the motion to table Amendment Nos. 1, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 17, 18, 22, 23, 25, 26, 28, 29, and 30.

Had I been present, I would have voted aye on **CSHB 275** and nay on the motion to table Amendment Nos. 1, 2, 3, 4, 5, 8, 9, 10, 12, 13, 14, 16, 17, 18, and 19 and nay on Amendment No. 7.

My position on these bills is reflected by my votes on third reading.

Rodriguez

PROVIDING FOR ADJOURNMENT

Representative Peña moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 8:30 a.m. tomorrow in memory of Hubert Green of San Antonio.

The motion prevailed.

CORRECTIONS IN REFERRAL

Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 7:18 p.m., adjourned until 8:30 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

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

HB 2545 (By Hancock), Relating to the participation of this state in the Regional Air Quality Compact.

To Select State Sovereignty.

HB 3374 (By Murphy), Relating to the certification of a certified capital company.

To Economic and Small Business Development.

HCR 81 (By Isaac), Expressing opposition to federal regulation of hazardous waste, water, and clean air and of the production, exploration, drilling, development, operation, transportation, and processing of oil, natural gas, petroleum, and petroleum products in the State of Texas.

To Select State Sovereignty.

HCR 94 (By Flynn), Urging Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

To Select State Sovereignty.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, March 31, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 79 Aliseda SPONSOR: Hinojosa
In memory of U.S. Marine Corps Lance Corporal Colton Wesley Rusk of Orange Grove.

HCR 123 Scott SPONSOR: Hinojosa

Honoring the Vietnam Veterans Memorial Fund and the National Park Service for their collaboration on The Education Center at The Wall.

HCR 125 Hughes SPONSOR: Eltife
Recognizing March 30, 2011, as Marshall Day at the State Capitol.

SB 158 Williams
Relating to the fraudulent obtaining of a controlled substance from a practitioner; providing a penalty.

SB 159 Williams
Relating to the diversion of a controlled substance by certain persons who have access to the substance by virtue of the persons' profession or employment; providing penalties.

SB 246 Shapiro
Relating to toll collection services provided by a regional tollway authority.

SB 290 Watson
Relating to including a personal financial literacy component in public school mathematics instruction.

SB 331 Shapiro
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 332 Fraser
Relating to the vested ownership interest in groundwater beneath the surface of land, the right to produce that groundwater, and the management of groundwater in this state.

SB 377 Huffman
Relating to the murder of a child as a capital offense.

SB 473 West
Relating to adverse possession of real property by a cotenant heir against other cotenant heirs.

SB 544 Seliger
Relating to unlawful acts against and criminal offenses involving the Medicaid program.

SB 646 Nichols
Relating to the continuation and functions of the Texas Forest Service.

SB 737 Hegar
Relating to the management of groundwater production by groundwater conservation districts.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, March 31, 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:
LOCAL AND UNCONTESTED CALENDAR

- SB 36** Zaffirini
Relating to methods for increasing student success and degree completion at public institutions of higher education.
- SB 86** Nelson
Relating to municipal contracts for enforcement of outstanding traffic violation arrest warrants.
- SB 199** West
Relating to agricultural projects in certain schools, including the eligibility of nonprofit organizations that partner with schools to receive grants.
- SB 238** West
Relating to the regulation by a property owners' association of the installation of solar energy devices on property.
- SB 310** Seliger
Relating to the Dallam-Hartley Counties Hospital District.
- SB 311** Seliger
Relating to the authority of the board of directors of the Ochiltree County Hospital District to employ physicians and other health care providers.
- SB 349** Eltife
Relating to the hotel occupancy tax rate in certain municipalities.
- SB 410** Eltife
Relating to the name and powers of the Red River Redevelopment Authority.
- SB 438** Nelson
Relating to the number of days a winery may sell wine under a winery festival permit.
- SB 475** Patrick
Relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- SB 479** Estes
Relating to limiting the liability of certain persons for farm animal activities.
- SB 480** Hegar
Relating to certain appeals from judgments of municipal courts of record.
- SB 482** Harris
Relating to authorization agreements between parents and nonparent relatives of a child.
- SB 483** Harris
Relating to the powers and duties of criminal law magistrates in Tarrant County.
- SB 512** Hegar
Relating to the qualification of supervisors of a fresh water supply district.
- SB 519** Hegar

Relating to the period during which a motion for a new trial in a criminal proceeding in a justice or municipal court must be made.

SB 525 Deuell
Relating to the protection of water quality in certain bodies of water.

SB 564 Uresti
Relating to the election of members of the board of directors of the Middle Pecos Groundwater Conservation District.

SB 569 Jackson
Relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

SB 579 Hegar
Relating to the total benefit amount under a prepaid funeral contract.

SB 623 Whitmire
Relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.

SB 629 Hegar
Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 683 Huffman
Relating to the composition of the board of directors of the Gulf Coast Water Authority.

SB 684 Huffman
Relating to the transfer of the assets of and the dissolution of the Fort Bend County Water Control and Improvement District No. 1.

SB 791 Duncan
Relating to electronic notification of certain state officials and agencies of certain rules and rulemaking filings.

SB 802 Hegar
Relating to allowing the Aransas County Commissioners Court to charge interest on assessments for certain county road improvements.

SB 813 Gallegos
Relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 819 Harris
Relating to family violence and protective orders.

SB 855 Duncan
Relating to assistance provided by the Office of Public Utility Counsel to interested parties on certain electricity matters involving certificates of convenience and necessity.

SB 1008 Carona
Relating to the composition of the Finance Commission of Texas.

SB 1166 Carona
Relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.

SB 1220 Hinojosa

Relating to the advisory committee on Medicaid and child health plan program rate and expenditure disparities between the Texas-Mexico border region and other areas of the state.

SCR 10 Ellis
Designating February 21 through 27 of each year from 2011 through 2020 as Barbara Jordan Freedom Week.

SCR 18 Hegar
Designating a portion of the city of Gonzales as the official Texas History Museum District.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, March 31, 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 364 Ogden
Relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated.

SB 548 Nichols
Relating to the environmental review process for transportation projects.

SB 642 Seliger
Relating to optional annuity increases for certain retirees and beneficiaries of the Texas Municipal Retirement System.

SB 731 Nichols
Relating to the attorney general's legal sufficiency review of a comprehensive development agreement.

SB 760 West
Relating to the term of interlocal contracts.

SB 887 Carona
Relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.

SB 934 Williams
Relating to the enforcement of tax laws; providing a criminal penalty.

SB 957 Birdwell
Relating to the clarification of terminology relating to the Waco Center for Youth.

SB 1003 Fraser

Relating to penalties for, and emergency orders suspending, the operation of a rock crusher or certain concrete plants without a current permit under the Texas Clean Air Act.

SB 1020 Rodriguez
Relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.

SB 1124 Carona
Relating to licensing and regulation of certain persons involved in residential mortgage lending pursuant to the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; providing penalties.

SB 1160 Seliger
Relating to the liability of a landowner for harm to a trespasser.

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

SJR 26 West
Proposing a constitutional amendment authorizing the legislature to allow cities or counties to enter into interlocal contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund.

SJR 28 Rodriguez
Proposing a constitutional amendment relating to the provision of parks and recreational facilities by conservation and reclamation districts in El Paso County.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 30

Agriculture and Livestock - **HB 2108**

County Affairs - **HB 230, HB 923, HB 1417, HB 1869, HB 1967, HB 2690, HB 2967, HB 3003**

Economic and Small Business Development - **HB 1560**

Government Efficiency and Reform - **HB 679, HB 965, HB 1245, HB 1247, HB 1781**

Human Services - **HB 253, HB 1779**

Insurance - **HB 1265**

Land and Resource Management - **HB 364, HB 365**

Licensing and Administrative Procedures - **HB 175, HB 407, HB 1952, HB 2012, HB 2033**

Natural Resources - **HB 1482, HB 1824, HB 1825, HB 2418**

Pensions, Investments, and Financial Services - **HB 738, HB 983**

Public Education - **HB 1550**

Public Health - **HB 118, HB 127, HB 411**

Transportation - **HB 243, HB 1010**

ENGROSSED

March 30 - HB 149, HB 315, HB 350, HB 367, HB 378, HB 447, HB 462, HB 478, HB 591, HB 699, HB 801, HB 805, HB 824, HB 831, HB 843, HB 861, HB 904, HB 905, HB 906, HB 984, HB 1110, HB 1130, HB 1251, HB 1286, HB 1383, HB 1409, HB 1481, HB 1674, HB 1703

ENROLLED

March 30 - HCR 62, HCR 114

SENT TO THE GOVERNOR

March 30 - HCR 62, HCR 114

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SIXTH DAY — FRIDAY, APRIL 1, 2011

The house met at 8:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 210).

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

Absent, Excused — Allen.

The invocation was offered by Reverend Dr. K. C. Ptomey, Jr., Zbinden Professor of Pastoral Ministry and Leadership, Austin Presbyterian Theological Seminary, Austin, as follows:

Almighty God, you have given us this good land as our heritage. Make us always remember your generosity and constantly do your will. Bless our land with honest industry, sound learning, and an honorable way of life. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way.

Bless those here gathered who hold office in the government of this state, that they may do their work in a spirit of wisdom, kindness, and justice. Help them use their authority to serve faithfully all the people of our state and to promote the general welfare.

I pray in the name of Jesus Christ. Others pray to you in other names, but we all pray in the confidence that you are a good and compassionate God who hears and responds in grace to all who call upon you, for you created all of us and call us your beloved children. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative S. Davis who presented Dr. Lindsay Botsford of Houston as the "Doctor for the Day."

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

(Murphy in the chair)

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 4 ON THIRD READING

(by Pitts, Aycock, Darby, Zerwas, Otto, et al.)

HB 4, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

HB 4 was passed by (Record 211): 105 Yeas, 41 Nays, 1 Present, not voting.

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

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen.

Absent — Deshotel; Guillen.

The speaker stated that **HB 4** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENTS OF VOTE

When Record No. 211 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

I was shown voting yes on Record No. 211. I intended to vote no.

Dutton

I was shown voting yes on Record No. 211. I intended to vote no.

Farrar

When Record No. 211 was taken, I was in the house but away from my desk. I would have voted no.

Guillen

I was shown voting yes on Record No. 211. I intended to vote no.

T. King

I was shown voting yes on Record No. 211. I intended to vote no.

Miles

I was shown voting yes on Record No. 211. I intended to vote no.

Pickett

HB 275 ON THIRD READING

(by Pitts, Giddings, Otto, Riddle, Aycock, et al.)

HB 275, A bill to be entitled An Act relating to making an appropriation of money from the economic stabilization fund for expenditure during the current state fiscal biennium.

HB 275 was passed by (Record 212): 147 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook;

Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy(C); Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Elkins.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen.

The speaker stated that **HB 275** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 71 ON THIRD READING
(by Martinez and Hughes)**

HB 71, A bill to be entitled An Act relating to the fee charged for the Texas Airport Directory.

HB 71 was passed by (Record 213): 132 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat;

Nash; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Cain; Flynn; Garza; Howard, C.; King, S.; Landtroop; Murphy(C); Orr; Perry; Simpson; Smith, W.; White; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen.

Absent — Laubenberg; Raymond; Villarreal.

STATEMENT OF VOTE

When Record No. 213 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

(Speaker in the chair)

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 1 ON SECOND READING (by Pitts)

CSHB 1, General Appropriations Bill.

CSHB 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE P. KING: Just to kind of follow up on Speaker Turner's follow-up of my question. Apparently, there is a lot of authority given now to different agencies to increase fees, to provide the services that that agency—

REPRESENTATIVE PITTS: That is correct.

P. KING: And, is the way that's structured, that previously, maybe for the Ag. Commission on a particular line item, they had maybe a \$200 cap for a fee, and now that cap has been raised so now they have the authority to take it up to a \$1,000 limit or a \$500 limit?

PITTS: That's correct. Of course, if they collect more fees and we don't appropriate it, they can't spend it. We have to—they come to us and they—we'll talk about the Agricultural Commission. They came to us and said, "Our producers want a fee so we can comply with marketing products around the world." And it's going to take this fee to be able to market this product. And that's what we did. We appropriated that, contingent on them raising fees and their group wanting to do that.

P. KING: And again, I appreciate that, I know y'all are going through tremendous work in trying to put this together and find a way to make the budget balanced. But take the cosmetologist, for example. If they had the right to—if we say they could, I'm pulling this out of the air—if we said they could raise their fee from \$100 to \$500 for a license or for whatever, does our bill automatically put that in place? **HB 1**. Or does the agency, are they then required to make some affirmative decision to raise that? In other words, if we vote this in, automatically do those fees become raised, or will the cosmetologist commission have a hearing or rule-makings to determine what the appropriate fee is, so that the public will have the opportunity to come and give input?

PITTS: What we have done at Appropriations is, we will have—the agency will come to us, and this is especially Article VIII, we call them LARI riders or different things during the course of appropriations and what that is, is that the letter from the association, the Cosmetology Association will write Appropriations a letter and say, "If you give us this amount of money to be able to do certain things, we will raise our fee because our members want this done." And we have that on file for every agency that we have that says, "We will let you have this money contingent on you raising fees."

P. KING: What about for a large organization, like the Texas Railroad Commission, that has primarily been state-funded? Will they continue to be state-funded?

PITTS: They will continue to be state-funded in this bill.

P. KING: So there is nothing in this bill that will change the Railroad Commission from being state-funded to industry-funded?

PITTS: I want to let—the sub-committee chair can probably answer your question better than that.

P. KING: I know you're absolutely as concerned as I am about the possibility of, or about the intent to try avoid anything that takes any more money out of the private sector and puts it into the public sector.

PITTS: That is correct.

P. KING: Could I ask, as we go through the process today, just kind of helter skelter, that we try to be as clear as possible to those of us that didn't sit in on all of the Appropriations hearings? Dumb it down as much as possible to make us understand where we may be making a decision that has some type of intended or unintended tax or fee.

PITTS: Yes, I'll try to dummy it down so that I can understand, too.

REMARKS ORDERED PRINTED

Representative P. King moved to print remarks between Representative Pitts and Representative P. King.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Hilderbran on motion of Hopson.

CSHB 1 - (consideration continued)**Amendment No. 1**

Representative Pitts offered the following amendment to **CSHB 1**:

Floor Packet Page No. 2

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article I of the bill, following the appropriations to the Comptroller of Public Accounts (page I-20), in Rider No. 13, between "of" and "legislation", add "**HB 269, HB 3015**, or similar".

(2) In Article I of the bill, following the appropriations to the Employees Retirement System (page I-36), in Rider No. 13:

(A) between "of" and "legislation", add "**HB 1166** or similar"; and

(B) throughout the rider, strike "surcharge" wherever it occurs and substitute "fee".

(3) In Article I of the bill, following the appropriations to the Facilities Commission (page I-42), in Rider No. 13, strike "legislation relating to the use of state parking facilities" and substitute "**SB 1068, HB 1607**, or similar legislation".

(4) In Article I of the bill, in the appropriations to the Department of Information Resources, in Strategy B.2.1, Data Center Services (page I-62), amend the funding as follows:

(A) for the state fiscal year ending August 31, 2012, strike "\$185,525,223" and substitute "\$185,668,233"; and

(B) for the state fiscal year ending August 31, 2013, strike "\$169,844,997" and substitute "\$169,978,942".

(5) In Article I of the bill, following the appropriations to the Department of Information Resources (page I-65), in Rider No. 9, in the second paragraph:

(A) strike "\$187,739,516" and substitute "\$187,882,526"; and

(B) strike "\$172,098,706" and substitute "\$172,232,651".

(6) In Article I of the bill, following the appropriations to the Veterans Commission (page I-84), in Rider No. 9, in the first paragraph, strike "and Referral" and substitute "Reporting".

(7) In Article II of the bill, following the appropriations to the Health and Human Services Commission, in Rider No. 51:

(A) in Subsection a. (page II-90), strike "and Referral" and substitute "Reporting"; and

(B) in Subsection b. (page II-91), strike "and Referral" and substitute "Reporting".

(8) In Article III of the bill, following the appropriations to The University of Texas at El Paso (page III-59), in Rider No. 2:

(A) in the transfer to Texas A&M International University: Institute for International Trade:

(i) strike "\$193,525" and substitute "\$142,241" for the state fiscal year ending August 31, 2012; and

(ii) strike "\$193,525" and substitute "\$142,241" for the state fiscal year ending August 31, 2013; and

(B) in the transfer to The University of Texas - Pan American: Center for Entrepreneurship and Economic Development:

(i) strike "\$321,001" and substitute "\$235,935" for the state fiscal year ending August 31, 2012; and

(ii) strike "\$321,001" and substitute "\$235,935" for the state fiscal year ending August 31, 2013.

(9) In Article III of the bill, in the appropriations to The University of Texas - Pan American (page III-59), in the Method of Financing for Interagency Contracts:

(A) strike "\$321,001" and substitute "\$235,935" for the state fiscal year ending August 31, 2012; and

(B) strike "\$321,001" and substitute "\$235,935" for the state fiscal year ending August 31, 2013.

(10) In Article III of the bill, in the appropriation to Texas A&M International University (page III-86), in the Method of Financing for Interagency Contracts:

(A) strike "\$193,525" and substitute "\$142,241" for the state fiscal year ending August 31, 2012; and

(B) strike "\$193,525" and substitute "\$142,241" for the state fiscal year ending August 31, 2013.

(11) In Article III of the bill, in Sec. 28 of the Special Provisions Relating Only to State Agencies of Higher Education, General Academic Funding (page III-209), in the first paragraph, strike "Orange and Lamar State College - Port Arthur," and substitute "Orange, Lamar State College - Port Arthur, and Lamar Institute of Technology,".

(12) In Article IV of the bill, following the appropriations to the Office of Court Administration, Texas Judicial Council (page IV-24), in Rider No. 3, strike "(35.5 FTEs)" and substitute "(31.5 FTEs)".

(13) In Article VIII of the bill, following the appropriations to the Department of Licensing and Regulation (page VIII-31), in Rider No. 13, strike "in excess of \$77,706,310 (Object Codes 3035, 3038, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727)" and substitute "in excess of \$75,826,310 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727)".

(14) In Article VIII of the bill, following the appropriations to the Texas Board of Nursing (page VIII-37), in Rider No. 3, strike "(Object Code 3560)" and substitute "(Object Codes 3560 and 3570)".

(15) In Article VIII of the bill, following the appropriations to the Texas Board of Nursing (page VIII-37), in Rider No. 4, strike "contingent upon" and substitute "contingent upon".

(16) In Article IX of the bill, in Sec. 18.02 of the Contingency and Other Provisions, Interagency Contract to Coordinate Use of PARIS Data to Assist Veterans and Achieve Savings for State (page IX-70), strike "and Referral" and substitute "Reporting".

(17) In Article IX of the bill, in Sec. 18.03 of the Contingency and Other Provisions, Pension Plan Changes Study (page IX-70):

(A) in the first sentence of the section strike "Teachers" and substitute "Teacher"; and

(B) in the second sentence of the section strike "Teachers" and substitute "Teacher".

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Pitts, Darby, and Aycock offered the following amendment to **CSHB 1**:

Floor Packet Page No. 6

Amend **CSHB 1**, Article III, page III-13, by amending Rider 38 in the Texas Education Agency's bill pattern as follows:

Funding for Regional Education Service Centers. Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute \$16,888,266 in fiscal year 2012 and \$17,309,037 in fiscal year 2013 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. No more than one-third of the amounts identified in this rider shall be distributed by the commissioner for core services based on criteria established in the Texas Education Code, §8.121. The remaining amounts shall be distributed through a formula based on geographic considerations and school districts serving less than 1600 students. The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural school districts. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Simpson offered the following amendment to **CSHB 1**:

Floor Packet Page No. 7

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article I of the bill, proportionally reduce the appropriations in Goals A, B, and C to the Commission on the Arts, on pages I-1 and I-2, by a total of \$2,543,273 for the fiscal year ending August 31, 2012, and by a total of \$2,543,273 for the fiscal year ending August 31, 2013.

(2) In Article II of the bill, in the items of appropriation to the Department of Aging and Disability Services, on page II-1, increase the appropriation to A.3.1. Strategy, Community-Based Alternatives, by \$2,543,273 for the fiscal year ending August 31, 2012, and by \$2,543,273 for the fiscal year ending August 31, 2013.

(3) Adjust totals and methods of finance accordingly.

Amendment No. 4

Representative Simpson offered the following amendment to Amendment No. 3:

Amend Amendment No. 3 to **CSHB 1** by Simpson (prefiled amendment packet, page 7) as follows:

(1) On page 1, line 4 of the amendment, strike "\$2,543,273" and substitute "\$1,222,115".

(2) On page 1, line 5 of the amendment, strike "\$2,543,273" and substitute "\$2,349,846".

(3) On page 1, line 10 of the amendment, strike "\$2,543,273" and substitute "\$1,222,115".

(4) On page 1, line 11 of the amendment, strike "\$2,543,273" and substitute "\$2,349,846".

Amendment No. 4 was adopted.

(Geren in the chair)

Amendment No. 3 - Point of Order

Representative Y. Davis raised a point of order against further consideration of Amendment No. 3 under Rule 4, Section 32(c) of the House Rules on the grounds that the committee report is incorrect.

The point of order was withdrawn.

Amendment No. 3, as amended, was withdrawn.

Amendment No. 5

Representative Reynolds offered the following amendment to **CSHB 1**:
Floor Packet Page No. 20

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Notwithstanding the appropriations by this Act of unexpended balances in General Revenue Funds appropriated for the Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts as of August 31, 2011, those balances, in the amounts estimated by this Act, are appropriated to the Texas Education Agency, Strategy A.1.1: FSP-Equalized Operations. The Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts may not

encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. In the event of a conflict between this rider and any other provision of this Act, this rider prevails.

Representative Otto moved to table Amendment No. 5.

The motion to table prevailed by (Record 214): 97 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Smith, T.; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 214. I intended to vote no.

Bohac

I was shown voting yes on Record No. 214. I intended to vote no.

White

Amendment No. 6

Representative Simpson offered the following amendment to **CSHB 1**:

Floor Packet Page No. 7

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article I of the bill, proportionally reduce the appropriations in Goals A, B, and C to the Commission on the Arts, on pages I-1 and I-2, by a total of \$2,543,273 for the fiscal year ending August 31, 2012, and by a total of \$2,543,273 for the fiscal year ending August 31, 2013.

(2) In Article II of the bill, in the items of appropriation to the Department of Aging and Disability Services, on page II-1, increase the appropriation to A.3.1. Strategy, Community-Based Alternatives, by \$2,543,273 for the fiscal year ending August 31, 2012, and by \$2,543,273 for the fiscal year ending August 31, 2013.

(3) Adjust totals and methods of finance accordingly.

Amendment No. 7

Representative Simpson offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 to **CSHB 1** by Simpson (prefiled amendment packet, page 7) as follows:

(1) On page 1, line 4 of the amendment, strike "\$2,543,273" and substitute "\$1,222,115".

(2) On page 1, line 5 of the amendment, strike "\$2,543,273" and substitute "\$2,349,846".

(3) On page 1, line 10 of the amendment, strike "\$2,543,273" and substitute "\$1,222,115".

(4) On page 1, line 11 of the amendment, strike "\$2,543,273" and substitute "\$2,349,846".

Amendment No. 7 was adopted.

Amendment No. 6, as amended, was adopted by (Record 215): 67 Yeas, 61 Nays, 17 Present, not voting.

Yeas — Aliseda; Anderson, R.; Bohac; Bonnen; Branch; Button; Cain; Callegari; Carter; Chisum; Christian; Creighton; Deshotel; Elkins; Farias; Flynn; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hochberg; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kolkhorst; Landtroop; Laubenberg; Legler; Lozano; Marquez; Martinez; Martinez Fischer; Menendez; Miller, S.; Muñoz; Murphy; Oliveira; Orr; Parker; Paxton; Peña; Perry; Phillips; Pickett; Quintanilla; Raymond; Schwertner; Sheets; Simpson; Smith, T.; Solomons; Strama; Taylor, V.; Torres; Walle; Weber; White; Zedler.

Nays — Alonzo; Anderson, C.; Aycock; Beck; Berman; Brown; Burkett; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eissler; Fletcher; Frullo; Harless; Harper-Brown; Hartnett; Hopson; Howard, D.; Huberty; King, S.; Kleinschmidt; Kuempel; Larson; Lavender; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; McClendon; Miller, D.; Morrison; Naishtat; Nash; Otto; Patrick; Pitts; Price; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheffield; Shelton; Smith, W.; Smithee; Taylor, L.; Truitt; Veasey; Woolley; Workman; Zerwas.

Present, not voting — Mr. Speaker; Alvarado; Anchia; Burnam; Castro; Eiland; Farrar; Geren(C); Giddings; Gutierrez; Hardcastle; Isaac; Miles; Thompson; Turner; Villarreal; Vo.

Absent, Excused — Allen; Hilderbran.

Absent — Coleman; Hernandez Luna; Howard, C.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 215. I intended to vote no.

Burnam

I was shown voting no on Record No. 215. I intended to vote yes.

Fletcher

I was shown voting present, not voting on Record No. 215. I intended to vote yes.

Geren

I was shown voting present, not voting on Record No. 215. I intended to vote no.

Gutierrez

When Record No. 215 was taken, my vote failed to register. I would have voted yes.

Hernandez Luna

When Record No. 215 was taken, I was in the house but away from my desk. I would have voted yes.

C. Howard

I was shown voting present, not voting on Record No. 215. I intended to vote yes.

Isaac

I was shown voting no on Record No. 215. I intended to vote yes.

Lavender

I was shown voting no on Record No. 215. I intended to vote yes.

Nash

I was shown voting no on Record No. 215. I intended to vote yes.

Riddle

I was shown voting no on Record No. 215. I intended to vote yes.

Scott

I was shown voting no on Record No. 215. I intended to vote yes.

W. Smith

I was shown voting present, not voting on Record No. 215. I intended to vote no.

Thompson

I was shown voting present, not voting on Record No. 215. I intended to vote yes.

Vo

REASONS FOR VOTE

While I recognize the need to increase funding for the Department of Aging and Disabilities, this was not the proper method for reaching that goal. This amendment imprudently crippled an agency and will ultimately result in a loss of federal funds for our state.

Hopson

Because of a stubborn and shortsighted decision to leave billions of dollars in the rainy day fund untouched, we are being forced to choose between different variations of devastating cuts. I believe it is foolish to sacrifice federal funding for the arts by failing to provide at least minimum funding from the state. If, however, I am forced to choose between funding the arts and funding for our seniors and disabled citizens, then I must support every effort to reduce the brutal cuts directed toward these communities so dependent on our help.

Johnson

(Speaker in the chair)

Amendment No. 8

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 21

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Unexpended balances in General Revenue Funds appropriated for the Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to the Department of Aging and Disability Service, Strategy A.6.1, Nursing Facility Payment. The Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts may not encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void.

Representative Otto moved to table Amendment No. 8.

The motion to table prevailed by (Record 216): 91 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash;

Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Cain; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Hughes; Johnson; King, T.; Kuempel; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Solomons; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent — Dutton.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 216. I intended to vote no.

Bohac

I was shown voting yes on Record No. 216. I intended to vote no.

Callegari

I was shown voting yes on Record No. 216. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 216. I intended to vote no.

P. King

I was shown voting yes on Record No. 216. I intended to vote no.

Orr

I was shown voting yes on Record No. 216. I intended to vote no.

T. Smith

Amendment No. 9

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 22

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

SECTION _____. Notwithstanding the appropriations by this Act of unexpended balances in General Revenue Funds appropriated for the Office of the Attorney General as of August 31, 2011, the amount of \$2,000,000 is appropriated from those unexpended balances to the Texas Veterans Commission for Strategy A.1.3: Veterans Education. The Office of the Attorney General may

not encumber the unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. In the event of a conflict between this rider and any other provision of this Act, this rider prevails.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 24

Amend **CSHB 1** in Article I of the bill on page I-12 by adding Rider: _____
"Report on Ongoing Legal Action. The Office of the Attorney General shall use funds appropriated above in Strategy A.1.1, Legal Services, to produce quarterly reports on the cost of ongoing legal action the Office of the Attorney General has taken regarding action by the federal government, including but not limited to any new federal law or any rule, decision, or policy adopted by a federal agency. The quarterly report shall include the following details on each legal action:

- (1) A summary of expenditures utilized as a result of the legal action;
- (2) Summaries of the FTE hours utilized as a result of the legal action;

and

- (3) Life-to-date costs of the legal action.

The initial quarterly report shall be submitted to the Legislative Budget Board, Governor, Comptroller of Public Accounts, and all Members of the Legislature on October 1, 2011."

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative Frullo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 25

Amend **CSHB 1** as follows:

(1) On page I-12, of the bill pattern for the Office of the Attorney General, add the following new rider:

Contingency Appropriation Relating to **HB 3746**. In addition to amount appropriated above, contingent upon enactment of **HB 3746** by the Eighty-second Legislature, Regular Session, 2011, or similar legislation relating to imposing or increasing a fee for the benefit of Internet Crimes Against Children task forces, and certification of \$1,500,000 each fiscal year of the biennium in additional revenue above that which has been certified by the Comptroller of Public Accounts, the Office of the Attorney General is hereby appropriated \$1,500,000 out of the General Revenue Fund each fiscal year of the 2012-13 biennium to implement provisions of the legislation.

Amendment No. 11 was withdrawn.

Amendment No. 12

Representative Phillips offered the following amendment to **CSHB 1**:

Floor Packet Page No. 26

Amend **CSHB 1** by adding the following appropriately numbered rider in Article I after the appropriations to the Office of the Attorney General:

_____. Contingency Appropriation: Appropriation of Choose Life License Plate Receipts. Contingent upon passage of **HB 238**, **SB 257** or similar legislation, 100 percent of license plate revenue collected on or after September 1, 2011 (estimated to be \$6,600 in fiscal year 2012 and \$6,600 in fiscal year 2013), from the sale of license plates as provided by **HB 238**, **SB 257**, or similar legislation. Funds shall be deposited to the credit of the General Revenue-Dedicated Attorney General Choose Life Account. Any additional revenues received and deposited into the Attorney General Choose Life Account are hereby appropriated to the Office of the Attorney General for the same purpose.

Amendment No. 12 was withdrawn.

Amendment No. 13

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 22

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

SECTION _____. Notwithstanding the appropriations by this Act of unexpended balances in General Revenue Funds appropriated for the Office of the Attorney General as of August 31, 2011, the amount of \$2,000,000 is appropriated from those unexpended balances to the Texas Veterans Commission for Strategy A.1.3: Veterans Education. The Office of the Attorney General may not encumber the unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. In the event of a conflict between this rider and any other provisions of this Act, this rider prevails.

Amendment No. 13 was adopted.

Amendment No. 14

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 24

Amend **CSHB 1** in Article I of the bill on page I-12 by adding Rider: ____

"Report on Ongoing Legal Action. The Office of the Attorney General shall use funds appropriated above in Strategy A.1.1, Legal Services, to produce quarterly reports on the cost of ongoing legal action the Office of the Attorney General has taken regarding action by the federal government, including but not limited to any new federal law or any rule, decision, or policy adopted by a federal agency. The quarterly report shall include the following details on each legal action:

- (1) A summary of expenditures utilized as a result of the legal action;

- (2) Summaries of the FTE hours utilized as a result of the legal action;
and
(3) Life-to-date costs of the legal action.

The initial quarterly report shall be submitted to the Legislative Budget Board, Governor, Comptroller of Public Accounts, and all Members of the Legislature on October 1, 2011."

Amendment No. 14 was adopted.

Amendment No. 15

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 8

Amend **CSHB 1** as follows:

(1) (a) Reduce the Article I appropriations to the Office of the Attorney General for Strategy B.1.1, CHILD SUPPORT ENFORCEMENT (page I-4), by \$34,547,071 for the state fiscal year ending August 31, 2012, and by \$35,293,846 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Office of the Attorney General (page I-6), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(2) (a) Reduce the Article I appropriations to the Comptroller of Public Accounts for Strategy A.1.1, ONGOING AUDIT ACTIVITIES (page I-17), by \$10,108,109 for the state fiscal year ending August 31, 2012, and by \$10,108,109 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Comptroller of Public Accounts (page I-19), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(3) (a) In the Article I appropriations to the Commission on State Emergency Communications (page I-29), strike Strategy A.1.2, Next Gen 9-1-1 implementation, and strike the appropriation for that strategy for each fiscal year of the biennium.

(b) In Rider 2 following the Article I appropriations to the Commission on State Emergency Communications (page I-31), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(4) (a) Reduce the Article I appropriations to the Fire Fighters' Pension Commissioner for Strategy A.1.1, ADMINISTER PENSION FUND (page I-46), by \$87,500 for the state fiscal year ending August 31, 2012, and by \$87,500 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Fire Fighters' Pension Commissioner (page I-47), strike Acquisition of Information Resource Technologies (1) Web Accessibility Project.

(5) (a) Reduce the Article I appropriations to the Historical Commission for Strategy A.1.3, ARCHEOLOGICAL HERITAGE PROTECTION (page I-56), by \$250,000 for the state fiscal year ending August 31, 2012.

(b) In Rider 2 following the Article I appropriations to the Historical Commission (page I-58), strike c. Acquisition of Capital Equipment and Items, (1) La Belle Conservation Equipment and Items.

(6) (a) Reduce the Article I appropriations to the Department of Information Resources for Strategy B.2.1, DATA CENTER SERVICES (page I-62), by \$1,475,000 for the state fiscal year ending August 31, 2012, and by \$1,499,994 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Department of Information Resources (page I-63), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(7) (a) Reduce the Article I appropriations to the Library & Archives Commission for Strategy A.1.1, LIBRARY RESOURCE SHARING SERVICES (page I-68), by \$627,250 for the state fiscal year ending August 31, 2012, and by \$616,626 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Library & Archives Commission (page I-69), strike the items and amounts listed under Acquisition of Information Resource Technologies (2) Data Center Consolidation.

(8) (a) Reduce the Article I appropriations to the Library & Archives Commission for Strategy B.1.1, PROVIDE ACCESS TO INFO & ARCHIVES (page I-68), by \$81,000 for the state fiscal year ending August 31, 2012, and by \$81,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Library & Archives Commission (page I-69), strike Acquisition of Information Resource Technologies (1) Acquisition of New or Replacement Computer Resources for Desktop Workstations and Network Equipment.

(9) (a) Reduce the Article I appropriations to the Secretary of State for Strategy A.1.1, DOCUMENT FILING (page I-78), by \$2,160,076 for the state fiscal year ending August 31, 2012, and by \$2,217,296 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Secretary of State (page I-80), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(10) (a) Reduce the Article I appropriations to the Veterans Commission for Strategy B.1.1, CENTRAL ADMINISTRATION (page I-82), by \$30,980 for the state fiscal year ending August 31, 2012, and by \$30,980 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Veterans Commission (page I-83), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(11) (a) Reduce the Article II appropriations to the Department of Aging and Disability Services for Strategy C.1.2, IT PROGRAM SUPPORT (page II-2), by \$3,598,640 for the state fiscal year ending August 31, 2012, and by \$3,915,049 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Aging and Disability Services (page II-7), strike the items and amounts listed under Acquisition of Information Resource Technologies, (3) Data Center Consolidation.

(12) (a) Reduce the Article II appropriations to the Department of Assistive and Rehabilitative Services for Strategy B.3.1, VOCATIONAL REHABILITATION-GENERAL (page II-22), by \$2,000,000 for the state fiscal year ending August 31, 2012, and by \$2,000,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Assistive and Rehabilitative Services (page II-25), strike the items and amounts listed under Acquisition of Information Resource Technologies, (1) Seat Management Services.

(13) (a) Reduce the Article II appropriations to the Department of Assistive and Rehabilitative Services for Strategy D.1.4, IT PROGRAM SUPPORT (page II-22), by \$3,106,060 for the state fiscal year ending August 31, 2012, and by \$3,106,060 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Assistive and Rehabilitative Services (page II-25), strike the items and amounts listed under Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(14) (a) Reduce the Article II appropriations to the Department of Family and Protective Services for Strategy F.1.4, IT PROGRAM SUPPORT (page II-34), by \$3,316,470 for the state fiscal year ending August 31, 2012, and by \$3,316,470 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Family and Protective Services (page II-37), strike Acquisition of Information Resource Technologies, (4) Data Center Consolidation.

(15) (a) Reduce the Article II appropriations to the Department of State Health Services for Strategy A.1.1., PUBLIC HEALTH PREP. & COORD. SVCS (page II-46), by \$6,126,604 for the state fiscal year ending August 31, 2012, and by \$5,505,313 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of State Health Services (page II-51), strike Acquisition of Information Resource Technologies, (1) Seat Management.

(16) (a) Reduce the Article II appropriations to the Department of State Health Services for Strategy E.1.2., IT PROGRAM SUPPORT (page II-47), by \$10,120,020 for the state fiscal year ending August 31, 2012, and by \$10,139,902 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of State Health Services (page II-51), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(17) (a) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.2.1., CONSOLIDATED SYSTEM SUPPORT (page II-73), by \$55,893,298 for the state fiscal year ending August 31, 2012, and by \$38,101,809 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Health and Human Services Commission (page II-76), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation, and (2) Seat Management Services (PCs, Laptops, & Servers).

(18) (a) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.1.2., INTEGRATED ELIGIBILITY & ENROLLMENT (page II-73), by \$68,426,440 for the state fiscal year ending August 31, 2012, and by \$53,294,645 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Health and Human Services Commission (page II-76), strike Acquisition of Information Resource Technologies, (6) Texas Integrated Eligibility Redesign System.

(19) (a) Reduce the Article III appropriations to the Texas Education Agency for Strategy B.3.5., INFORMATION SYSTEMS-TECHNOLOGY (page III-2), by \$8,366,629 for the state fiscal year ending August 31, 2012, and by \$8,279,120 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article III appropriations to the Texas Education Agency (page III-5), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(20) (a) Reduce the Article V appropriations to the Alcoholic Beverage Commission for Strategy C.1.1, COMPLIANCE MONITORING (page V-7), by \$385,875 for the state fiscal year ending August 31, 2012, and by \$385,875 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article V appropriations to the Alcoholic Beverage Commission for Strategy D.1.2, INFORMATION RESOURCES (page V-7), by \$994,385 for the state fiscal year ending August 31, 2012, and by \$975,361 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article V appropriations to the Alcoholic Beverage Commission (page V-8), strike Acquisition of Information Resource Technologies, (a)(2) Hardware/Software Acquisitions, (a)(3) Data Center Consolidation, and (b)(1) Fleet Acquisition-Replacement Vehicles.

(21) (a) Reduce the Article V appropriations to the Department of Criminal Justice for Strategy G.1.5, INFORMATION RESOURCES (page V-12), by \$17,109,379 for the state fiscal year ending August 31, 2012, and by \$17,109,379 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article V appropriations to the Department of Criminal Justice (page V-14), strike Acquisition of Information Resource Technologies, (c)(1) Data Center Consolidation.

(22) (a) Reduce the Article V appropriations to the Youth Commission for Strategy D.1.2, INFORMATION RESOURCES (page V-48), by \$2,029,000 for the state fiscal year ending August 31, 2012, and by \$1,993,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article V appropriations to the Youth Commission (page V-50), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(23) (a) Reduce the Article VII appropriations to the Department of Housing and Community Affairs for Strategy F.1.2, INFORMATION RESOURCE TECHNOLOGIES (page VII-2), by \$95,000 for the state fiscal year ending August 31, 2012, and by \$95,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VII appropriations to the Department of Housing and Community Affairs (page VII-5), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(24) (a) Reduce the Article VII appropriations to the Department of Motor Vehicles for Strategy B.1.1, INDIRECT ADMINISTRATION (page VII-12), by \$4,164,118 for the state fiscal year ending August 31, 2012, and by \$4,337,719 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VII appropriations to the Department of Motor Vehicles (page VII-14), strike Acquisition of Information Resource Technologies, (4) Data Center Consolidation.

(25) (a) Reduce the Article VII appropriations to the Department of Transportation for Strategy A.1.4, RESEARCH (page VII-20), by \$15,369,146 for the state fiscal year ending August 31, 2012, and by \$15,522,640 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article VII appropriations to the Department of Transportation for Strategy B.1.3, CONSTRUCTION GRANTS AND SERVICES (page VII-20), by \$13,173,528 for the state fiscal year ending August 31, 2012, and by \$10,929,482 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article VII appropriations to the Department of Transportation (pages VII-23 and VII-24), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation and (2) Technology Replacement and Upgrade.

(26) (a) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy A.1.4, EMPLOYMENT AND COMMUNITY SERVICES (page VII-35), by \$20,712,034 for the state fiscal year ending August 31, 2012, and by \$22,339,862 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy C.1.2, INFORMATION RESOURCES (page VII-36), by \$1,600,000 for the state fiscal year ending August 31, 2012, and by \$1,600,000 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article VII appropriations to the Texas Workforce Commission (page VII-38), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation and (4) PC Infrastructure and Refresh.

(27) (a) Reduce the Article VIII appropriations to the Health Professions Council for Strategy A.1.1, AGENCY COORDINATION AND SUPPORT (page VIII-12), by \$60,668 for the state fiscal year ending August 31, 2012, and by \$59,352 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Health Professions Council (page VIII-13), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation (for Shared Regulatory Database Migration).

(28) (a) Reduce the Article VIII appropriations to the Department of Insurance for Strategy A.1.1, CONSUMER EDUCATION AND OUTREACH (page VIII-16), by \$3,697,373 for the state fiscal year ending August 31, 2012, and by \$3,678,561 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Department of Insurance (page VIII-19), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation.

(29) (a) Reduce the Article VIII appropriations to the Department of Licensing and Regulation for Strategy A.1.4, CUSTOMER SERVICE (page VIII-28), by \$330,635 for the state fiscal year ending August 31, 2012, and by \$266,853 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Department of Licensing and Regulation (page VIII-29), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(30) (a) Reduce the Article VIII appropriations to the Texas Medical Board for Strategy A.1.1, LICENSING (page VIII-32), by \$175,500 for the state fiscal year ending August 31, 2012, and by \$55,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Texas Medical Board (page VIII-34), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(31) (a) Reduce the Article VIII appropriations to the Public Utility Commission of Texas for Strategy A.1.1, MARKET COMPETITION (page VIII-60), by \$343,552 for the state fiscal year ending August 31, 2012, and by \$332,869 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Public Utility Commission of Texas (page VIII-62), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(32) In Article III, increase the amount appropriated to the Texas Education Agency for each fiscal year for Strategy A.1.1., FSP - Equalized Operations (page III-2), by the total amount of the reductions made in Items (1) - (31) of this amendment.

(33) Adjust totals and methods of financing accordingly.

Amendment No. 16

Representative Martinez Fischer offered the following amendment to Amendment No. 15:

Amend Amendment No. 15 to **CSHB 1** by Martinez Fischer (prefiled amendment packet, pages 8-17) as follows:

(1) Strike Items (1) and (7) of the amendment and renumber subsequent Items accordingly.

(2) In Item (32) on page 10, line 19 of the amendment, strike "Items (1)-(31) of this amendment" and substitute "the preceding items of this amendment".

Amendment No. 16 was adopted.

Amendment No. 15, as amended, was withdrawn.

Amendment No. 17

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 34

Amend **CSHB 1** (house committee printing), Article I, Texas Comptroller of Public Accounts by adding the following new section to be numbered appropriately:

Sec. _____. To improve transparency and ensure that essential state revenue information is available to each member of the legislature in a timely manner, the Comptroller shall prepare and transmit to each member of the legislature for each fiscal year of the 2012-2013 biennium a monthly report identifying the amount of collections of general revenue-related funds by source. The monthly report shall also include the cumulative amount of general revenue-related funds by source to date and the total amount estimated to be available for the fiscal year in the Comptroller's January 2011 Biennial Revenue Estimate for 2012-2013. If, at any time, the Comptroller shall change or update an estimate of general revenue-related funds as itemized in the January 2011 Biennial Revenue Estimate, the monthly report must include the amount and source of the adjustment.

Amendment No. 17 was adopted.

Amendment No. 18

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 8

Amend **CSHB 1** as follows:

(1) (a) Reduce the Article I appropriations to the Office of the Attorney General for Strategy B.1.1, CHILD SUPPORT ENFORCEMENT (page I-4), by \$34,547,071 for the state fiscal year ending August 31, 2012, and by \$35,293,846 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Office of the Attorney General (page I-6), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(2) (a) Reduce the Article I appropriations to the Comptroller of Public Accounts for Strategy A.1.1, ONGOING AUDIT ACTIVITIES (page I-17), by \$10,108,109 for the state fiscal year ending August 31, 2012, and by \$10,108,109 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Comptroller of Public Accounts (page I-19), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(3) (a) In the Article I appropriations to the Commission on State Emergency Communications (page I-29), strike Strategy A.1.2, Next Gen 9-1-1 implementation, and strike the appropriation for that strategy for each fiscal year of the biennium.

(b) In Rider 2 following the Article I appropriations to the Commission on State Emergency Communications (page I-31), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(4) (a) Reduce the Article I appropriations to the Fire Fighters' Pension Commissioner for Strategy A.1.1, ADMINISTER PENSION FUND (page I-46), by \$87,500 for the state fiscal year ending August 31, 2012, and by \$87,500 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Fire Fighters' Pension Commissioner (page I-47), strike Acquisition of Information Resource Technologies (1) Web Accessibility Project.

(5) (a) Reduce the Article I appropriations to the Historical Commission for Strategy A.1.3, ARCHEOLOGICAL HERITAGE PROTECTION (page I-56), by \$250,000 for the state fiscal year ending August 31, 2012.

(b) In Rider 2 following the Article I appropriations to the Historical Commission (page I-58), strike c. Acquisition of Capital Equipment and Items, (1) La Belle Conservation Equipment and Items.

(6) (a) Reduce the Article I appropriations to the Department of Information Resources for Strategy B.2.1, DATA CENTER SERVICES (page I-62), by \$1,475,000 for the state fiscal year ending August 31, 2012, and by \$1,499,994 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Department of Information Resources (page I-63), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(7) (a) Reduce the Article I appropriations to the Library & Archives Commission for Strategy A.1.1, LIBRARY RESOURCE SHARING SERVICES (page I-68), by \$627,250 for the state fiscal year ending August 31, 2012, and by \$616,626 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Library & Archives Commission (page I-69), strike the items and amounts listed under Acquisition of Information Resource Technologies (2) Data Center Consolidation.

(8) (a) Reduce the Article I appropriations to the Library & Archives Commission for Strategy B.1.1, PROVIDE ACCESS TO INFO & ARCHIVES (page I-68), by \$81,000 for the state fiscal year ending August 31, 2012, and by \$81,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Library & Archives Commission (page I-69), strike Acquisition of Information Resource Technologies (1) Acquisition of New or Replacement Computer Resources for Desktop Workstations and Network Equipment.

(9) (a) Reduce the Article I appropriations to the Secretary of State for Strategy A.1.1, DOCUMENT FILING (page I-78), by \$2,160,076 for the state fiscal year ending August 31, 2012, and by \$2,217,296 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Secretary of State (page I-80), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(10) (a) Reduce the Article I appropriations to the Veterans Commission for Strategy B.1.1, CENTRAL ADMINISTRATION (page I-82), by \$30,980 for the state fiscal year ending August 31, 2012, and by \$30,980 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Veterans Commission (page I-83), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(11) (a) Reduce the Article II appropriations to the Department of Aging and Disability Services for Strategy C.1.2, IT PROGRAM SUPPORT (page II-2), by \$3,598,640 for the state fiscal year ending August 31, 2012, and by \$3,915,049 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Aging and Disability Services (page II-7), strike the items and amounts listed under Acquisition of Information Resource Technologies, (3) Data Center Consolidation.

(12) (a) Reduce the Article II appropriations to the Department of Assistive and Rehabilitative Services for Strategy B.3.1, VOCATIONAL REHABILITATION-GENERAL (page II-22), by \$2,000,000 for the state fiscal year ending August 31, 2012, and by \$2,000,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Assistive and Rehabilitative Services (page II-25), strike the items and amounts listed under Acquisition of Information Resource Technologies, (1) Seat Management Services.

(13) (a) Reduce the Article II appropriations to the Department of Assistive and Rehabilitative Services for Strategy D.1.4, IT PROGRAM SUPPORT (page II-22), by \$3,106,060 for the state fiscal year ending August 31, 2012, and by \$3,106,060 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Assistive and Rehabilitative Services (page II-25), strike the items and amounts listed under Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(14) (a) Reduce the Article II appropriations to the Department of Family and Protective Services for Strategy F.1.4, IT PROGRAM SUPPORT (page II-34), by \$3,316,470 for the state fiscal year ending August 31, 2012, and by \$3,316,470 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Family and Protective Services (page II-37), strike Acquisition of Information Resource Technologies, (4) Data Center Consolidation.

(15) (a) Reduce the Article II appropriations to the Department of State Health Services for Strategy A.1.1., PUBLIC HEALTH PREP. & COORD. SVCS (page II-46), by \$6,126,604 for the state fiscal year ending August 31, 2012, and by \$5,505,313 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of State Health Services (page II-51), strike Acquisition of Information Resource Technologies, (1) Seat Management.

(16) (a) Reduce the Article II appropriations to the Department of State Health Services for Strategy E.1.2., IT PROGRAM SUPPORT (page II-47), by \$10,120,020 for the state fiscal year ending August 31, 2012, and by \$10,139,902 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of State Health Services (page II-51), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(17) (a) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.2.1., CONSOLIDATED SYSTEM SUPPORT (page II-73), by \$55,893,298 for the state fiscal year ending August 31, 2012, and by \$38,101,809 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Health and Human Services Commission (page II-76), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation, and (2) Seat Management Services (PCs, Laptops, & Servers).

(18) (a) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.1.2., INTEGRATED ELIGIBILITY & ENROLLMENT (page II-73), by \$68,426,440 for the state fiscal year ending August 31, 2012, and by \$53,294,645 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Health and Human Services Commission (page II-76), strike Acquisition of Information Resource Technologies, (6) Texas Integrated Eligibility Redesign System.

(19) (a) Reduce the Article III appropriations to the Texas Education Agency for Strategy B.3.5., INFORMATION SYSTEMS-TECHNOLOGY (page III-2), by \$8,366,629 for the state fiscal year ending August 31, 2012, and by \$8,279,120 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article III appropriations to the Texas Education Agency (page III-5), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(20) (a) Reduce the Article V appropriations to the Alcoholic Beverage Commission for Strategy C.1.1., COMPLIANCE MONITORING (page V-7), by \$385,875 for the state fiscal year ending August 31, 2012, and by \$385,875 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article V appropriations to the Alcoholic Beverage Commission for Strategy D.1.2., INFORMATION RESOURCES (page V-7), by \$994,385 for the state fiscal year ending August 31, 2012, and by \$975,361 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article V appropriations to the Alcoholic Beverage Commission (page V-8), strike Acquisition of Information Resource Technologies, (a)(2) Hardware/Software Acquisitions, (a)(3) Data Center Consolidation, and (b)(1) Fleet Acquisition-Replacement Vehicles.

(21) (a) Reduce the Article V appropriations to the Department of Criminal Justice for Strategy G.1.5, INFORMATION RESOURCES (page V-12), by \$17,109,379 for the state fiscal year ending August 31, 2012, and by \$17,109,379 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article V appropriations to the Department of Criminal Justice (page V-14), strike Acquisition of Information Resource Technologies, (c)(1) Data Center Consolidation.

(22) (a) Reduce the Article V appropriations to the Youth Commission for Strategy D.1.2, INFORMATION RESOURCES (page V-48), by \$2,029,000 for the state fiscal year ending August 31, 2012, and by \$1,993,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article V appropriations to the Youth Commission (page V-50), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(23) (a) Reduce the Article VII appropriations to the Department of Housing and Community Affairs for Strategy F.1.2, INFORMATION RESOURCE TECHNOLOGIES (page VII-2), by \$95,000 for the state fiscal year ending August 31, 2012, and by \$95,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VII appropriations to the Department of Housing and Community Affairs (page VII-5), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(24) (a) Reduce the Article VII appropriations to the Department of Motor Vehicles for Strategy B.1.1, INDIRECT ADMINISTRATION (page VII-12), by \$4,164,118 for the state fiscal year ending August 31, 2012, and by \$4,337,719 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VII appropriations to the Department of Motor Vehicles (page VII-14), strike Acquisition of Information Resource Technologies, (4) Data Center Consolidation.

(25) (a) Reduce the Article VII appropriations to the Department of Transportation for Strategy A.1.4, RESEARCH (page VII-20), by \$15,369,146 for the state fiscal year ending August 31, 2012, and by \$15,522,640 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article VII appropriations to the Department of Transportation for Strategy B.1.3, CONSTRUCTION GRANTS AND SERVICES (page VII-20), by \$13,173,528 for the state fiscal year ending August 31, 2012, and by \$10,929,482 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article VII appropriations to the Department of Transportation (pages VII-23 and VII-24), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation and (2) Technology Replacement and Upgrade.

(26) (a) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy A.1.4, EMPLOYMENT AND COMMUNITY SERVICES (page VII-35), by \$20,712,034 for the state fiscal year ending August 31, 2012, and by \$22,339,862 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy C.1.2, INFORMATION RESOURCES (page VII-36), by \$1,600,000 for the state fiscal year ending August 31, 2012, and by \$1,600,000 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article VII appropriations to the Texas Workforce Commission (page VII-38), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation and (4) PC Infrastructure and Refresh.

(27) (a) Reduce the Article VIII appropriations to the Health Professions Council for Strategy A.1.1, AGENCY COORDINATION AND SUPPORT (page VIII-12), by \$60,668 for the state fiscal year ending August 31, 2012, and by \$59,352 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Health Professions Council (page VIII-13), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation (for Shared Regulatory Database Migration).

(28) (a) Reduce the Article VIII appropriations to the Department of Insurance for Strategy A.1.1, CONSUMER EDUCATION AND OUTREACH (page VIII-16), by \$3,697,373 for the state fiscal year ending August 31, 2012, and by \$3,678,561 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Department of Insurance (page VIII-19), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation.

(29) (a) Reduce the Article VIII appropriations to the Department of Licensing and Regulation for Strategy A.1.4, CUSTOMER SERVICE (page VIII-28), by \$330,635 for the state fiscal year ending August 31, 2012, and by \$266,853 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Department of Licensing and Regulation (page VIII-29), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(30) (a) Reduce the Article VIII appropriations to the Texas Medical Board for Strategy A.1.1, LICENSING (page VIII-32), by \$175,500 for the state fiscal year ending August 31, 2012, and by \$55,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Texas Medical Board (page VIII-34), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(31) (a) Reduce the Article VIII appropriations to the Public Utility Commission of Texas for Strategy A.1.1, MARKET COMPETITION (page VIII-60), by \$343,552 for the state fiscal year ending August 31, 2012, and by \$332,869 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Public Utility Commission of Texas (page VIII-62), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(32) In Article III, increase the amount appropriated to the Texas Education Agency for each fiscal year for Strategy A.1.1., FSP - Equalized Operations (page III-2), by the total amount of the reductions made in Items (1) - (31) of this amendment.

(33) Adjust totals and methods of financing accordingly.

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 39

Amend **CSHB 1** as follows:

(1) In Article I, page ____, reduce general revenue funding for the Facility Commission by \$10,000,000 in FY2012 and by \$10,000,000 in FY2013.

(2) Increase funding in Article II, page ____, Strategy A.2.2, HIV/STD Prevention, by \$20,000,000 in FY2013.

Representative Otto moved to table Amendment No. 19.

The motion to table prevailed by (Record 217): 98 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Laubenberg; Mallory Caraway.

Amendment No. 20

Representative Otto offered the following amendment to **CSHB 1**:

Floor Packet Page No. S-1

Amend **CSHB 1** as follows:

(1) Under Article I, pages I-20 and I-21, delete Rider 14 and renumber subsequent riders accordingly. Appropriations and FTE positions identified in Rider 14 shall be transferred to the Texas Facilities Commission and are hereby appropriated for the 2012-13 biennium. In addition, the bill pattern for the Texas Facilities Commission shall be amended to include the following rider:

____. Federal Surplus Property Program. Out of amounts appropriated above, \$1,009,838 in fiscal year 2012 and \$1,022,384 in fiscal year 2013 in Strategy C.1.1, Surplus Property Management, are appropriated out of the General Revenue-Dedicated Federal Surplus Property Service Charge Fund Account No. 570, including 13.5 full-time equivalent (FTE) positions in each fiscal year.

Any unexpended balances as of August 31, 2011 (estimated to be \$2,398,000), in the General Revenue-Dedicated Federal Surplus Property Service Charge Fund Account No. 570 are included in amounts appropriated above to the Texas Facilities Commission for costs associated with the operations of the Federal Surplus Property Program during the 2012-13 biennium. Any balances remaining on August 31, 2012, are appropriated for the same use during fiscal year 2013. Fees, fines and other miscellaneous revenues as authorized and generated by the operation of the Federal Surplus Property Program shall cover, at a minimum, the cost of the appropriations made for the Federal Surplus Property Program above in Strategy C.1.1, Surplus Property Management, as well as the "other direct and indirect costs" associated with this program, appropriated elsewhere in this Act. "Other direct and indirect costs" for the Federal Surplus Property Program above for Strategy C.1.1, Surplus Property Management, are estimated to be \$220,162 for fiscal year 2012 and \$218,616 for fiscal year 2013. In the event that the actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Texas Facilities Commission to reduce the appropriation authority provided herein to be within the amount of fee revenue expected to be available.

(2) Under Article I, pages I-21 and I-22, delete Rider 15 and renumber subsequent riders accordingly. Appropriations and FTE positions identified in Rider 15 shall be transferred to the Texas Facilities Commission and are hereby appropriated for the 2012-13 biennium. In addition, the bill pattern for the Texas Facilities Commission shall be amended to include the following rider:

____. State Surplus Property Program. Out of amounts appropriated above in Strategy C.1.1., Surplus Property Management, \$790,326 in each fiscal year out of appropriated Receipts are appropriated for the State Surplus Property Program, including 11.0 full-time equivalent (FTE) positions in each fiscal year.

Notwithstanding Article IX Sec. 8.03, Reimbursements and Payments or similar provisions of this Act, appropriations for the State Surplus Property Program are not to exceed \$1,580,652 from receipts collected by the State Surplus Property Program for the biennium beginning September 1, 2011 to be collected pursuant to Chapter 2175, Government Code.

a. Out of funds appropriated above, the Texas Facilities Commission shall maintain a surplus property inventory information system to efficiently process and manage the State Surplus Property Program inventory and facilitate the tracking of property sales conducted by the Texas Facilities Commission.

b. Based on an annual risk assessment, the Texas Facilities Program shall target the education and outreach efforts of the State Surplus Property Program to select state agencies to ensure appropriate and timely identification of disposition of eligible surplus property.

c. The Texas Facilities Commission shall develop and track performance benchmarks and targets necessary to evaluate the efficiency and effectiveness of the State Surplus Property Program, specifically evaluating the timeliness, cost, and profitability of program operations. The Texas Facilities Commission shall report to the Legislative Budget Board and the Governor, no later than October 15 in each year of the biennium, on the following:

i. Surplus property sales proceeds for the previous fiscal year by method of sale. In addition, the report submitted for fiscal year 2011 operations shall contain a five-year history of sales proceeds by method of sale.

ii. Distribution of surplus property sales proceeds for the previous fiscal year, including, at a minimum, remittances to state agencies, expenditures by the State Surplus Property Program, and amounts returned to General Revenue. In addition, the report submitted for fiscal year 2011 operations shall contain a five-year history of the distribution of sales proceeds.

iii. Breakout of the direct and indirect operational costs incurred by the State Surplus Property Program during the previous fiscal year. In addition, the report submitted for fiscal year 2011 operations shall contain a five-year history of program costs.

iv. Percent of the estimated inventory value of surplus property items recovered through disposal, by sales method, for the previous fiscal year. Inventory value is defined as the estimated value assigned to an item upon receipt by the program.

v. Timeliness of surplus property disposal for the previous fiscal year by method of sale. Timeliness is defined as the time, in days, between receipt of the property by the program and final disposition of the property through sale, salvage, donation, or other means of disposal.

vi. Description of the risk assessment process used in item b of this rider, and the resulting agencies targeted by education and outreach efforts. Briefly describe the education and outreach efforts used in targeting these agencies and how they differ from standard program efforts.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Sheffield offered the following amendment to **CSHB 1**:

Floor Packet Page No. 40

Amend **CSHB 1** as follows:

(1) On page I-38 of the Facilities Commission bill pattern, reduce the following strategy by \$500,000 in General Revenue Funds in fiscal year 2012 and \$500,000 in General Revenue Funds in fiscal year 2013: B.1.1. Custodial.

(2) On page I-81 of the Veterans Commission bill pattern, increase the following by \$500,000 in General Revenue Funds in fiscal year 2012 and \$500,000 in General Revenue Funds in fiscal year 2013: A.1.1. Claims Representation and Counseling.

Amendment No. 22

Representative Sheffield offered the following amendment to Amendment No. 21:

Amend the amendment by Sheffield on page 40 to read as follows:

(1) On page I-62 of the Department of Information Services bill pattern, reduce the following strategy by \$500,000 in General Revenue Funds in fiscal year 2012 and \$500,000 in General Revenue Funds in fiscal year 2013: B.2.2. TEXASONLINE.

(2) On page I-81 of the Veterans Commission bill pattern, increase the following by \$500,000 in General Revenue Funds in fiscal year 2012 and \$500,000 in General Revenue Funds in fiscal year 2013: A.1.1. Claims Representation and Counseling.

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

Amendment No. 23

Representative Perry offered the following amendment to **CSHB 1**:

Floor Packet Page No. 41

Amend **CSHB 1** as follows:

(1) In Article I of the bill, following the appropriations to the Office of the Governor, add the following appropriately numbered rider:

_____. Contingent Establishment of Office of Inspector General. Contingent on the enactment of **HB 3101** or similar legislation of the 82nd Legislature, Regular Session, relating to the creation of an office of inspector general within the Office of the Governor that will be responsible for the investigation of fraudulent insurance acts in this state, including Medicaid fraud and fraud under the workers' compensation system, it is the intent of the legislature that the Office of the Governor use an appropriate portion of the money appropriated to the office by this Act and available for the purpose to establish the office of inspector general in the manner provided by that legislation.

(2) In Article II of the bill, following the appropriations to the Health and Human Services Commission, add the following appropriately numbered rider:

____. Contingent Transfers: Office of Inspector General and State Court on Insurance and Medicaid Fraud. Contingent on the enactment of **HB 3101** or similar legislation of the 82nd Legislature, Regular Session, relating to the creation of an office of inspector general within the Office of the Governor that will be responsible for the investigation of fraudulent insurance acts in this state, including Medicaid fraud and fraud under the workers' compensation system, it is the intent of the legislature that if, not later than September 1, 2012, the comptroller of public accounts, with the cooperation of that office of inspector general, the Health and Human Services Commission, the Texas Department of Insurance, and the Office of the Attorney General, makes a finding of fact that, as a result of investigations initiated or conducted by that office of inspector general, at least \$6,000,000 of nondedicated general revenue money appropriated to the commission for the state fiscal biennium ending August 31, 2013, is recovered, not expended on ineligible claims for benefits, or otherwise saved by this state, the comptroller shall transfer the amount equal to the total amount recovered, not expended, or otherwise saved, but not to exceed \$31,500,000, as follows:

(1) \$6,000,000 to the Office of Court Administration of the Texas Judicial System to be used during the state fiscal biennium ending August 31, 2013, to establish and operate the state court on insurance and Medicaid fraud contingent on the enactment of **HB 2873** or similar legislation of the 82nd Legislature, Regular Session, providing for the establishment of that court; and

(2) any remaining amount for the continued operations of the office of inspector general.

Amendment No. 23 was withdrawn.

Amendment No. 24

Representative Turner offered the following amendment to **CSHB 1**:
Floor Packet Page No. 51

Amend **CSHB 1** as follows:

(1) In Article I, in the appropriations for Trusteed Programs Within the Office of the Governor (page I-50, house committee printing):

(A) decrease the appropriation under Strategy A.1.5. (Disability Issues) by \$1.1 million for each fiscal year of the biennium;

(2) In Article II, in the appropriations for the Department of Aging and Disability Services (page II-2, house committee printing) increase the General Revenue appropriation under Strategy A.7.1. (Intermediate Care Facilities-MR) by \$550,000.00 in FY2012 and \$550,000.00 in FY2013.

Amendment No. 24 was withdrawn.

HB 3833 - PERMISSION TO INTRODUCE

Representative Phillips requested permission to introduce and have placed on first reading **HB 3833**.

Permission to introduce was granted by (Record 218): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Branch; Crownover; Eiland; Mallory Caraway; Paxton; Taylor, L.

STATEMENTS OF VOTE

When Record No. 218 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

When Record No. 218 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 218 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

When Record No. 218 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

CSHB 1 - (consideration continued)

Amendment No. 25

Representative Marquez offered the following amendment to **CSHB 1**:

Floor Packet Page No. 59

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Devote funding of the amount \$554,564 in FY2012, and \$554,564 in FY2013, in Article I, page 50, Strategy A.1.9., Economic Development and Tourism, for the purpose of the Wyler Aerial Tramway at Franklin Mountains State Park.

Representative Otto moved to table Amendment No. 25.

The motion to table prevailed by (Record 219): 98 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Flynn; Madden; Mallory Caraway.

STATEMENT OF VOTE

When Record No. 219 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flynn

Amendment No. 26

Representative Farrar offered the following amendment to **CSHB 1**:

Floor Packet Page No. 63

Amend **CSHB 1** in Article I of the bill on page I-50 by striking Strategy A.1.13 and renumbering subsequent strategies and adjusting cross-references accordingly and increase the appropriation to Article III, Texas Education Agency, Strategy A.1.1 - the Foundation School Program, in an equally-divided amount for each fiscal year equal to the amount of the stricken appropriation.

Amendment No. 26 was withdrawn.

Amendment No. 27

Representative Farias offered the following amendment to **CSHB 1**:

Floor Packet Page No. 65

Amend **CSHB 1** as follows:

A. On page I-50, A.1.13. STATE-FEDERAL RELATIONS, strike "682,382" in 2012 and substitute "82,382", and strike "682,382" in 2013 and substitute "82,382".

B. On page III-34, B.1.14 Combat Tuition Reimbursement Program, strike "0" in 2012 and substitute "600,000", and strike "0" in 2013 and substitute "600,000".

(Keffer in the chair)

Amendment No. 27 was adopted by (Record 220): 133 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; 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; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Patrick; 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; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zedler.

Nays — Cain; Craddick; Laubenberg; Parker; Paxton; Truitt; White; Zerwas.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Hilderbran.

Absent — Elkins; Mallory Caraway; Nash; Peña; Workman.

STATEMENT OF VOTE

I was shown voting no on Record No. 220. I intended to vote yes.

Zerwas

Amendment No. 28

Representative P. King offered the following amendment to **CSHB 1**:
Floor Packet Page No. 69

Amend **CSHB 1** as follows:

(1) On page I-55 of the bill pattern for the Historical Commission, under Method of Financing, reduce General Revenue Fund appropriations by \$4,675,625 in fiscal year 2012 and \$4,145,594 in fiscal year 2013. Items of appropriation in strategies A.1.1. through A.2.1. and B.1.1. shall be reduced to correspond with general revenue reduction.

Amendment No. 28 was withdrawn.

Amendment No. 29

Representative Guillen offered the following amendment to **CSHB 1**:
Floor Packet Page No. 70

Amend **CSHB 1** (house committee printing) in Article I of the bill, appropriations to the Texas Historical Commission, Rider 19 to read as follows:

19. Contingency Appropriations: Texas Preservation Trust Fund Account No. 664. Contingent upon passage of legislation relating to the modification of Government Code 442.015 to transfer agency funds from outside the State Treasury to the General Revenue-Dedicated Texas Preservation Trust Fund Account No. 664 (an amount estimated to be \$9,719,343 and in excess of the Comptroller's Biennial Revenue Estimate for the 2012-13 biennium) and to modify the purpose of the General Revenue-Dedicated Texas Preservation Trust Fund Account No. 664 to fund agency operations, and in addition to the amounts appropriated above or elsewhere in this Article, there is hereby appropriated to the Texas Historical Commission from the General Revenue-Dedicated Texas Preservation Trust Fund Account No. 664 the amounts below:

	FY 2012	FY 2013
Strategy A.1.1 Architectural Assistance	\$ 80,000	\$ 80,000
Strategy A.1.3 Archeological Heritage Protection	\$160,000	\$160,000
Strategy A.1.4 Evaluate/Interpret Resources	\$810,000	\$810,000
Strategy A.1.5 Courthouse Preservation	\$250,000	\$250,000
Strategy A.2.1 Development Assistance	\$365,000	\$365,000
Strategy B.1.1 Central Administration	\$490,000	\$490,000

In addition, contingent upon passage of legislation described herein, the Texas Historical Commission's Number of Full-Time Equivalents (FTEs) is hereby increased by 26.5 in each fiscal year.

Amendment No. 29 was adopted.

Amendment No. 30

Representative P. King offered the following amendment to **CSHB 1**:

Floor Packet Page No. 83

Amend **CSHB 1** as follows:

(1) In Article II of the bill, the nondedicated general revenue fund appropriations to the Department of Aging and Disability Services, the Department of Assistive and Rehabilitative Services, the Department of Family and Protective Services, the Department of State Health Services, and the Health and Human Services Commission are reduced by a total of \$1 billion for the state fiscal biennium ending August 31, 2013, as follows:

(A) the total reduction is allocated to each of the agencies in the proportion that the agency's total nondedicated general revenue fund appropriation bears to the total nondedicated general revenue fund appropriations in Article II, and the items of appropriation in the article to each of the agencies are reduced by the amount of the reduction allocated to the agency under this paragraph; and

(B) the reduction to the items of appropriation to an agency under Paragraph (A) of this item are allocated to the strategies in the items of appropriation in the proportion that the amount the nondedicated general revenue fund appropriation for each strategy bears to the total amount of nondedicated general revenue funds appropriated to the agency.

(2) In Article II of the bill, adjust the totals and methods of financing to the Department of Aging and Disability Services, the Department of Assistive and Rehabilitative Services, the Department of Family and Protective Services, the Department of State Health Services, and the Health and Human Services Commission accordingly.

(3) In Article III of the bill, in the items of appropriation to the Texas Education Agency, the amounts of nondedicated general revenue fund appropriations for Strategy A.1.1., FSP - Equalized Operations (page III-2), are increased by \$500 million for the state fiscal year ending August 31, 2012, and \$500 million for the state fiscal year ending August 31, 2013.

(4) In Article III of the bill, adjust the totals and methods of financing for the Texas Education Agency accordingly.

Amendment No. 30 was withdrawn.

Amendment No. 31

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 85

Amend **CSHB 1** as follows:

(1) On page II-2 of the bill pattern for the Department of Aging and Disability Services, reduce General Revenue appropriations by \$498,990 in each fiscal year for Strategy A.4.4, IN-HOME AND FAMILY SUPPORT.

(2) On page II-2 of the bill pattern for the Department of Aging and Disability Services, Strategy A.4.5, MENTAL RETARDATION IN-HOME SERVICES, by reducing the appropriations by \$572,174 in each fiscal year.

(3) On page II-2 of the bill pattern for the Department of Aging and Disability Services, increase General Revenue appropriations to Strategy A.6.1, NURSING FACILITY PAYMENTS, by \$1,071,164 in each fiscal year.

Amendment No. 32

Representative Zedler offered the following amendment to Amendment No. 31:

Amend Amendment No. 31 to **CSHB 1** by Zedler (page 90, prefiled amendments packet) after the colon on the first line by striking the text and substituting the following:

(1) In Article II of the bill, in the appropriations to the Health and Human Services Commission, increase the appropriation for Strategy B.1.4, Children and Medically Needy (page II-73), by \$20,258,048 for each of the fiscal years ending August 31, 2012, and ending August 31, 2013.

(2) In Article II of the bill, in the appropriations to the Health and Human Services Commission, reduce the appropriation for Strategy B.4.2, Managed Care Expansion (page II-73), by \$20,258,048 for each of the fiscal years ending August 31, 2012, and ending August 31, 2013.

(3) In Article II of the bill, following the appropriations to the Health and Human Services Commission, amend Rider 52 (page II-91) as follows:

(A) In the heading, between "Expansion" and ".", insert "; Children and Medically Needy".

(B) In the first paragraph, strike "\$60,556,875 in General Revenue (\$149,537,984 All Funds) in fiscal year 2012 and \$110,693,789 in General Revenue (\$272,508,811 All Funds) in fiscal year 2013" and substitute "\$40,298,827 in General Revenue (\$129,279,936 All Funds) in fiscal year 2012 and \$90,435,741 in General Revenue (\$252,250,763 All Funds) in fiscal year 2013".

(C) In the first paragraph, strike "177,136,693 in General Revenue in fiscal year 2012 and \$347,330,707 in General Revenue in fiscal year 2013" and substitute "156,878,645 in General Revenue in fiscal year 2012 and \$327,072,659 in General Revenue in fiscal year 2013".

Amendment No. 32 was adopted.

Amendment No. 33

Representative Gonzalez offered the following amendment to Amendment No. 31:

Amend the Zedler Amendment No. 85 as follows:

(1) Striking Sections (1) and (2) of the amendment, and inserting the following:

(a) Contingent upon the passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals the tax exemption on high cost gas production; or the passage and enactment of **HB 1317** or similar

legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations; or upon implementation through legislation or any other manner of non-tax revenue generating measures recommended by the Eighty-second Legislature's Senate Finance Subcommittee on Fiscal Matters.

Amendment No. 33 was withdrawn.

Amendment No. 31, as amended, was withdrawn.

Amendment No. 34

Representative Naishtat offered the following amendment to **CSHB 1**:

Floor Packet Page No. 88

Amend **CSHB 1** as follows:

(1) On page II-2, add the following appropriately numbered rider:

_____. Contingency Rider for Nursing Facility Payments. Contingent upon passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals tax exemptions for high cost gas production, the Department of Aging and Disability Services, Strategy A.6.1, Nursing Facility Payments is hereby appropriated \$792,850,832.

Amendment No. 34 was withdrawn.

Amendment No. 35

Representative Crownover offered the following amendment to **CSHB 1**:

Floor Packet Page No. 91

Amend Article II, Rider 43 (page II-19), by adding inserting the following after subsection b.(3)

Prior to transfer of an SSLC resident from the _____ SSLC, DADS will require that the new care provider identify the health practitioners who will be used to treat the resident, as well as the health practitioners' training, experience, and willingness to serve the resident. The provider must certify to DADS that it can provide the treatment and care as specified in the resident's individualized treatment plan.

And by inserting the following paragraph at the end of the Rider:

Following the closure of the SSLC, the Department will monitor the health and wellbeing of the residents moved from the SSLC to community care. DADS is directed to track the provision of health care for former residents as required by their individual treatment plans, and to provide a report to the Legislative Budget Board and the Governor by August 31, 2013 that documents available health outcomes and mortality rates of residents moved into the community. DADS must maintain privacy of these residents. It is the intent of the Legislature that additional SSLCs may not be closed until the completion of the health outcome/mortality rate study.

Amendment No. 36

Representative Kolkhorst offered the following amendment to Amendment No. 35:

Amend Amendment No. 35 by Crossover to **CSHB 1** (page 91 of the prefiled amendment packet) in Item 2 of the amendment by striking "that documents available health outcomes and mortality rates of residents moved into the community." and substituting "that documents available health outcomes and mortality rates of residents moved into the community, as well as any cost savings realized per resident moved into the community."

Amendment No. 36 was adopted.

Amendment No. 35, as amended, was adopted.

Amendment No. 37

Representative Hopson offered the following amendment to **CSHB 1**:
Floor Packet Page No. 93

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Department of Aging and Disability Services, by adding the following to number 43. Closure of State Supported Living Center.

In soliciting bids from private psychiatric hospital providers, DSHS shall assure that successful bidders will show evidence that they have experience operating inpatient psychiatric care facilities serving populations with acuity levels similar to the current state hospital population, at a cost at or below the prescribed savings described in this rider, in hospitals that are fully accredited by JCAHO (Joint Commission on Accreditation of Healthcare Organizations) and certified by Medicare.

If DSHS awards a private psychiatric hospital with a contract to operate one or more state hospitals, the term of that contract shall be for at least 4 years, and savings from the operation of the private psychiatric hospital shall be equal to at least \$10 million per year in each year of the contract.

Before awarding a contract to a private psychiatric hospital provider, DSHS shall assure that the action will not result in the reduction of Disproportionate Share (DSH) payments currently received by the state.

Amendment No. 38

Representative Hopson offered the following amendment to Amendment No. 37:

In line 2 delete "Aging and Disability" and add "State Health". In line 3, remove "43" and replace with "65".

Amendment No. 38 was adopted.

Representative Zerwas moved to table Amendment No. 37, as amended.

The motion to table was lost by (Record 221): 21 Yeas, 121 Nays, 2 Present, not voting.

Yeas — Button; Chisum; Craddick; Davis, S.; Dutton; Hamilton; King, P.; Morrison; Parker; Phillips; Pitts; Riddle; Ritter; Schwertner; Sheffield; Shelton; Smithee; Truitt; Vo; Workman; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Perry; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Simpson; Smith, T.; Smith, W.; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Walle; Weber; White; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Hilderbran.

Absent — Madden; Mallory Caraway; Solomons; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 221. I intended to vote no.

Button

When Record No. 221 was taken, I was in the house but away from my desk. I would have voted no.

Solomons

I was shown voting yes on Record No. 221. I intended to vote no.

Truitt

Amendment No. 37, as amended, was adopted.

Amendment No. 39

Representative Naishtat offered the following amendment to **CSHB 1**:

Floor Packet Page No. 94

Amend **CSHB 1**, page II-2, as follows by adding the following appropriately numbered rider:

____. Contingency Rider for **HB 1317**. Contingent upon passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for

the purpose of determining the business' sales and use tax obligations, the revenue generated by said legislation shall be appropriated to the Department of Aging and Disability Services, Strategy A.2.3, Community Attendant Services

Amendment No. 39 was withdrawn.

Amendment No. 40

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 95

Amend **CSHB 1**, page II-2, as follows by adding the following appropriately numbered rider:

_____. Contingency Rider for **HB 1317**. Contingent upon passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations, the revenue generated by said legislation shall be appropriated to the Department of Aging and Disability Services, Strategy A.2.1., Primary Home Care.

Amendment No. 40 was withdrawn.

Amendment No. 41

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 99

Amend **CSHB 1** in Article II, appropriation for the Department of Aging and Disability Services, by inserting the following appropriately-numbered rider and renumbering any subsequent riders accordingly:

"It is the intent of the legislature that the Department of Aging and Disability Services develop a contingency plan for consumers that are displaced as a result of a significant number of providers exiting the Home and Community-based Services Program, the Intermediate Care Facilities-MR, and the Nursing Facilities. This contingency plan shall define a significant number of providers and include short term and long term planning criteria that ensures the health and safety of the individual and promotes their independence. The plan is due upon the implementation of rate reductions for each impacted program."

Amendment No. 41 was adopted.

Amendment No. 42

Representative Walle offered the following amendment to **CSHB 1**:
Floor Packet Page No. 101

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Department of Family and Protective Services, by striking Rider 17 (page II-41), substituting the following appropriately numbered riders, and renumbering subsequent riders accordingly:

_____. Caseloads Per Worker and Call Processing Reporting Requirements. Not later than October 1 of each year of the biennium, the Department of Family and Protective Services shall report to the Legislative Budget Board, the

Governor, and the standing committees of the Senate and the House of Representatives having primary jurisdiction over the department data for the previous fiscal year regarding daily caseloads per worker for each protective services program and the average hold time and call abandonment rate for statewide intake telephone calls relating to reports of abuse, neglect, or exploitation. The report shall be prepared in a format specified by the Legislative Budget Board.

_____. Call Processing and Worker Caseload Standards. It is the intent of the Legislature that the Department of Family and Protective Services use money appropriated to the department by this Act in Goal A, Statewide Intake Services (page II-33), Goal B, Child Protective Services (page II-33), and Goal D, Adult Protective Services (page II-34), to work toward achieving the following enhanced performance target levels:

(1) an average hold time for statewide intake telephone calls relating to reports of abuse, neglect, or exploitation that does not exceed eight minutes, notwithstanding the performance target levels identified in Goal A, Statewide Intake Services, in Rider 1 (page II-35);

(2) a call abandonment rate for statewide intake telephone calls relating to reports of abuse, neglect, or exploitation that does not exceed 25 percent;

(3) a daily caseload for a child protective services caseworker performing investigations that does not exceed an average of 21 cases, notwithstanding the performance target levels identified in Strategy B.1.1, CPS Direct Delivery Staff, in Rider 1 (page II-35);

(4) a daily caseload for a child protective services caseworker providing family-based safety services that does not exceed an average of 18 cases, notwithstanding the performance target levels identified in Strategy B.1.1, CPS Direct Delivery Staff, in Rider 1 (page II-35);

(5) a daily caseload for an adult protective services caseworker providing services through in-home programs that does not exceed an average of 27 cases, notwithstanding the performance target levels identified in Strategy D.1.1, APS Direct Delivery Staff, in Rider 1 (page II-36); and

(6) an adult protective services caseworker turnover rate that is lower than the performance target levels identified in Goal D, Adult Protective Services, in Rider 1 (page II-36).

Amendment No. 42 was adopted.

Amendment No. 43

Representative Alonzo offered the following amendment to **CSHB 1**:

Floor Packet Page No. 103

Amend **CSHB 1** (house committee printing) in Article II of the bill, by inserting the following rider, appropriately numbered, following the appropriations to the Department of Family and Protective Services:

_____. Department of Family and Protective Services: Adoption Assistance Agreements. Out of amounts appropriated above in Strategy B.1.12, Adoption/PCA Payments, the Department of Family and Protective Services shall

subsidize under an adoption assistance agreement the adoption of a child in foster care by an adoptive parent whose family income is less than 300 percent of the federal poverty level if, based on factors specified in rules of the department, the department determines the child would otherwise have been expected to remain in foster care until the child's 18th birthday and this state would have made foster care payments for that care. The amount of the subsidy to be paid is equal to the amount that would have been paid to the child's foster parent based on the child's foster care service level on the date the department and the adoptive parent enter into the adoption assistance agreement.

Amendment No. 43 was withdrawn.

Amendment No. 44

Representative Weber offered the following amendment to **CSHB 1**:

Floor Packet Page No. 107

Amend **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, by reducing Strategy B.1.3 by \$4,150,000 in each fiscal year of the 2012-2013 biennium.

Amend **CSHB 1**, on page II-74 of the Health and Human Services Commission bill pattern, by increasing Strategy D.2.2 by \$4,150,000 in each fiscal year of the 2012-2013 biennium.

Amendment No. 45

Representative Perry offered the following amendment to Amendment No. 44:

Amend Amendment No. 44 by Weber to **CSHB 1** (page 107 of the prefiled amendment packet) as follows:

(1) In the second paragraph of the amendment, strike "\$4,150,00" and substitute "\$3,650,000".

(2) Add the following appropriately numbered item:

() In Article II of the bill, in the appropriations for the Department of Assistive and Rehabilitative Services, increase the appropriations for A.1.1. Strategy: ECI SERVICES (page II-21) by \$500,000 for the fiscal year ending August 31, 2012, and by \$500,000 for the fiscal year ending August 31, 2013.

Amendment No. 45 was adopted.

Amendment No. 44, as amended, was adopted by (Record 222): 100 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez;

Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McCleendon; Menendez; Miles; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Woolley.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Hilderbran.

Absent — Guillen; Pickett.

Amendment No. 46

Representative Christian offered the following amendment to **CSHB 1**:

Floor Packet Page No. 108

Amend **CSHB 1** with the following:

1. In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, reduce Strategy B.1.3, by \$3,300,00 in each fiscal year of the 2012-13 biennium.

2. In **CSHB 1**, on page II-21 of the Department of Assistive and Rehabilitative Services bill pattern, increase Strategy A.3.1 by \$3,300,000 in each fiscal year of the 2012-13 biennium.

3. Adjust performance measures as necessary to reflect funding changes.

Amendment No. 47

Representative S. Miller offered the following amendment to Amendment No. 46:

Amend Amendment No. ____ by Miller to **CSHB 1** (page 112 of the prefiled amendment packet) by striking Item 2 of the amendment and substituting the following:

(2) In Article II of the bill, in the items of appropriation to the Department of Assistive and Rehabilitative Services, increase the money appropriated for Strategy A.1.1, ECI Services, Early Childhood Intervention Services (on page II-21), by \$10,628,445 in each fiscal year of the 2012-2013 biennium.

Amendment No. 47 was withdrawn.

Amendment No. 48

Representative Christian offered the following amendment to Amendment No. 46:

1. In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, reduce Strategy B.1.3, by \$3,300,000 in each fiscal year of the 2012-13 biennium.

2. In **CSHB 1**, on page II-21 of the Department of Assistive and Rehabilitative Services bill patterns, increase Strategy A.3.1 by \$3,300,000 in each fiscal year of the 2012-13 biennium.

3. Adjust performance measures as necessary to reflect funding changes.

Amendment No. 48 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 3 p.m. today, in 3N.3, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Redistricting, 3 p.m. today, 3N.3, for a formal meeting, to consider pending business.

CSHB 1 - (consideration continued)

AMENDMENT NO. 46 - REMARKS

REPRESENTATIVE OLIVEIRA: I have patiently listened all day and not got involved in the debate, yesterday nor today, but I am compelled to address this august body and to highlight for a moment what our debate is now. We are debating about autistic children and their needs and those families that do the very best they can to raise that child, and on the other side of that, we're debating about the poorest of the poor when we've got \$6 billion in the bank—\$6 billion in the bank. I don't understand how long we're going to continue this charade, and that's why I'm only speaking on this amendment, but it is a charade.

Our Texans out there, our fellow Texans, the poor, the middle class, the sick, the elderly, the disabled, our schoolchildren, they all need us to stand up today. I was going to wait to speak at the end of the bill, which may be at four or five tomorrow morning, but I can't anymore. I've been here 27 years and dealt with severe budget crises. I've been here a long time and watched a lot of things happen, and today I think is a defining moment for a lot of us in this room. Today, we're going to have to decide at some point if we're going to continue this charade. At the end of the day, I know I have to vote against this bill. Some of you are going to think—some of you are going to really think this is just part of the process, I can vote no today and get away with it. Friends, perhaps some of you in your district can. I know I cannot. I can't face my fellow citizens. I can't face these autistic children and the poorest of the poor and the women that need our help. I can't do that.

So I ask you today, speaking on this amendment, as we go forward and as we play our political games here in both parties, that we start getting realistic about this and start honoring what our fellow Texans want and need. And what

they want and need, respectfully, is for us to be as responsible as we can, not just with the taxpayers' dollars, but with the basic human needs. You can talk about family values all day long. You can talk about unfunded mandates all day long. This is the biggest unfunded mandate bill we're going to see this session. You can talk about all those things, but you've still got to recognize what we're doing here today. And I implore you all, as we go through these amendments and as you're thinking about it, think about facing your folks back home. I know some of you would like to cut even more. It's your prerogative, your philosophy, your belief. I will respect that. But I can't stand idle anymore and just sit and watch when we're now talking about the poorest of the poor and the most needy and autistic children. Our Texans need us. Our Texans need us.

REMARKS ORDERED PRINTED

Representative Strama moved to print remarks by Representative Oliveira.

The motion prevailed.

Amendment No. 46, as amended, was adopted by (Record 223): 106 Yeas, 34 Nays, 6 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Farrar; Giddings; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Miles; Naishtat; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Gonzales, V.; Keffer(C); Menendez; Oliveira; Quintanilla.

Absent, Excused — Allen; Hilderbran.

Absent — Gallego; Guillen.

STATEMENTS OF VOTE

I was shown voting no on Record No. 223. I intended to vote present, not voting.

Anchia

I was shown voting no on Record No. 223. I intended to vote present, not voting.

Lucio

I was shown voting no on Record No. 223. I intended to vote yes.

Marquez

Amendment No. 49

Representative Bohac offered the following amendment to **CSHB 1**:

Floor Packet Page No. 109

Amend **CSHB 1**, on page II-46, in the Article II appropriations to the Department of State Health Services, as follows:

(1) Decrease the appropriation to Strategy B.1.3, Family Planning Services, by \$7,229,426 for the fiscal year ending August 31, 2012, and by \$7,229,426 for the fiscal year ending August 31, 2013.

(2) Increase the appropriation to Strategy B.2.2, Mental Health Services-Children, by \$7,229,426 for the fiscal year ending August 31, 2012, and by \$7,229,426 for the fiscal year ending August 31, 2013.

(3) Adjust totals and methods of financing appropriately.

AMENDMENT NO. 49 - REMARKS

REPRESENTATIVE TURNER: Not only has mental health been underfunded, there are 1.5 million children in the State of Texas with no medical care whatsoever. I'm not trying to say that what you are doing in terms of the people that you're trying to benefit is not a good thing. I support that. But I also support what we are doing in that strategy for other children. And sometimes the children in the strategy you are pulling from happen to also be in the strategy that you are giving to. And the question that I sit at my desk—I don't pose it to you; I'll pose it to myself, but maybe you can answer. When I'm sitting at my desk, and I'm trying to determine: what would Solomon say? What would Solomon say to the mother, or to the two mothers when there was a battle, an issue on the children—when there were two children, and a mother is claiming a child and—a mother is claiming an interest in both of them, in that one child? In your amendment—what your amendment is doing is pulling from one need to another need.

Let me tell you what I should do, what I will do, on this amendment and on all similar amendments, and you tell me whether or not it's a prudent thing. I will not be put in the position of choosing from one need to another when we are underfunding them both. I will white light this amendment and I will white light every other single amendment that comes to this floor, because if we are not willing to pull from the rainy day to meet the needs of these children and these elderly folks, I will not be caught trying to decide whether or not I shall fund child one or child two. Tell me why I should not just white light it and leave it to the rest of you to decide which kid is deserving of the funding from the State of Texas. I will white light it, and I will encourage others to do the same. It is not

good policy. It is not good policy in this state for us to choose which child should get which dollar when they all have needs and they are all children of the State of Texas.

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks by Representative Turner.

The motion prevailed.

Amendment No. 49 was adopted by (Record 224): 96 Yeas, 6 Nays, 44 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Lyne; Raymond; Strama; Thompson.

Present, not voting — Mr. Speaker; Anchia; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; Keffer(C); King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Reynolds; Rodriguez; Turner; Villarreal; Vo; Walle.

Absent, Excused — Allen; Hilderbran.

Absent — Larson; Veasey.

STATEMENTS OF VOTE

I was shown voting no on Record No. 224. I intended to vote present, not voting.

Alvarado

When Record No. 224 was taken, my vote failed to register. I would have voted present, not voting.

Veasey

Amendment No. 50

Representative Murphy offered the following amendment to **CSHB 1**:

Floor Packet Page No. 110

In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, reduce Strategy B.1.3 by \$71,773 in each fiscal year of the 2012-13 biennium.

In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, increase Strategy B.3.1 by \$71,773 in each fiscal year of the 2012-13 biennium.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Alonzo on motion of Walle.

Alvarado on motion of Walle.

Aycock on motion of Riddle.

Branch on motion of Raymond.

Geren on motion of Patrick.

Harless on motion of Farias.

Hunter on motion of Raymond.

Keffer on motion of Pitts.

Madden on motion of Riddle.

Pickett on motion of Farias.

Solomons on motion of Riddle.

Veasey on motion of Farias.

(Ritter in the chair)

CSHB 1 - (consideration continued)

Amendment No. 50 was adopted by (Record 225): 91 Yeas, 20 Nays, 25 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Davis, Y.; Deshotel; Dukes; Dutton; Farias; Gonzales, V.; Gonzalez; Howard, D.; Johnson; Lyne; Marquez; Martinez; McClendon; Menendez; Miles; Naishtat; Raymond; Strama; Thompson; Villarreal.

Present, not voting — Mr. Speaker; Anchia; Burnam; Castro; Coleman; Eiland; Farrar; Gallego; Giddings; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lucio; Mallory Caraway; Martinez Fischer; Muñoz; Oliveira; Reynolds; Ritter(C); Rodriguez; Turner; Vo; Walle.

Absent, Excused — Allen; Hilderbran.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Geren; Harless; Hunter; Keffer; Madden; Pickett; Solomons; Veasey.

Amendment No. 51

Representative Anchia offered the following amendment to **CSHB 1**:

Floor Packet Page No. 49

Amend **CSHB 1** as follows:

(1) On page I-50, in the appropriations to the Trusteed Programs Within the Office of the Governor decrease Strategy A.1.4: Film and Music Marketing, decrease by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(2) On page I-68, in the appropriations to the Library and Archives Commission, increase Strategy A.1.2: Aid to Local Libraries, by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(3) In Article I, amend the bill pattern for the Library & Archives Commission by inserting the following appropriately numbered rider to read as follows and renumbering any subsequent riders accordingly:

 . Loan Star Libraries Grants. Out of amounts appropriated above in Strategy A.1.2, Aid to Local Libraries, the agency shall expend \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013 from the General Revenue Fund for Loan Star Libraries grants.

Amendment No. 52

Representative Anchia offered the following amendment to Amendment No. 51:

Amend the Anchia amendment to **CSHB 1** as follows by striking the text of the amendment and substituting the following language:

(1) On page VII-36, in the appropriations to the Workforce Commission decrease Strategy A.2.1: Skills Development, by \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013.

(2) On page I-68, in the appropriations to the Library and Archives Commission, increase Strategy A.1.2: Aid to Local Libraries, by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(3) In Article I, amend the bill pattern for the Library & Archives Commission by inserting the following appropriately numbered rider to read as follows and renumbering any subsequent riders accordingly:

_____. Loan Star Libraries Grants. Out of amounts appropriated above in Strategy A.1.2, Aid to Local Libraries, the agency shall expend \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013 from the General Revenue Fund for Loan Star Libraries grants.

Amendment No. 52 was adopted.

(Alonzo, Aycock, Branch, Geren, Harless, Hunter, Keffer, Madden, and Pickett now present)

Amendment No. 51, as amended, failed of adoption by (Record 226): 55 Yeas, 79 Nays, 9 Present, not voting.

Yeas — Alonzo; Anchia; Anderson, C.; Bohac; Bonnen; Burkett; Burnam; Castro; Christian; Davis, Y.; Driver; Dukes; Dutton; Farias; Farrar; Flynn; Geren; Gooden; Gutierrez; Hamilton; Harless; Harper-Brown; Hernandez Luna; Hopson; Huberty; King, S.; King, T.; Kolkhorst; Lozano; Lucio; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Sheffield; Smith, T.; Strama; Thompson; Truitt; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Button; Cain; Callegari; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Frullo; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Hancock; Hardcastle; Hartnett; Hochberg; Howard, C.; Howard, D.; Hughes; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Price; Riddle; Schwertner; Shelton; Simpson; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Turner; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Carter; Deshotel; Eiland; Guillen; Johnson; Mallory Caraway; Peña; Ritter(C).

Absent, Excused — Allen; Hilderbran.

Absent, Excused, Committee Meeting — Alvarado; Solomons; Veasey.

Absent — Gallego; Hunter.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 226. I intended to vote no.

Flynn

When Record No. 226 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

When Record No. 226 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting no on Record No. 226. I intended to vote yes.

Miles

(Alvarado now present)

Amendment No. 53

Representative Laubenberg offered the following amendment to **CSHB 1**:

Floor Packet Page No. 111

Amend **CSHB 1** as follows:

(1) On page II-46 of the bill pattern for the Department of State Health Services, reduce Strategy B.1.3 by \$4,583,575 for fiscal year ending August 31, 2012, and \$4,583,575 for fiscal year ending August 31, 2013.

(2) On page II-46 of the bill pattern for the Department of State Health Services, increase Strategy A.3.4 by \$4,583,575 for fiscal year ending August 31, 2012, and \$4,583,575 for fiscal year ending August 31, 2013.

Amendment No. 53 was withdrawn.

Amendment No. 54

Representative S. Miller offered the following amendment to **CSHB 1**:

Floor Packet Page No. 112

Amend **CSHB 1** as follows:

(1) In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, reduce Strategy B.1.3 by \$10,628,445 in each fiscal year of the 2012-13 biennium.

(2) In **CSHB 1**, on page II-2 of the Department of Aging and Disabilities Services bill pattern, increase Strategy A.7.1 by \$10,628,445 in each fiscal year of the 2012-13 biennium.

Amendment No. 55

Representative S. Miller offered the following amendment to Amendment No. 54:

Amend Amendment No. 54 by S. Miller to **CSHB 1** (page 112 of the prefiled amendment packet) by striking Item 2 of the amendment and substituting the following:

(2) In Article II of the bill, in the items of appropriation to the Department of Assistive and Rehabilitative Services, increase the money appropriated for Strategy A.1.1, ECI Services, Early Childhood Intervention Services (on page II-21), by \$10,628,445 in each fiscal year of the 2012-2013 biennium.

Amendment No. 55 was adopted.

Amendment No. 56

Representative Perry offered the following amendment to Amendment No. 54:

Amend Amendment No. 54 by S. Miller to **CSHB 1** (page 112 of the prefiled amendment packet) as follows:

(1) On line 7 of the amendment, strike "\$10,628,445" and substitute "\$9,128,445".

(2) Add the following appropriately numbered item:

() In Article II of the bill, in the appropriations for the Department of Aging and Disability Services, increase the appropriations for A.4.1. Strategy: NON-MEDICAID SERVICES (page II-2) by \$1,500,000 for the fiscal year ending August 31, 2012, and by \$1,500,000 for the fiscal year ending August 31, 2013.

Amendment No. 56 was adopted.

(Solomons and Veasey now present)

Pursuant to Rule 5, Section 28 of the House Rules, Representative Y. Davis requested an extension of speaking time on Amendment No. 54.

The request was granted by (Record 227): 135 Yeas, 5 Nays, 4 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; 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; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithe; Solomons; Strama; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Hughes; Legler; Perry; Shelton; Zedler.

Present, not voting — Mr. Speaker; Dutton; Ritter(C); Truitt.

Absent, Excused — Allen; Hilderbran.

Absent — Crownover; Elkins; Pitts; Taylor, L.

Amendment No. 54, as amended, was adopted by (Record 228): 104 Yeas, 37 Nays, 5 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown;

Hartnett; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter(C); Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Giddings; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Lucio; Lyne; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Gonzales, V.; Guillen; Johnson; King, T.

Absent, Excused — Allen; Hilderbran.

Absent — Farrar; Oliveira.

STATEMENT OF VOTE

I was shown voting yes on Record No. 228. I intended to vote no.

Gallego

Amendment No. 57

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 113

Amend **CSHB 1** as follows:

(1) On page II-46 of the bill pattern for the Department of State Health Services, reduce Strategy B.1.3, by \$896,781 for the fiscal year ending August 31, 2012, and by \$896,781 for the fiscal year ending August 31, 2013.

(2) On page II-2 of the bill pattern for the Department of Aging and Disability Services, increase Strategy A.3.4 by \$896,781 for the fiscal year ending August 31, 2012, and by \$896,781 for the fiscal year ending August 31, 2013:

(Geren in the chair)

Amendment No. 57 was adopted by (Record 229): 101 Yeas, 38 Nays, 6 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Margo; Miller, D.;

Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Gallego; Giddings; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Eiland; Geren(C); Gonzales, V.; Guillen; Johnson.

Absent, Excused — Allen; Hilderbran.

Absent — Farias; Farrar; Walle.

STATEMENT OF VOTE

When Record No. 229 was taken, I was in the house but away from my desk. I would have voted no.

Farrar

Amendment No. 58

Representative Menendez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 114

Amend **CSHB 1** under Article II as follows:

(1) On page II-46 of the bill pattern for the Department of State Health Services reduce General Revenue appropriations in Strategy B.2.2. Mental Health Services-Children by \$327,040.00 in fiscal year 2012 and by \$327,040.00 in fiscal year 2013.

(2) On page II-73 of the bill pattern for the Health and Human Services Commission increase General Revenue appropriations in Strategy A.1.1., Enterprise Oversight and Policy, by \$327,040.00 in each fiscal year for the purposes of funding the Texas Integrated Funding Initiative (TIFI) and the Community Resource Coordination Groups (CRCG) of Texas in order to provide mental health services to children, youth, and adults.

Amendment No. 59

Representative Menendez offered the following amendment to Amendment No. 58:

Amend Amendment No. 58 to **CSHB 1** by Menendez (page 114, prefiled amendment packet) as follows:

(1) Add the following appropriately numbered item to the amendment and renumber subsequent items accordingly:

() On page II-2 of the bill pattern for the Department of Aging and Disability Services reduce Other Operating Expenses appropriations in Strategy C.1.1, Central Administration, in fiscal year 2012 and fiscal year 2013 by \$330,000.00 for each of those fiscal years.

(2) On line 8, strike "\$327,040.00" and substitute "\$657,040.00".

Amendment No. 59 was adopted.

Amendment No. 58, as amended, was adopted.

Amendment No. 60

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 119

Amend **CSHB 1** as follows:

(1) On page II-52 of the bill pattern for the Department of State Health Services, amend Rider 5, Other Reporting Requirements, Subsection c., Monthly Financial Reports, to read as follows:

"The Department of State Health Services shall submit the following information to the Legislative Budget Board and the Governor, and make available to the public, on a monthly basis:"

Amendment No. 60 was adopted.

Amendment No. 61

Representative Hughes offered the following amendment to **CSHB 1**:

Floor Packet Page No. 120

Amend **CSHB 1** in Article II of the bill as follows:

(1) Following Rider 17 following the appropriations to the Department of State Health Services (page II-57), add Rider 17-a as follows:

17-a. Use of Funds to Support Abortion. In addition to the prohibition in Rider 17, the Department of State Health Services may not use money appropriated under this Act, regardless of the funding source, to:

(1) fund the performance of, promotion of, or referral for an elective abortion or a service related to an elective abortion; or

(2) contract with entities that perform or promote elective abortions or services related to elective abortions, that make referrals to entities that perform or promote elective abortions or services related to elective abortion, or that are affiliates of entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.

(2) On page II-65, strike Rider 52.

(3) Following Rider 30 following the appropriations to the Health and Human Services Commission (page II-86), add Rider 30-a as follows:

30-a. Use of Funds to Support Abortion. In addition to the prohibition in Rider 30, the Health and Human Services Commission and any health and human services agency under the jurisdiction of the commission may not use money appropriated under this Act, regardless of the funding source, to:

(1) fund the performance of, promotion of, or referral for an elective abortion or a service related to an elective abortion; or

(2) contract with entities that perform or promote elective abortions, that make referrals to entities that perform or promote elective abortions or services related to elective abortion, or that are affiliates of entities that perform or promote elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.

Amendment No. 61 was withdrawn.

Amendment No. 62

Representative P. King offered the following amendment to **CSHB 1**:
Floor Packet Page No. 122

Amend **CSHB 1** as follows:

On page II-66, DSHS Rider 54. Family Planning Services at Federally Qualified Health Centers, amend to read:

54. Family Planning Services at Federally Qualified Health Centers. Out of funds appropriated in Strategy B.1.3, Family Planning Services, up to \$10,000,000 in each year of the 2012-13 biennium shall be set aside for family planning services provided by Federally Qualified Health Centers (FQHCs). The Department shall implement this provision only to the extent that it will not have an adverse effect on the number served by the family planning program, especially in counties where no FQHC is available. ~~In addition, up to \$1,000,000 per year may be allocated to clinics for core family planning services provided under the auspices of Baylor College of Medicine.~~ Funds will be allocated statewide to counties for family planning services according to DSHS' annual assessment of women-in-need. Any funds not applied for and granted to FQHCs each fiscal year shall be made available to non-FQHC contractors. FQHCs funded under this strategy shall assure that recipients receive comprehensive primary and preventive care in addition to the family planning services. The Department of State Health Services shall work with FQHC contractors to assure that reporting requirements are aligned with FQHC eligibility, payment, and reporting requirements.

~~The Department of State Health Services shall re-allocate funds which are available to all providers to ensure that the funds appropriated in Strategy B.1.3, Family Planning Service, are fully utilized for family planning services and to prevent the underutilization of the funds appropriated. Any balances available from Title V and Title XX funds on August 31, 2012 are appropriated for fiscal year 2013 for the same purposes.~~

Amendment No. 63

Representative P. King offered the following amendment to Amendment No. 62:

Amend the amendment by King of Parker on pg. 122 to read as follows:

Amend **CSHB 1** as follows:

On page II-66, DSHS Rider 54. Family Planning Services at Federally Qualified Health Centers, amend to read:

54. Family Planning Services at Federally Qualified Health Centers. Out of funds appropriated in Strategy B.1.3, Family Planning Services, up to \$10,000,000 in each year of the 2012-13 biennium shall be set aside for family planning services provided by Federally Qualified Health Centers (FQHCs). The Department shall implement this provision only to the extent that it will not have an adverse effect on the number served by the family planning program, especially in counties where no FQHC is available. In addition, up to \$1,000,000 per year may be allocated to clinics for core family planning services provided under the auspices of Baylor College of Medicine. None of the funds allocated to Baylor College of Medicine under this rider shall be used for abortion or abortion-related services. Funds will be allocated statewide to counties for family planning services according to DSHS' annual assessment of women-in-need. Any funds not applied for and granted to FQHCs each fiscal year shall be made available to non-FQHC contractors. FQHCs funded under this strategy shall assure that recipients receive comprehensive primary and preventive care in addition to the family planning services. The Department of State Health Services shall work with FQHC contractors to assure that reporting requirements are aligned with FQHC eligibility, payment, and reporting requirements.

~~The Department of State Health Services shall re-allocate funds which are available to all providers to ensure that the funds appropriated in Strategy B.1.3, Family Planning Service, are fully utilized for family planning services and to prevent the underutilization of the funds appropriated. Any balances available from Title V and Title XX funds on August 31, 2012 are appropriated for fiscal year 2013 for the same purposes.~~

Amendment No. 63 was adopted. (The vote was reconsidered later today, and Amendment No. 63 was withdrawn.)

Amendment No. 62, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 62 was withdrawn.)

Amendment No. 62 - Vote Reconsidered

Representative P. King moved to reconsider the vote by which Amendment No. 62, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 63 - Vote Reconsidered

Representative P. King moved to reconsider the vote by which Amendment No. 63 was adopted.

The motion to reconsider prevailed.

Amendment No. 63 was withdrawn.

Amendment No. 62 was withdrawn.

Amendment No. 64

Representatives Chisum, Burkett, and Morrison offered the following amendment to **CSHB 1**:

Floor Packet Page No. 125

56. Family Planning Service Providers. Out of funds appropriated in Strategy B.1.3, Family Planning Services, the Department shall award family planning grants based on the following levels of priority.

1. Public entities that provide family planning services. These providers should be considered the first priority of this funding. These providers include state, county, and local community health clinics.

2. Non-public entities that provide comprehensive primary and preventative care in addition to family planning services. These providers are eligible for funding after public entities have been awarded grants above.

3. Non-public entities that provide family planning services but do not provide comprehensive primary and preventative care. These providers are eligible after non-public entities that provide comprehensive primary and preventative care have been awarded grants above.

Amendment No. 65

Representative Chisum offered the following amendment to Amendment No. 64:

Amend Amendment No. 64 to **CSHB 1** (house committee printing) by Chisum (page 125 of the prefiled amendment packet) by striking "56. Family Planning Service Providers" and substituting "54. Family Planning Service Providers".

Amendment No. 65 was adopted.

Amendment No. 64, as amended, was adopted.

Amendment No. 66

Representative McClendon offered the following amendment to **CSHB 1**:
Floor Packet Page No. 126

Amend **CSHB 1** in the Article II appropriations to the Department of State Health Services (pages II-68 and II-69) by striking Rider 65 and substituting the following:

65. Request for Proposal to Privatize State Mental Health Hospitals and to Develop a Community Alternative to State Mental Health Hospital Care. Out of funds appropriated above in Strategy C.1.3, Mental Health State Hospitals, the Department of State Health Services (DSHS) is directed to develop a request for proposal (RFP) to privatize two state mental health hospitals and to develop a community alternative to state mental health hospital care through a local mental health authority by September 1, 2012. The community alternative must demonstrate efficacy in leveraging public and private resources.

a. DSHS shall prepare a plan to oversee the privatization of the hospitals and the development of the community alternative that takes into account feedback from relevant internal and external stakeholders to the Governor and Legislative Budget Board by November 30, 2011. The report must include:

- (1) milestones for the privatization and a schedule of their implementation;
- (2) milestones for the development of the community alternative with the goal of reducing the expenses related to historical civil and forensic bed day costs and a schedule of their implementation;
- (3) strategies to minimize adverse effects on hospital residents and staff;
- (4) strategies to determine which hospitals to privatize; and
- (5) strategies to identify the area in this state in which to place the community alternative with a focus on areas in this state with high levels of forensic bed utilization and restricted access to civil beds.

b. DSHS shall submit status reports on the implementation of the RFP, privatization process, and community alternative development process on January 31, 2012, April 30, 2012, and July 31, 2013, to the Governor and Legislative Budget Board. Each report must include information relating to:

- (1) progress in implementing privatization milestones and any revisions to the schedule of implementation;
- (2) progress in implementing the community alternative and any revisions to the schedule of implementation;
- (3) progress in implementing strategies to minimize adverse effects of privatization on hospital residents and staff;
- (4) progress in implementing strategies to identify the area in this state in which to place the community alternative; and
- (5) identification of barriers DSHS is encountering in the privatization process.

Amendment No. 66 was withdrawn.

Amendment No. 67

Representative McClendon offered the following amendment to **CSHB 1**:
Floor Packet Page No. 128

Amend **CSHB 1** on page II-69, following the appropriations to the Department of State Health Services, by striking Rider 67 and substituting the following:

67. Data Collection and Reporting and Local Mental Health Authorities. Out of funds appropriated above in Goal B, Community Health Services, it is the intent of the Legislature that the Department of State Health Services establish, to the fullest extent provided by law, a fair and equitable process to allocate appropriated funds for community mental health services through contracts with local mental health authorities. The contracts shall provide outcome measures to guide local authorities and the appointed boards of the local authorities.

It is the intent of the Legislature that contract reporting requirements are limited to performance on the established outcome measures and that, to the fullest extent provided by law, the Department of State Health Services provide a local mental health authority flexibility to design and deliver mental health services in the most cost-effective and appropriate manner, based on the needs and priorities of the communities that the authority serves.

It is the intent of the Legislature that the Department of State Health Services ensure, to the fullest extent provided by law, that appointed boards for local mental health authorities remain accountable to county commissioners courts or other sponsoring agencies and that the department address through the appointed boards any significant performance concerns regarding local mental health authorities and the value and effectiveness of local control.

It is the intent of the Legislature that, to the fullest extent allowed by law, financial penalties or sanctions relating to performance are limited and are imposed only after all other remedies through the local structure have been exhausted.

Representative Zerwas moved to table Amendment No. 67.

The motion to table prevailed by (Record 230): 92 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Hamilton; Hancock; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Peña; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent — Garza; Hardcastle; Miles; Nash.

STATEMENTS OF VOTE

When Record No. 230 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

When Record No. 230 was taken, I was in the house but away from my desk. I would have voted no.

Miles

When Record No. 230 was taken, I was in the house but away from my desk. I would have voted yes.

Nash

Amendment No. 68

Representative Zerwas offered the following amendment to **CSHB 1**:

Floor Packet Page No. 131

Amend **CSHB 1** (house committee report) as follows:

Following the appropriations to the State Department of Health Services (pages II-45-II-47), add the following appropriately numbered rider (pages II-48-II-72):

_____ . Contingent Appropriation: Permanent Fund for Health and Tobacco Education and Enforcement. Contingent on the enactment by the Eighty-second Legislature, Regular Session, 2011, of legislation that authorizes the Legislature to appropriate amounts from the corpus of the Permanent Fund for Health and Tobacco Education and Enforcement and on appropriations being made pursuant to that authorization, an additional sum equal to 10 percent of the amount otherwise appropriated by this Act from the corpus of that fund is appropriated from the fund for the appropriate fiscal year for which the other appropriations from the corpus are made, to the Department of State Health Services for the purposes of supplementing amounts appropriated under Strategy B.2.6, Reduce Use of Tobacco, and supporting programs established under Government Code §403.105(c). This appropriation may not exceed a total of \$20,000,000 for the fiscal biennium.

Amendment No. 68 was adopted.

Amendment No. 69

Representative Y. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 132

Amend **CSHB 1** (house committee printing) in Article II of the bill, following the appropriation to the Department of State Health Services (page II-45), by adding the following appropriately numbered rider:

_____. Data Collection on the Incidence of Health Care-Associated Infections. It is the intent of the legislature that the Department of State Health Services use funds appropriated for the Texas Health Care-Associated Infection Reporting System to expand the reporting to accommodate information relating to infections resulting in the death of the patient.

Amendment No. 69 was withdrawn.

Amendment No. 70

Representative J. Davis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 133

Amend **CSHB 1** by adding the following appropriately numbered rider following the appropriation to the Department of State Health Services:

_____. Outpatient Competency Restoration Pilot Programs. Out of the funds appropriated above in Strategy B.2.3, Community Mental Health Crisis Services, the Department of State Health Services shall allocate \$8 million for the state fiscal year ending August 31, 2012, and \$8 million for the state fiscal year ending August 31, 2013, to support outpatient competency restoration pilot programs. It is the intent of the legislature that the department use the money to fund four existing pilot programs in Travis, Bexar, Tarrant, and Dallas Counties and to fund the development of five additional pilot programs.

Amendment No. 71

Representative J. Davis offered the following amendment to Amendment No. 70:

Amend Amendment No. 70 to **CSHB 1** by J. Davis of Harris as follows:

- (1) On line 7 strike "\$8 million" and substitute "\$4 million".
- (2) On line 8 strike "\$8 million" and substitute "\$4 million."

Amendment No. 71 was adopted.

Amendment No. 70, as amended, was adopted.

Amendment No. 72

Representative Phillips offered the following amendment to **CSHB 1**:
Floor Packet Page No. 135

Add the following rider to the Department of State Health Services' bill pattern:

Family Planning Service Providers. From funds appropriated in Strategy B.1.3, Family Planning Services, the Department shall allocate funds through grants or contracts for family planning services or projects to entities according to the following priorities with the most important listed first:

1. Public Entities which provide family planning services, including state, county, and local community health clinics, which do not:
 - a. perform elective abortions;
 - b. refer pregnant women to an abortion provider for an elective abortion; and

- c. refer clients to organizations that perform elective abortions for any family planning services;
- 2. Non-public entities which provide comprehensive primary and preventive care in addition to family planning services, which do not:
 - a. perform elective abortions;
 - b. refer pregnant women to an abortion provider for an elective abortion; and
 - c. refer clients to organizations that perform elective abortions for any family planning services;
- 3. Public Entities which provide family planning services, including state, county, and local community health clinics, which do not:
 - a. perform elective abortions; and
 - b. refer pregnant women to an abortion provider for an elective abortion;
- 4. Non-public entities which provide comprehensive primary and preventive care in addition to family planning services, which do not:
 - a. perform elective abortions; and
 - b. refer pregnant women to an abortion provider for an elective abortion;
- 5. Public Entities which provide family planning services, including state, county, and local community health clinics;
- 6. Non-public entities which provide comprehensive primary and preventive care in addition to family planning services;
- 7. Entities that do not qualify for 1-6.

The priorities outlined above shall be applied by health service regions in the selection of contractors and in determining the amount of the grant or contract. When there are competing entities, the funds shall be allocated to the entity that complies with the higher priority in the above list.

The commissioner shall reallocate funding if the above priority formula would result in a significant reduction of services in specific geographic area.

Amendment No. 73

Representative Phillips offered the following amendment to Amendment No. 72:

Amend Amendment No. 72 by Phillips to **CSHB 1** (pages 135 and 136 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** (house committee printing) in Article II of the bill, following the appropriations to the Department of State Health Services, by adding the following appropriately numbered rider:

_____. Additional Priorities for Family Planning Service Providers.

a. In allocating funds appropriated in Strategy B.1.3, Family Planning Services, to public entities that provide family planning services, the funds shall be allocated with the following levels of priority:

1. Public entities that provide family planning services, including state, county, and local community health clinics, that do not:

A. perform elective abortions;
 B. refer pregnant women to an abortion provider for an elective abortion;
 C. refer clients to organizations that perform elective abortions for any family planning services;

D. contract with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion; and

E. affiliate with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.

2. Public entities that provide family planning services, including state, county, and local community health clinics, that do not.

A. perform elective abortions;

B. refer pregnant women to an abortion provider for an elective abortion;

C. contract with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion; and

D. affiliate with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.

3. Other public entities that provide family planning services, including state, county, and local community health clinics.

b. In allocating funds appropriated in Strategy B.1.3, Family Planning Services, to non-public entities that provide comprehensive primary and preventative care in addition to family planning services, the funds shall be allocated with the following levels of priority:

1. Non-public entities that provide comprehensive primary and preventative care in addition to family planning services, that do not:

A. perform elective abortions;

B. refer pregnant women to an abortion provider for an elective abortion;

C. refer clients to organizations that perform elective abortions for any family planning services;

D. contract with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion; and

E. affiliate with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.

2. Non-public entities that provide comprehensive primary and preventative care in addition to family planning services, that do not:

A. perform elective abortions; and

B. refer pregnant women to an abortion provider for an elective abortion;

C. contract with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion; and

D. affiliate with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.

3. Other non-public entities that provide comprehensive primary and preventive care in addition to family planning services.

c. The priorities outlined above shall be applied by health service regions in the selection of contractors and in determining the amount of the grant or contract. When there are competing entities, the funds shall be allocated to the entity that qualifies under the higher priority in the above list.

d. The executive commissioner of the Health and Human Services Commission or the commissioner of state health services, as appropriate, shall reallocate funding if the priority formula in this rider would result in a significant reduction of services in a specific geographic area.

Amendment No. 73 was withdrawn.

Amendment No. 72 was withdrawn.

Amendment No. 74

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 138

Amend **CSHB 1** as follows:

(1) On page II-73 of the bill pattern for the Health and Human Services Commission, reduce General Revenue appropriations by \$56,055,335 in each fiscal year for Strategy B.2.1, COST REIMBURSED SERVICES.

(2) In Article II, Health and Human Services Commission, on page ____, add a new rider to read as follows and number it accordingly:

"____. It is the intention of the Legislature that the reductions made to Strategy B.2.1, COST REIMBURSEMENT SERVICES, be achieved by enacting managed care policies."

Amendment No. 74 was withdrawn.

Amendment No. 75

Representative Walle offered the following amendment to **CSHB 1**:

Floor Packet Page No. 139

Amend **CSHB 1** in Article II, on page II-89, by striking Rider 43, Enterprise Data Warehouse, in its entirety.

____. On page II-1, A.2.2. COMMUNITY ATTENDANT SERVICES, strike "272,419,779" in 2012 and substitute "274,526,256", and strike "325,440,409" in 2013 and substitute "327,546,886".

Amendment No. 76

Representative Walle offered the following amendment to Amendment No. 75:

Amend Amendment No. 75 to **CSHB 1** by Walle (page 139, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** as follows:

(1) In Article II of the bill, in the Article II appropriations to the Department of Aging and Disability Services, increase the appropriation for Strategy A.2.2., Community Attendant Services (page II-1), by \$2,106,477 for the fiscal year ending August 31, 2012, and \$2,106,477 for the fiscal year ending August 31, 2013.

(2) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.2.1., Consolidated System Support (page II-73), by \$2,106,477 for the fiscal year ending August 31, 2012, and \$2,106,477 for the fiscal year ending August 31, 2013.

(3) Following the Article II appropriations to the Health and Human Services Commission (page II-89), strike Rider 43.

Amendment No. 76 was adopted.

Representative Zerwas moved to table Amendment No. 75, as amended.

The motion to table prevailed by (Record 231): 97 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent — Lyne.

Amendment No. 77

Representative Y. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 132

Amend **CSHB 1** (house committee printing) in Article II of the bill, following the appropriation to the Department of State Health Services (page II-45), by adding the following appropriately numbered rider:

_____. Data Collection on the Incidence of Health Care-Associated Infections. It is the intent of the legislature that the Department of State Health Services use funds appropriated for the Texas Health Care-Associated Infection Reporting System to expand the reporting to accommodate information relating to infections resulting in the death of the patient.

Amendment No. 77 was adopted.

Amendment No. 78

Representative Guillen offered the following amendment to **CSHB 1**:

Floor Packet Page No. 141

Amend **CSHB 1** in Article II of the bill, following the appropriation to the Health and Human Services Commission, by amending Rider 61 (page II-93) by striking Subsection b(7) and substituting the following:

(7) Maximizing federal matching funds through a Medicaid waiver,

Amendment No. 78 was withdrawn.

Amendment No. 79

Representative Zerwas offered the following amendment to **CSHB 1**:

Floor Packet Page No. 143

Amend **CSHB 1**, Article II, Health & Human Services Commission, Rider 61(b) by inserting a new subsection (13) and renumbering subsequent sections:

(13) Allowing group billing for up to 3 children at one time in a foster care or home setting who receive private duty nursing services.

Amendment No. 79 was adopted.

Amendment No. 80

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 144

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission (HHSC) by adding the following appropriately numbered rider:

_____. Medicaid Waiver For Certain Populations. Contingent on findings that a Medicaid waiver for the below populations is cost effective and feasible, the Health and Human Services Commission may seek a Medicaid waiver or

waivers from the Centers for Medicare and Medicaid Services. The Medicaid waiver(s) should incorporate the following principles without reducing the health benefit plan for already eligible enrollees:

(a) efficiently leverage state, local, federal and other funding to enable local government funds to be maximized by qualifying for federal Medicaid matching funds:

(1) increase state flexibility in its use of Medicaid funding for those certain populations;

(2) allow the state to be a more prudent purchaser and payer of health care for those certain populations;

(3) ensure Medicaid coverage for those certain populations;

(b) cover through Medicaid the following certain populations:

(1) Individuals receiving mental health services on the county level up to 200 percent FPL

(2) Individuals receiving treatment for HIV/AIDS up to 150 percent FPL

(c) solicit broad-based stakeholder input.

Further it is the intent of the Legislature that in leveraging state, local, and other funding that the Commission employ the use of intergovernmental transfers and other procedures to ensure the highest level of federal match for the certain populations.

Amendment No. 80 was adopted.

Amendment No. 81

Representative Guillen offered the following amendment to **CSHB 1**:
Floor Packet Page No. 145

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider, and renumbering subsequent riders accordingly:

____. Contingent Establishment of Community-Based Navigator Program. Contingent on the enactment of **HB 2610** or similar legislation of the 82nd Legislature, Regular Session, relating to the establishment of a statewide community-based navigator program through which the Health and Human Services Commission will recruit, train, and certify as navigators volunteers and other representatives of faith- and community-based organizations to assist individuals applying or seeking to apply online for public assistance benefits administered by the commission through the Texas Integrated Eligibility Redesign System (TIERS) or other electronic eligibility system that is linked to or made a part of that system, it is the intent of the legislature that the commission use an appropriate portion of the money appropriated to the commission by this Act and available for the purpose to establish the navigator program in the manner provided by that legislation.

Amendment No. 81 was withdrawn.

Amendment No. 82

Representative Hopson offered the following amendment to **CSHB 1**:

Floor Packet Page No. 146

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

_____. Vendor Drug Program. It is the intent of the legislature that the Health and Human Services Commission implement cost-saving strategies to increase the use of generic prescription drugs under the Medicaid and CHIP vendor drug programs by at least six percent and decrease the use of brand-name prescription drugs under the programs by a corresponding percentage. Savings realized from the strategies shall be used to pay pharmacy dispensing fees under the programs at a rate that is not less than 50 cents less than the rate in effect on March 1, 2011.

Amendment No. 82 - Point of Order

Representative Coleman raised a point of order against further consideration of Amendment No. 82 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

(Speaker in the chair)

The point of order was withdrawn.

Amendment No. 82 was withdrawn.

Amendment No. 83

Representative Christian offered the following amendment to **CSHB 1**:

Floor Packet Page No. 147

Amend **CSHB 1** by adding the following appropriately numbered rider following the Article II appropriations to the Health and Human Services Commission:

_____. Burke Center Support. Out of the funds appropriated above, the Health and Human Services Commission shall allocate \$2 million during the state fiscal biennium beginning September 1, 2011, to the Burke Center for use in providing state mandated services.

Amendment No. 83 - Point of Order

Representative Walle raised a point of order against further consideration of Amendment No. 83 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The point of order was withdrawn.

Amendment No. 83 was withdrawn.

Amendment No. 84

Representative Anchia offered the following amendment to **CSHB 1**:

Floor Packet Page No. 148

Amend **CSHB 1** as follows:

In Article II, amend the bill pattern for the Health and Human Services Commission by inserting the following appropriately-numbered rider to read as follows and renumbering any subsequent riders accordingly:

_____ . FACTUALLY OR MEDICALLY INACCURATE INFORMATION PROHIBITED. An agent or doctor receiving funds under this Article may not provide information about any condition or procedure with information the agent or doctor knows to be factually or medically inaccurate information.

Amendment No. 84 was withdrawn.

Amendment No. 85

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 149

Amend **CSHB 1** as follows:

In Article II, appropriation for the Health and Human Services Commission, insert the following appropriately-numbered rider to read as follows and renumber any subsequent riders accordingly:

"AGENCY DIRECTIVE FOR PAYMENT OF MEDICAID CONTRACTORS. Notwithstanding any other provisions, the agency is directed to make payment to all legally operating Medicaid contractors and service providers within a timely manner after receiving valid proof of services rendered for services."

Amendment No. 85 was withdrawn.

Amendment No. 86

Representative Zerwas offered the following amendment to **CSHB 1**:

Floor Packet Page No. 150

Amend **CSHB 1**, Health and Human Services Commission bill pattern by inserting the appropriately numbered rider and renumbering any subsequent riders accordingly.

Available Earnings from the Regional Trauma Account 5137 in Excess of the Biennial Revenue Estimate. If the total of available earnings, of the Regional Trauma Account 5137 (Red Light Camera Trauma Fund) exceeds the amount projected by the Comptroller of Public Accounts as eligible for distribution in a fiscal year in the 2012-2013 fiscal biennium, that amount is appropriated under Strategy A.1.1, Enterprise Oversight and Policy, to the Health and Human Services Commission for the state fiscal year ending August 31, 2011, to be used to reimburse uncompensated trauma care.

Amendment No. 86 was adopted.

Amendment No. 87

Representative Alvarado offered the following amendment to **CSHB 1**:

Floor Packet Page No. 151

Amend **CSHB 1** as follows:

In Article II, appropriation for the Health and Human Services Commission, insert the following appropriately-numbered rider to read as follows and renumber any subsequent riders accordingly:

"AGENCY DIRECTIVE FOR EFFICIENT AND EFFECTIVE CONTRACTORS. The agency is directed to give priority to contractors and service providers with evidence of operating in the most efficient and effective manner serving the highest number of clients in respective program areas."

Amendment No. 87 was adopted.

Amendment No. 88

Representative Zerwas offered the following amendment to **CSHB 1**:

Floor Packet Page No. 152

On page II-97 of **CSHB 1**, amend Rider 80 of the Health and Human Services bill pattern to read as follows:

Medicaid Managed Care Expansion. It is the intent of the Legislature that the Health and Human Services Commission shall not implement any Medicaid managed care expansion initiatives unless specific approval is received from CMS that protects the Upper Payment Limit Program payments. This protection includes all Medicaid managed care expansion initiatives that affect hospital UPL payments.

UPL funds that are generated from the fee-for-service reimbursement system are not subject to the waiver.

If CMS fails to grant a waiver that protects UPL funds, HHSC will implement, for both STAR expansion and STAR+PLUS expansion areas, the system currently in place for STAR+PLUS where inpatient hospital services are reimbursed using the fee-for-service system and the managed care companies manage the care of the patient and receive incentives to achieve inpatient utilization reduction targets.

Amendment No. 89

Representative J. Davis offered the following amendment to Amendment No. 88:

Amend Amendment No. 88 by adding the following appropriately numbered section to Special Provisions for Health and Human Services on page II-104 of **CSHB 1**.

____ Sec. Medicaid Managed Care Premium Rate Notification Requirements. The Health and Human Services Commission shall report to the LBB and the Governor's Office of Budget and Planning on the use of appropriated funds for premium rates paid to Medicaid managed care organizations, as listed in Chapter 533, Government Code, in the manner stipulated by this provision. Prior to the submission of a proposed premium rate, the Commission shall ensure that such proposals have been certified by an independent actuary, are in compliance with Social Security Act 1903(M)(2)(A),

comport with premium rate requirements of the Centers for Medicare and Medicaid Services and Chapter 533.013, Government Code. No agency subject to this provision shall take action that causes a premium rate to be actuarially unsound. Upon initiation of the development of premium rates, HHSC shall notify the LBB and the Governor's Office of Budget and Planning of the premium rate development schedule and provide data, in a format developed by the LBB and HHSC, updated caseload and case-mix experience for the rate year, and an explanation of factors which contribute to the development of premium rates.

Amendment No. 89 was adopted.

Amendment No. 88, as amended, was adopted.

Amendment No. 90

Representative Crownover offered the following amendment to **CSHB 1**:

Floor Packet Page No. 153

Amend **CSHB 1** on page II-97 in the Health and Human Services Commission bill pattern by adding the following new rider:

____. Contingency for **HB 670**. Contingent on the passage of **HB 670**, all cost savings to the state actualized by this bill's provisions for the 2012-13 biennium, estimated to be \$13,194,224 in General Revenue and \$31,359,000 in All Funds, shall be redistributed to the Health and Human Services Commission, at the discretion of the Executive Commissioner, to address the needs of the Texas Medicaid Program.

Amendment No. 90 was withdrawn.

Amendment No. 91

Representative Brown offered the following amendment to **CSHB 1**:

Floor Packet Page No. 154

Amend **CSHB 1** by adding the following appropriately numbered rider to Part ____ of Article II of the bill:

Sec. ____ (a) In this section, "prescription drug benefits" means any prescription drug benefits paid by the state under the Medicaid vendor drug program, the child health plan program, the kidney health care program, the children with special health care needs program, or another state program administered by the Health and Human Services commission.

(b) Effective September 1, 2011, the commission shall implement the following cost-savings measures in order to limit the expenditure of appropriated funds:

(1) continue to internally administer prescription drug benefits through the vendor drug program in a fee-for-service model;

(2) require uniform limits for prescription drug benefits requiring thirty four days supply as to brand name prescription drug utilization regardless of whether the patient receives prescription drug benefits under a fee-for-service model or a managed care model, including a primary care case management model;

(3) maximize generic prescription drug utilization over brand name prescription drug utilization in order to achieve a ten percent or greater increase in generic prescription drug utilization, and a corresponding decrease in brand name prescription drug utilization, as compared to the state's prescription drug benefits paid for fiscal year ending August 31, 2011;

(4) implement a mandatory generic formulary to the greatest extent permitted by existing preferred drug list contracts, and, as soon as practicable, re-negotiate or terminate existing preferred drug list contracts to allow for the full implementation of a mandatory generic formulary;

(5) eliminate off-label use of anticonvulsants and antipsychotic drugs;

(6) maximize the collection and retainment of all manufacturer rebates, including federal and supplemental rebates, and to the extent authorized by federal Medicaid laws;

(7) maximize medication therapy management practices in order to reduce adverse drug events and related medical costs for high-risk patients;

(8) promote appropriate medication adherence;

(9) maximize utilization of over-the-counter dispensing rather than prescription for appropriate products; and

(10) include diabetic equipment and supplies in the pharmacy preferred drug list defined in Section 531.072.

(c) If before implementing any provision the commission determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 92

Representative Hopson offered the following amendment to Amendment No. 91:

Amend Amendment No. 91 by Brown to **CSHB 1** (pages 154 through 156 of the prefiled amendment packet) as follows:

(1) On page 1 of the amendment, line 9, strike "Effective September 1, 2011, the commission shall" and substitute "It is the intent of the legislature that the commission".

(2) On page 2 of the amendment, line 32, between "formulary" and the semi-colon, insert the following:

provided that the mandatory generic formulary does not include drugs utilized for the following conditions:

(A) treatment of cancer;

(B) acquired immune deficiency syndrome and human immunodeficiency virus infection;

- (C) multiple sclerosis;
 - (D) end-stage renal disease and/or kidney transplant; and
 - (E) hemophilia;
- (3) On page 2 of the amendment, strike lines 33 and 34.
- (4) On page 2 of the amendment, line 35, strike "retainment" and substitute "retention".
- (5) On page 2, line 41, after the semi-colon insert "and".
- (6) On page 2, lines 43 and 44, strike "; and" and substitute ".".
- (7) On page 2 of the amendment, strike line 45.
- (8) On page 3 of the amendment, strike line 46.
- (9) Renumber the subdivisions in Subsection (b) of the rider as appropriate.

Amendment No. 92 was adopted.

Amendment No. 91 - Point of Order

Representative Coleman raised a point of order against further consideration of Amendment No. 91, as amended, under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The point of order was withdrawn.

Amendment No. 91, as amended, was withdrawn.

Amendment No. 93

Representative Frullo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 157

Amend **CSHB 1**, page II- ____, Special Provisions Relating to All Health and Human Services Agencies by substituting the following for Section 14, Medicaid Informational Rider. Appropriate and accurate funding amounts to be inserted by the Legislative Budget Board upon the next printing of **HB 1**.

Sec. 14. Medicaid Informational Rider. This rider is informational only and does not make any appropriations. The Health and Human Services Commission is the single state agency for Title XIX, the Medical Assistance Program (Medicaid) in Texas. Other agencies receive appropriations for and responsibility for the operations of various Medicaid programs. Appropriations made elsewhere in this Act and certain appropriations made elsewhere in general law by the Eighty-second Legislature, related to the Medicaid program include the following:

	<u>FY 2010</u>	<u>FY 2011</u>
<u>GRAND TOTAL, MEDICAID FUNDING FOR THE 2012-2013 BIENNIUM</u>		
General Revenue for Medicaid		
Tobacco Settlement Receipts for Medicaid		
General Revenue-Dedicated		
Federal Funds		
Interagency Contracts		
Medicaid Subrogation Receipts		

Appropriated Receipts-Match for Medicaid
 MR Collections for Patient Support & Maintenance
 Foundation School Funds
 Total Funding for Medicaid
 Unduplicated Acute Care Medicaid Average Monthly Caseload

It is the intent of the Legislature that all documents prepared by the Legislative Budget Board including but not limited to the biennial legislative estimates documents prepared for each legislative session, summaries for each biennial legislative estimates document, summaries of each stage of legislative action for proposed general appropriations acts, and Fiscal-Size Up include this summary with appropriate historical year information.

Health and Human Services Commission

Hospital/Physician Services
 General Revenue for Medicaid
 Tobacco Settlement Receipts for Medicaid
 General Revenue-Dedicated
 Federal Funds
 Interagency Contracts
 Medicaid Subrogation Receipts
 Appropriated Receipts-Match for Medicaid
 MR Collections for Patient Support & Maintenance
 Foundation School Funds
 Total Funding for Medicaid
 Acute Care Medicaid Average Monthly Caseload

Prescription Medications
 General Revenue for Medicaid
 Tobacco Settlement Receipts for Medicaid
 General Revenue-Dedicated
 Federal Funds
 Interagency Contracts
 Medicaid Subrogation Receipts
 Appropriated Receipts-Match for Medicaid
 MR Collections for Patient Support & Maintenance
 Foundation School Funds
 Total Funding for Medicaid
 Acute Care Medicaid Average Monthly Caseload

Managed-care Services
 General Revenue for Medicaid
 Tobacco Settlement Receipts for Medicaid
 General Revenue-Dedicated
 Federal Funds
 Interagency Contracts
 Medicaid Subrogation Receipts
 Appropriated Receipts-Match for Medicaid

MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Medicare Payments

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Disproportionate Share Hospitals

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Targeted Case Management

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

School Health & Related Services

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid

General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Early Periodic Screening, Diagnosis & Treatment

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Family Planning

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Eligibility Determination

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Rate Setting

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Program Policy

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Total, Medicaid Method of Financing
Health and Human Services Commission

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds

Total Funding for Medicaid
Unduplicated Acute Care Medicaid Average Monthly Caseload

Department of Aging & Disability Services

Community Care Services
General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated

Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds
Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Nursing Home Services
General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds
Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Home & Community-based Services Waivers
General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds
Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Intermediate Care Facilities for Persons with Mental Retardation
General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds
Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Hospice Care

General Revenue for Medicaid
 Tobacco Settlement Receipts for Medicaid
 General Revenue-Dedicated
 Federal Funds
 Interagency Contracts
 Medicaid Subrogation Receipts
 Appropriated Receipts-Match for Medicaid
 MR Collections for Patient Support & Maintenance
 Foundation School Funds
 Total Funding for Medicaid
 Acute Care Medicaid Average Monthly Caseload

Facility/Community-based Regulation

General Revenue for Medicaid
 Tobacco Settlement Receipts for Medicaid
 General Revenue-Dedicated
 Federal Funds
 Interagency Contracts
 Medicaid Subrogation Receipts
 Appropriated Receipts-Match for Medicaid
 MR Collections for Patient Support & Maintenance
 Foundation School Funds
 Total Funding for Medicaid
 Acute Care Medicaid Average Monthly Caseload

Credentialing/Certification

General Revenue for Medicaid
 Tobacco Settlement Receipts for Medicaid
 General Revenue-Dedicated
 Federal Funds
 Interagency Contracts
 Medicaid Subrogation Receipts
 Appropriated Receipts-Match for Medicaid
 MR Collections for Patient Support & Maintenance
 Foundation School Funds
 Total Funding for Medicaid
 Acute Care Medicaid Average Monthly Caseload

Total, Medicaid Method of Financing**Department of Aging & Disability Services**

General Revenue for Medicaid
 Tobacco Settlement Receipts for Medicaid
 General Revenue-Dedicated
 Federal Funds
 Interagency Contracts
 Medicaid Subrogation Receipts

Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds
Total Funding for Medicaid
Unduplicated Acute Care Medicaid Average Monthly Caseload

Department of State Health Services

Mental Health Assessment & Service Coordinating

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds
Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Mental Health Rehabilitation

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds
Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Institutions for Mental Diseases

General Revenue for Medicaid
Tobacco Settlement Receipts for Medicaid
General Revenue-Dedicated
Federal Funds
Interagency Contracts
Medicaid Subrogation Receipts
Appropriated Receipts-Match for Medicaid
MR Collections for Patient Support & Maintenance
Foundation School Funds
Total Funding for Medicaid
Acute Care Medicaid Average Monthly Caseload

Total, Medicaid Method of Financing**Department of State Health Services**

General Revenue for Medicaid

Tobacco Settlement Receipts for Medicaid

General Revenue-Dedicated

Federal Funds

Interagency Contracts

Medicaid Subrogation Receipts

Appropriated Receipts-Match for Medicaid

MR Collections for Patient Support & Maintenance

Foundation School Funds

Total Funding for Medicaid

Unduplicated Acute Care Medicaid Average Monthly Caseload

Department of Assistive & Rehabilitative Services**Targeted Case Management**

General Revenue for Medicaid

Tobacco Settlement Receipts for Medicaid

General Revenue-Dedicated

Federal Funds

Interagency Contracts

Medicaid Subrogation Receipts

Appropriated Receipts-Match for Medicaid

MR Collections for Patient Support & Maintenance

Foundation School Funds

Total Funding for Medicaid

Acute Care Medicaid Average Monthly Caseload

Early Childhood Intervention

General Revenue for Medicaid

Tobacco Settlement Receipts for Medicaid

General Revenue-Dedicated

Federal Funds

Interagency Contracts

Medicaid Subrogation Receipts

Appropriated Receipts-Match for Medicaid

MR Collections for Patient Support & Maintenance

Foundation School Funds

Total Funding for Medicaid

Acute Care Medicaid Average Monthly Caseload

Total, Medicaid Method of Financing**Department of Assistive & Rehabilitative Services**

General Revenue for Medicaid

Tobacco Settlement Receipts for Medicaid

General Revenue-Dedicated

Federal Funds

Interagency Contracts
 Medicaid Subrogation Receipts
 Appropriated Receipts-Match for Medicaid
 MR Collections for Patient Support & Maintenance
 Foundation School Funds
 Total Funding for Medicaid
 Unduplicated Acute Care Medicaid Average Monthly Caseload

Texas Education Agency

School Health & Related Services

General Revenue for Medicaid
 Tobacco Settlement Receipts for Medicaid
 General Revenue-Dedicated
 Federal Funds
 Interagency Contracts
 Medicaid Subrogation Receipts
 Appropriated Receipts-Match for Medicaid
 MR Collections for Patient Support & Maintenance
 Foundation School Funds
 Total Funding for Medicaid
 Acute Care Medicaid Average Monthly Caseload

Amendment No. 94

Representative Frullo offered the following amendment to Amendment No. 93:

Amend Amendment No. 93 to **CSHB 1** by Frullo (pages 157-164, prefiled amendment packet) as follows:

(1) On page 1 of the amendment, under the AMENDMENT heading, in item 1., strike "by substituting" and substitute "by adding".

(2) On page 1 of the amendment, under the AMENDMENT heading, in item 1., strike "for Section 14, Medicaid Informational Rider. Appropriate and accurate funding amounts to be inserted by the Legislative Budget Board upon the next printing of **HB 1**." and substitute the following:
 appropriately numbered rider:

_____. Medicaid Funding Transparency. Not later than December 31, 2012, the Legislative Budget Board, in cooperation with the Health and Human Services Commission, shall submit to the Legislature and publish on the commission's Internet website a report that includes the following information:

(3) On page 1 of the amendment, under the AMENDMENT heading, strike the paragraph beginning with "Sec. 14. Medicaid Informational Rider." and ending with "program include the following:".

(4) On page 1, under the GRAND TOTAL, MEDICAID FUNDING FOR THE 2012-2013 BIENNIUM heading, strike the paragraph beginning with "It is the intent of the Legislature that all documents" and ending with "with appropriate historical year information."

(5) On pages 2-8, under the GRAND TOTAL, MEDICAID FUNDING FOR THE 2012-2013 BIENNIUM heading, strike "FY 2010" each time it appears and substitute "FY 2012".

(6) On pages 2-8, under the GRAND TOTAL, MEDICAID FUNDING FOR THE 2012-2013 BIENNIUM heading, strike "FY 2011" each time it appears and substitute "FY 2013".

Amendment No. 94 was adopted.

Amendment No. 93, as amended, was adopted.

Amendment No. 95

Representative Guillen offered the following amendment to **CSHB 1**:
Floor Packet Page No. 141

Amend **CSHB 1** in Article II of the bill, following the appropriation to the Health and Human Services Commission, by amending Rider 61 (page II-93) by striking Subsection b(7) and substituting the following:

(7) Maximizing federal matching funds through a Medicaid waiver,

Amendment No. 95 was adopted.

Amendment No. 96

Representative Guillen offered the following amendment to **CSHB 1**:
Floor Packet Page No. 142

Amend **CSHB 1** in Article II of the bill, following the appropriation to the Health and Human Services Commission, by amending Rider 61 (page II-93) by striking Subsection b(7) and renumbering the subsequent subdivisions of the rider accordingly.

Amendment No. 97

Representative Menendez offered the following amendment to Amendment No. 96:

Amend Amendment No. 96 to **CSHB 1** by Guillen (prefiled amendment package, page 142) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by amending Rider 61 (page II-93) by adding the following appropriately numbered subdivision to Subsection (b) of the rider and renumbering subsequent subdivisions of the rider accordingly:

() Developing more appropriate community-based alternatives program rates that reflect a ratio to actual costs incurred.

Amendment No. 97 was adopted.

Amendment No. 96, as amended, was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 7:30 p.m. today, in 3N.3, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Redistricting, 7:30 p.m. today, 3N.3, for a formal meeting, to consider pending business.

CSHB 1 - (consideration continued)**Amendment No. 98**

Representatives Bonnen, Craddick, Martinez, Muñoz, Guillen, and Peña offered the following amendment to **CSHB 1**:

Floor Packet Page No. 177

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the Foundation School Fund No. 193 appropriation in Strategy B.2.4. for the Windham School District by \$464,979 in fiscal year 2012 and \$464,979 in fiscal year 2013.

(2) On page III-166, add a Strategy entitled "Bachelor of Applied Technology" for Brazosport College and increase the General Revenue Fund No. 1 appropriation in the same Strategy by \$88,128 in fiscal year 2012 and \$88,128 in fiscal year 2013.

(3) On page III-168, add a Strategy entitled "Bachelor of Applied Technology" for Midland College and increase the General Revenue Fund No. 1 appropriation in the same Strategy by \$62,119 in fiscal year 2012 and \$62,119 in fiscal year 2013.

(4) On page III-169, add a Strategy entitled "Bachelor of Applied Technology" for South Texas College and increase the General Revenue Fund No. 1 appropriation in the same Strategy by \$314,732 in fiscal year 2012 and \$314,732 in fiscal year 2013.

Amendment No. 98 was adopted. (The vote was reconsidered later today, and Amendment No. 98 was adopted by Record No. 232.)

Amendment No. 99

Representative Landtroop offered the following amendment to **CSHB 1**:

Floor Packet Page No. 178

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the Foundation School Fund No. 193 appropriation in Strategy B.2.4. for the Windham School District by \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013.

(2) On page III-168, increase the General Revenue Fund No. 1 appropriation in Strategy V.1.1. Southwest Institute for the Deaf by \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013.

Amendment No. 100

Representative Landtroop offered the following amendment to Amendment No. 99:

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the Foundation School Fund No. 193 appropriation in Strategy B.2.4. for the Windham School District by \$150,000 in fiscal year 2012 and \$150,000 in fiscal year 2013.

(2) On page III-168, increase the General Revenue Fund No. 1 appropriation in Strategy V.1.1. Southwest Institute for the Deaf by \$150,000 in fiscal year 2012 and \$150,000 in fiscal year 2013.

Amendment No. 100 was adopted.

Amendment No. 99, as amended, was withdrawn.

Amendment No. 98 - Vote Reconsidered

Representative S. Miller moved to reconsider the vote by which Amendment No. 98 was adopted.

The motion to reconsider prevailed.

Amendment No. 98 was adopted by (Record 232): 106 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Carter; Castro; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; King, P.; Kleinschmidt; Landtroop; Larson; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Perry; Pickett; Pitts; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Anchia; Beck; Burnam; Cain; Callegari; Chisum; Coleman; Cook; Crownover; Deshotel; Dukes; Dutton; Farrar; Garza; Giddings; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Jackson; Johnson; Keffer; Kolkhorst; Lavender; Mallory Caraway; McClendon; Miller, S.; Patrick; Phillips; Price; Quintanilla; Thompson; Turner.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Christian; Huberty; King, S.; King, T.; Kuempel; Laubenberg; Peña.

STATEMENTS OF VOTE

When Record No. 232 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 232 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

Amendment No. 101

Representative Landtroop offered the following amendment to **CSHB 1**:

Floor Packet Page No. 178

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the Foundation School Fund No. 193 appropriation in Strategy B.2.4. for the Windham School District by \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013.

(2) On page III-168, increase the General Revenue Fund No. 1 appropriation in Strategy V.1.1 Southwest Institute for the Deaf by \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013.

Amendment No. 101 was withdrawn.

Amendment No. 102

Representative Solomons offered the following amendment to **CSHB 1**:

Floor Packet Page No. 166

Amend **CSHB 1** as follows:

(1) On page III-1, in the Schedule of Exempt Positions for the Texas Education Agency, strike the amount specified for fiscal years 2012 and 2013 for the commissioner of education and substitute \$50,000 for each of those fiscal years.

(2) On page III-2, in the appropriations to the Texas Education Agency, strike the appropriations made for fiscal years 2012 and 2013 for the following strategies:

- (A) Strategy A.2.1, Statewide Educational Programs;
- (B) Strategy A.2.2, Achievement of Students at Risk;
- (C) Strategy A.2.4, School Improvement and Support Programs;
- (D) Strategy B.1.1, Assessment and Accountability System;
- (E) Strategy B.2.2, Health and Safety;
- (F) Strategy B.2.4, Windham School District;
- (G) Strategy B.3.1, Improving Educator Quality/Leadership;
- (H) Strategy B.3.2, Agency Operations; and
- (I) Strategy B.3.5, Information Systems - Technology.

(3) On page III-2, in the appropriations to the Texas Education Agency, decrease Strategy B.3.4, Central Administration, to \$100,000 for fiscal year 2012 and \$100,000 for fiscal year 2013.

(4) On page III-2, in the appropriations to the Texas Education Agency, increase Strategy A.1.1, FSP - Equalized Operations, by \$2,261,720,982 for fiscal year 2012 and \$2,291,355,398 for fiscal year 2013.

(5) Adjust totals appropriately.

Amendment No. 103

Representative Solomons offered the following amendment to Amendment No. 102:

Amend Floor Amendment No. 102 by Solomons to **CSHB 1** (page 166, prefiled amendment packet) as follows:

(1) On page 1, line 7 of the amendment, strike "strike the appropriations" and substitute "reduce the appropriations".

(2) On page 1, line 8 of the amendment, between "strategies" and the colon, insert "by the amount of nondedicated general revenue included in each appropriated amount".

(3) On page 1, line 14 of the amendment, between "System" and the colon, insert the following:

, provided that the amount of nondedicated general revenue for this strategy may be reduced only to the extent that the reduction does not cause a reduction in federal Title I administrative funds necessary to operate a federal assessment program.

(4) On page 1, line 23 of the amendment, between "2013" and the period, insert the following:

, provided that the total reduction may be achieved by reducing nondedicated general revenue included in each appropriated amount without causing a reduction in federal Title I administrative funds necessary to operate a federal assessment program. If the total reduction may not be achieved by reducing nondedicated general revenue without causing a reduction in federal Title I administrative funds necessary to operate a federal assessment program, decrease Strategy B.3.4, Central Administration, for each fiscal year to the least amount that may be achieved by reducing nondedicated general revenue without causing a reduction in federal Title I administrative funds necessary to operate a federal assessment program.

(5) On page 1, lines 26-27 of the amendment, strike "\$2,261,720,982 for fiscal year 2012 and \$2,291,355,398 for fiscal year 2013" and substitute "the total amount resulting from the reductions made in Items (2) and (3) of this amendment".

Amendment No. 103 was adopted.

Amendment No. 104

Representative Madden offered the following amendment to Amendment No. 102:

Amend Amendment No. 102 to **CSHB 1** by Solomons (page 166 of the prefiled amendments packet) as follows:

- (1) On page 1, strike line 16.
- (2) Redesignate the items of the amendment appropriately.

Amendment No. 104 was adopted.

(Geren in the chair)

Representative Aycock moved to table Amendment No. 102, as amended.

The motion to table prevailed by (Record 233): 91 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Bohac; Branch; Burkett; Button; Cain; Callegari; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Farrar; Fletcher; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Jackson; Keffer; King, S.; King, T.; Larson; Lavender; Legler; Margo; Marquez; Martinez; Martinez Fischer; Miller, S.; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Paxton; Pitts; Price; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Veasey; Villarreal; Vo; Weber; Zedler; Zerwas.

Nays — Alonzo; Anderson, R.; Berman; Bonnen; Brown; Burnam; Carter; Coleman; Davis, Y.; Dutton; Elkins; Farias; Flynn; Guillen; Gutierrez; Hunter; Isaac; Johnson; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; McClendon; Menendez; Miles; Miller, D.; Muñoz; Oliveira; Parker; Peña; Perry; Phillips; Pickett; Quintanilla; Raymond; Simpson; Solomons; Thompson; Walle; Workman.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent — Dukes; Giddings; Hughes; King, P.; Kleinschmidt; Madden; Morrison; Turner; White; Woolley.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 233. I intended to vote no.

Branch

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting present, not voting on Record No. 233. I intended to vote no.

Geren

When Record No. 233 was taken, I was temporarily out of the house chamber. I would have voted no.

Hughes

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

I was shown voting yes on Record No. 233. I intended to vote no.

Larson

I was shown voting no on Record No. 233. I intended to vote yes.

Laubenberg

I was shown voting yes on Record No. 233. I intended to vote no.

Lavender

I was shown voting no on Record No. 233. I intended to vote yes.

Lucio

I was shown voting no on Record No. 233. I intended to vote yes.

Mallory Caraway

I was shown voting yes on Record No. 233. I intended to vote no.

Paxton

I was shown voting yes on Record No. 233. I intended to vote no.

Price

I was shown voting yes on Record No. 233. I intended to vote no.

T. Smith

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted yes.

White

Amendment No. 105

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 180

Amend **CSHB 1** on pages III-2 and III-5 by removing B.2.4. Strategy: Windham School District, and allocating \$84,000,000.00 (one half in each fiscal year for purpose of funding) of the total funding to C.2.2 Strategy: Academic/Vocational Training on page V-11. In addition to the funding already included in C.1.8. Strategy: Managed Health Care, allocate an additional \$1.4 million (one half in each fiscal year for purpose of funding) from the B.2.4 Strategy: Windham School District, to C.1.8 Strategy: Managed Health

Care-Unit Care, on page V-11. Of the remaining money initially allocated to B.2.4 Strategy: Windham School District, return any proceeds to the General Revenue fund.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Alonzo on motion of White.

Alvarado on motion of White.

Branch on motion of White.

Eissler on motion of White.

Harless on motion of White.

Hunter on motion of White.

Keffer on motion of White.

Phillips on motion of White.

Pickett on motion of White.

Solomons on motion of White.

Veasey on motion of White.

Villarreal on motion of White.

CSHB 1 - (consideration continued)

Amendment No. 105 was withdrawn.

Amendment No. 106

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 168

Amend **CSHB 1**, Article III of the bill on page III-2, FSP-Equalized Operations, Strategy A.1.1., strike "\$16,627,813,934" in 2012 and substitute "\$20,709,399,359" and strike "\$16,538,013,933" in 2013 and substitute "\$12,456,428,508."

(Alonzo, Alvarado, Eissler, Pickett, and Veasey now present)

Representative Aycock moved to table Amendment No. 106.

The motion to table prevailed by (Record 234): 89 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden;

Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent, Excused, Committee Meeting — Branch; Harless; Hunter; Keffer; Phillips; Solomons; Villarreal.

Absent — Castro; Torres.

STATEMENTS OF VOTE

When Record No. 234 was taken, I was excused to attend a meeting of the Redistricting Committee. I would have voted yes.

Branch

When Record No. 234 was taken, I was in the house but away from my desk. I would have voted no.

Castro

I was shown voting present, not voting on Record No. 234. I intended to vote yes.

Geren

Amendment No. 107

Representative Perry offered the following amendment to **CSHB 1**:
Floor Packet Page No. 175

Amend **CSHB 1** as follows:

(1) In Article III of the bill, on page III-2, in the items of appropriations to the Texas Education Agency, increase the money appropriated for Strategy A.1.1, Equalized Operations, by \$30,951,500 for the fiscal year ending August 31, 2012, and by \$30,951,500 for the fiscal year ending August 31, 2013.

(2) In Article II of the bill, on page II-46, in the items of appropriations to the Department of State Health Services, reduce the money appropriated for Strategy B.1.3 by \$30,951,500 for the fiscal year ending August 31, 2012, and by \$30,951,500 for the fiscal year ending August 31, 2013.

(3) Adjust totals and methods of finance accordingly.

Amendment No. 107 was withdrawn.

Amendment No. 108

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 176

Amend **CSHB 1** as follows:

(1) On page III-2 of the bill pattern for the Texas Education Agency, reduce General Revenue appropriations to Strategy A.2.4, SCHOOL IMPROVEMENT AND SUPPORT, by \$16,888,266 in fiscal year 2012, and \$17,309,037 in fiscal year 2013.

(2) On page III-2 of the bill pattern for the Texas Education Agency, reduce General Revenue appropriations to Strategy A.2.3, STUDENTS WITH DISABILITIES, by \$275,000 in each fiscal year.

(3) On page III-13 of the bill, strike Rider 38, FUNDING FOR REGIONAL EDUCATION SERVICE CENTERS, following the appropriations to the Texas Education Agency.

(4) On page III-11 of the bill, strike Rider 31, REGIONAL EDUCATION SERVICE CENTER DYSLEXIA AND RELATED DISORDERS COORDINATORS, following the appropriations to the Texas Education Agency.

(5) On page III-1 of the bill, increase General Revenue appropriations for Other Funds, Property Tax Relief Fund, by \$17,373,651 in fiscal year 2012, and \$17,373,652 in fiscal year 2013.

Amendment No. 108 was withdrawn.

(Branch now present)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of legislative business:

Bohac on motion of Pitts.

CSHB 1 - (consideration continued)**Amendment No. 109**

Representative Flynn offered the following amendment to **CSHB 1**:

Floor Packet Page No. 183

Amend **CSHB 1** as follows:

1) On page III-2 of the bill pattern for the Texas Education Agency, reduce General Revenue appropriations by \$6,000,000 in each fiscal year on Strategy B.3.2, Agency Operations

2) The reduction in the General Revenue Appropriation in (1) shall be each fiscal year appropriated in equal allotments to the 400 independent school districts with the lowest targeted revenue to be spent for direct resource support of the class rooms.

Amendment No. 109 was withdrawn.

Amendment No. 110

Representative Dutton offered the following amendment to **CSHB 1**:
Floor Packet Page No. 185

Amend **CSHB 1** by reducing the nondedicated general revenue appropriated to the Texas Education Agency for the biennium ending August 31, 2013, by \$8 billion and adjusting the totals and methods of finance appropriately. The commissioner of education shall identify the strategies and objectives out of which the reductions in nondedicated general revenue are made.

(Harless, Hunter, and Villarreal now present)

Amendment No. 111

Representative Dutton offered the following amendment to Amendment No. 110:

Amend Amendment No. 110 by Dutton (page 185 of the pre-filed amendment packet) to **CSHB 1** on page 1, line 3, by striking "\$8 billion" and substituting "\$57 million".

Amendment No. 111 was adopted.

Amendment No. 112

Representative Dutton offered the following amendment to Amendment No. 110:

Amend Floor Amendment No. 110 by Dutton (page 185, pre-filed amendments packet) by adding the following at the end of the text of the amendment (page 1, line 6):

The commissioner of education is not authorized to reduce either A.1.1. Strategy: Foundation School Program - Equalized Operations or A.1.2. Strategy: Foundation School Program - Equalized Facilities.

Amendment No. 112 was adopted.

(Keffer now present)

Representative Aycock moved to table Amendment No. 110, as amended.

The motion to table prevailed by (Record 235): 86 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eissler; Farias; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lyne; Madden; Margo; Marquez; Miller, D.; Miller, S.; Morrison; Nash; Orr; Otto; Patrick; Paxton; Perry; Pitts;

Price; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Brown; Burnam; Coleman; Davis, Y.; Deshotel; Dutton; Elkins; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harper-Brown; Howard, C.; Isaac; Johnson; King, T.; Lavender; Legler; Lewis; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Parker; Peña; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Sheets; Simpson; Smith, W.; Thompson; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Bohac; Hilderbran.

Absent, Excused, Committee Meeting — Phillips; Solomons.

Absent — Aliseda; Christian; Eiland; Hernandez Luna; Huberty.

STATEMENTS OF VOTE

When Record No. 235 was taken, I was temporarily out of the house chamber. I would have voted no.

Aliseda

When Record No. 235 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. 235. I intended to vote no.

Marquez

Amendment No. 113

Representative Guillen offered the following amendment to **CSHB 1**:

Floor Packet Page No. 187

Amend **CSHB 1** as follows:

In Article III, under the appropriations to the Texas Education Agency, amend rider 35 as follows on page III-12 as follows:

35. Adult Education. Priority shall be given to adult literacy programs and may be given to adult literacy programs that include training in financial literacy and occupational foundation skills in the expenditure of adult education funds appropriated above. It is the intent of the Legislature that, in providing educational programs, the administering agency or agencies shall provide appropriate training to recipients of Temporary Assistance for Needy Families (TANF) in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Out of the \$12,135,700 in General Revenue Funds appropriated in each fiscal year of the 2012-13 biennium above in Strategy A.2.5, Adult Education and Family Literacy, an amount not less than \$2,000,000 each fiscal year shall be allocated to TEA's adult education cooperatives to provide

education and training services to TANF recipients. In addition, out of the Federal TANF funds appropriated above in Strategy A.2.5, \$3,800,000 in fiscal year 2012 and \$3,800,000 in fiscal year 2013 shall be directed for services for adults who are eligible for TANF. Families that include a child living at home are deemed eligible for TANF-funded adult education services if a family member receives any of the following forms of assistance: Food Stamps, Medicaid, Children's Health Insurance Program, Child Care and Development Fund, or Free or Reduced Priced Child Nutrition Program meals. To implement these provisions, TEA shall enter into contracts or arrangements with the agency or agencies administering welfare reform and may work with other community-based organizations to offer services directly to adult TANF recipients. All providers of adult education shall meet the requirements defined in the Texas Education Code. Federal funds appropriated for this purpose shall be used for administrative expenditures only to the extent allowable under Federal regulations.

TEA shall coordinate with the Higher Education Coordinating Board in efforts to develop and implement an action plan to align Adult Basic Education and post-secondary education and in the provision of data necessary to analyze performance outcomes.

It is the intent of the Legislature that the agency shall allocate state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development; funds shall be allocated by county, based both on need for persons 18 years of age or older who have not received a high school diploma/GED and on performance, including ~~contact hours as well as~~ program and student progress. Funds available to a service area in which there is no eligible service provider in the county shall be distributed proportionally by the agency to other eligible service providers in the service area to serve the county. If there are no other eligible service providers to serve the county, the funds allocated for that county shall be distributed by the agency throughout the state to eligible service providers by service area. TEA shall conduct a competitive bid process in fiscal year 2012 for eligible service provider funding in 2013.

Amendment No. 113 was withdrawn.

Amendment No. 114

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 191

Amend **CSHB 1** as follows:

(1) On page III-2, add the following appropriately numbered rider:
____. Contingency Rider for the Foundation School Program. Contingent upon passage and enactment of **HB 2114** or similar legislation by the Eighty-second Legislature that creates a beverage container redemption program and places a refundable deposit on certain beverages, the Texas Education

Agency, Strategy A.1.1, the Foundation School Program - Equalized Operations is hereby appropriated the funds generated by and not otherwise allocated in **HB 2114**.

Amendment No. 114 was withdrawn.

(Solomons now present)

Amendment No. 115

Representative Reynolds offered the following amendment to **CSHB 1**:

Floor Packet Page No. 194

Amend **CSHB 1** by adding the following appropriately-numbered rider to Article III, Texas Education Agency:

_____. Additional Appropriations. In addition to the amounts appropriated above, there is hereby appropriated to the Texas Education Agency, Strategy A.1.1: FSP - Equalized Operations for the year ending August 31, 2013 the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the year ending August 31, 2013 stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011.

(Phillips now present)

Amendment No. 115 was withdrawn.

Amendment No. 116

Representative Villarreal offered the following amendment to **CSHB 1**:

Floor Packet Page No. 195

Amend **CSHB 1** by adding the following appropriately numbered rider in Article III of the bill after the appropriation to the Texas Education Agency (page III-16):

_____. Contingent Appropriation from Economic Stabilization Fund for Foundation School Program. (a) For the state fiscal biennium ending August 31, 2013, in addition to other amounts appropriated by this Act, the Texas Education Agency is appropriated from the Economic Stabilization Fund \$4 billion to use for Foundation School Program purposes during the state fiscal biennium ending August 31, 2013.

(b) The provisions of this rider that make appropriations out of the Economic Stabilization Fund take effect only if this Act receives the vote required by Section 49-g, Article III, Texas Constitution.

Amendment No. 116 was withdrawn.

Amendment No. 117

Representative Castro offered the following amendment to **CSHB 1**:

Floor Packet Page No. 198

Amend **CSHB 1** on page III-6 (Texas Education Agency) by inserting the appropriately-numbered rider and renumbering any subsequent riders accordingly.

_____. Public School Counselor Report. It is the intent of the Legislature that, out of funds appropriated above, the Texas Education Agency shall conduct a comprehensive statewide study of the duties public school counselors perform. In conducting the study, the Texas Education Agency shall:

(1) include all public school counselors;
 (2) determine the percentage of total employment time public school counselors spend in performing:

(A) duties relating to:

- (i) assessment and testing; and
- (ii) schedule changes; and
- (iii) group counseling; and
- (iv) individual counseling; and
- (v) parent conferences; and
- (vi) teacher conferences; and
- (vii) admission, review, and dismissal meetings; and
- (viii) provision of information concerning institutions of higher

education;

(B) each duty described by Section 33.005, 33.006 or 33.007, Education Code, that is not addressed by Paragraph (A); and

(C) each additional duty not addressed by Paragraph (A) or (B) that public school counselors perform, as identified by the Texas Education Agency;

(3) determine the public school counselor-to-student ratio statewide and in each school district at the elementary, middle or junior high, and high school levels. The Texas Education Agency shall prepare a report for the 83rd Legislature containing the findings and any recommendations resulting from the study.

Amendment No. 117 was withdrawn.

Amendment No. 118

Representative Castro offered the following amendment to **CSHB 1**:

Floor Packet Page No. 199

Amend **CSHB 1** on page III-8 (Texas Education Agency) by inserting the following appropriately-numbered rider to read as follows and renumber any subsequent riders accordingly.

_____. Factually Inaccurate Information Prohibited. Funds appropriated above in Strategy B.2.1, Technology/Instructional Materials, shall not be used to purchase or contract for the printing of textbooks that contain factually inaccurate information.

Amendment No. 118 was withdrawn.

Amendment No. 119

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 192

Amend **CSHB 1** by adding the following appropriately-numbered rider to Article III, Texas Education Agency:

_____. Additional Appropriations. In addition to the amounts appropriated above, there is hereby appropriated to the Texas Education Agency, Strategy A.2.1: Statewide Educational Programs for the year ending August 31, 2013, the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the year ending August 31, 2013, stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The Texas Education Agency shall expend these funds for the purpose of providing grants for pre-kindergarten programs consistent with the provisions of Section 29.155, Education Code.

Amendment No. 119 was withdrawn.

Amendment No. 120

Representative Burnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 196

Amend **CSHB 1** in Article III of the bill, following the appropriations to the Texas Education Agency (page III-3), by adding the following appropriately numbered rider:

Contingency Appropriation for **HB 2001**: Revenue from Reduction of High Cost Gas Exemption. Contingent upon passage of **HB 2001** or similar legislation reducing or repealing the exemption from or reduction of natural gas production taxes paid on certain high cost gas, in addition to the amounts appropriated above, there is hereby appropriated to the Foundation School Program any additional revenues generated from the reduction or elimination of the high cost gas exemption or reduction under Section 201.057, Tax Code, for the purpose of allocations to local school districts under Chapters 41, 42, and 46, Education Code.

Amendment No. 120 was withdrawn.

Amendment No. 121

Representative Walle offered the following amendment to **CSHB 1**:

Floor Packet Page No. 200

Amend **CSHB 1** in Article III, Texas Education Agency, by adding Rider _____:

Report Regarding Disciplinary Placements. The Texas Education Agency shall use the appropriations above to conduct or provide for conducting a study of student disciplinary placements made by school districts and open-enrollment charter schools to determine the academic progress made by those students, as well as the percentage of those students who are members of a racial or ethnic minority group and/or are eligible for a special education program. A district or

charter school shall provide the information for the study to the Agency in a manner that does not provide personally identifiable information concerning a student, except personally identifiable information reported under the Public Education Information Management System (PEIMS). No later than December 1, 2012, the Agency will deliver the study to the governor, the lieutenant governor, the speaker of the house of representatives, and Members of the Legislature, which shall include the results of the study and shall include agency recommendations concerning methods for reducing the number of students assigned to disciplinary placements and improving the academic progress of those students.

Representative Aycock moved to table Amendment No. 121.

The motion to table prevailed by (Record 236): 97 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Bohac; Hilderbran.

(Bohac now present)

Amendment No. 122

Representatives Eiland and L. Taylor offered the following amendment to **CSHB 1**:

Floor Packet Page No. 206

Amend **CSHB 1** as follows:

(1) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.1.1. TRS - Public Education Retirement by \$20,538,828 in fiscal year 2012 and \$20,949,604 in fiscal year 2013.

(2) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.1.2 - TRS - Higher Education Retirement by \$2,686,836 in fiscal year 2012 and \$2,740,573 in fiscal year 2013 and decrease the General Revenue Dedicated - Estimated Other Educational and General Income Account No. 770 appropriation by \$3,159,159 in fiscal year 2012 and \$3,222,342 in fiscal year 2013.

(3) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.2.1 Retiree Health - Statutory Funds by \$2,075,151 in fiscal year 2012 and \$2,116,654 in fiscal year 2013.

(4) On page III-139, increase the General Revenue Fund No. 1 appropriation for The University of Texas Medical Branch at Galveston in Strategy D.1.1. Medical Branch Hospitals by \$24,871,922 in fiscal year 2012 and \$25,377,938 in fiscal year 2013.

(5) On page III-143, increase the General Revenue Fund No. 1 appropriation for The University of Texas Health Science Center at Houston in Strategy D.1.1. Dental Clinic Operations by \$117,203 in fiscal year 2012 and \$117,203 in fiscal year 2013.

(6) On page III-146, increase the General Revenue Fund No. 1 appropriation for The University of Texas Health Science Center at San Antonio in Strategy D.1.1. Dental Clinic Operations by \$304,799 in fiscal year 2012 and \$304,799 in fiscal year 2013.

(7) On page III-155, increase the General Revenue Fund No. 1 appropriation for Texas A&M University System Health Science Center in Strategy D.1.1. Dental Clinic Operations by \$6,891 in fiscal year 2012 and \$6,891 in fiscal year 2013.

Amendment No. 122 was withdrawn.

Amendment No. 123

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 203

Amend **CSHB 1** in Article III of the bill, on page III-16 by adding the following Rider ____:

"Requirement on the Report of Discrimination. Out of funds appropriated above for comprehensive annual reports, school districts shall report annually to the Texas Education Agency any incidents of alleged discrimination or harassment of school district employees or students enrolled in the district on the basis of the actual or perceived ethnicity, color, gender, gender identity or expression, sexual orientation, disability, religion, or national origin that occurred in the district during the preceding year. The agency shall include the information in the comprehensive annual report as required by Section 39.332 of the Education Code."

Representative Aycock moved to table Amendment No. 123.

The motion to table prevailed by (Record 237): 97 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Amendment No. 124

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 208

Amend **CSHB 1** Article III, Teacher Retirement System, Rider 5, to read as follows contingent upon the passage of **HB 2001**:

State Contribution to Texas Public School Retired Employees Group Insurance Program. The amounts specified above in A.2.1, Retiree Health-Statutory Funds, ~~\$136,349,002~~ \$272,698,004 in fiscal year 2012 and ~~\$139,075,982~~ \$278,151,964 in fiscal year 2013 are based on a state contribution rate of ~~0.50~~ 1.0 percent of payroll for each fiscal year, estimated.

The retirement system shall notify the Legislative Budget Board, the Governor, and its membership prior to establishing premiums, regarding the impact such premiums will have on retiree costs for TRS-Care insurance.

It is the intent of the Legislature that the Teacher Retirement System control the cost of the retiree insurance program by not providing rate increases to health care providers and pharmacy providers during the 2012-13 biennium without providing 60 days notice to the Legislative Budget Board.

Amendment No. 124 was withdrawn.

Amendment No. 125

Representative Isaac offered the following amendment to **CSHB 1**:

Floor Packet Page No. 211

Amend **CSHB 1** (house committee printing) as follows:

(1) Increase the Article III appropriations to the Higher Education Coordinating Board for Strategy B.1.8, Student Financial Aid Programs (page III-34), by \$12,000,000 for the state fiscal year ending August 31, 2012, and by \$12,000,000 for the state fiscal year ending August 31, 2013.

(2) In Article III of the bill, following the appropriations to the Higher Education Coordinating Board (page III-41), amend Subsection d in Rider 20 (Student Financial Aid Programs) to read as follows:

d. Out of the funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate not less than \$240,249,693 in fiscal year 2012 and \$149,459,000 in fiscal year 2013 to the TEXAS Grant Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program.

(3) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy A.2.1, Skills Development (page VII-36), by \$12,000,000 for the state fiscal year ending August 31, 2012, and by \$12,000,000 for the state fiscal year ending August 31, 2013.

(4) Adjust totals and methods of financing appropriately.

(Keffer in the chair)

Amendment No. 125 was withdrawn.

Amendment No. 126

Representative Giddings offered the following amendment to **CSHB 1**:

Floor Packet Page No. 212

Amend **CSHB 1**, under the Texas Higher Education Coordinating Board's bill pattern, as follows:

On page III-34:

B.1.8. Strategy : STUDENT FINANCIAL AID PROGRAMS

FY 12 ~~\$394,823,334~~ \$392,323,334

FY 13 ~~\$230,832,641~~ \$228,332,641

On page III-35:

E.1.1. Strategy: DEVELOPMENTAL EDUCATION PROGRAM

FY 12 ~~\$0~~ \$2,500,000

FY 12 ~~\$0~~ \$2,500,000

On page III-41, amend Rider 20(e) - Student Financial Aid Programs, as follows:

20(e). Student Financial Aid Programs. Out of funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate an amount not less than ~~\$14,700,000~~ \$12,200,000 in General Revenue in fiscal year 2012 and ~~\$11,500,000~~ \$9,000,000 in fiscal year 2013 and up to \$30,000,000 in General Revenue-Dedicated

B-On-Time Set Asides Fund No. 5103 in fiscal year 2012 to the B-On-Time Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program. The funds provided to the B-On-Time Program are appropriated in accordance with Education Code §§ 56.451-56.465 to provide eligible Texas students forgivable no-interest loans to attend colleges and universities in Texas. All balances in the General Revenue-Dedicated Texas B-On-Time Student Loan Account as of August 31, 2011, up to \$40,000,000 (and included above in Method of Financing) are hereby appropriated to the Coordinating Board for the biennium ending August 31, 2013 for the same purpose.

Amendment No. 127

Representatives Giddings and Hochberg offered the following amendment to Amendment No. 126:

Amend Amendment No. 126 to **CSHB 1** by Giddings (page 212 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

_____. Contingent Transfers: Higher Education Coordinating Board. It is the intent of the legislature that if, not later than September 1, 2012, it is determined by the Higher Education Coordinating Board that any of the amounts appropriated to the Higher Education Coordinating Board under Strategy B.1.8, Student Financial Aid Programs, and identified above by Rider 20(e) to be used for the B-On-Time Program for the state fiscal biennium ending August 31, 2013, have not been awarded under the B-On-Time Program, the Higher Education Coordinating Board shall transfer an amount equal to the total amount of such funds not awarded, but not to exceed \$5,000,000, as follows:

(1) \$2,500,000 to the Developmental Education Program identified under Strategy E.1.1 for use for that program during the remainder of the state fiscal biennium ending August 31, 2013; and

(2) \$2,500,000 to the Adult Basic Education Community College Grants identified under Strategy E.1.7 for use for that program during the remainder of the state fiscal biennium ending August 31, 2013.

Amendment No. 127 was adopted.

Amendment No. 126, as amended, was adopted.

Amendment No. 128

Representative Alonzo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 219

Amend **CSHB 1** (house committee printing) under the Article III provisions for the Texas Higher Education Coordinating Board (pages III-33 to III-46) by adding the following appropriately numbered item:

_____. Texas Higher Education Coordinating Board: Financial Incentive Program to Prepare Teachers in Bilingual Education, English as a Second Language, and Spanish.

a. It is the intent of the legislature that the Texas Higher Education Coordinating Board establish and administer a program to provide financial incentives such as tuition assistance or student loan repayment to:

(1) assist persons in obtaining certification to teach bilingual education, English as a second language, or Spanish in a public elementary or secondary school in this state; and

(2) facilitate the employment of those persons by a public elementary or secondary school in this state that has a shortage of teachers certified to teach in those fields.

b. The Coordinating Board may use a portion of any undedicated general revenue funds otherwise appropriated to the Coordinating Board by this Act for the purpose of establishing and administering the program described by this rider.

Amendment No. 128 was withdrawn.

Amendment No. 129

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 220

Amend **CSHB 1** in Article III of the bill, following the appropriations to the Texas Higher Education Coordinating Board by adding the following appropriately numbered rider:

____. Tuition Report. Of the amount appropriated in Strategy B.1.8, Student Financial Aid Programs (page III-34), for the state fiscal biennium beginning September 1, 2011, to the Texas Higher Education Coordinating Board, the coordinating board shall use an appropriate and reasonable amount for each year of the biennium to conduct a study and submit a report on the financial impact of tuition and fees on students enrolled at Texas public institutions of higher education and on the families of those students. The coordinating board shall submit the report to the governor, the lieutenant governor, and each member of the legislature not later than January 1, 2013.

Representative Aycock moved to table Amendment No. 129.

The motion to table prevailed by (Record 238): 98 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Hilderbran.

Amendment No. 130

Representative Isaac offered the following amendment to **CSHB 1**:

Floor Packet Page No. 211

Amend **CSHB 1** (house committee printing) as follows:

(1) Increase the Article III appropriations to the Higher Education Coordinating Board for Strategy B.1.8, Student Financial Aid Programs (page III-34), by \$12,000,000 for the state fiscal year ending August 31, 2012, and by \$12,000,000 for the state fiscal year ending August 31, 2013.

(2) In Article III of the bill, following the appropriations to the Higher Education Coordinating Board (page III-41), amend Subsection d in Rider 20 (Student Financial Aid Programs) to read as follows:

d. Out of the funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate not less than \$240,249,693 in fiscal year 2012 and \$149,459,000 in fiscal year 2013 to the TEXAS Grant Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program.

(3) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy A.2.1, Skills Development (page VII-36), by \$12,000,000 for the state fiscal year ending August 31, 2012, and by \$12,000,000 for the state fiscal year ending August 31, 2013.

(4) Adjust totals and methods of financing appropriately.

Amendment No. 131

Representative Isaac offered the following amendment to Amendment No. 130:

Amend the Isaac amendment to **CSHB 1** (page 211, amendment packet) by striking Item 2 of the amendment (lines 7 - 16) and substituting the following:

(2) In Article III of the bill, following the appropriations to the Higher Education Coordinating Board (page III-41), amend Subsections c and d in Rider 20 (Student Financial Aid Programs) to read as follows:

c. Out of funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, an amount not less than \$65,308,202, each year shall be allocated to the Tuition Equalization Grant Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program.

d. Out of the funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate not less than \$237,249,693 in fiscal year 2012 and \$146,459,000 in fiscal year 2013 to the TEXAS Grant Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program.

Amendment No. 131 was adopted.

Representative Aycock moved to table Amendment No. 130, as amended.

The motion to table prevailed by (Record 239): 103 Yeas, 35 Nays, 8 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Jackson; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, W.; Smithee; Taylor, L.; Thompson; Torres; Truitt; Veasey; Vo; Weber; Woolley; Workman; Zerwas.

Nays — Alonzo; Anderson, R.; Bohac; Burnam; Cain; Castro; Coleman; Creighton; Farias; Farrar; Fletcher; Gallego; Hancock; Hernandez Luna; Howard, C.; Hughes; Isaac; King, P.; King, T.; Landtroop; Mallory Caraway; Miles; Paxton; Perry; Quintanilla; Reynolds; Sheets; Simpson; Smith, T.; Solomons; Taylor, V.; Villarreal; Walle; White; Zedler.

Present, not voting — Mr. Speaker; Anchia; Giddings; Johnson; Keffer(C); Parker; Strama; Turner.

Absent, Excused — Allen; Hilderbran.

Absent — Guillen; Murphy.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 239. I intended to vote yes.

Strama

REASON FOR VOTE

As a trustee of a private institution, I voted present, not voting in order to avoid an appearance of any conflict of interest with the proposed amendment.

Parker

(Speaker in the chair)

Amendment No. 132

Representative Villarreal offered the following amendment to **CSHB 1**:
Floor Packet Page No. 221

Amend **CSHB 1** by adding the following appropriately numbered rider in Article III of the bill after the appropriation to the Texas Higher Education Coordinating Board (page III-46):

____. Contingency Based on Appropriation from Economic Stabilization Fund; Toward EXcellence, Access, & Success (TEXAS) Grant Program. Contingent on the appropriation of sufficient money from the economic stabilization fund that is authorized to be spent for the purpose in the state fiscal biennium beginning September 1, 2011, in addition to other amounts appropriated for that biennium, the amount of \$248,574,259 is allocated for use by the Texas Higher Education Coordinating Board in awarding TEXAS grants under Subchapter M, Chapter 56, Education Code, during that biennium.

Representative Crownover moved to table Amendment No. 132.

The motion to table prevailed by (Record 240): 100 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Miles.

STATEMENT OF VOTE

I was shown voting yes on Record No. 240. I intended to vote no.

T. King

Amendment No. 133

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 223

Amend **CSHB 1** (house committee printing) as follows:

(1) In the bill pattern for The University of Texas at Austin, insert the following appropriately-numbered rider:

_____. LEGISLATIVE LAW CLINIC. Out of the funds appropriated above, \$210,000 in each year of the biennium shall be used for the continuation of the Legislative Lawyering Clinic in the School of Law. These funds shall be used to pay for clinic academic and administrative personnel, research, surveys, and other expenses associated with the clinic.

(2) In Article XI, strike the item for the Legislative Lawyering Clinic on page XI-2.

Amendment No. 133 was adopted.

Amendment No. 134

Representative Zerwas offered the following amendment to **CSHB 1**:

Floor Packet Page No. 225

Amend **CSHB 1** as follows:

(1) Under the Article III appropriations to Prairie View A&M University (page III-75), reduce general revenue funding for strategy C.4.1. Institutional Enhancement by \$50,000 in FY2012 and \$50,000 in FY2013.

(2) Under the Article III appropriations to Prairie View A&M University (page III-75), add a new strategy C.4.2. University Realignment and increase general revenue funding by \$50,000 in FY2012 and \$50,000 in FY2013.

Amendment No. 134 was adopted.

Amendment No. 135

Representative Farias offered the following amendment to **CSHB 1**:

Floor Packet Page No. 226

Amend **CSHB 1** by adding the following appropriately numbered rider in Article III of the bill after the appropriation to Texas A&M University - San Antonio (page III-85):

_____. Contingent Appropriation from Economic Stabilization Fund for Texas A&M University - San Antonio. (a) For the state fiscal biennium ending August 31, 2013, in addition to other amounts appropriated by this Act, Texas A&M University - San Antonio is appropriated from the Economic Stabilization Fund the amount of \$3,894,275 to use for purposes of Strategy C.1.1, Transition Funding, under Goal C, Special Item Support, during the state fiscal biennium ending August 31, 2013.

(b) The provisions of this rider that make appropriations out of the Economic Stabilization Fund take effect only if this Act receives the vote required by Section 49-g, Article III, Texas Constitution.

Representative Crownover moved to table Amendment No. 135.

The motion to table prevailed by (Record 241): 100 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Gallego; Giddings; Miles; Turner.

STATEMENTS OF VOTE

When Record No. 241 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

When Record No. 241 was taken, I was in the house but away from my desk. I would have voted no.

Giddings

When Record No. 241 was taken, I was in the house but away from my desk. I would have voted no.

Turner

Amendment No. 136

Representative Darby offered the following amendment to **CSHB 1**:
Floor Packet Page No. 228

On page III-118 of **CSHB 1** (house committee printing), add new rider to Angelo State University bill pattern to read as follows:

It is the intent of the Legislature that the Comptroller of Public Accounts establish, for a limit duration, a tax amnesty program under the authority of Tax Code Section 111.103, designed to encourage a voluntary reporting by delinquent taxpayers who do not hold a permit, or are otherwise not registered for a tax or fee administered by the Comptroller, or those permitted taxpayers that may have underreported or owe additional taxes or fees. Such a program should provide for the waiver of penalty or interest, or both, but shall not apply to an established tax liability or taxpayers currently under audit review. The amnesty would include tax due from purchases as defined under current state tax statutes. It is the intent of the legislature that this effort increase General Revenue Funds by at least \$75,000,000 over the Comptroller's January 2011 Biennial Revenue Estimate.

Contingent of the tax amnesty program generating revenue as described above, the Angelo State University College of Nursing and Allied Health as described above, the Angelo State University is hereby appropriated \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013 to Angelo State University Nursing School, for instruction and operations. Any unexpended balances remaining as of August 31, 2012 out of appropriations made by this provision are hereby appropriated to Angelo State University College of Nursing and Allied Health for the fiscal year beginning September 1, 2012 for the same purpose.

In the event that actual and/or projected revenue collections are insufficient to offset the General Revenue cost identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

Amendment No. 136 - Point of Order

Representative Y. Davis raised a point of order against further consideration of Amendment No. 136 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 136.

Amendment No. 137

Representative Turner offered the following amendment to **CSHB 1**:
Floor Packet Page No. 231

Amend **CSHB 1** (house committee printing) in Article III of the bill, following the appropriations to The University of Texas Health Science Center at Houston, by amending Rider 2 (Texas Heart Institute) to read as follows:

2. Texas Heart Institute. Out of the funds appropriated above, The University of Texas Health Science Center at Houston shall allocate up to \$894,133 in each year of the 2012-13 biennium to the Texas Heart Institute for gene therapy and up to \$399,086 in each year of the 2012-13 biennium to the

Texas Heart Institute for cardiovascular research. The funds provided in Strategy E.2.1 for heart disease and stroke research shall be used only in connection with programs of the Texas Heart Institute.

Amendment No. 137 was withdrawn. (The vote was reconsidered later today, and Amendment No. 137 was amended by Amendment No. 155 and was withdrawn.)

Amendment No. 138

Representative Turner offered the following amendment to **CSHB 1**:

Amend **CSHB 1** (house committee printing) in Article III of the bill, following the appropriations to The University of Texas Health Science Center at Houston, by amending Rider 2 (Texas Heart Institute) to read as follows:

2. Texas Heart Institute. Out of the funds appropriated above, the University of Texas Health Science Center at Houston shall allocate up to \$894,133 in each year of the 2012-13 biennium to the Texas Heart Institute for gene therapy and up to \$399,086 in each year of the 2012-13 biennium to the Texas Heart Institute for cardiovascular research. The funds provided in Strategy E.2.1 for heart disease and stroke research and in Strategy E.2.3 for the world's greatest scientist shall be used only in connection with programs of the Texas Heart Institute.

Amendment No. 138 was withdrawn.

Amendment No. 139

Representatives Aycock, Sheffield, Shelton, C. Anderson, Rodriguez, Darby, Solomons, Cook, Chisum, Lavender, Harper-Brown, Patrick, S. King, Keffer, Johnson, Torres, and Hardcastle offered the following amendment to **CSHB 1**:

Floor Packet Page No. 235

Remove \$140,315,877 out of the Academic Education and Vocational/Technical Education Strategies for each Public Community/Junior College.

Amend Rider 12 in Community/Junior College Bill Pattern as follows:

a. Out of the General Revenue funds appropriated to the Higher Education Employees Group Insurance Contributions ~~\$58,082,400~~ \$198,398,277 is intended for the use of public community colleges, subject to the provisions associated with that appropriation.

Amend the Higher Education Employees Group Insurance Contributions Goal C, State Contributions, ERS as follows:

C.1.30 Strategy: Public Community/Junior Colleges ~~\$28,565,100~~ \$97,645,002 ~~\$28,565,100~~ \$97,645,002

Amendment No. 140

Representative Aycock offered the following amendment to Amendment No. 139:

Amend Amendment No. 139 to **CSHB 1** by Aycock (page 235 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** as follows:

(1) In Article III of the bill, the nondedicated general revenue fund appropriations to Public Community/Junior Colleges are reduced by a total of \$140,315,877 for the state fiscal biennium ending August 31, 2013, with the reduction allocated to each public junior college in the proportion that the public junior college's total nondedicated general revenue fund appropriations for Academic Education and Vocational/Technical Education for the biennium bears to the total nondedicated general revenue fund appropriations for Academic Education and Vocational/Technical Education to all public junior colleges for the biennium, and the appropriations for those purposes to each public junior college are reduced proportionally by the amount of the reduction allocated to the public junior college.

(2) In Article III, in the appropriations to the Higher Education Employees Group Insurance Contributions, amend C.1.30. Strategy (page III-30) as follows:

(A) in the column for the state fiscal year ending August 31, 2012, strike "29,385,900" and substitute "99,543,838"; and

(B) in the column for the state fiscal year ending August 31, 2013, strike "29,385,900" and substitute "99,543,839".

(3) Amend Rider 12, Subsection (a), following the appropriations to Public Community/Junior Colleges (page III-172) by striking "\$59,724,000" and substituting "\$200,039,877".

(4) Adjust totals and methods of financing appropriately.

Amendment No. 140 was adopted.

Amendment No. 139, as amended, was adopted.

Amendment No. 141

Representative Eiland offered the following amendment to **CSHB 1**:

Floor Packet Page No. 236

Amend **CSHB 1** (house committee printing) Article III, Section 6, No. 8 (b) of Special Provisions Relating Only to State Agencies of Higher Education to read as follows:

8. Appropriation Expenditure Authorization.

b. No educational and general funds appropriated to any institution or agency named in this article may be expended on auxiliary enterprises, ~~unless specifically authorized in this Act.~~

Amendment No. 142

Representative Eiland offered the following amendment to Amendment No. 141:

Amend Amendment No. 141 to **CSHB 1** (house committee printing) by Eiland (page 236 of the prefiled amendment packet) as follows:

(1) On page 1, line 7, strike " ~~, unless specifically authorized in this Act~~" and substitute ", unless specifically authorized in this Act."

(2) On page 1, line 8, add the following to the end of the amended Section 6, No. 8(b):

Any auxiliary enterprise contract shall include the following statement in bold-faced type: "The faith, credit, and taxing authority of the state of Texas are not pledged, given or lent to satisfy any obligation of this contract. No state appropriated funds may be spent to satisfy an obligation of this contract."

AMENDMENT NO. 142 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE AYCOCK: Explain to us what would be included in the term "auxiliary funds."

REPRESENTATIVE EILAND: Yeah, auxiliary funds are funds that universities, that the state does not appropriate, and those funds that include intercollegiate athletics, parking, food service contracts, and things of that nature that they keep separate and apart, we don't appropriate them, they keep them locally. And so what this would say and clarify is that these are—the state is not involved in those contracts, the state does not back them. Mr. Pitts and I talked this morning about, for example, the UT and ESPN contract, and that's an example of what this would apply to in the future.

AYCOCK: Okay, so as long as there are no monies being lost on the auxiliary funds, there's no prohibition against those auxiliary funds being used by colleges, then?

EILAND: Right. We have absolutely no say-so over auxiliary funds, absolutely none.

REMARKS ORDERED PRINTED

Representative Aycock moved to print remarks between Representative Eiland and Representative Aycock.

The motion prevailed.

Amendment No. 142 was adopted.

Amendment No. 141, as amended, was adopted by (Record 242): 99 Yeas, 36 Nays, 2 Present, not voting. (The vote was reconsidered later today, and Amendment No. 141, as amended, was tabled by Record No. 248.)

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Christian; Coleman; Cook; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Garza; Geren; Gonzales, V.; Gooden; Gutierrez; Hancock; Harless; Harper-Brown; Hartnett; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; King, T.; Kleinschmidt; Laubenberg; Lavender; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Oliveira; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets;

Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman.

Nays — Berman; Bonnen; Chisum; Craddick; Fletcher; Flynn; Frullo; Gonzales, L.; Guillen; Hardcastle; Hochberg; Hopson; Hughes; Jackson; Keffer; King, P.; Kolkhorst; Kuempel; Landtroop; Larson; Legler; Margo; Morrison; Orr; Otto; Parker; Perry; Price; Quintanilla; Riddle; Schwertner; Shelton; Strama; Taylor, V.; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Gonzalez.

Absent, Excused — Allen; Hilderbran.

Absent — Cain; Creighton; Crownover; Giddings; Hamilton; Hernandez Luna; Johnson; King, S.; Lewis; Nash; Turner.

STATEMENTS OF VOTE

When Record No. 242 was taken, my vote failed to register. I would have voted yes.

Cain

I was shown voting yes on Record No. 242. I intended to vote no.

Huberty

When Record No. 242 was taken, I was in the house but away from my desk. I would have voted yes.

Johnson

When Record No. 242 was taken, I was temporarily out of the house chamber. I would have voted yes.

Nash

I was shown voting yes on Record No. 242. I intended to vote no.

Paxton

I was shown voting yes on Record No. 242. I intended to vote no.

Simpson

Amendment No. 143

Representative Christian offered the following amendment to **CSHB 1**:

Floor Packet Page No. 237

Amend **CSHB 1** in Article III of the bill, in the Special Provisions Relating Only to State Agencies of Higher Education, by adding the following appropriately numbered section:

Sec. _____. Funding of Student Centers for Family and Traditional Values. It is the intent of the Legislature that an institution of higher education shall use an amount of appropriated funds to support a family and traditional values center for students of the institution that is not less than any amount of appropriated

funds used by the institution to support a gender and sexuality center or other center for students focused on gay, lesbian, homosexual, bisexual, pansexual, transsexual, transgender, gender questioning, or other gender identity issues.

Amendment No. 143 was adopted by (Record 243): 110 Yeas, 24 Nays, 10 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Martinez; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alvarado; Burnam; Coleman; Davis, S.; Davis, Y.; Dukes; Farias; Farrar; Gallego; Giddings; Gonzalez; Hochberg; Howard, D.; Johnson; McClendon; Miles; Naishtat; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C); Anchia; Castro; Gonzales, V.; Gutierrez; Mallory Caraway; Marquez; Martinez Fischer; Quintanilla; Vo.

Absent, Excused — Allen; Hilderbran.

Absent — Alonzo; Dutton; Hernandez Luna; Oliveira.

STATEMENTS OF VOTE

When Record No. 243 was taken, my vote failed to register. I would have voted no.

Alonzo

I was shown voting no on Record No. 243. I intended to vote yes.

S. Davis

I was shown voting yes on Record No. 243. I intended to vote no.

Deshotel

I was shown voting present, not voting on Record No. 243. I intended to vote no.

Marquez

I was shown voting yes on Record No. 243. I intended to vote no.

Villarreal

Amendment No. 144

Representative Christian offered the following amendment to **CSHB 1**:

Floor Packet Page No. 238

Amend **CSHB 1** in Article III of the bill, in the Special Provisions Relating Only to State Agencies of Higher Education, by adding the following appropriately numbered section:

Sec. _____. Courses in Western Civilization. It is the intent of the Legislature that, of the amount of funds appropriated to an institution of higher education that are used to fund the undergraduate courses offered at the institution, a sufficient amount be used by the institution to ensure that not less than 10 percent of those courses provide instruction in Western Civilization as designated in the institution's course catalogue and approved by the Texas Higher Education Coordinating Board, pursuant to its authority under Section 61.051, Education Code, as providing instruction in Western Civilization.

(Bonnen in the chair)

AMENDMENT NO. 144 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ANCHIA: Mr. Christian, in your view, since "Western civilization" isn't defined in your intent clause, does that include geometry, by way of example?

REPRESENTATIVE CHRISTIAN: No.

ANCHIA: Okay. Does it include algebra?

CHRISTIAN: No.

ANCHIA: Does it include any of the sciences?

CHRISTIAN: If history was created, and what was during that time and that portion is part of some history courses and where it came from, those courses or those sciences where it was, discoveries made, where those formulas found—

ANCHIA: Does it include—

CHRISTIAN:—that would be part of it. Understand, what I want is the intelligent people of our universities to direct this, to decide this. I'm not here presuming—

ANCHIA: Does it include African American studies?

CHRISTIAN: If they were part of—if African American studies were part of the involvements, I'm sure they were in all—

ANCHIA: Well, hold on, you should know, right?

CHRISTIAN: No, I do not know. There is very good evidence that I'm not totally aware of every issue that we are—

ANCHIA: Does it include Mexican American studies?

CHRISTIAN: That was not my decision.

ANCHIA: But is it your intent? You're expressing your intent. I'm trying to get at your intent because we as a legislature need to understand what you're thinking here. You're expressing intent, you're asking us to express your intent, I'm asking you to clarify. Does it include African American studies?

CHRISTIAN: If that was involved with the development of Western culture, and I'm sure at some point it was, that can be brought into that teaching.

ANCHIA: Does it include Native American studies?

CHRISTIAN: Native American studies should be taught in our universities. I would like to—as should African American studies, as should Mexican—

ANCHIA: Are they included in your definition of "Western civilization," since it is not defined in this clause, in this intent? It's your intent—

CHRISTIAN: My intent—

ANCHIA: Right, right, so tell me, tell me your intent.

CHRISTIAN: My intent is that our universities take the studies that came—the history that came—

ANCHIA: Since you're not answering specifically, then I should take from that that your intent is that it not include African American studies, Mexican American studies, or Native American studies. Is that right? Just tell us what your intent is.

CHRISTIAN: It's the study of the great literature of the Western civilizations—and that is not being taught at all of our schools—and the leaders that were involved in that.

ANCHIA: What's funny is—so, is it exclusively literature and not history? Is it history, literature? I mean, you don't define it—

CHRISTIAN: Of course literature—are involved. Literature was written during a historical perspective. Literature written today is part of this history. Literature written a century, two centuries ago, is part of that history

ANCHIA: Is—would the "I Have a Dream" speech be included in a study of Western civilization?

CHRISTIAN: I'm sure the development of free speech—I remember the studies of the development from the—

ANCHIA: Would the abolitionist movement be included?

CHRISTIAN: Abolition of what?

ANCHIA: Abolitionist movement. The history of the abolitionist movement, women's suffrage? Are any of those things in your definition of "Western civilization?"

CHRISTIAN: I do not—I would think that—whatever—the main thing that I'm for is the ancient history, for the history of our Western civilization and the literature developed from that. It is absent from many of our institutions of higher learning.

ANCHIA: Thank you. Thank you for giving us absolutely no more guidance on what your intent is. I'll take your evasiveness on this as meaning that you don't want to include any of those things and that you have a very subjective intent. I believe it will be very confusing and, frankly, it will appear very political and potentially insulting to the diverse membership of this body that you're actually bringing this amendment, because you fail to be specific, you continuously are evasive, and, frankly, you don't want to give the legislature—you don't want to tell colleagues in the legislature what you're thinking. How is The University of Texas going to interpret this, or any Texas university, other than a political statement when—and I submit, as Representative Strama did, that our universities should be free and free from this type of manipulation and political statement—

CHRISTIAN: I appreciate your views on this—

ANCHIA: —on the house floor.

CHRISTIAN: I stand here as an example of the fact that I believe that we as a people should move toward a time where we can live with each other and talk about your history, my history, anybody's history. The development of democracy from Western civilization is something we all share and enjoy in this room. Where it came from was partially from the development in Western history. That is being removed of where it came from. Most of our children, when they're tested today, think that freedom started at the time of the Civil Rights Movement in America. It didn't. It started back in Western Europe as we moved from there to this country for freedom. It's the development of—

REPRESENTATIVE MILES: Can you just kind of give me an explanation on what your intent was when you put in "Western civilization?" What did you mean by that?

CHRISTIAN: The development of where I—the part that Western civilization—we should teach where the Mexican country, Spaniards came to Mexico, how it developed from that. We should understand all the way back, how that came and made Texas what it is—a multicultural society. We study from where it came from—the Canadians, the French coming down made America a multicultural society. But we leave out, so many times, because of some bad feelings that occurred for years, genuine feelings of separation and of races. We have left out what made democracy the thing that came to America. Where did it come from? It came from Western culture, Western civilization, that brought some of those ideas. The workers, the freedom we enjoy came from Western Europe to develop this country. Some of the greatness—the individual liberties we enjoy—where did it come from?

MILES: Brother Christian, would it include the history of the Jim Crow South?

CHRISTIAN: Of what?

MILES: Would it include the history of the Jim Crow South?

CHRISTIAN: It should, if that was part of the history. The thing is—take me as an example—if that's part of the history of Western civilization—

MILES: Would it include the dragging of James Byrd that happened in your district? Would it include the dragging of James Byrd that happened in your district?

CHRISTIAN: That's right, happened in my district.

MILES: Would it include that, too?

CHRISTIAN: What?

MILES: Would it include the history of James Byrd—the dragging of James Byrd that happened in your district?

CHRISTIAN: Not of Western civilization.

MILES: So, none of the history of African Americans, or Asian Americans, none of that would be included in this, right?

CHRISTIAN: Would that be included in African history? Would white, European history be included in African history courses—

MILES: Wayne, you really don't want to go there with me man, you really don't.

CHRISTIAN: Would Mexican—Spanish—Mexican history be included in that? If it is, it should. But that's where we should study and get the truth, not the made-up, not the separated, but if you're going to teach this one, that one, and—whatever.

MILES: Why don't we do—Wayne, why don't we do Texas a great favor—why don't we respect the State of Texas and let's pull this down.

CHRISTIAN: I respect the State of Texas

MILES: Let's pull this down. Let's pull this down, Wayne Christian. Let's respect the State of Texas and the diversity of this great state, and let's pull this down, brother.

CHRISTIAN: I respect your opinion, I respect that, and I truthfully tell you that I hope that you will understand that it is not from any type of bias, mistrust—if it is, it's from a heart that wants everything to be on the table.

REMARKS ORDERED PRINTED

Representative Miles moved to print remarks between Representative Christian and Representative Anchia and between Representative Christian and Representative Miles.

Representative Villarreal moved to table Amendment No. 144.

The motion prevailed.

The motion to table prevailed by (Record 244): 108 Yeas, 27 Nays, 4 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Bonnen(C); Branch; Burkett; Burnam; Button; Callegari; Carter; Castro; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego;

Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Isaac; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Lavender; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Smith, T.; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Berman; Cain; Chisum; Christian; Craddick; Fletcher; Hamilton; Hancock; Harper-Brown; Howard, C.; Hughes; Jackson; Kolkhorst; Laubenberg; Legler; Madden; Parker; Paxton; Riddle; Simpson; Smith, W.; Smithee; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Miller, S.; Patrick; Solomons.

Absent, Excused — Allen; Hilderbran.

Absent — Aycock; Beck; Bohac; Brown; King, P.; Morrison; Phillips; Sheffield; Taylor, L.

STATEMENTS OF VOTE

When Record No. 244 was taken, my vote failed to register. I would have voted no.

Bohac

I was shown voting yes on Record No. 244. I intended to vote no.

Bonnen

I was shown voting yes on Record No. 244. I intended to vote no.

Creighton

I was shown voting yes on Record No. 244. I intended to vote no.

Flynn

I was shown voting yes on Record No. 244. I intended to vote no.

Harless

I was shown voting yes on Record No. 244. I intended to vote no.

Huberty

I was shown voting present, not voting on Record No. 244. I intended to vote yes.

Patrick

I was shown voting yes on Record No. 244. I intended to vote no.

Truitt

Amendment No. 145

Representative Alonzo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 239

Amend **CSHB 1** (house committee printing) by adding the following appropriately numbered SECTION under the special provisions relating only to state agencies of higher education in ARTICLE III of the bill (page III-200), and renumbering existing SECTIONS of that article accordingly:

Sec. _____. Texas Optometry Career Opportunities Program at University of Houston. It is the intent of the legislature that the University of Houston operate an optometry career program that prepares highly qualified, economically disadvantaged students from any public or private institution of higher education for advanced studies and a career in the field of optometry and that the university solicit and accept gifts and grants for that purpose. The University of Houston may use a portion of the available general revenue funds otherwise appropriated to the institution by this Act, including gifts and grants, for the purpose of establishing and operating such a program at the institution.

Amendment No. 145 was withdrawn.

Amendment No. 146

Representative V. Taylor offered the following amendment to **CSHB 1**:
Floor Packet Page No. 241

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. _____. Additional Funding for TEXAS Grants. Notwithstanding any other provision of this Act, at the beginning of each state fiscal year, each state institution of higher education receiving funds appropriated under this Act that are designated as Special Item Support shall transfer 25 percent of the amount of each special item appropriation to the Higher Education Coordinating Board, to be used for the purpose of providing TEXAS Grants under Subchapter M, Chapter 56, Education Code. The Coordinating Board shall use amounts received under this section to provide TEXAS Grants, and those amounts are in addition to other amounts appropriated to the board that may be used for the purpose.

Amendment No. 147

Representative V. Taylor offered the following amendment to Amendment No. 146:

Amend Amendment No. 146 to **CSHB 1** by V. Taylor (prefiled amendment packet, page 241) as follows:

(1) On page 1, line 7 of the amendment, strike "state institution" and substitute "state general academic institution".

(2) On page 1, line 9 of the amendment, strike "25 percent" and substitute "five percent".

Amendment No. 147 was withdrawn.

Amendment No. 146 was withdrawn.

Amendment No. 148

Representative Christian offered the following amendment to **CSHB 1**:

Floor Packet Page No. 243

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. _____. Report on Student Loan Debt. Each institution of higher education receiving funds under this Act shall submit to the governor, the 83rd Legislature, the Texas Higher Education Coordinating Board, and the Legislative Budget Board a report of the average student loan debt of graduates of the undergraduate program at the institution. The report must be:

(1) submitted on or before the last day of each fiscal year in the state fiscal biennium beginning September 1, 2011; and

(2) based on the most recent data available to the institution.

Representative Aycock moved to table Amendment No. 148.

The motion to table prevailed by (Record 245): 130 Yeas, 11 Nays, 3 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Christian; Fletcher; Hughes; Johnson; King, P.; Legler; Miller, S.; Riddle; Taylor, V.; Zedler.

Present, not voting — Mr. Speaker; Bonnen(C); Dukes.

Absent, Excused — Allen; Hilderbran.

Absent — Garza; Guillen; Morrison; Taylor, L.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 245. I intended to vote yes.

Dukes

I was shown voting yes on Record No. 245. I intended to vote no.

Flynn

When Record No. 245 was taken, my vote failed to register. I would have voted yes.

Garza

I was shown voting yes on Record No. 245. I intended to vote no.

Paxton

When Record No. 245 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

Amendment No. 149

Representative V. Taylor offered the following amendment to **CSHB 1**:
Floor Packet Page No. 244

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. _____. Additional Funds for TEXAS Grants. Notwithstanding any other provision of this Act, at the beginning of each fiscal year of the state fiscal biennium ending August 31, 2013, each institution of higher education receiving funds under this Act determined in whole or part according to formulas recommended by the Texas Higher Education Coordinating Board shall transfer to the Coordinating Board a portion of the general revenue appropriations to the institution for that fiscal year. The total amount to be transferred under this section is \$128,000,000 in each state fiscal year. The Coordinating Board shall compute the amount to be transferred by each institution in each fiscal year and shall certify that amount to each institution. The amount for each institution is computed by allocating the total amount to be transferred in the fiscal year among those institutions in proportion to the total amount of general revenue appropriated by this Act to each institution for that year. Funds received by the Coordinating Board under this section shall be used by the Coordinating Board to provide TEXAS Grants, and are in addition to any other amounts appropriated by this Act that may be used for that purpose.

Amendment No. 150

Representative V. Taylor offered the following amendment to Amendment No. 149:

Amend Amendment No. 149 to **CSHB 1** by Van Taylor (page 244 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. _____. Additional Funds for TEXAS Grants. Notwithstanding any other provision of this Act, at the beginning of each fiscal year of the state fiscal biennium ending August 31, 2013, each general academic teaching institution receiving funds under this Act determined in whole or part according to formulas shall transfer to the Coordinating Board a portion of the general revenue appropriations to the institution for that fiscal year. The total amount to be transferred under this section is \$128,000,000 in each state fiscal year. The Coordinating Board shall compute the amount to be transferred by each institution in each fiscal year and shall certify that amount to each institution. The amount for each institution is computed by allocating the total amount to be transferred in the fiscal year among those institutions in proportion to the total amount of general revenue appropriated by this Act to each institution for that year. Funds received by the Coordinating Board under this section shall be used by the Coordinating Board to provide TEXAS Grants, and are in addition to any other amounts appropriated by this Act that may be used for that purpose.

Amendment No. 150 was adopted.

Representative Branch moved to table Amendment No. 149, as amended.

The motion to table prevailed by (Record 246): 99 Yeas, 35 Nays, 3 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bohac; Branch; Brown; Burnam; Button; Callegari; Carter; Chisum; Christian; Coleman; Cook; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Farias; Fletcher; Flynn; Frullo; Geren; Giddings; Gonzales, L.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Keffer; King, T.; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Lozano; Lyne; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Aliseda; Anchia; Burkett; Cain; Castro; Elkins; Farrar; Gallego; Garza; Gonzales, V.; Guillen; Hartnett; Hernandez Luna; Hughes; Isaac; King, P.; Kleinschmidt; Landtroop; Laubenberg; Legler; Lucio; Madden; Martinez; Parker; Paxton; Perry; Quintanilla; Raymond; Sheets; Simpson; Strama; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Bonnen(C); Johnson.

Absent, Excused — Allen; Hilderbran.

Absent — Craddick; Creighton; Dutton; Harper-Brown; King, S.; Mallory Caraway; Miles; Miller, D.; Morrison; Rodriguez; Taylor, L.

STATEMENTS OF VOTE

I was shown voting no on Record No. 246. I intended to vote yes.

Anchia

I was shown voting yes on Record No. 246. I intended to vote no.

Bohac

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted no.

Craddick

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted no.

Creighton

I was shown voting no on Record No. 246. I intended to vote yes.

Farrar

I was shown voting no on Record No. 246. I intended to vote yes.

Lucio

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

Amendment No. 151

Representative Berman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 245

Amend **CSHB 1** by adding the following appropriately numbered rider in Article III, at the end of the appropriations for special provisions relating only to state agencies of higher education (page III-219):

Sec. _____. None of the funds appropriated under this Article may be expended by an institution of higher education to pay the cost of any educational benefit, including benefits such as in-state tuition or other tuition benefits, state-fund financial aid, or a state-funded scholarship, for a person who is not authorized by law to be present in the United States. It is the intent of the legislature that an institution of higher education apply any amount saved due to this restriction to fund tuition equalization grants and other forms of grants and loans for students who are legally authorized to be in the United States, and that amount is appropriated from the appropriate funds for that purpose.

Amendment No. 151 was withdrawn.

Amendment No. 152

Representative Flynn offered the following amendment to **CSHB 1**:

Floor Packet Page No. 246

Amend **CSHB 1** by adding the appropriately number sections:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0221 to read as follows:

Sec. 39.0221. TEMPORARY MORATORIUM ON ADMINISTERING ASSESSMENT INSTRUMENTS. (a) The agency shall:

(1) develop a plan for school districts to suspend the administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years;

(2) determine whether implementation of a plan under Subdivision (1) would result in the loss of any federal education funding under the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.) or other federal law; and

(3) advise districts regarding any potential loss of federal education funding.

(b) A superintendent of a school district may suspend district administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years if the suspension is:

(1) approved by the board of trustees of the district; and

(2) consistent with the plan developed by the agency under Subsection

(a).

(c) A superintendent of a school district may apply funds the superintendent identifies as savings from expenditures otherwise required for assessment instruments or the administration of assessment instruments only to:

(1) the retention of teachers or other district personnel with direct student contact and involvement; or

(2) consumable resources requested by classroom teachers for classroom instruction.

(d) The amount of state funding a school district receives each school year is not contingent on a superintendent's decision under this section concerning the administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years.

(e) This section expires September 1, 2013.

Amendment No. 153

Representatives Flynn and Bonnen offered the following amendment to Amendment No. 152:

Amend Amendment No. 152 to **CSHB 1** by Flynn (pages 246-247, prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article III of the bill, following the appropriations to the Texas Education Agency, by adding the following appropriately numbered rider:

_____. Contingent Rider: Savings from Moratorium on Administering Assessment Instruments. (a) This rider is contingent on the enactment and becoming law of **HB 2491** or similar legislation by the 82nd Legislature, Regular Session, relating to a moratorium on certain testing and assessments of certain public school students under the public school accountability system.

(b) If the superintendent of a school district suspends district administration of assessment instruments as provided by the legislation described by Subsection (a) of this rider, the savings of state money generated by a school district's suspension of that administration during a fiscal year shall be distributed by the Texas Education Agency to that school district for that fiscal year only for the purposes of:

(1) the retention of teachers of other district personnel with direct student contact and involvement; or

(2) consumable resources requested by classroom teachers for classroom instruction.

Amendment No. 153 - Point of Order

Representative Walle raised a point of order against further consideration of Amendment No. 153 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The point of order was withdrawn.

Amendment No. 153 was withdrawn.

Amendment No. 152 was withdrawn.

Amendment No. 154

Representative Morrison offered the following amendment to **CSHB 1**:
Floor Packet Page No. 242

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. _____. Online Degree Plans. (a) Using funds appropriated by this Act, not later than August 1, 2012, each public institution of higher education receiving appropriations under this Act shall submit to the Higher Education Coordinating Board a study of the costs of making available online four of the institution's most popular degree plans, as determined by the institution. Each institution's reported cost study must include the methodology used for the cost study and an explanation for each expense listed in the study.

(b) The coordinating board shall use new and existing data, including performance measures, ongoing research studies, and survey data, to evaluate probable student outcomes for online degree plans identified by the institutions. The coordinating board shall:

(1) analyze and compare all reported cost studies under this section and corresponding student outcomes to determine the most efficient and effective of the proposed online degree plans among those institutions generally; and

(2) notify each institution of its conclusions.

Representative Aycock moved to table Amendment No. 154.

The motion to table was lost by (Record 247): 60 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Alvarado; Anchia; Anderson, R.; Brown; Burkett; Burnam; Button; Cain; Callegari; Chisum; Coleman; Crownover; Davis, S.; Eiland; Eissler; Farrar; Fletcher; Frullo; Garza; Geren; Gonzalez; Gooden; Gutierrez; Harless; Hernandez Luna; Hopson; Hunter; Jackson; Johnson; Keffer; King, S.; Lucio; Lyne; Mallory Caraway; Marquez; Martinez Fischer; Menendez; Miller, S.; Patrick; Phillips; Pickett; Pitts; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Veasey; Villarreal; Woolley; Zerwas.

Nays — Aliseda; Alonzo; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Carter; Castro; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dutton; Elkins; Flynn; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hochberg; Howard, C.; Howard, D.; Huberty; Isaac; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Margo; Martinez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Peña; Price; Quintanilla; Raymond; Schwertner; Sheets; Simpson; Smith, W.; Strama; Taylor, V.; Turner; Vo; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Bonnen(C).

Absent, Excused — Allen; Hilderbran.

Absent — Dukes; Farias; Hughes; McClendon; Perry; Walle.

STATEMENTS OF VOTE

When Record No. 247 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 247 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

I was shown voting yes on Record No. 247. I intended to vote no.

T. Smith

Amendment No. 154 was adopted.

Amendment No. 137 - Vote Reconsidered

Representative Turner moved to reconsider the vote by which Amendment No. 137 was withdrawn.

The motion to reconsider prevailed.

Amendment No. 155

Representative Schwertner offered the following amendment to Amendment No. 137:

Amend Amendment No. 137 by Turner to **CSHB 1** (page 231 of the prefilled amendment packet) by adding the following to the end of the amendment:

Sec. _____. The Texas A&M University System Health Science Center. The Texas A&M University System Health Science Center is appropriated \$3,000,000 for the fiscal year ending August 31, 2012, and 3,000,000 for the fiscal year ending August 31, 2013, to The Texas A&M University System Health Science Center in Strategy E.1.4. College Station, Temple, Round Rock—Medical (page III-155) for the purpose of enrolling additional medical students over and above its full-time equivalent student base used for the state fiscal biennium ending August 31, 2013. Any unexpended balances remaining as of August 31, 2012, out of appropriations made by this provision are appropriated to The Texas A&M University System Health Science Center for the fiscal year beginning September 1, 2012, for the same purpose.

Amendment No. 155 was adopted.

Amendment No. 137, as amended, was withdrawn.

Amendment No. 141 - Vote Reconsidered

Representative Callegari moved to reconsider the vote by which Amendment No. 141, as amended, was adopted.

The motion to reconsider prevailed.

Representative Lewis moved to table Amendment No. 141, as amended.

The motion to table prevailed by (Record 248): 82 Yeas, 60 Nays, 3 Present, not voting.

Yeas — Anderson, C.; Aycock; Beck; Branch; Burkett; Button; Cain; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Eissler; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hopson; Huberty; Hughes; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Marquez; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; White; Woolley; Zedler; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Berman; Bohac; Burnam; Callegari; Carter; Castro; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Hunter; King, T.; Lozano; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Smith, T.; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman.

Present, not voting — Mr. Speaker; Bonnen(C); Sheffield.

Absent, Excused — Allen; Hilderbran.

Absent — Brown; Coleman; Driver.

Amendment No. 156

Representative Castro offered the following amendment to **CSHB 1**:

Floor Packet Page No. 198

Amend **CSHB 1** on page III-6 (Texas Education Agency) by inserting the appropriately-numbered rider and renumbering any subsequent riders accordingly.

_____. Public School Counselor Report. It is the intent of the Legislature that, out of funds appropriated above, the Texas Education Agency shall conduct a comprehensive statewide study of the duties public school counselors perform. In conducting the study, the Texas Education Agency shall:

(1) include all public school counselors;

(2) determine the percentage of total employment time public school counselors spend in performing:

(A) duties relating to:

(i) assessment and testing; and

(ii) schedule changes; and

(iii) group counseling; and

(iv) individual counseling; and

(v) parent conferences; and

(vi) teacher conferences; and

(vii) admission, review, and dismissal meetings; and

(viii) provision of information concerning institutions of higher education;

(B) each duty described by Section 33.005, 33.006 or 33.007, Education Code, that is not addressed by Paragraph (A); and

(C) each additional duty not addressed by Paragraph (A) or (B) that public school counselors perform, as identified by the Texas Education Agency;

(3) determine the public school counselor-to-student ratio statewide and in each school district at the elementary, middle or junior high, and high school levels. The Texas Education Agency shall prepare a report for the 83rd Legislature containing the findings and any recommendations resulting from the study.

Amendment No. 157

Representative Branch offered the following amendment to Amendment No. 156:

Amend Amendment No. 156 by Castro (page 198 pre-filed amendment packet), to **CSHB 1** on page 1, line 11, by striking "public school counselors" and substituting "full-time public school counselors, part-time public school counselors, and teachers who perform the functions of a public school counselor"

Amendment No. 157 was adopted.

Amendment No. 156, as amended, was adopted.

Amendment No. 158

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 138

Amend **CSHB 1** as follows:

(1) On page II-73 of the bill pattern for the Health and Human Services Commission, reduce General Revenue appropriations by \$56,055,335 in each fiscal year for Strategy B.2.1, COST REIMBURSED SERVICES.

(2) In Article II, Health and Human Services Commission, on page ____, add a new rider to read as follows and number it accordingly:

"____. It is the intention of the Legislature that the reductions made to Strategy B.2.1, COST REIMBURSEMENT SERVICES, be achieved by enacting managed care policies."

Amendment No. 159

Representative Zedler offered the following amendment to Amendment No. 158:

Amend Amendment No. 158 by Zedler to **CSHB 1** (page 138, prefiled amendment packet) by striking Item (2) of the amendment and substituting the following:

(2) In Article II of the bill, following the appropriations to the Health and Human Services Commission, add the following appropriately numbered rider:

____. The amounts appropriated to the Health and Human Services Commission for Strategy B.2.1, Cost Reimbursed Services, include a reduction of \$56,055,335 for each state fiscal year from the amount proposed in the house committee report for this Act.

(3) Increase the Article II appropriations to the Health and Human Services Commission for Strategy B.1.4, CHILDREN AND MEDICALLY NEEDY (page II-73), by \$56,055,335 in each fiscal year.

(4) Adjust totals and methods of financing accordingly.

Amendment No. 159 was adopted.

Amendment No. 158, as amended, was adopted by (Record 249): 99 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; 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.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker; Bommen(C).

Absent, Excused — Allen; Hilderbran.

Absent — Schwertner; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 249. I intended to vote no.

Menendez

When Record No. 249 was taken, I was in the house but away from my desk. I would have voted yes.

Schwertner

Amendment No. 160

Representatives Pitts, Aycock, and Darby offered the following amendment to **CSHB 1**:

Floor Packet Page No. 6

Amend **CSHB 1**, Article III, page III-13, by amending Rider 38 in the Texas Education Agency's bill pattern as follows:

Funding for Regional Education Service Centers. Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute \$16,888,266 in fiscal year 2012 and \$17,309,037 in fiscal year 2013 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. No more than one-third of the amounts identified in this rider shall be distributed by the commissioner for core services based on criteria established in the Texas Education Code, §8.121. The remaining amounts shall be distributed through a formula based on geographic considerations and school districts serving less than 1600 students. The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural school districts. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor.

Amendment No. 161

Representative Hochberg offered the following amendment to Amendment No. 160:

Amend the Pitts amendment to **CSHB 1** (amendment packet page 6) by striking the last three sentences of the amendment and substituting the following:

The remaining amounts shall be distributed through a formula based on:

- (1) geographic considerations; and
- (2) school districts serving less than 1600 students and open-enrollment charter schools.

The formula for distribution shall be determined by the commissioner but shall provide enhanced funding to regional education service centers that primarily serve small and rural school districts. The commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the governor.

Amendment No. 161 was adopted.

Amendment No. 160, as amended, was adopted.

Amendment No. 162

Representative Gutierrez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 76

Amend **CSHB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the Library and Archives Commission:

____. \$2,000,000 dollars shall be appropriated over the biennium to the Library and Archives Goal A.1.1 Library Resource Sharing Services from funds appropriated to the Texas Highway Magazine.

Amendment No. 163

Representative Gutierrez offered the following amendment to Amendment No. 162:

Amend the amendment to **CSHB 1** as follows:

(1) Contingent upon the passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals the tax exemption on high cost gas production; or the passage and enactment of **HB 1936** or similar legislation by the Eighty-second Legislature which equalizes the amount of allowable importation of alcoholic beverages for Texas residents and non-residents; or the passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations; or upon implementation through legislation or other any other manner of non-tax revenue generating measures recommended by the Eighty-second Legislature's Senate Finance Subcommittee on Fiscal Matters, then;

(2) On page I-68, in the appropriations to the Library and Archives Commission, increase Strategy A.1.2: Aid to Local Libraries, by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(3) On page I-68, in the appropriations to the Library and Archives Commission, increase funding for Rider 7 to \$1,500,000 for each year of the following biennium.

(4) In Article I, amend the bill pattern for the Library & Archives Commission by inserting the following appropriately numbered riders to read as follows and renumbering any subsequent riders accordingly:

_____. Lone Star Libraries Grants. Out of amounts appropriated above in Strategy A.1.2, Aid to Local Libraries, the agency shall expend \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013 from the General Revenue Fund for Lone Star Libraries grants.

_____. \$250,000 shall be appropriated to Rider 7. Contingency for K-12 TexShare Database Program over the next biennium from the Department of Rural Affairs Goal A.1.1 Strategy to Provide Grants for Community and Economic Development Projects.

Amendment No. 163 was adopted.

Amendment No. 162, as amended, was withdrawn.

Amendment No. 164

Representative Simpson offered the following amendment to **CSHB 1**:

Floor Packet Page No. 46

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article I of the bill, in the appropriations to the Trusteed Programs Within the Office of the Governor, in A.1.4. Strategy: Film and Music Marketing (page I-50):

(A) amend the funding for the state fiscal year ending August 31, 2012, by striking "\$16,000,000" and substituting "\$1,000,000"; and

(B) amend the funding for the state fiscal year ending August 31, 2013, by striking "\$16,000,000" and substituting "\$1,000,000".

(2) Strike Rider 21 following the appropriations to the Trusteed Programs Within the Office of the Governor (page I-55) and renumber subsequent riders accordingly.

(3) Add the following appropriately numbered rider following the appropriations to Public Community/Junior Colleges (page III-166):

_____. Appropriation of Additional Revenue for Vocational/Technical Education. In addition to other amounts appropriated to public junior colleges for vocational/technical education by this Act, the following amounts are appropriated from the general revenue fund for vocational/technical education at those colleges. The amount appropriated by this rider for each fiscal year shall be allocated to those public junior colleges in proportion to the amount appropriated above to each college for vocational/technical education for the same fiscal year:

(1) \$15,000,000 for the state fiscal year ending August 31, 2012; and

(2) \$15,000,000 for the state fiscal year ending August 31, 2013.

(4) Adjust totals and methods of financing appropriately.

Amendment No. 165

Representative Simpson offered the following amendment to Amendment No. 164:

Amend Floor Amendment No. 164 by Simpson (page 46, pre-filed amendment packet) as follows:

- (1) On page 1, line 7, strike "\$1,000,000" and substitute "\$11,000,000".
- (2) On page 1, line 10, strike "\$1,000,000" and substitute "\$11,000,000".
- (3) On page 1, line 26, strike "\$15,000,000" and substitute "\$6,462,056".
- (4) On page 1, line 28, strike "\$15,000,000" and substitute "\$6,483,581".

(5) Add the following new items to the amendment, numbered appropriately, to read as follows:

() In Article I of the bill, in the appropriations to the Trusteed Programs within the Office of the Governor, A.1.9. Strategy: Economic Development and Tourism (page I-50):

(A) reduce the general revenue funds appropriated for the state fiscal year ending August 31, 2012, by \$2,962,056; and

(B) reduce the general revenue funds appropriated for the state fiscal year ending August 31, 2013, by \$2,983,581.

() In the appropriations to the Library & Archives Commission, increase the appropriations to Strategy A.1.2, Aid to Local Libraries (page I-68), by \$1,500,000 for the state fiscal year ending August 31, 2012, and \$1,500,000 for the state fiscal year ending August 31, 2013.

Amendment No. 165 was withdrawn.

Amendment No. 164 was withdrawn.

Amendment No. 166

Representative Burnam offered the following amendment to **CSHB 1**:
Floor Packet Page No. 33

Amend **CSHB 1** in Article I of the bill, following the appropriations to the Comptroller of Public Accounts (page I-18), by adding the following appropriately numbered rider:

____. High Cost Gas Exemption Study. It is the intent of the legislature that the Comptroller of Public Accounts, using funds appropriated by this Act, conduct during the state fiscal year beginning September 1, 2011, a study of the tax exemption or reduction described in Section 201.057, Tax Code, for certain high-cost gas. The study shall include:

(a) an estimate of the loss of revenue for a six-year period including the current fiscal biennium;

(b) an assessment of the intended purpose of the provision and whether the provision is achieving that objective; and

(c) a recommendation for retaining, eliminating, or amending the provision.

It is further the intent of the legislature that the Comptroller report the conclusions of the study to the speaker of the house of representatives and the lieutenant governor not later than December 1, 2012, and include in the report a thorough explanation of each of the comptroller's recommendations and proposed legislation to implement the recommendations of the study.

Amendment No. 166 was adopted. (Phillips recorded voting no.) (The vote was reconsidered later today, and Amendment No. 166 was tabled by Record No. 251.)

Amendment No. 167

Representative Alonzo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 81

Amend **CSHB 1** in Article I by inserting the following rider, appropriately numbered, following the appropriations to the Texas Veterans Commission:

____. Texas Veterans Commission: Veterans Resource Centers. Out of the amount appropriated above out of the general revenue fund in Strategy A.1.3, Veterans Education, it is the intent of the legislature that, to the extent authorized by general law, the commission establish and administer veterans resource centers at institutions of higher education in the state to:

(1) provide a centralized place for veterans to find assistance and information while enrolled at an institution of higher education;

(2) deliver innovative, cost-effective programs to attract veterans and family members of veterans to attend public institutions of higher education;

(3) enable institutions of higher education to create veteran-friendly environments;

(4) encourage veterans to take advantage of government educational programs; and

(5) assist veterans in applying to public institutions of higher education.

Amendment No. 167 was withdrawn.

Amendment No. 168

Representative Turner offered the following amendment to **CSHB 1**:
Floor Packet Page No. 51

Amend **CSHB 1** as follows:

(1) In Article I, in the appropriations for Trusteed Programs Within the Office of the Governor (page I-50, house committee printing):

(A) decrease the appropriation under Strategy A.1.5. (Disability Issues) by \$1.1 million for each fiscal year of the biennium;

(2) In Article II, in the appropriations for the Department of Aging and Disability Services (page II-2, house committee printing) increase the General Revenue appropriation under Strategy A.7.1. (Intermediate Care Facilities-MR) by \$550,000.00 in FY2012 and \$550,000.00 in FY2013.

Amendment No. 169

Representative Turner offered the following amendment to Amendment No. 168:

Amend Amendment No. 168 to **CSHB 1** by Turner (prefiled amendment packet, page 51) in Item (1)(A) of the amendment by striking "\$1.1 million for each fiscal year of the biennium;" and substituting "\$1.1 million for the biennium;".

Amendment No. 169 was adopted.

Amendment No. 168, as amended, was adopted.

Amendment No. 170

Representative Villarreal offered the following amendment to **CSHB 1**:
Floor Packet Page No. 31

Amend **CSHB 1** in Article I of the bill, following the appropriations to the Comptroller of Public Accounts (page I-18), by adding the following appropriately numbered rider:

_____. Tax Preference Study. It is the intent of the legislature that the Comptroller of Public Accounts, using funds appropriated by this Act:

(1) conduct during the state fiscal year beginning September 1, 2011, a study on each credit, discount, exclusion, exemption, refund, special valuation, special accounting treatment, special rate, or special method of reporting authorized by state law that relates to a state or local tax imposed by this state and:

(A) determine the intended purpose of each tax preference described by this subdivision; and

(B) evaluate:

(i) whether the tax preference accomplishes its intended purpose;

(ii) whether the tax preference is inefficient, ineffective, or unnecessary, or the intended purpose of the tax preference is a low priority for this state; and

(iii) the effect of the tax preference on economic development, the number of high wage jobs, funding for public services, the distribution of the tax burden by income class and industry or business class, and total income by income class by this state;

(2) make recommendations for each tax preference studied regarding:

(A) continuing the tax preference;

(B) amending a provision relating to the tax preference; or

(C) repealing the tax preference; and

(3) report the conclusions of the study to the speaker of the house of representatives and the lieutenant governor not later than December 1, 2012, and include in the report a thorough explanation of each of the comptroller's recommendations and proposed legislation necessary to implement the findings of the study.

Amendment No. 171

Representative Villarreal offered the following amendment to Amendment No. 170:

Amend Amendment No. 170 by Villarreal to **CSHB 1** (page 31, prefiled amendment packet) as follows:

(1) On page 1, line 4 of the amendment, strike "Tax Preference Study."

(2) Strike page 1, lines 7-12 of the amendment and substitute:

(1) shall expand the existing Tax Exemptions and Tax Incidence report;

(2) conduct during the state fiscal year beginning September 1, 2011, a study of provisions that reduce the taxes owed by any taxpayer by state law that relates to a state or local education property tax imposed and:".

(3) On page 1, lines 19 and 20, strike "or the intended purpose of the tax preference is a low priority for this state".

(4) On page 1, strike line 26 through page 2, line 8 and substitute:

(3) prioritize tax preferences and complete as many evaluations described by item (1) of this rider as feasible; and

(4) schedule evaluations of the remaining tax preferences to be completed over the following four years.

Amendment No. 171 was adopted.

Amendment No. 170, as amended, was adopted.

Amendment No. 172

Representative Laubenberg offered the following amendment to **CSHB 1**:
Floor Packet Page No. 111

Amend **CSHB 1** as follows:

(1) On page II-46 of the bill pattern for the Department of State Health Services, reduce Strategy B.1.3 by \$4,583,575 for fiscal year ending August 31, 2012, and \$4,583,575 for fiscal year ending August 31, 2013.

(2) On page II-46 of the bill pattern for the Department of State Health Services, increase Strategy A.3.4 by \$4,583,575 for fiscal year ending August 31, 2012, and \$4,583,575 for fiscal year ending August 31, 2013.

Amendment No. 173

Representative Laubenberg offered the following amendment to Amendment No. 172:

Amend Amendment No. 172 to **CSHB 1** by Laubenberg (page 111 of the prefiled amendment packet) by striking item (2) of the amendment and substituting the following:

(2) In the Article appropriations to the Department of Family and Protective Services (page II-34), increase Strategy C.1.1. Star Program, by \$4,583,575 for the fiscal year ending August 31, 2012, and \$4,583,575 for the fiscal year ending August 31, 2013.

Amendment No. 173 was adopted.

Amendment No. 174

Representative Y. Davis offered the following amendment to Amendment No. 172:

Amend Amendment No. 172 to **CSHB 1** by Laubenberg (prefiled amendments packet, page 111) as follows:

(1) Strike Item (1) of the amendment and substitute the following:

(1) In the appropriations to the Department of State Health Services, strike the appropriations to Strategy B.1.3, Family Planning Services (page II-46), for each of the fiscal years ending August 31, 2012, and August 31, 2013, in their entirety.

(2) Add the following appropriately numbered item to the amendment and renumber subsequent items accordingly:

() In the Article II appropriations for the Department of State Health Services, increase the appropriations to the strategies in Goal A, Preparedness and Prevention, by an amount for each of the fiscal years ending August 31, 2012, and August 31, 2013, equal to the difference between the amount of the appropriation for the applicable fiscal year that was struck in Item (1) of this amendment and the amount by which the appropriation for Strategy A.3.4., Children with Special Needs, is increased under Item (2) of this amendment for that state fiscal year, and allocate the increased appropriation amounts equally to the strategies under that goal.

Amendment No. 174 was adopted. (The vote was reconsidered later today, and Amendment No. 174 was withdrawn.)

Amendment No. 172, as amended, was adopted by (Record 250): 113 Yeas, 29 Nays, 2 Present, not voting. (The vote was reconsidered later today, and Amendment No. 172, as amended, was adopted.)

Yeas — Aliseda; 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; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Thompson; Torres; Truitt; Turner; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Dukes; Dutton; Farias; Farrar; Gallego; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Reynolds; Strama; Veasey; Villarreal; Walle.

Present, not voting — Mr. Speaker; Bonnen(C).

Absent, Excused — Allen; Hilderbran.

Absent — Eiland; Mallory Caraway; Taylor, L.; Vo.

Amendment No. 166 - Vote Reconsidered

Representative Otto moved to reconsider the vote by which Amendment No. 166 was adopted.

The motion to reconsider prevailed.

Representative Otto moved to table Amendment No. 166.

The motion to table prevailed by (Record 251): 99 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Aliseda; 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.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales,

L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker; Bonnen(C).

Absent, Excused — Allen; Hilderbran.

Absent — Lozano.

Amendment No. 172 - Vote Reconsidered

Representative Pitts moved to reconsider the vote by which Amendment No. 172, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 174 - Vote Reconsidered

Representative Laubenberg moved to reconsider the vote by which Amendment No. 174 was adopted.

The motion to reconsider prevailed.

Amendment No. 174 was withdrawn.

Amendment No. 172, as amended, was adopted.

(Speaker in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Hamilton moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Licensing and Administrative Procedures to consider **HB 1822** and **HB 1936** at 8 a.m. Monday, April 4 in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Licensing and Administrative Procedures, 8 a.m. Monday, April 4, E2.030, for a public hearing, to consider **HB 1822**, **HB 1936**, and the previously scheduled agenda.

ADJOURNMENT

Representative Lozano moved that the house adjourn until 4 p.m. tomorrow, April 3.

The motion prevailed.

The house accordingly, at 12:39 a.m. Saturday, April 2, adjourned until 4 p.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 31

Business and Industry - **HB 663, HB 1278, HB 1429, HB 1448, HB 1821**

Corrections - **HB 1908, HB 2633**

Criminal Jurisprudence - **HB 115, HB 331, HB 1028, HB 1344, HB 1573, HB 1601, HB 1891**

Economic and Small Business Development - **HB 14, HB 2785**

Higher Education - **HB 743**

Homeland Security and Public Safety - **HB 530, HB 621, HB 750**

Judiciary and Civil Jurisprudence - **HB 417, HB 909**

Land and Resource Management - **SB 18**

Pensions, Investments, and Financial Services - **HB 2193**

State Sovereignty, Select - **HB 32, HB 335, HCR 27, HCR 85**

Transportation - **HB 468**

ENGROSSED

March 31 - HB 74, HB 92, HB 200, HB 215, HB 338, HB 361, HB 370, HB 388, HB 422, HB 434, HB 457, HB 549, HB 563, HB 612, HB 613, HB 646, HB 848, HB 850, HB 885, HB 993, HB 1209, HB 1404, HB 1510, HB 1551, HB 1844

RECOMMENDATIONS FILED WITH THE SPEAKER

March 31 - HB 1464, HB 1651, HB 1710, HB 1752, HB 1756, HB 1757, HB 1758, HB 1759, HB 1760, HB 1778, HB 1819, HB 1832, HB 1932, HB 1944, HB 1945, HB 2145, HB 2162, HB 2182, HB 2183, HB 2238, HB 2283, HB 2296, HB 2360, HB 2363, HB 2418, HB 2521, HB 2670, HB 2772, HB 2792, HB 2794, HB 2859, HB 2893, HB 2942, HB 3089, HB 3321, HB 3592, HB 3621, HB 3743, HB 3803, HB 3804, HB 3805, HB 3810, HB 3812, HB 3813, HB 3814, HB 3818, HB 3819

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SEVENTH DAY — SUNDAY, APRIL 3, 2011

The house met at 4 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 252).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Solomons.

The invocation was offered by Representative Simpson.

The speaker recognized Representative Harper-Brown who led the house in the pledges of allegiance to the United States and Texas flags.

UNFINISHED BUSINESS

The following bill was laid before the house as unfinished business:

CSHB 1 ON SECOND READING (by Pitts)

CSHB 1, General Appropriations Bill.

CSHB 1 was read second time on April 1, and 174 amendments were offered and disposed of before that day's adjournment.

Amendment No. 175

Representative T. King offered the following amendment to **CSHB 1**:

Floor Packet Page No. 250

Amend **CSHB 1**, on page IV-32, by increasing strategy, B.1.6., Felony Prosecutors, Expenses, by \$11,950 in Fiscal Year 2012 and \$11,950 in Fiscal Year 2013 for the 293rd Judicial District out of the general revenue fund; and

Amend **CSHB 1**, on page I-50, Trusted Programs Within the Office of the Governor, by reducing strategy A.1.3. by \$11,950 in Fiscal Year 2012 and \$11,950 in Fiscal Year 2013.

Amendment No. 176

Representative Workman offered the following amendment to Amendment No. 175:

Amend Amendment No. 175 by T. King to **CSHB 1** (page 250 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

(1) In Article I of the bill, in the appropriations for the Trusteed Programs Within the Office of the Governor, reduce the appropriation for the A.1.3. Strategy: Criminal Justice (page I-50) by \$407,181 for the state fiscal year ending August 31, 2012, and \$407,181 for the state fiscal year ending August 31, 2013.

(2) In Article I of the bill, in the appropriations to the Commission on State Emergency Communications, increase the appropriations for Strategy A.1.1., 9-1-1 Network Operation and Equipment Replacement (page I-29), by \$407,181 for the state fiscal year ending August 31, 2012, and by \$407,181 for the state fiscal year ending August 31, 2013.

(3) In Article I of the bill, following the appropriations to the Commission on State Emergency Communications, add the following appropriately numbered rider:

_____. Certain Regional Planning Commission. Out of the amounts appropriated above in Strategy A.1.1., 9-1-1 Network Operation and Equipment Replacement, the Commission on State Emergency Communications shall allocate to the regional planning commission that contains the seat of government for the state \$407,181 for the state fiscal year ending August 31, 2012, and \$407,181 for the state fiscal year ending August 31, 2013, for the purpose of continuing to operate each public service answering point in the regional planning commission that would otherwise cease to operate due to a reduction in the regional planning commission's budget.

Amendment No. 176 was adopted.

Amendment No. 175, as amended, was adopted.

Amendment No. 177

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 251

Amend **CSHB 1** as follows:

(1) On page IV-33 of the bill pattern, strike D.1.4. Strategy: PUBLIC INTEGRITY UNIT, TRAVIS CO, and renumber accordingly.

(2) On page IV-34 of the bill pattern, strike Rider 38, Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting, and renumber accordingly.

Contingent upon passage of **HB 1928**, or similar legislation, amend **CSHB 1** as follows:

(3) In Article I, Office of the Attorney General, on page ____, add a new goal to read as follows and number and insert the letter accordingly:

"____. Goal: SPECIAL PROGRAMS. ____1.1. Strategy: PUBLIC INTEGRITY UNIT."

(4) In Article I, Office of the Attorney General, on page ____, add a line item and authorize General Revenue appropriations in the amount of \$3,368,684 in each fiscal year for Strategy ____1.1, PUBLIC INTEGRITY UNIT, and number and insert the letter accordingly.

(5) In Article I, Office of the Attorney General, on page ____, add a new rider to read as follows and number it accordingly:

"____. Public Integrity Unit. The Public Integrity Unit, Office of the Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on fraud investigations of the Public Integrity Unit."

Amendment No. 177 was withdrawn.

Amendment No. 178

On behalf of Representative Hartnett, Representative Otto offered the following amendment to **CSHB 1**:

Floor Packet Page No. 252

On page IV-40 of the bill pattern for Special Provisions - Judiciary, add the following new rider:

____. Contingency Appropriation for **HB 2174**. Contingent on passage of **HB 2174**, or similar legislation relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs, by the Eighty-second Legislature, Regular Session, in addition to amounts appropriated elsewhere in this Act, there is hereby appropriated out of the fee revenue generated due to implementation of provisions of the **HB 2174** the following amounts:

a. \$3,500,000 in each fiscal year to the Office of Court Administration in Strategy A.2.1, Indigent Defense from the General Revenue-Dedicated Fair Defense Account No. 5073 to restore grants to counties.

In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority

provided above to be within the amount of revenue expected to be available. Further, in the event that actual receipts or revenue collections generated by enactment of **HB 2174**, or similar legislation, are in excess of the amounts appropriated by this provision, these amounts are appropriated for the purposes of basic civil legal services, indigent defense, and judicial technical support.

Any unexpended balances remaining as of August 31, 2012, out of appropriations herein are hereby appropriated to the respective agency or court for the fiscal year beginning September 1, 2012, for the same purposes.

Amendment No. 178 was withdrawn.

Amendment No. 179

Representative Thompson offered the following amendment to **CSHB 1**:
Floor Packet Page No. 253

Amend **CSHB 1** (house committee printing) in Article IV of the bill, following the Special Provisions - Judiciary, by adding the following appropriately numbered rider to the bill:

____. Contingent Appropriation for **HB 2502**. (a) Contingent on the enactment of **HB 2502** or similar legislation of the 82nd Legislature, Regular Session, relating to the fees collected by district court clerks on the filing of certain civil actions or proceedings to fund basic civil legal services, in addition to the other amounts appropriated in this Act, from the fee revenue generated from implementing **HB 2502**, \$3,300,000 is appropriated to the Supreme Court of Texas for Strategy B.1.1., Basic Civil Legal Services, in each state fiscal year of the biennium ending August 31, 2013.

(b) If the actual or projected revenue collections are insufficient to offset the money appropriated under Subsection (a) of this rider, the Legislative Budget Board may direct the comptroller of public accounts to reduce the amount of the appropriation to equal the estimated available revenue. If the actual receipts or revenue collections generated by the enactment of **HB 2502**, or similar legislation, exceed the amount appropriated under Subsection (a) of this rider, the amount that exceeds the amount appropriated under Subsection (a) is appropriated to the Supreme Court of Texas for Strategy B.1.1., Basic Civil Legal Services, in each state fiscal year of the biennium ending August 31, 2013.

(c) Of the appropriations made under Subsections (a) and (b) of this rider, any unexpended balances remaining on August 31, 2012, are appropriated to the district court that collected the fee under **HB 2502** for the state fiscal year beginning September 1, 2011, for basic civil legal services.

Amendment No. 179 was withdrawn.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of a flight delay:

Solomons on motion of Alvarado.

CSHB 1 - (consideration continued)**Amendment No. 180**

Representative Madden offered the following amendment to **CSHB 1**:
Floor Packet Page No. 265

Amend **CSHB 1** in Article V of the bill, in Rider No. 9, page V-15 by adding the following: No compression raise may be granted as a result of the salary adjustment authorized in this article.

Amendment No. 180 was adopted.

Amendment No. 181

Representative Madden offered the following amendment to **CSHB 1**:
Floor Packet Page No. 266

Amend **CSHB 1** in Article V of the bill, in Rider No. 10, page V-15, change the following: the appropriations to the Department of Criminal Justice by changing the word "may" in the first sentence to "shall" and removing "and employees residing in employee dormitories may receive three free meals per day."

Amendment No. 181 was adopted. (White recorded voting no.)

Amendment No. 182

Representative Madden offered the following amendment to **CSHB 1**:
Floor Packet Page No. 267

Amend **CSHB 1** in Article V, page V-16, of the bill, in Rider No. 12 by removing d. and adding the following language: "The state-owned housing at the Department of Criminal Justice shall be a cost recovery program. The total fees charged to employees shall at least cover the cost of maintenance and utilities.

Amendment No. 182 was adopted. (White recorded voting no.)

Amendment No. 183

Representative Madden offered the following amendment to **CSHB 1**:
Floor Packet Page No. 268

Amend **CSHB 1** on page V-20 by substituting the phrase "Correctional Managed Health Care Committee" for "Department of Criminal Justice" at any point in provision 37 entitled "Managed Health Care - Reporting Requirements." Similarly, on pages V-23 and V-24, in provision 57 entitled "Correctional Managed Health Care Payment Limitations," at any point where the phrase "Department of Criminal Justice" appears, substitute the phrase "Correctional Managed Health Care Committee," though where the phrase "Department of Criminal Justice's Health Services Division" appears, that language is to remain as is. Delete provisions 54 and 55 on page V-22.

Amendment No. 184

Representative Madden offered the following amendment to Amendment No. 183:

Amend Floor Amendment No. 183 by Madden to **CSHB 1** (page 268, prefiled amendment packet) as follows:

(1) Strike the last sentence of the amendment and substitute "Delete Rider No. 55 on Page V-22."

(2) Add a second paragraph to the amendment to read as follows:

Amend **CSHB 1** (the General Appropriations Act) in Article V of the bill under the appropriations to the Department of Criminal Justice by striking rider 54 (page V-22) and substituting the following:

54. Managed Health Care Staff Loan Repayment. Contingent on the enactment and becoming law of **HB 1908** or similar legislation of the 82nd Legislature, Regular Session, from the amounts appropriated above in Strategies C.1.7., Psychiatric Care, C.1.8., Managed Health Care—Unit Care, C.1.9., Managed Health Care—Hospital Care, and C.1.10, Managed Health Care—Pharmacy, the Department of Criminal Justice may use funds for loan repayment assistance for medical and mental health care staff.

Amendment No. 184 was adopted.

Amendment No. 183, as amended, was adopted.

Amendment No. 185

Representative Madden offered the following amendment to **CSHB 1**:
Floor Packet Page No. 270

Amend **CSHB 1**, Article V, page V-11, Strategy C.1.5., Department of Criminal Justice by adding the Inmate Package Program. The Department shall institute an inmate package program to allow family members and friends to purchase and ship gifts to inmates through authorized vendors. The program shall be open to all qualified vendors who can demonstrate the proper package security and background checks of employees.

(a) Qualified vendors must agree to dedicate a percent of all purchases made through the inmate package program to the credit of the State's General Fund. The percent will be determined by the Texas Board of Criminal Justice.

(b) No later than September 1, 2011, the Texas Department of Criminal Justice shall institute the inmate package program.

Amendment No. 185 was adopted.

Amendment No. 186

Representative Madden offered the following amendment to **CSHB 1**:
Floor Packet Page No. 269

Amend **CSHB 1** in Article V of the bill, Rider 54, page V-22 contingent upon passage of **HB 1908**, by removing the rider.

Amendment No. 186 was withdrawn.

Amendment No. 187

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 271

Amend **CSHB 1**, Article V, page V-24, add the following: contingent on the passage of **HB 3386**, allocate additional funds, received as a result of the annual inmate fee, to the cost of correctional health care Strategy C.1.8.

Amendment No. 188

Representative Madden offered the following amendment to Amendment No. 187:

Amend Amendment No. 187 by Madden to **CSHB 1** (page 271 of the prefiled amendment packet), by striking the language on lines 2 through 4 and substituting the following:

Contingent on the passage of **HB 3386** or similar legislation enacted by the 82nd legislature, allocate:

(1) additional funds received as a result of imposing an annual inmate fee to the cost of correctional health care Strategy C.1.8; and

(2) 50 percent of any adult correctional savings in the 2012-2013 biennium achieved through provisions other than a provision imposing an annual inmate fee in equal proportion to Article V, Strategies A.1.2, A.1.3, and A.1.4.

Amendment No. 188 was adopted.

Amendment No. 187, as amended, was withdrawn.

Amendment No. 189

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 274

On page V-XX of **CSHB 1**, add the following rider:

X. Contingency Rider for the Creation of the Juvenile Justice Department. Contingent upon the passage and enactment of **SB 653**, relating to the creation of the Juvenile Justice Department, or similar legislation, by the Eighty-second Legislature, Regular Session, 2011, all funds appropriated herein to the Texas Youth Commission and Juvenile Probation Commission are to be transferred to the Juvenile Justice Department in the following bill pattern:

	<u>2012</u>	<u>2013</u>
A. Goal: Community Juvenile Justice		
A.1.1. Community Supervision	\$ XX	XX
A.1.2. Post-adjudication Facilities	XX	XX
A.1.3. Juvenile Justice Alternative Education Programs	XX	XX
A.2.1. Training and Certification	XX	XX
A.2.2. Monitoring and Inspections	XX	XX
Total Goal A: Community Juvenile Justice	\$ XX	XX
B. Goal: State Services and Facilities		
B.1.1. Assessment and Orientation	\$ XX	XX
B.1.2. Facility Operations	XX	XX

B.1.3. Education	XX	XX
B.1.4. Halfway House Operations	XX	XX
B.1.5. Health Care	XX	XX
B.1.6. Mental Health (Psychiatric) Care	XX	XX
B.1.7. General Rehabilitation Treatment	XX	XX
B.1.8. Specialized Rehabilitation Treatment	XX	XX
B.1.9. Contract Capacity	XX	XX
B.1.10. Parole Services	XX	XX
B.2.1. Office of the Inspector General	XX	XX
B.2.2. Office of the Independent Ombudsman	XX	XX
B.2.3. Health Care Oversight	XX	XX
B.2.4. Interstate Agreement	XX	XX
Total Goal B: State Service and Facilities	\$ XX	XX
C. Goal: Indirect Administration		
C.1.1. Central Administration	\$ XX	XX
C.1.2. Information Resources	XX	XX
Total Goal B: State Service and Facilities	\$ XX	XX

The Legislative Budget Board and the Governor's Office of Budget, Planning and Policy, shall work together to perfect the bill pattern of the consolidated agency, ensuring that it reflects the above structure.

The riders included in the bill patterns of the Juvenile Probation Commission and the Texas Youth Commission are to be added to the bill pattern of the consolidated Juvenile Justice Department, with all references to either the Juvenile Probation Commission or the Texas Youth Commission replaced with the Juvenile Justice Department, with the addition of the following riders:

A.

Amendment No. 189 was withdrawn.

Amendment No. 190

On behalf of Representative McClendon, Representative Otto offered the following amendment to **CSHB 1**:

Floor Packet Page No. 275

Amend **CSHB 1** (house committee printing) in Article V of the bill, following the appropriations to the JUVENILE PROBATION COMMISSION, in Rider 2 (page V-30), to read: Restrictions, State Grants Aid. None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salaries or expenses of juvenile board members. None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salary increases of existing personnel in an amount greater than 12% of the previous year without approval of TJPC. ~~salaries of personnel that exceed 112% of the previous year.~~

Amendment No. 190 was withdrawn.

Amendment No. 191

Representative Menendez offered the following amendment to **CSHB 1**:

Floor Packet Page No. 277

Amend **CSHB 1** Article V as follows:

On page V-36 of the bill pattern for the Department of Public Safety in Rider 41 insert the following changes: From funds appropriated above, ~~the Texas Division of Emergency Management in Strategy D-1.5-A.1.4, Local Border Security, the Texas Division of Emergency Management~~ within the Department of Public Safety (DPS)'s bill pattern, is appropriated \$40,804,714 in fiscal years 2010-11 in General Revenue Dedicated Operators and Chauffeurs License Account No. 099, shall use \$20,042,101 in fiscal year 2012 and \$20,042,101 in fiscal year 2013 for the following border security expenditures:

(a) ~~\$7,000,000 to the Department of Public Safety~~ to fund DPS troopers along the border; in addition to the amount of full time equivalent positions listed elsewhere in this Act the number of full time equivalent positions for the Department of Public Safety is increased by 56;

(b) ~~\$1,853,676 to the Department of Public Safety~~ to fund Texas Ranger positions; in addition to the amount of full time equivalent positions listed elsewhere in this Act the number of full time equivalent positions for the Department of Public Safety is increased by 10;

(c) ~~\$21,951,038~~ for overtime and operational costs for increased patrol and investigative capacity for certified peace officers, certified part time peace officers, law enforcement support personnel (DPS and local), following the DPS overtime policy; and operational costs, per diem, and travel expenses for Texas Military Forces.

(d) ~~\$9,000,000~~ shall be used for the operations of the Border Operations Center and the Joint Operations and Intelligence Centers; and

(e) ~~\$1,000,000~~ shall be used for the operations of the Rio Grande Valley Border Security and Technology Training Center.

Out of funds appropriated, on or before December 15th of each year, the Department of Public Safety and ~~the Texas Division of Emergency Management~~ shall submit a report to the Legislative Budget Board and the Governor's Office on the expenditure of funds provided to local law enforcement agencies.

Prior to the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall be notified. As soon as possible after the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall receive written notification on the operational plans.

Any unexpended balances from appropriations listed above that are remaining as of August 31, ~~2010-2012~~ are hereby appropriated for the fiscal year beginning September 1, 2010-2012 for the same purpose(s).

Renumber the paragraphs accordingly.

Amendment No. 191 was withdrawn.

Amendment No. 192

Representative D. Miller offered the following amendment to **CSHB 1**:

Floor Packet Page No. 279

Amend **CSHB 1** (house committee printing) in Article V, in Rider 41 (page V-46), in Paragraph c., in the parenthetical between "DPS" and "and local", by inserting ", Parks and Wildlife Department,".

Amendment No. 192 was withdrawn.

Amendment No. 193

Representatives Riddle and D. Miller offered the following amendment to **CSHB 1**:

Floor Packet Page No. 280

Amend **CSHB 1** (house committee printing) in Rider 41.c. following the appropriations to the Department of Public Safety (page V-46), by striking "(DPS and)" and substituting "(DPS, Parks and Wildlife Department, and)".

Amendment No. 193 was adopted.

Amendment No. 194

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 282

Amend **CSHB 1** (house committee printing) in Article V by adding the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

Privacy; Priority Use of DPS Databases. The Department of Public Safety shall prioritize the use of its criminal history information system such that all felony and misdemeanor information is maintained as provided by law. None of the funds appropriated above for purposes of maintaining criminal history information shall be used to maintain personal identifying information of individuals who have been stopped for moving violations but not charged or issued a citation.

Amendment No. 194 was adopted.

Amendment No. 195

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 284

Amend **CSHB 1**, Article V, Texas Youth Commission, page V-47 through V-53, Texas Youth Commission lease terminations. The reduction in appropriations to the Texas Youth Commission will result in consolidations of staffing and physical plant for cost effectiveness. Texas Youth Commission is hereby authorized to terminate leases during the FY 2012-13 biennium to close district and other offices as needed. Texas Youth Commission shall work with the Texas Facility Commission to execute timely lease terminations consistent with organizational changes and closures resulting from reduced appropriations.

Amendment No. 195 was withdrawn.

Amendment No. 196

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 286

Amend **CSHB 1** in Article V of the bill, Texas Youth Commission, page V-51, Rider No. 5, by deleting the rider.

Amendment No. 196 was withdrawn.

Amendment No. 197

Representative Menendez offered the following amendment to **CSHB 1**:

Floor Packet Page No. 277

Amend **CSHB 1** Article V as follows:

On page V-36 of the bill pattern for the Department of Public Safety in Rider 41 insert the following changes: From funds appropriated above, ~~the Texas Division of Emergency Management in Strategy D.1.5-A.1.4, Local Border Security, the Texas Division of Emergency Management within the Department of Public Safety (DPS)'s bill pattern, is appropriated \$40,804,714 in fiscal years 2010-11 in General Revenue Dedicated Operators and Chauffeurs License Account No. 099,~~ shall use \$20,042,101 in fiscal year 2012 and \$20,042,101 in fiscal year 2013 for the following border security expenditures:

(a) ~~\$7,000,000 to the Department of Public Safety to fund DPS troopers along the border; in addition to the amount of full-time equivalent positions listed elsewhere in this Act the number of full-time equivalent positions for the Department of Public Safety is increased by 56;~~

(b) ~~\$1,853,676 to the Department of Public Safety to fund Texas Ranger positions; in addition to the amount of full-time equivalent positions listed elsewhere in this Act the number of full-time equivalent positions for the Department of Public Safety is increased by 10;~~

(c) ~~\$21,951,038 for overtime and operational costs for increased patrol and investigative capacity for certified peace officers, certified part time peace officers, law enforcement support personnel (DPS and local), following the DPS overtime policy; and operational costs, per diem, and travel expenses for Texas Military Forces.~~

(d) ~~\$9,000,000 shall be used for the operations of the Border Operations Center and the Joint Operations and Intelligence Centers; and~~

(e) ~~\$1,000,000 shall be used for the operations of the Rio Grande Valley Border Security and Technology Training Center.~~

Out of funds appropriated, on or before December 15th of each year, the Department of Public Safety ~~and the Texas Division of Emergency Management~~ shall submit a report to the Legislative Budget Board and the Governor's Office on the expenditure of funds provided to local law enforcement agencies.

Prior to the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall be notified. As soon as possible after the execution of a significant border

security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall receive written notification on the operational plans.

Any unexpended balances from appropriations listed above that are remaining as of August 31, ~~2010-2012~~ are hereby appropriated for the fiscal year beginning September 1, ~~2010-2012~~ for the same purpose(s).

Renumber the paragraphs accordingly.

Amendment No. 198

Representative Menendez offered the following amendment to Amendment No. 197:

Amend Amendment No. 197 to **CSHB 1** (page 277 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1**, in Article V of the bill, Rider No. 41 (page V-45 and V-46), as follows:

(1) In the first paragraph of the rider, strike "the Texas Division of Emergency Management" and substitute "the Texas Rangers Division".

(2) In Subsection c. of the rider between "peace officers" and "(DPS and local)" by adding ", certified part time peace officers, and law enforcement support personnel".

Amendment No. 198 was adopted.

Amendment No. 197, as amended, was adopted. (Weber recorded voting no.)

Amendment No. 199

Representative Madden offered the following amendment to **CSHB 1**:
Floor Packet Page No. 287

Amend **CSHB 1** in Article V, page V-52, of the bill, in Rider No. 13 by adding the following language: "The state-owned housing at the Texas Youth Commission shall be a cost recovery program. The total fees charged to all employees shall at least cover the cost of maintenance and utilities.

Amendment No. 199 was adopted.

Amendment No. 200

Representative Hamilton offered the following amendment to **CSHB 1**:
Floor Packet Page No. 288

Amend **CSHB 1**, following the appropriations to the Texas Youth Commission in Article V of the bill (page V-51), by adding the following appropriately numbered rider:

_____. Inspire, Encourage, Achieve. Notwithstanding the appropriation made under Strategy C.1.1, General Rehabilitation Treatment, the amount of that appropriation is reduced by \$400,000, and an appropriation is made to Inspire, Encourage, Achieve in the amount of \$400,000 for the state fiscal biennium ending August 31, 2013.

Amendment No. 200 was withdrawn.

Amendment No. 201

Representative Chisum offered the following amendment to **CSHB 1**:
Floor Packet Page No. 292

1. On page____ of the bill pattern for the Texas Department of Agriculture, add the following appropriately numbered new rider:

_____. Appropriations: Hostable Cotton Fee. In addition to the amounts appropriated above, any fees collected in accordance §74.0032, Texas Agriculture Code, in FY 2012 and FY 2013 are hereby appropriated from general revenue to Strategy A.1.3. Strategy: Integrated Pest Management, for the purpose of cotton stalk destruction regulatory activities.

Amendment No. 202

On behalf of Representative Darby, Representative Chisum offered the following amendment to Amendment No. 201:

Amend the Chisum amendment to **CSHB 1** (page 292, amendment packet) by making the following modification:

Appropriations: Hostable Cotton Fee. In addition to the amounts appropriated above, any fees collected in accordance §74.0032, Texas Agriculture Code, in excess of amounts for the applicable object code contained in the Comptroller of Public Accounts' Biennial Revenue Estimate in FY 2012 and FY 2013 are hereby appropriated from General Revenue to Strategy A.1.3, Strategy: Integrated Pest Management, for the purpose of cotton stalk destruction regulatory activities.

Amendment No. 202 was adopted.

Amendment No. 201, as amended, was adopted.

Amendment No. 203

Representative Martinez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 294

Amend **CSHB 1** in Article VI of the bill, following the appropriations to the Texas Department of Agriculture (page VI-9), by adding the following appropriately numbered rider:

_____. Contingent Increase of Number of Full-Time-Equivalents. Contingent on the receipt of a gift or grant to pay costs incurred by the department in performing its functions, the Texas Department of Agriculture may increase its number of full-time-equivalents to the extent that the grant or gift is allocated for salary costs. A full-time-equivalent authorized under this rider may not be

counted against the number of full-time-equivalents allowed to the department under this Act. The department shall report any additional full-time-equivalent positions authorized under this rider to the Comptroller of Public Accounts, the Legislative Budget Board, and the Governor before filling the position.

Amendment No. 203 was adopted.

Amendment No. 204

Representative Burnam offered the following amendment to **CSHB 1**:
Floor Packet Page No. 301

Amend **CSHB 1** in Article VI of the bill, page VI-21, by amending Texas Commission on Environmental Quality Rider 26 as follows:

(a) strike "\$583,289" and substitute "\$100,000";

(b) strike "The TCEQ shall use these funds in Strategy A.3.1, Radioactive Materials Management, to operate the Low-Level Radioactive Waste and Radioactive Materials Management programs" and substitute "These funds shall be provided to the TLLRWDC for additional operating costs once the low-level waste disposal site in Andrews County becomes operational"; and

(c) strike "None of these additional funds shall be used to pay for costs related to "full-time equivalent (FTE)" positions" and substitute "The TCEQ, upon completion of necessary actions to assess or increase fees to be deposited to the Low-Level Waste Account No. 88, shall furnish copies of the TCEQ's minutes and other information supporting the estimated revenues to be generated for the 2012-13 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes".

Amendment No. 204 was withdrawn.

Amendment No. 205

Representative Giddings offered the following amendment to **CSHB 1**:
Floor Packet Page No. 309

Rider xx. Improved Methodology for Calculation of Royalties on Flared and Vented Gas. It is the intent of the Legislature for the General Land Office to work with the Commission on Environmental Quality, the Railroad Commission, and the Comptroller of Public Accounts to attempt to identify and develop an improved methodology that ensures accurate measurement and/or estimation of the actual amount of vented and flared gas on state leases, and appropriate calculation of royalties to maximize revenues to the state. Any improved methods should reflect current knowledge about emissions and up-to-date best practices to most accurately determine the amount of gas vented and flared. The General Land Office shall implement any identified methodology improvements no later than December 31, 2011. The General Land Office shall provide notice and guidance to producers as needed to ensure compliance.

Amendment No. 205 was withdrawn.

Amendment No. 206

Representative Geren offered the following amendment to **CSHB 1**:

Floor Packet Page No. 314

Amend **CSHB 1** on page VI-xxx (Texas Parks and Wildlife Department) by inserting the appropriately-number rider and renumbering any subsequent riders accordingly.

_____. Receipts from the Sale of Eagle Mountain Lake. Proceeds previously received by the Texas Parks and Wildlife Department from the sale of Eagle Mountain Lake State Park (\$9,266,191) shall be held in a dedicated sub-account within General Revenue Dedicated Account 64 for future acquisition and development of a park site to replace Eagle Mountain Lake State Park.

Amendment No. 206 was adopted.

Amendment No. 207

Representative Workman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 321

Amend **CSHB 1** as follows:

(1) Under the Article VI appropriations to the Railroad Commission, add the following appropriately numbered rider:

_____. Contingency for **HB 1273**. Contingent on **HB 1273**, 82nd Legislature, Regular Session, 2011, or other similar legislation relating to the regulation of propane utility companies, being enacted and becoming law:

(1) the general revenue appropriations for Strategy A.2.1, Gas Utility Compliance, are increased by \$150,000 for the fiscal year ending August 31, 2012, and increased by \$150,000 for the fiscal year ending August 31, 2013; and

(2) the general revenue appropriations for Strategy A.3.1, Promote Alternative Energy Resource, are reduced by \$150,000 for the fiscal year ending August 31, 2012, and reduced by \$150,000 for the fiscal year ending August 31, 2013.

(2) Adjust the article totals and methods of financing accordingly.

Amendment No. 207 was withdrawn.

Amendment No. 208

On behalf of Representative McClendon, Representative Darby offered the following amendment to **CSHB 1**:

Floor Packet Page No. 338

Amend **CSHB 1** (house committee printing) in Article VII of the bill, following the appropriations to the Texas Department of Transportation, in Rider 43 (page VII-35), by striking "Department of Transportation for implementation of the Texas Rail Plan" and substituting "Texas rail relocation and improvement fund for implementation of the Texas Rail Plan. To the extent that such federal funding is identified, but requires the matching by or commitment of state dollars, an amount not to exceed \$50 million is allocated, for fiscal years 2012 and 2013,

to the Texas rail relocation and improvement fund for such purpose from any amounts appropriated above to the Texas Department of Transportation that are not constitutionally dedicated for some other purpose".

Amendment No. 208 was adopted.

Amendment No. 209

Representative Raymond offered the following amendment to **CSHB 1**:
Floor Packet Page No. 298

Amend **CSHB 1**, in the Article VI appropriations, following the appropriations to the Texas Commission on Environmental Quality, in Subsection (a) of Rider 9 (page VI-22), by striking "24-month" and substituting "six-month".

Amendment No. 210

Representative Darby offered the following amendment to Amendment No. 209:

Amend Amendment No. 209 to **CSHB 1** by Raymond (prefiled amendments packet, page 298) as follows:

(1) On page 1, lines 3 through 4 of the amendment, strike "Rider 9 (page VI-22)" and substitute "Rider 33 (pages VI-22 through VI-23)".

(2) On page 1, line 4 of the amendment, strike "substituting "six-month"." and substitute "substituting "18-month".".

Amendment No. 210 was adopted.

Amendment No. 209, as amended, was adopted.

Amendment No. 211

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 326

Amend **CSHB 1** as follows:

(1) In Article VII, page ____, reduce general revenue funding for the Texas Lottery Commission, Strategy A.1.8, Mass Media Advertising by \$7,184,949 in FY2012 and by \$7,184,950 in FY2013.

(2) Increase funding in Article III, page ____, strategy B.1.4, Educational Aide Program, by \$7,184,949 in FY2012 and by \$7,184,950 in FY2013.

Amend **CSHB 1**, Article III Higher Education Coordinating Board to add the following appropriately numbered rider:

____: Educational Aide Program. The amounts appropriated above in Strategy B.1.4, Educational Aide Program, shall be expended by the Higher Education Coordinating Board so as to ensure priority for persons who have previously been awarded a tuition exemption in order that they may complete teacher certification. Any balances on hand at the end of fiscal year 2012 may be carried over to fiscal year 2013 and any such funds are appropriated for fiscal year 2013 for the same purpose.

Amendment No. 211 was withdrawn.

Amendment No. 212

Representative Alonzo offered the following amendment to **CSHB 1**:

Floor Packet Page No. 342

Amend **CSHB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

_____. Proposed Dallas Streetcar Line. It is the intent of the 82nd Legislature of the State of Texas to express support for and urge the Texas Department of Transportation to provide funding for the promotion of economic development through the construction by the City of Dallas of a streetcar line connecting downtown Dallas and Oak Cliff.

Amendment No. 212 was withdrawn.

Amendment No. 213

Representative Giddings offered the following amendment to **CSHB 1**:

Floor Packet Page No. 309

Rider xx. Improved Methodology for Calculation of Royalties on Flared and Vented Gas. It is the intent of the Legislature for the General Land Office to work with the Commission on Environmental Quality, the Railroad Commission, and the Comptroller of Public Accounts to attempt to identify and develop an improved methodology that ensures accurate measurement and/or estimation of the actual amount of vented and flared gas on state leases, and appropriate calculation of royalties to maximize revenues to the state. Any improved methods should reflect current knowledge about emissions and up-to-date best practices to most accurately determine the amount of gas vented and flared. The General Land Office shall implement any identified methodology improvements no later than December 31, 2011. The General Land Office shall provide notice and guidance to producers as needed to ensure compliance.

Amendment No. 213 was adopted. (The vote was reconsidered later today, and Amendment No. 213 was amended by Amendment No. 242 and was tabled by Record No. 255.)

Amendment No. 214

Representative Alonzo offered the following amendment to **CSHB 1**:

Floor Packet Page No. 343

Amend **CSHB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

_____. Offer of Certain Real Property to Nonprofit Corporation. (a) In this section, "nonprofit corporation" means a corporation governed as a nonprofit corporation under the Business Organizations Code.

(b) It is the intent of the legislature that the Texas Department of Transportation is authorized to take title to unusable remainder real property not to be used for right-of-way purposes as part of the acquisition, from funds appropriated to the department, of real property for right-of-way purposes.

(c) Notwithstanding Section 202.021, Transportation Code, the Texas Department of Transportation shall offer the real property described by Subsection (b) to a nonprofit corporation designated by the municipality in which the real property is located or, if the real property is not located in a municipality, by the county in which the real property is located, without cost or expense to the designated nonprofit corporation.

(d) Property acquired under this section by a nonprofit corporation or by another entity from a nonprofit corporation that acquired the property under this section must be used for the public purpose of development and diversification of the state economy.

Amendment No. 214 was withdrawn.

Amendment No. 215

Representative Alonzo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 344

Amend **CSHB 1** in Article VII of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Department of Transportation:

____. Use of Emerging Fund Managers for Investments. (a) To the extent that the Texas Department of Transportation contracts with private professional investment managers to manage or assist in managing money appropriated to the department by this Act or otherwise acquires private financial services for money appropriated by this Act, it is the intent of the legislature that the department shall make a good faith effort to award contracts to or acquire services from qualified emerging fund managers.

(b) For purposes of Subsection (a):

(1) "Emerging fund manager" means a private professional investment manager that manages assets of not more than \$5 billion.

(2) "Private financial services" includes pension fund management, consulting, investment advising, brokerage services, hedge fund management, private equity fund management, and real estate investment.

Amendment No. 215 was withdrawn.

Amendment No. 216

Representative Eiland offered the following amendment to **CSHB 1**:
Floor Packet Page No. 359

Amend **CSHB 1** as follows:

Under Article VIII, on page VIII-21 by deleting Rider No. 12.

Amendment No. 217

Representative Eiland offered the following amendment to Amendment No. 216:

Amend Amendment No. 216 to **CSHB 1** by Eiland (page 359 of the prefiled amendments packet) on page 1 of the amendment, by striking lines 2-3 and substituting:

In Article VIII, following the appropriations to the Texas Department of Insurance, in Rider 12 (page VIII-21), strike "a line of insurance" and substitute "property and casualty insurance, including workers' compensation insurance,".

Amendment No. 217 was adopted.

Amendment No. 216, as amended, was adopted.

Amendment No. 218

Representative Castro offered the following amendment to **CSHB 1**:
Floor Packet Page No. 360

Amend **CSHB 1** on page VIII-19 (Department of Insurance) by inserting the appropriately-numbered rider and renumbering any subsequent riders accordingly.

_____. Review of Mental Disorders. It is the intent of the Legislature that, out of funds appropriated above, the department shall conduct a review of health benefit plan insurers to determine, since fiscal year 2002, the number, type, and geographic location of claims for the treatment of a mental disorder as listed in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition, of a child younger than 18 years of age. The department shall prepare a report for the 83rd Legislature detailing their findings. The department may not include in its report any data that could reasonably be used to identify a specific enrollee in a health benefit plan or that in any way violates confidentiality requirements of state or federal law applicable to an enrollee in a health benefit plan.

Amendment No. 218 was adopted.

Amendment No. 219

Representative Turner offered the following amendment to **CSHB 1**:
Floor Packet Page No. 366

Amend **CSHB 1** under Article VIII as follows:

(1) On page VIII-63, Rider 9., make read as follows:

9. Low Income Discount. All amounts appropriated above in Strategy C.1.1, Energy Assistance, shall only be expended to provide a discount of up to 20 percent during the months of May through September in each fiscal year. Any balances left unencumbered for each appropriated year shall be expended on a month to month basis until all appropriated funds from the account are spent on the Low Income Discount.

Amendment No. 219 was adopted. (Legler and Weber recorded voting no.)

Amendment No. 220

Representative Y. Davis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 368

Amend **CSHB 1** (house committee printing) by adding the following appropriately numbered rider to Part 1 of Article IX of the bill (page IX-1):

_____. Administration of Programs. It is the intent of the legislature that each state agency, using funds appropriated to the agency under this Act, shall:

(1) develop and implement procedures to improve the efficiency of, and maximize the federal funding for, programs administered by the agency;

(2) develop and implement procedures to ensure that all programs administered by the agency comply with applicable state and federal laws; and

(3) conduct a study to determine whether the creation of new programs or expansion of existing services would improve the agency's ability to perform its assigned duties.

Amendment No. 220 was withdrawn.

Amendment No. 221

Representative Strama offered the following amendment to **CSHB 1**:
Floor Packet Page No. 365

Amend **CSHB 1** as follows:

(1) In ARTICLE VIII of the bill, insert a new Section, appropriately numbered, to read as follows:

Sec. _____. Contingency Rider: Power to Choose Website. Contingent upon the passage of **SB 1219** or similar legislation, out of the funds appropriated above, the Public Utility Commission shall allocate up to \$____ to redesign the state's Power to Choose website to improve usability and facilitate customer choice in the state's deregulated electric market. The Commission may accept gifts, grants or donations to support this activity.

(2) Renumber subsequent RIDERS of ARTICLE VIII of the bill appropriately.

Amendment No. 222

Representative Strama offered the following amendment to Amendment No. 221:

Amend Amendment No. 221 by Strama to **CSHB 1** (prefiled amendment packet page 365) as follows:

(1) Strike "shall allocate up to \$____" and substitute "may allocate up to \$150,000".

(2) Strike "market. The Commission may accept gifts, grants or donations to support this activity" and substitute "market, and the Commission may accept gifts and grants as authorized by general law to pay for the additional costs of redesigning the Power to Choose website."

Amendment No. 222 was adopted.

Amendment No. 221, as amended, was adopted.

Amendment No. 223

Representative Farias offered the following amendment to **CSHB 1**:

Floor Packet Page No. 353

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article VII of the bill, in the appropriations to the Texas Workforce Commission, in A.2.1. Strategy: Skills Development (page VII-36):

(A) amend the funding for the state fiscal year ending August 31, 2012, by striking "\$24,272,415" and substituting "\$22,325,280"; and

(B) amend the funding for the state fiscal year ending August 31, 2013, by striking "\$24,269,528" and substituting "\$22,322,392".

(2) In Article III of the bill, in the appropriations to Texas A&M University-San Antonio, in C.1.1. Strategy: Transition Funding (page III-85):

(A) amend the funding for the state fiscal year ending August 31, 2012, by striking "\$5,682,849" and substituting "\$7,629,984"; and

(B) amend the funding for the state fiscal year ending August 31, 2013, by striking "\$5,682,849" and substituting "\$7,629,985".

(3) Adjust totals and methods of finance accordingly.

Amendment No. 223 was withdrawn.

Amendment No. 224

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 251

Amend **CSHB 1** as follows:

(1) On page IV-33 of the bill pattern, strike D.1.4. Strategy: PUBLIC INTEGRITY UNIT, TRAVIS CO, and renumber accordingly.

(2) On page IV-34 of the bill pattern, strike Rider 38, Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting, and renumber accordingly.

Contingent upon passage of **HB 1928**, or similar legislation, amend **CSHB 1** as follows:

(3) In Article I, Office of the Attorney General, on page ____, add a new goal to read as follows and number and insert the letter accordingly:

"____. Goal: SPECIAL PROGRAMS. ____1.1. Strategy: PUBLIC INTEGRITY UNIT."

(4) In Article I, Office of the Attorney General, on page ____, add a line item and authorize General Revenue appropriations in the amount of \$3,368,684 in each fiscal year for Strategy ____1.1, PUBLIC INTEGRITY UNIT, and number and insert the letter accordingly.

(5) In Article I, Office of the Attorney General, on page ____, add a new rider to read as follows and number it accordingly:

"____. Public Integrity Unit. The Public Integrity Unit, Office of the Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The

report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on fraud investigations of the Public Integrity Unit."

Amendment No. 225

Representative Geren offered the following amendment to Amendment No. 224:

Amend Amendment No. 224 to **CSHB 1** (prefiled amendment packet, page 251) by striking everything after "**CSHB 1**" and substituting the following:

by inserting the following appropriately-numbered rider in Article XI of the bill:

____. CONTINGENCY APPROPRIATION RELATED TO **HB 1928**. Contingent on the enactment and becoming law of **HB 1928** or similar legislation of the 82nd Legislature relating to the prosecution of offenses against public administration, including ethics offenses, offenses involving insurance fraud, and offenses involving motor fuels tax, the amount appropriated to the Judiciary Section, Comptroller's Department on page IV-33 in Strategy D.1.4 to the Public Integrity Unit, Travis County, is appropriated to the Office of the Attorney General for the purpose of implementing the legislation. If **HB 1928** or similar legislation of the 82nd Legislature is enacted and becomes law, the Public Integrity Unit, Office of Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor the preceding fiscal year ending August 31 in a format prescribed by the Board and the Governor that includes annual statistical information on fraud investigations of the Public Integrity Unit.

Amendment No. 225 was adopted.

Amendment No. 224, as amended, was withdrawn.

Amendment No. 226

Representatives Martinez and Shelton offered the following amendment to **CSHB 1**:

Floor Packet Page No. 369

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article IX of the bill, in the Schedule C Classification Salary Schedule (page IX-17), under Salary Rates in the first line of the schedule, strike "<6 Years ≥6 Years ≥10 Years ≥14 Years ≥18 Years ≥22 Years" and substitute the following new first line for the schedule:

"<4 Years ≥4 Years ≥8 Years ≥12 Years ≥16 Years ≥20 Years".

(2) In Article IX of the bill, in Section 3.08 of that article (page IX-21), strike Subsection (e) of that section.

Amendment No. 226 was adopted. (Weber recorded voting no.)

Amendment No. 227

Representative P. King offered the following amendment to **CSHB 1**:

Floor Packet Page No. 376

Amend **CSHB 1**, in Article IX, by inserting the following rider, appropriately numbered, in Part 3:

3. _____. Contingent Rider: State Employee Furlough. Contingent on **HB 2720**, or similar legislation of the 82nd Legislature, Regular Session, authorizing state agencies to furlough employees, being enacted and becoming law, the money appropriated to each agency under this Act for employee wages and salaries for the state fiscal year ending August 31, 2012, and the state fiscal year ending August 31, 2013, is reduced by an amount equal to three days' wages or salary for each employee of the agency.

Amendment No. 227 was withdrawn.

Amendment No. 228

Representative P. King offered the following amendment to **CSHB 1**:

Floor Packet Page No. 377

Amend **CSHB 1** in Article IX by adding the following rider, numbered appropriately, in Part 3:

3. _____. Hiring Freeze. (a) In this section, "state agency" means a public entity in the executive branch of state government eligible under law to receive an appropriation.

(b) Except as provided by Subsection (d) of this section, during the state fiscal biennium that ends August 31, 2013, it is the intent of the legislature that a state agency not:

(1) fill the position of an employee if the position:

(A) is vacant on September 1, 2011; or

(B) becomes vacant after September 1, 2011; or

(2) divert to another use, including a use for salary, wages, or benefits of another employee, money appropriated for the salary, wages, or benefits attributable to a position described by Subdivision (1) of this subsection.

(c) On September 1, 2013, the comptroller shall deposit any unexpended money appropriated for salary, wages, or benefits for an employee's vacant position to which Subsection (b) of this section applies to the credit of the fund or account from which the money was appropriated.

(d) It is the intent of the legislature that a state agency fill a vacant position and use to fill that position money appropriated for the salary, wages, or benefits attributable to one or more positions described by Subsection (b)(1) of this section only if the agency determines that filling the position is necessary to prevent or ameliorate an emergency related to the agency's public purposes.

Amendment No. 229

Representative P. King offered the following amendment to Amendment No. 228:

Amend Amendment No. 228 by P. King on pg. 377 to read:

Amend **CSHB 1** in Article IX by adding the following rider, numbered appropriately, in Part 3:

3. _____. Hiring Freeze. (a) In this section, "state agency" means a public entity in the executive branch of state government eligible under law to receive an appropriation.

(b) Except as provided by Subsection (d) of this section, during the state fiscal biennium that ends August 31, 2013, it is the intent of the legislature that a state agency not:

(1) fill the position of an employee if the position:

(A) is vacant on September 1, 2011; or

(B) becomes vacant after September 1, 2011; or

(2) divert to another use, including a use for salary, wages, or benefits of another employee, money appropriated for the salary, wages, or benefits attributable to a position described by Subdivision (1) of this subsection.

(c) On September 1, 2013, the comptroller shall deposit any unexpended money appropriated for salary, wages, or benefits for an employee's vacant position to which Subsection (b) of this section applies to the credit of the fund or account from which the money was appropriated.

(d) It is the intent of the legislature that a state agency fill a vacant position and use to fill that position money appropriated for the salary, wages, or benefits attributable to one or more positions described by Subsection (b)(1) of this section only if the agency determines that filling the position is necessary to prevent or ameliorate an emergency related to the agency's public purposes. Upon such determination the agency shall notify the governor and the Legislative Budget Board of:

(1) the nature of the emergency

(2) any other information requested by the governor or the Legislative Budget Board.

(e) Once notice is provided on a specific position pursuant to Subsection (d) of this section, no additional notice is required in the event that same position becomes vacant again.

(f) This section expires September 2, 2013.

Amendment No. 229 was adopted.

Amendment No. 230

Representative Gutierrez offered the following amendment to Amendment No. 228:

Amend the amendment to **CSHB 1** by P. King to read:

Amend **CSHB 1**, Section (2), Subsection (d) in Article IX to read:

(d) It is the intent of the legislature that a state agency fill a vacant position and use to fill that position money appropriated for the salary, wages, or benefits attributable to one or more positions described by Subsection (b)(1) of this section only if the agency first determines that filling the position remains critically related to the agency's ability to perform its core function. ~~is necessary to prevent or ameliorate an emergency related to the agency's public purposes~~ Upon such determination the agency shall notify the governor and the members of the Legislative Budget Board of:

(1) the nature of the ~~emergency~~ critical vacancy

(2) ~~any other~~ information pertinent to the initial notification of the vacancy requested by the governor or the Legislative Budget Board.

(e) Once notice is provided on a specific position pursuant to Subsection (d) of this section, no additional notice is required in the event that same position becomes vacant again.

(f) This section expires September 2, 2013.

Amendment No. 230 was adopted.

Amendment No. 228, as amended, was adopted.

Amendment No. 231

Representative R. Anderson offered the following amendment to **CSHB 1**:
Floor Packet Page No. 379

Add the following appropriately numbered rider to Article IX, general limitation on expenditures.

TEXAS JOBS. It is the intent of the Legislature that as little as possible of the funds appropriated by this Act shall be expended by a state agency to purchase or otherwise acquire goods made or services provided by persons or companies whose primary residence or place of business is outside of Texas. None of the funds appropriated by this Act may be expended on vendors for a professional service or good or otherwise expended to outsource a function without considering:

(A) the anticipated economic impact on the state of Texas or a subdivision thereof;

(B) whether the provider or vendor's principal place of business is in the state of Texas; and

(C) the employment of persons residing in Texas to perform the function.

Amendment No. 231 was withdrawn.

Amendment No. 232

Representative Isaac offered the following amendment to **CSHB 1**:
Floor Packet Page No. 382

Amend **CSHB 1** by adding the following appropriately numbered rider to Part 6 of Article IX of the bill:

Sec. 6. _____. Legislative Intent. It is the intent of the Legislature that funds appropriated from general revenue under this Act may not be used to compel a person to purchase, or to enforce a requirement that a person purchase, health insurance or similar health coverage.

Amendment No. 233

Representative Isaac offered the following amendment to Amendment No. 232:

Amend Floor Amendment No. 232 by Isaac (page 382, pre-filed amendments packet) to read as follows:

Amend **CSHB 1** by adding the following appropriately numbered rider to Part 6 of Article IX of the bill:

Sec. 6. _____. Legislative Intent. It is the intent of the Legislature that funds appropriated from general revenue under this Act ~~may~~ not be used to compel a person to purchase, or to enforce a requirement that a person purchase, health insurance or similar health coverage, unless the funds appropriated from general revenue under this Act have first been used for the purposes specified in this Act.

Amendment No. 233 was adopted.

Amendment No. 232, as amended, was adopted. (Anchia and Johnson recorded voting no.)

Amendment No. 234

Representative Orr offered the following amendment to **CSHB 1**:

Floor Packet Page No. 387

Amend **CSHB 1** (house committee printing) in Article IX of the bill, in Part 18, Contingency and Other Provisions, by striking Section 18.06, Contingency Appropriation Requiring Statutory Change: General Obligation Bond Proceeds for Cancer Prevention and Research Grants (page IX-70).

Amendment No. 235

Representative Orr offered the following amendment to Amendment No. 234:

Amend Amendment No. 234 to **CSHB 1** by Orr (page 387 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article IX of the bill, in Part 18, Contingency and Other Provisions, by amending Section 18.06 (page IX-70), as follows:

- (1) Strike "\$300,000,000" and substitute "\$100,000,000".
- (2) Strike "\$2,246,137" and substitute "\$1,661,616".
- (3) Strike "\$12,201,863" and substitute "\$3,055,686".

Amendment No. 235 was adopted. (Isaac recorded voting no.)

Representative Pitts moved to table Amendment No. 234, as amended.

The motion to table prevailed by (Record 253): 125 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez

Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Cain; Christian; Creighton; Hancock; Harper-Brown; Hartnett; Hughes; King, P.; Laubenberg; Murphy; Orr; Phillips; Quintanilla; Weber; Zedler.

Present, not voting — Mr. Speaker(C); Ritter.

Absent, Excused — Allen; Solomons.

Absent — Garza; Guillen; King, T.; Menendez; Raymond.

STATEMENTS OF VOTE

I was shown voting no on Record No. 253. I intended to vote yes.

C. Anderson

I was shown voting yes on Record No. 253. I intended to vote no.

Elkins

I was shown voting yes on Record No. 253. I intended to vote no.

Flynn

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted yes.

Guillen

I was shown voting yes on Record No. 253. I intended to vote no.

Legler

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted yes.

Menendez

I was shown voting yes on Record No. 253. I intended to vote no.

S. Miller

I was shown voting yes on Record No. 253. I intended to vote no.

Nash

I was shown voting yes on Record No. 253. I intended to vote no.

Parker

I was shown voting yes on Record No. 253. I intended to vote no.

Paxton

I was shown voting no on Record No. 253. I intended to vote yes.

Quintanilla

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

I was shown voting yes on Record No. 253. I intended to vote no.

W. Smith

REASON FOR VOTE

I voted yea on the motion to table because both of my parents died from cancer and I believe we should continue to fund cancer research.

Harless

Amendment No. 236

Representative Patrick offered the following amendment to **CSHB 1**:

Floor Packet Page No. 390

Amend **CSHB 1** as follows:

(1) On page IX-71 of Article IX of **CSHB 1**, add the following appropriately numbered rider:

_____. Contingency Appropriation for **HB 862**. Contingent on passage and enactment of **HB 862**, or similar legislation relating to putting the State Board of Education and the State Board for Educator Certification under periodic review by the Sunset Advisory Commission, amounts appropriated on page III-2 of the Texas Education Agency bill pattern in Strategy A.2.4, School Improvement and Support Programs are hereby reduced by \$115,000 in General Revenue fiscal year 2012 and \$66,000 in General Revenue in fiscal year 2013, and amounts referenced on page III-13 in Texas Education Agency, Rider 38, Funding for Regional Education Service Centers, are hereby reduced by \$115,000 in fiscal year 2012 and \$66,000 in fiscal year 2013.

Contingent on passage and enactment of **HB 862**, or similar legislation relating to putting the State Board of Education and the State Board for Educator Certification under periodic review by the Sunset Advisory Commission, amounts appropriated elsewhere in this Act for the operation of the Sunset Advisory Commission are hereby increased by \$115,000 in General Revenue in fiscal year 2012 and \$66,000 in General Revenue in fiscal year 2013.

Amendment No. 236 was withdrawn.

Amendment No. 237

Representative Eiland offered the following amendment to **CSHB 1**:

Floor Packet Page No. 391

Amend **CSHB 1** (house committee printing) in Article XI, insert the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

_____. CONTINGENCY APPROPRIATIONS. Contingent upon the enactment of **HB 259**, or similar legislation, relating to an assessment on subscription video service providers, by the Eighty-second Legislature, Regular Session 2011 and contingent upon the Comptroller's certification of available General Revenue of approximately \$240 million in for the biennium above the Comptroller's 2011 Biennial Revenue Estimate, the General Revenue generated by the legislation shall be appropriated as follows:

(a) On page II-21, for Total, Goal A. Children with Disabilities, strike "156,619,856" for year 2012 and substitute "222,228,813" and strike "156,618,368" for year 2013 and substitute "235,068,075" to fully fund at recommended levels.

(b) On page II-34, for Total, Goal C: Prevention Programs, strike "24,123,549" in year 2012 and substitute "45,883,571" and strike "24,123,550" in year 2013 and substitute "45,883,571" to fully fund at 2010-2011 levels

(c) On page II-46 for strategy B.2.6 Reduce Use of Tobacco Products, strike "2,662,173" in year 2012 and substitute "9,450,315", and strike "2,115,062" in year 2013 and substitute "9,450,315" to fully fund at 2010-2011 levels.

(d) On page II-47 for strategy C.2.1 Mental Health Community Hospitals, strike "29,239,096" in year 2012 and substitute "48,388,046.50" and strike "29,239,096" in year 2013 and substitute "48,388,046.50" to fund near recommended levels.

Amendment No. 237 was withdrawn.

Amendment No. 238

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 392

Please Amend **CSHB 1** by adding the following rider in the appropriate section of the bill:

18 Month Budget: Notwithstanding any other provision in this Act, all Fiscal Year 2013 appropriations that are funded by general revenue are reduced by 50% and expenditures authorized by this Act shall not continue past March 1, 2013.

Representative Pitts moved to table Amendment No. 238.

The motion to table prevailed by (Record 254): 98 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren;

Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Larson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Solomons.

Amendment No. 239

Representative Castro offered the following amendment to **CSHB 1**:
Floor Packet Page No. 395

Amend **CSHB 1** as follows:

(1) On page X-2 of the House of Representative's bill pattern, reduce general revenue appropriations to Strategy A.1.1., House of Representatives, by \$3,000,000 in fiscal year 2013.

(2) On page X-1 of the Senate's bill pattern, reduce general revenue appropriations to Strategy A.1.1., Senate, by \$3,000,000 in fiscal year 2013.

(3) On page X-4 of the Legislative Council's bill pattern, reduce general revenue appropriations to Strategy A.1.1., Legislative Council, by \$6,000,000 in fiscal year 2013.

(4) On page I-39 of the Facilities Commission's bill pattern, reduce general revenue appropriations to Strategy B.2.1., Facilities Operation, by \$500,000 in fiscal year 2012 and \$500,000 in fiscal year 2013.

(5) On page II-22 of the Department of Assistive and Rehabilitative Services bill pattern, increase general revenue appropriations to Strategy B.3.4., Comprehensive Rehabilitation, by \$6,500,000 in fiscal year 2012 and \$6,500,000 in fiscal year 2013.

Amendment No. 239 was adopted.

Amendment No. 240

Representative Castro offered the following amendment to **CSHB 1**:
Floor Packet Page No. 396

Amend **CSHB 1** as follows:

(1) On page X-2 of the House of Representative's bill pattern, reduce general revenue appropriations to Strategy A.1.1., House of Representatives, by \$3,000,000 in fiscal year 2013.

(2) On page X-1 of the Senate's bill pattern, reduce general revenue appropriations to Strategy A.1.1., Senate, by \$3,000,000 in fiscal year 2013.

(3) On page X-4 of the Legislative Council's bill pattern, reduce general revenue appropriations to Strategy A.1.1., Legislative Council, by \$4,000,000 in fiscal year 2013.

(4) On page III-2 of the Texas Education Agency's bill pattern, increase general revenue appropriations to Strategy A.2.4., School Improvement and Support Programs, by \$5,000,000 in fiscal year 2012 and \$5,000,000 in fiscal year 2013.

(5) On page III-10 of the Texas Education Agency's bill pattern, amend rider 24 as follows:

24. Communities in Schools. Out of the funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, ~~\$5,000,000~~ \$10,000,000 in General Revenue and \$4,842,342 in TANF funds in fiscal year 2012 and ~~\$5,000,000~~ \$10,000,000 in General Revenue and \$4,842,341 in TANF funds in fiscal year 2013 are allocated for the Communities in Schools Program.

Amendment No. 240 was adopted.

Amendment No. 241

Representative Orr offered the following amendment to **CSHB 1**:

Floor Packet Page No. 398

Amend **CSHB 1** (house committee printing) in Article X of the bill, following the appropriations to the Legislative Council, by adding the following appropriately numbered rider:

____. Feasibility Study on the Consolidation of Legislative Support Offices. It is the intent of the legislature that the Legislative Council use a portion of the funds appropriated above to study the feasibility of consolidating the various support functions and offices of the senate and the house of representatives and to report the findings to the lieutenant governor and the speaker of the house.

Amendment No. 241 was adopted.

Amendment No. 213 - Vote Reconsidered

Representative Giddings moved to reconsider the vote by which Amendment No. 213 was adopted.

The motion to reconsider prevailed.

Amendment No. 242

Representative Giddings offered the following amendment to Amendment No. 213:

Amend Amendment No. 213 to **CSHB 1** by Giddings (page 310 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article VI of the bill by adding the following appropriately numbered rider following the appropriations to the General Land Office and Veterans' Land Board:

_____. Improved Methodology for Calculation of Royalties on Flared or Vented Gas. It is the intent of the legislature that:

(1) the General Land Office work with the Texas Commission on Environmental Quality, the Railroad Commission of Texas, and the comptroller to attempt to identify and develop an improved methodology that ensures the accurate measurement or estimation of the amount of gas flared or vented from wells located on state land and the appropriate calculation of royalties on flared or vented gas so as to maximize state revenue;

(2) an improved methodology identified reflect current knowledge about emissions and up-to-date best practices so as to most accurately determine the amount of gas flared or vented; and

(3) the General Land Office provide notice and guidance to gas producers as necessary.

(Keffer in the chair)

Amendment No. 242 was adopted.

Representative Darby moved to table Amendment No. 213, as amended.

The motion to table prevailed by (Record 255): 98 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Solomons.

Absent — Woolley.

Amendment No. 243

Representative Y. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 368

Amend **CSHB 1** (house committee printing) by adding the following appropriately numbered rider to Part 1 of Article IX of the bill (page IX-1):

_____. Administration of Programs. It is the intent of the legislature that each state agency, using funds appropriated to the agency under this Act, shall:

(1) develop and implement procedures to improve the efficiency of, and maximize the federal funding for, programs administered by the agency;

(2) develop and implement procedures to ensure that all programs administered by the agency comply with applicable state and federal laws; and

(3) conduct a study to determine whether the creation of new programs or expansion of existing services would improve the agency's ability to perform its assigned duties.

Amendment No. 244

Representatives P. King, Geren, Creighton, Hunter, C. Anderson, and Keffer offered the following amendment to Amendment No. 243:

Amend Floor Amendment No. 243 by Y. Davis (page 368, pre-filed amendments packet) as follows:

(1) On page 1, line 2, strike "rider" and substitute "riders".

(2) At the end of the amendment, add:

_____. Fee Revenue Increases Contingent on Legislation. Notwithstanding any other provision of this Act, it is the intent of the legislature that any provision of this Act regarding the revenues resulting from an increase in the amount or rate of a fee imposed or collected by a state agency, from an expansion of the population of those on which a fee imposed by a state agency or from which a fee is collected by a state agency, or from the imposition of a new fee is contingent on a bill that authorizes the appropriation of the resulting increase in the agency's fee revenue being enacted by the 82nd Legislature, Regular Session, 2011, and becoming law.

Amendment No. 244 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 244 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order.

AMENDMENT NO. 244 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LOZANO: Representative King, I heard you mention that this would be a \$100 million tax, essentially—increase in taxes, could you elaborate on that?

REPRESENTATIVE P. KING: Okay, yesterday morning when Mr. Pitts was, with great eloquence, laying out his bill, I asked several questions. One was, if there was a—if there were fees in this that would require enabling legislation, contingent riders. And we agreed that there would be about \$63 million worth of new fees being created. I then asked—are there any other fees that are being increased in this, in **HB 1** that do not have, that do not require enabling legislation. So, that if we just voted on **HB 1** we would be voting for those fee increases. And he said yes. And I asked him how much and he said approximately \$100 million.

LOZANO: Okay, so you would see a fee as a tax.

P. KING: Absolutely, a fee is a tax.

REMARKS ORDERED PRINTED

Representative Lozano moved to print remarks between Representative P. King and Representative Lozano.

The motion prevailed.

Amendment No. 244 was adopted by (Record 256): 136 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer(C); King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; Menendez; 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; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Coleman; Dukes; Dutton; Farrar; Guillen; Hardcastle; Mallory Caraway; McClendon; Miles.

Present, not voting — Mr. Speaker; Anchia.

Absent, Excused — Allen; Solomons.

Absent — Callegari.

STATEMENTS OF VOTE

I was shown voting no on Record No. 256. I intended to vote yes.

Hardcastle

When Record No. 256 was taken, I was excused due to a flight cancellation. Had I been present, I would have voted for the amendment that requires enabling legislation in order for new or increased fees to be enacted. This amendment provides a strong obstacle to prevent over \$100 million in increased or added fees, and I strongly support Mr. King's amendment to the amendment to protect our taxpayers.

Solomons

Amendment No. 243, as amended, was adopted.

Amendment No. 245

Representative Y. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 381

Amend **CSHB 1** by adding the following appropriately numbered rider to Part 6 of Article IX of the bill:

Sec. 6. _____. Legislative Intent: Ineligibility of Certain Entities for Tax or Fee Benefits. (a) In this section, "domestic private entity" means a private entity that was created or organized in the United States or under the laws of the United States or any state.

(b) It is the intent of the Legislature that a governmental entity that receives appropriated funds and that has discretion whether to grant to a domestic private entity a credit, exemption, or discount on a tax or fee imposed by the state determine that the domestic private entity is ineligible for the credit, exemption, or discount if, during the two years preceding the date of the determination of whether to grant the credit, exemption, or discount, the domestic private entity:

(1) created employment suitable for performance in the United States in a country other than the United States; and

(2) as a result of that employment, eliminated or failed to create similar employment in the United States.

Amendment No. 246

Representative Y. Davis offered the following amendment to Amendment No. 245:

Amend Amendment No. 245 by Y. Davis to **CSHB 1** (page 381 of the prefiled amendment packet) on page 1, strike lines 11 through 15 and substitute "or discount on a tax or fee imposed by the state, take into consideration whether, during the two years preceding the date of the determination of whether to grant the credit, exemption, or discount, the domestic private entity:".

Amendment No. 246 was adopted.

Representative Pitts moved to table Amendment No. 245, as amended.

The motion to table prevailed by (Record 257): 82 Yeas, 58 Nays, 5 Present, not voting.

Yeas — Anderson, C.; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, S.; Kleinschmidt; Kuempel; Larson; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anderson, R.; Beck; Bohac; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Hughes; Johnson; King, P.; King, T.; Kolkhorst; Landtroop; Lavender; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Perry; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker; Anchia; Carter; Keffer(C); Quintanilla.

Absent, Excused — Allen; Solomons.

Absent — Aycock; Laubenberg; Shelton.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 257. I intended to vote no.

Anchia

I was shown voting yes on Record No. 257. I intended to vote no.

Burkett

I was shown voting present, not voting on Record No. 257. I intended to vote no.

Carter

I was shown voting present, not voting on Record No. 257. I intended to vote no.

Quintanilla

REASON FOR VOTE

I voted no on Record No. 257 because I felt Amendment No. 245 created general law.

R. Anderson

Amendment No. 247

Representative S. Miller offered the following amendment to **CSHB 1**:

Floor Packet Page No. 293

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Equine Incentive Program. In addition to the amounts appropriated above, any fees collected in accordance with Section 12.044 of the Agriculture Code in fiscal year 2012 and fiscal year 2013 (estimated to be \$25,000 in each fiscal year) are hereby appropriated to the Department of Agriculture, from the General Revenue Fund in Strategy A.1.1, Economic Development.

Amendment No. 248

Representative S. Miller offered the following amendment to Amendment No. 247:

Amend Amendment No. 247 to **CSHB 1** by S. Miller (page 293 of the prefiled amendment packet) by striking lines 10 and 11 and substituting "for those purposes."

Amendment No. 248 was adopted.

Amendment No. 247, as amended, was adopted.

Amendment No. 249

Representative Christian offered the following amendment to **CSHB 1**:

Floor Packet Page No. 147

Amend **CSHB 1** by adding the following appropriately numbered rider following the Article II appropriations to the Health and Human Services Commission:

_____. Burke Center Support. Out of the funds appropriated above, the Health and Human Services Commission shall allocate \$2 million during the state fiscal biennium beginning September 1, 2011, to the Burke Center for use in providing state mandated services.

Amendment No. 250

Representative White offered the following amendment to Amendment No. 249:

Amend Amendment No. 249 to **CSHB 1** by Christian (page 147 of the preprinted amendment packet) on page 1, line 7, between "the" and "Burke Center" by inserting "Community Mental Health and Mental Retardation Center known as the".

Amendment No. 250 was adopted.

Representative Zerwas moved to table Amendment No. 249, as amended.

The motion to table prevailed by (Record 258): 131 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anderson, C.; Christian; Flynn; Guillen; Hughes; Isaac; Laubenberg; Paxton; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Solomons.

Absent — Aycock; Gonzales, L.; King, P.; Lyne.

STATEMENT OF VOTE

When Record No. 258 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

Amendment No. 251

On behalf of Representative McClendon, Representative Harper-Brown offered the following amendment to **CSHB 1**:

Floor Packet Page No. S-9

Amend **CSHB 1** (house committee printing) in Article VII following the appropriations to the Texas Department of Transportation by striking Rider 32 (page VII-33) and substituting:

32. Limitation on Expenditures: Prohibition on Lobbyists. The Department of Transportation shall not expend any money appropriated above for the purpose of selecting, hiring, or retaining a person required to register under Chapter 305, Government Code, or the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq.), unless such an expenditure is allowed under state law.

Amendment No. 251 was adopted.

CSHB 1 - REMARKS

REPRESENTATIVE CHISUM: Could I have a conversation with Representative Turner about the way the house is going to handle and historically has handled Article XI? Mr. Turner, you and I had a conversation about some of the articles moved to Article XI. Some of the amendments were bills that were contingent on passing so that they would get funded, is that correct?

REPRESENTATIVE TURNER: That is correct.

CHISUM: And in addition to that, there is some 18 amendments and maybe more, at least 18 that are not necessarily amendments that create funds or appropriate funds. Would you tell the body how those amendments would be handled in Article XI, whether or not they would find their way into **HB 1**, or are they just left in Article XI?

TURNER: Generally speaking, they are left in Article XI. The way they have typically been viewed is the representatives' wish list item, so to speak. The representatives' interest is placed in Article XI. It remains in Article XI, but it is not a part of the eventual bill and the only way it can move off that list into the bill is that, in conference, both chambers must pull it up and then it will be identified when the bills come back to the house and the senate as going outside of the bounds.

CHISUM: Mr. Turner, if something is moved into the bill in another article besides from Article XI, lets say to Article VI, would that create a situation where you'd have to have a resolution to go outside the bounds?

TURNER: That is correct. It would be identified.

CHISUM: So, the house would have an opportunity to review the resolution to go outside the bounds and vote it up or down, even though they may not be able to amend it, is that correct?

TURNER: That is correct, because Article XI is not—it is a part of this budgetary process we move through from the house to the senate, but it is not a part of the eventual bill. And so, in order for that item to get there, both chambers must take it out and then bring it back to both chambers in a resolution to go outside the bounds.

REMARKS ORDERED PRINTED

Representative Chisum moved to print remarks between Representative Turner and Representative Chisum.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation meeting is cancelled.

CSHB 1 - (consideration continued)**ARTICLE XI - AMENDMENTS ADOPTED**

Representative Pitts moved to adopt all Article XI amendments (Amendment Nos. 252 - 317).

The motion prevailed. (Weber recorded voting no.)

Amendment No. 252 (by Raymond) (Aliseda, C. Anderson, R. Anderson, Aycock, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Elkins, Fletcher, Flynn, Frullo, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 402

Amend **CSHB 1** in Article XI of the bill by adding the following appropriately numbered rider after the appropriations to the Department of State Health Services (page XI-2):

____. Appropriation for Diabetes and Obesity Care and Education. In Article II of the bill, in addition to other amounts appropriated to the Department of State Health Services in Strategy A.3.1, Chronic Disease Prevention (page II-46), the amount of \$3 million is appropriated for the state fiscal year beginning September 1, 2011, and the amount of \$3 million is appropriated for the state fiscal year beginning September 1, 2012, from the general revenue fund to the Department of State Health Services for the purpose of reducing the health and economic burdens of diabetes through The University of Texas community outreach model of community-based diabetes and obesity care and education.

Amendment No. 253 (by Hilderbran) (Dutton recorded voting no.)

Amend Floor Amendment No. 252 by Raymond to **CSHB 1** (page 402, pre-filed amendments packet) as follows:

- (1) On page 1, line 2, strike "rider" and substitute "riders".
- (2) Add the following at the end of the amendment:

____. Allocation of Funding for Hill County Community MHMR Center. In allocating general revenue funds appropriated by this Act to the Department of State Health Services, that department shall allocate available general revenue funds so that the funds provided for programs or support of the Hill County Community MHMR Center's crisis stabilization unit are not reduced as compared to general revenue funds made available for that unit during the previous state fiscal biennium.

Amendment No. 254 (by Workman) (Alonzo, Dutton, and Price recorded voting no.)

Floor Packet Page No. S3-1

Amend **CSHB 1** (house committee printing) as follows:

(1) Under Article XI appropriations to the Texas Workforce Commission (page XI-5), add the following appropriately numbered rider:

_____. Contingency for **HB 2886**. Contingent on the enactment and becoming law of **HB 2886**, 82nd Legislature, Regular Session, 2011, or other similar legislation, for the fiscal year beginning September 1, 2011, \$5 million is appropriated from the general revenue fund to the Texas Workforce Commission for the purpose of funding programs and expenditures administered by the commission relating to employment and community services in addition to other money appropriated for those purposes.

(2) Adjust the article totals accordingly.

Amendment No. 255 (by Phillips) (Berman, Cain, Dutton, Flynn, Isaac, Landtroop, Laubenberg, Lyne, Mallory Caraway, Price, Sheffield, Solomons, V. Taylor, and White recorded voting no.)

Floor Packet Page No. 403

Office of the Forensic Services. Contingent upon the enactment of legislation which creates an Office of Forensic Services or similar office within the Department of State Health Services, in addition to amounts appropriated above, any monies associated with the fees associated with the legislation, funds previously allocated to the Texas Forensic Science Commission, and funds previously appropriated to the Department of Public Safety for forensic laboratory certification are hereby appropriated to the Department of State Health Services for the FY 2012/2013 biennium for the purpose of direct and indirect costs associated with the duties of the Office of the State Medical Examiner.

Amendment No. 256 (by Menendez) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bonnen, Branch, Brown, Button, Cain, Carter, Cook, Craddick, Creighton, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Geren, L. Gonzales, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hunter, Isaac, P. King, S. King, Kolkhorst, Landtroop, Laubenberg, Lavender, Legler, Lyne, Madden, S. Miller, Orr, Otto, Parker, Paxton, Perry, Schwertner, Sheets, Sheffield, Simpson, Smithee, Solomons, V. Taylor, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 404

Amend **CSHB 1** Article XI as follows:

On page XI-2 Health and Human Services Commission Strategy for Texas Public Cord Blood Bank and the University of Texas MD Anderson Cancer Center add \$2,000,000.00 each for fiscal year 2012 and 2013 for the Texas Public Cord Blood Bank and \$500,000.00 each for those fiscal years for the University of Texas MD Anderson Cancer Center.

Amendment No. 257 (by Madden) (Dutton, Kolkhorst, and Price recorded voting no.)

Floor Packet Page No. 405

Amend **CSHB 1** such that, contingent upon passage of **HB 2843**, **HB 3088**, or **SB 1483**, any savings realized by the Texas Education Agency from expansion of virtual education opportunities versus regular public school operations in the state will be directed toward funding of the Texas Virtual School Network, page III-2, B.2.1. Strategy: Technology/Instructional Materials, allocating the proceeds to the Texas Virtual School Network in addition to funding already appropriated under B.2.1 Strategy: Technology/Instructional Materials.

Amendment No. 258 (by Villarreal) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Mallory Caraway, Margo, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Solomons, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 406

Amend **CSHB 1** in Article XI of the bill by inserting the following rider after the Article XI items for the Texas Education Agency (page XI-2):

_____. Contingent Appropriation from Economic Stabilization Fund for Foundation School Program. (a) For the state fiscal biennium ending August 31, 2013, in addition to other amounts appropriated by this Act, the Texas Education Agency is appropriated from the Economic Stabilization Fund \$4 billion to use for Foundation School Program purposes during the state fiscal biennium ending August 31, 2013.

(b) The provisions of this rider that make appropriations out of the Economic Stabilization Fund take effect only if this Act receives the vote required by Section 49-g, Article III, Texas Constitution.

Amendment No. 259 (by Berman) (Alonzo, Carter, Creighton, Dutton, Fletcher, Flynn, Frullo, Geren, Hilderbran, D. Howard, Jackson, S. King, Kuempel, Lyne, Madden, Mallory Caraway, S. Miller, Murphy, Orr, Otto, Patrick, Perry, Quintanilla, Scott, Villarreal, Weber, and Workman recorded voting no.)

Amend Amendment No. 258 to **CSHB 1** by Villarreal (page 410, pre-filed amendments packet) by adding the following appropriately numbered item:

(_____) Following the appropriations to the Texas Higher Education Coordinating Board (page III-39), in Rider No. 11, immediately following the third paragraph, add the following paragraph:

In addition to the amounts appropriated above for the Tuition Equalization Grant Program under Strategy B.1.8 above, the Higher Education Coordinating Board is appropriated an amount not to exceed \$45,000,000 to be allocated for grants for students from racial or ethnic groups that are underrepresented among higher education students attending a private or independent institution of higher education. The amounts are appropriated under this paragraph by reallocating all funds appropriated by this Act to the Higher Education Coordinating Board that may be used to subsidize resident tuition for students who qualify for resident tuition under Sections 54.051(m), 54.052, 54.055, or 54.060(b), Education Code.

Amendment No. 260 (by Lewis) (R. Anderson, Bohac, Bonnen, Cain, Carter, Crownover, Dutton, Eissler, Flynn, L. Gonzales, Hancock, D. Howard, Huberty, Isaac, Kolkhorst, Laubenberg, Lyne, Mallory Caraway, Orr, Phillips, Sheffield, Simpson, Smithee, L. Taylor, Truitt, and White recorded voting no.)

Floor Packet Page No. 409

Amend **CSHB 1**, in Article XI of the bill, on page XI-3, in the Section entitled "Health Related Institutions," by adding: "Texas Tech University Health Sciences Center: Medical Education Building" and listing the sum of \$17,010,000 as a contingency rider for the passage of **HB 1042** or similar such legislation.

Amendment No. 261 (by Raymond) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 411

Amend **CSHB 1** (house committee printing) in Article XI of the bill, following the appropriations to the Parks and Wildlife Department, by adding the following appropriately numbered rider:

____. Local Park Grant for Webb County Special Needs Park. (a) In addition to the amounts appropriated above in Article VI, Strategy B.2.1., Local Park Grants (page VI-30), up to \$2,250,000 is appropriated and allocated in matching funds for the acquisition, development, and construction of the Webb County Special Needs Park for disabled children for the state fiscal year ending August 31, 2012, and \$2,250,000 is appropriated and allocated in matching funds for the acquisition, development, and construction of the Webb County Special Needs Park for disabled children for the state fiscal year ending August 31, 2013.

(b) Any unexpended balance on August 31, 2012, of the amounts appropriated by this rider is appropriated to the Parks and Wildlife Department for the purposes of this rider for the state fiscal year beginning September 1, 2012.

Amendment No. 262 (by Marquez) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 412

Amend **CSHB 1** (house committee printing) in Article XI by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. In addition to the amount of funds appropriated in Article VI, page 30, Strategy B.1.1., State Park Operations, add \$554,564 in FY2012, and \$554,564 in FY2013, for the purpose of the Wyler Aerial Tramway at Franklin Mountains State Park.

Amendment No. 263 (by McClendon) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 413

Amend **CSHB 1** in Article XI of the bill, following the appropriations to the Texas Department of Transportation, by adding the following appropriately numbered rider:

_____. Texas Rail Relocation and Improvement Fund. (a) Out of the funds appropriated above, the amount of \$100 million is appropriated to the Texas Department of Transportation from the state highway fund for the state fiscal year ending August 31, 2012, and \$100 million is appropriated to that department from the state highway fund for the state fiscal year ending August 31, 2013, for deposit in the Texas rail relocation and improvement fund for the purposes described by Section 49-o, Article III, Texas Constitution.

(b) The appropriation of funds under Subsection (a) of this rider does not include funds in the state highway fund that are constitutionally dedicated for other purposes.

(c) Any unexpended balance on August 31, 2012, of amounts appropriated by this rider is appropriated to the Texas Department of Transportation for the purposes of this rider for the state fiscal year beginning September 1, 2012.

Amendment No. 264 (by McClendon) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 414

Amend **CSHB 1** in Article XI of the bill, following the appropriations to the Texas Department of Transportation, by adding the following appropriately numbered rider:

_____. Texas Rail Relocation and Improvement Fund. (a) Out of the funds appropriated above, the amount of \$25 million is appropriated to the Texas Department of Transportation from the state highway fund for the state fiscal year ending August 31, 2012, and \$25 million is appropriated to that department from the state highway fund for the state fiscal year ending August 31, 2013, for deposit in the Texas rail relocation and improvement fund for purposes described by Section 49-o, Article III, Texas Constitution.

(b) The appropriation of funds under Subsection (a) of this rider does not include funds in the state highway fund that are constitutionally dedicated for other purposes.

(c) Any unexpended balance on August 31, 2012, of amounts appropriated by this rider is appropriated to the Texas Department of Transportation for the purposes of this rider for the state fiscal year beginning September 1, 2012.

Amendment No. 265 (by McClendon) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 415

Amend **CSHB 1** as follows:

(1) In the Article XI appropriations to the Texas Department of Transportation (page XI-5), add the following appropriately numbered rider:

____. Contingency for Acquisition of Federal Funds for Rail Relocation and Improvements or Other Rail Projects. (a) It is the intent of the Legislature that the Department of Transportation make it a top priority to seek and obtain federal funding for rail relocation and improvements or other rail projects to be deposited in the Texas rail relocation and improvement fund in an amount equal to \$125,000,000 in fiscal year 2012 and \$125,000,000 in fiscal year 2013 from any funding source, including:

(1) revenue from federal fuel taxes sent to this state from the Federal Highway Administration for the purposes of implementing multimodal transportation projects;

(2) the Federal Railroad Administration; and

(3) the Federal Transit Administration.

(b) Notwithstanding any other provision of this Act, in addition to the funds appropriated in this bill, the Department of Transportation shall transfer the following amounts out of State Highway Fund No. 006 to the Texas rail relocation and improvement fund for use for the purposes described by Section 49-o, Article III, Texas Constitution:

(1) for the fiscal year ending August 31, 2012, \$25,000,000; and

(2) for the fiscal year ending August 31, 2013, \$25,000,000.

(c) The appropriation and transfer of money under Subsection (b) of this rider does not include money in State Highway Fund No. 006 that is limited to other purposes by a constitutional dedication.

(d) Any unexpended balance as of August 31, 2012, of amounts appropriated and transferred by this rider for fiscal year 2012 are to be used for the purposes of this rider for fiscal year 2013.

(2) Adjust the Article totals accordingly.

Amendment No. 266 (by McClendon) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 417

Amend **CSHB 1** as follows:

(1) In the Article XI appropriations to the Texas Department of Transportation (page XI-5), add the following appropriately numbered rider:

_____. Contingency for Acquisition of Federal Funds for Rail Relocation and Improvements or Other Rail Projects. (a) It is the intent of the Legislature that the Department of Transportation make it a top priority to seek and obtain federal funding for rail relocation and improvements or other rail projects to be deposited in the Texas rail relocation and improvement fund in an amount equal to \$125,000,000 in fiscal year 2012 and \$125,000,000 in fiscal year 2013 from any funding source, including:

(1) revenue from federal fuel taxes sent to this state from the Federal Highway Administration for the purposes of implementing multimodal transportation projects;

(2) the Federal Railroad Administration; and

(3) the Federal Transit Administration.

(b) Notwithstanding any other provision of this Act, in addition to the funds appropriated in this bill, the Department of Transportation shall transfer the following amounts out of State Highway Fund No. 006 to the Texas rail relocation and improvement fund for use for the purposes described by Section 49-o, Article III, Texas Constitution:

(1) for the fiscal year ending August 31, 2012, \$125,000,000; and

(2) for the fiscal year ending August 31, 2013, \$125,000,000.

(c) The appropriation and transfer of money under Subsection (b) of this rider does not include money in State Highway Fund No. 006 that is limited to other purposes by a constitutional dedication.

(d) Any unexpended balance as of August 31, 2012, of amounts appropriated and transferred by this rider for fiscal year 2012 are to be used for the purposes of this rider for fiscal year 2013.

(2) Adjust the Article totals accordingly.

Amendment No. 267 (by Raymond) (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 419

Amend **CSHB 1** as follows:

(1) In Article XI of the bill, following the appropriations to the Texas Department of Transportation, add the following appropriately numbered rider:

____. Certain Public Transportation Projects. In addition to the amounts appropriated to the Texas Department of Transportation under Article VII, the additional amount of \$15,000,000 is appropriated from general revenue to the department in fiscal year 2012, and \$15,000,000 is appropriated from general revenue to the department in fiscal year 2013 to be used for the City of Laredo's El Metro transit department for the replacement of 36 heavy-duty buses and the construction of a new operations and maintenance facility.

(2) Adjust the article totals accordingly.

Amendment No. 268 (by Raymond) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 421

Amend **CSHB 1** in Article XI of the bill by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

____. Payments to Federally Qualified Health Centers Under Medicaid Managed Care and the Child Health Plan Program. The Health and Human Services Commission shall make supplemental payments to Federally Qualified Health Centers (FQHCs) that subcontract directly or indirectly with managed care organizations under the Medicaid managed care program established under Chapter 533, Government Code, or under the child health plan program established under Chapter 62, Health and Safety Code. The supplemental payments must be in amounts equal to the difference between the payment the FQHC would have received for treating a managed care enrollee under one of those programs if the FQHC had been reimbursed using a prospective payment system under the Medicaid or child health plan program, as appropriate, minus the payment actually received by the FQHC for treating the managed care enrollee, provided that difference is greater than zero. It is the intent of the legislature that the commission seek to amend the Medicaid State Plan to include the supplemental payment methodology described by this rider.

Amendment No. 269 (by Eiland) (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Branch, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Huberty, Hughes, Hunter, Jackson, P. King, Kleinschmidt, Kolkhorst, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, Morrison, Orr, Parker, Patrick, Paxton, Phillips, Price, Schwertner, Sheffield, Shelton, T. Smith, Solomons, L. Taylor, V. Taylor, Truitt, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 422

Amend **CSHB 1** (house committee printing) in Article IX, insert the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

_____. **CONTINGENCY APPROPRIATIONS.** Contingent upon the enactment of **HB 259**, or similar legislation, relating to an assessment on subscription video service providers, by the Eighty-second Legislature, Regular Session 2011 and contingent upon the Comptroller's certification of available General Revenue of approximately \$240 million in for the biennium above the Comptroller's 2011 Biennial Revenue Estimate, the General Revenue generated by the legislation shall be appropriated as follows:

(a) On page II-21, for Total, Goal A. Children with Disabilities, strike "156,619,856" for year 2012 and substitute "222,228,813" and strike "156,618,368" for year 2013 and substitute "235,068,075" to fully fund at recommended levels.

(b) On page II-34, for Total, Goal C: Prevention Programs, strike "24,123,549" in year 2012 and substitute "45,883,571" and strike "24,123,550" in year 2013 and substitute "45,883,571" to fully fund at 2010-2011 levels.

(c) On page II-46 for strategy B.2.6 Reduce Use of Tobacco Products, strike "2,662,173" in year 2012 and substitute "9,450,315", and strike "2,115,062" in year 2013 and substitute "9,450,315" to fully fund at 2010-2011 levels.

(d) On page II-47 for strategy C.2.1 Mental Health Community Hospitals, strike "29,239,096" in year 2012 and substitute "48,388,046.50" and strike "29,239,096" in year 2013 and substitute "48,388,046.50" to fund near recommended levels.

Amendment No. 270 (by Eiland) (R. Anderson, Branch, Carter, Christian, Cook, Craddick, Creighton, Dutton, Eissler, Flynn, Frullo, Gooden, Hancock, Harper-Brown, Hughes, Jackson, P. King, Kleinschmidt, Kolkhorst, Larson, Lavender, Legler, Lewis, Lyne, Margo, Orr, Parker, Patrick, Paxton, Phillips, Price, Schwertner, Sheffield, Shelton, T. Smith, Solomons, L. Taylor, V. Taylor, Truitt, Zedler, and Zerwas recorded voting no.)

Amend Amendment No. 269 to **CSHB 1** by Eiland (prefiled amendment packet, page 422), by striking the text of the rider added by the amendment and substituting the following:

_____. **TRANSFER OF CERTAIN REVENUE.** If **HB 259** or **HB 3675** or similar legislation relating to video service assessments and taxes on subscription providers by the 82nd Legislature, Regular Session, is enacted and becomes law,

it is the intent of the legislature that the comptroller transfer to the property tax relief fund established under Section 403.109, Government Code, all net revenue derived from the provisions of the legislation that is not allocated for the issuance of warrants to municipalities and counties and that is deposited to a fund other than the property tax relief fund, for purposes of:

(1) offsetting a reduction in net revenue derived from the tax imposed under Chapter 171, Tax Code, resulting from the enactment and becoming law of any legislation that retains the provision in Section 171.002(d), Tax Code, providing that a taxable entity as defined by Section 171.0002, Tax Code, with total revenue from its entire business of \$1 million or less is not required to pay any tax and is not considered to owe any tax under that chapter; and

(2) further reducing school district maintenance and operations ad valorem tax rates.

Amendment No. 271 (by Hilderbran) (Aliseda, C. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Chisum, Christian, Cook, Creighton, Crownover, Dutton, Eissler, Elkins, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Huberty, Hughes, Hunter, Jackson, P. King, Kleinschmidt, Kolkhorst, Landtroop, Larson, Laubenberg, Lavender, Legler, Lyne, Mallory Caraway, Margo, Orr, Patrick, Paxton, Perry, Price, Schwertner, Scott, Sheffield, Shelton, Simpson, T. Smith, W. Smith, L. Taylor, V. Taylor, White, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 423

Amend **CSHB 1** (house committee printing), in Article XI of the bill, by adding the following appropriately numbered rider to the bill:

_____. Contingent Appropriation: Texas Derby. Contingent on the enactment of **HB 254** or similar legislation of the 82nd Legislature, Regular Session, 2011, relating to establishing an annual grade 1 stakes race of Texas-bred Thoroughbred and quarter horses called the Texas Derby and in addition to other amounts appropriated by this Act, the sum of \$____ is appropriated from the general revenue fund to the Texas Racing Commission for the state fiscal biennium ending August 31, 2013, to establish the Texas Derby.

Amendment No. 272 (by Guillen) (C. Anderson, R. Anderson, Bohac, Bonnen, Carter, Chisum, Cook, Craddick, Creighton, S. Davis, Dutton, Frullo, Geren, Huberty, Isaac, S. King, Kolkhorst, Landtroop, Laubenberg, Legler, Lyne, Perry, Simpson, and Solomons recorded voting no.)

Floor Packet Page No. 424

Amend **CSHB 1** (house committee printing) in Article XI of the bill, by adding the following appropriately numbered rider to the bill:

_____. Contingent Appropriation for **HB 331**. Contingent on the enactment of **HB 331** or similar legislation of the 82nd Legislature, Regular Session, relating to the authority of the governing body of a municipality to create a municipal court equal justice and education fund and to require certain defendants to pay court costs for deposit in the fund, it is the intent of the legislature to authorize a municipality to require a defendant convicted of an

offense to pay a \$1 court cost for deposit into the municipality's municipal court equal justice and education fund and that money in the fund be retained by the municipality to finance certain municipal services.

Amendment No. 273 (by S. Miller) (C. Anderson, R. Anderson, Aycock, Bonnen, Branch, Brown, Button, Cain, Carter, Creighton, S. Davis, Driver, Dutton, Hancock, Huberty, Isaac, S. King, Kolkhorst, Larson, Lyne, Mallory Caraway, Schwertner, Scott, Solomons, V. Taylor, Weber, and Zerwas recorded voting no.)

Floor Packet Page No. 425

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering subsequent SECTIONS and updating any cross-references accordingly:

SECTION _____. Equine Dental Technicians. Contingent upon the passage of **HB 3637**, in addition to the amounts appropriated above, any fees collected in accordance with Section 12.045 of the Agriculture Code in fiscal year 2012 and fiscal year 2013 are hereby appropriated to the Department of Agriculture for the purposes of the program created under Section 12.045 of Agriculture Code.

Amendment No. 274 (by T. King) (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 426

Amend **CSHB 1** in Article XI by adding the appropriately numbered rider and renumbering accordingly.

Rider _____. Out of the funds appropriated in this Act, not less than \$1.5 million shall be appropriated for the purposes of platting the City of Encinal. These funds shall be used in the designation of roads and right of ways to improve the community and increase their economic development opportunities.

Amendment No. 275 (by P. King) (Bonnen, Branch, Carter, Cook, S. Davis, Dutton, Frullo, Geren, Gooden, Lewis, Lyne, Phillips, Shelton, and Truitt recorded voting no.)

Floor Packet Page No. 427

Amend **CSHB 1** by adding the following appropriately numbered section to Part 18, Article IX, of the bill:

Sec. 18. _____. Contingency Appropriation for **HB 2247**. Contingent on the enactment and becoming law of **HB 2247** or similar legislation of the 82nd Legislature, Regular Session, 2011, relating to the eligibility of the Adjutant General's Department to receive funding from the Foundation School Program for students enrolled in the Texas ChalleNGe Academy, the amount appropriated each fiscal year to the Adjutant General's Department for Strategy C.1.1, Youth Education Programs, is increased by the amount of Foundation School Program funding for students enrolled in the academy received that year by the department from the Texas Education Agency through interagency contract.

Amendment No. 276 (by Cook) (Dutton, Flynn, Lewis, and Phillips recorded voting no.)

Floor Packet Page No. 428

Contingency Rider for **HB 11**. Contingent on the passage of **HB 11**, or similar legislation relating to the reporting of sales by persons involved in the manufacture and distribution of alcoholic beverages, by the Eighty-Second Legislature, Regular Session; the Comptroller of Public Accounts is hereby appropriated \$568,000 for the 2012-13 biennium out of the General Revenue Fund to implement the provisions of the legislation.

Amendment No. 277 (by Frullo) (Dutton and Solomons recorded voting no.)

Floor Packet Page No. 25

Amend **CSHB 1** as follows:

(1) On page I-12, of the bill pattern for the Office of the Attorney General, add the following new rider:

Contingency Appropriation Relating to **HB 3746**. In addition to amount appropriated above, contingent upon enactment of **HB 3746** by the Eighty-second Legislature, Regular Session, 2011, or similar legislation relating to imposing or increasing a fee for the benefit of Internet Crimes Against Children task forces, and certification of \$1,500,000 each fiscal year of the biennium in additional revenue above that which has been certified by the Comptroller of Public Accounts, the Office of the Attorney General is hereby appropriated \$1,500,000 out of the General Revenue Fund each fiscal year of the 2012-13 biennium to implement provisions of the legislation.

Amendment No. 278 (by Phillips) (Alonzo, Alvarado, Burnam, Coleman, Dukes, Dutton, Farrar, V. Gonzales, Gonzalez, Hernandez Luna, Mallory Caraway, Marquez, McClendon, Naishtat, Rodriguez, Turner, Villarreal, Vo, and Walle recorded voting no.)

Floor Packet Page No. 26

Amend **CSHB 1** by adding the following appropriately numbered rider in Article I after the appropriations to the Office of the Attorney General:

_____. Contingency Appropriation: Appropriation of Choose Life License Plate Receipts. Contingent upon passage of **HB 238**, **SB 257** or similar legislation, 100 percent of license plate revenue collected on or after September 1, 2011 (estimated to be \$6,600 in fiscal year 2012 and \$6,600 in fiscal year

2013), from the sale of license plates as provided by **HB 238**, **SB 257**, or similar legislation. Funds shall be deposited to the credit of the General Revenue - Dedicated Attorney General Choose Life Account. Any additional revenues received and deposited into the Attorney General Choose Life Account are hereby appropriated to the Office of the Attorney General for the same purpose.

Amendment No. 279 (by Perry) (Alonzo, Alvarado, Burnam, Coleman, Deshotel, Dukes, Dutton, Eiland, Farrar, V. Gonzales, Gutierrez, Hernandez Luna, Johnson, Mallory Caraway, Marquez, Martinez, McClendon, Menendez, Naishtat, Quintanilla, Rodriguez, Vo, and Walle recorded voting no.)

Floor Packet Page No. 41

Amend **CSHB 1** as follows:

(1) In Article I of the bill, following the appropriations to the Office of the Governor, add the following appropriately numbered rider:

_____. Contingent Establishment of Office of Inspector General. Contingent on the enactment of **HB 3101** or similar legislation of the 82nd Legislature, Regular Session, relating to the creation of an office of inspector general within the Office of the Governor that will be responsible for the investigation of fraudulent insurance acts in this state, including Medicaid fraud and fraud under the workers' compensation system, it is the intent of the legislature that the Office of the Governor use an appropriate portion of the money appropriated to the office by this Act and available for the purpose to establish the office of inspector general in the manner provided by that legislation.

(2) In Article II of the bill, following the appropriations to the Health and Human Services Commission, add the following appropriately numbered rider:

_____. Contingent Transfers: Office of Inspector General and State Court on Insurance and Medicaid Fraud. Contingent on the enactment of **HB 3101** or similar legislation of the 82nd Legislature, Regular Session, relating to the creation of an office of inspector general within the Office of the Governor that will be responsible for the investigation of fraudulent insurance acts in this state, including Medicaid fraud and fraud under the workers' compensation system, it is the intent of the legislature that if, not later than September 1, 2012, the comptroller of public accounts, with the cooperation of that office of inspector general, the Health and Human Services Commission, the Texas Department of Insurance, and the Office of the Attorney General, makes a finding of fact that, as a result of investigations initiated or conducted by that office of inspector general, at least \$6,000,000 of nondedicated general revenue money appropriated to the commission for the state fiscal biennium ending August 31, 2013, is recovered, not expended on ineligible claims for benefits, or otherwise saved by this state, the comptroller shall transfer the amount equal to the total amount recovered, not expended, or otherwise saved, but not to exceed \$31,500,000, as follows:

(1) \$6,000,000 to the Office of Court Administration of the Texas Judicial System to be used during the state fiscal biennium ending August 31, 2013, to establish and operate the state court on insurance and Medicaid fraud contingent on the enactment of **HB 2873** or similar legislation of the 82nd Legislature, Regular Session, providing for the establishment of that court; and

(2) any remaining amount for the continued operations of the office of inspector general.

Amendment No. 280 (by Gutierrez) (C. Anderson, R. Anderson, Beck, Berman, Brown, Button, Carter, Cook, Craddick, Creighton, S. Davis, Dutton, Elkins, Fletcher, Frullo, Garza, L. Gonzales, Hancock, Harper-Brown, Hilderbran, D. Howard, Huberty, Hunter, Jackson, P. King, S. King, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Madden, S. Miller, Murphy, Orr, Otto, Paxton, Phillips, Price, Sheets, Smithee, Solomons, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 76

Amend **CSHB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the Library and Archives Commission:

____. \$2,000,000 dollars shall be appropriated over the biennium to the Library and Archives Goal A.1.1 Library Resource Sharing Service from funds appropriated to the Texas Highway Magazine.

Amendment No. 281 (by Gutierrez) (Dutton recorded voting no.)

Amend the amendment to **CSHB 1** as follows:

(1) Contingent upon the passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals the tax exemption on high cost gas production; or the passage and enactment of **HB 1936** or similar legislation by the Eighty-second Legislature which equalizes the amount of allowable importation of alcoholic beverages for Texas residents and non-residents; or the passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations; or upon implementation through legislation or other any other manner of non-tax revenue generating measures recommended by the Eighty-second Legislature's Senate Finance Subcommittee on Fiscal Matters, then;

(2) On page I-68, in the appropriations to the Library and Archives Commission, increase Strategy A.1.2: Aid to Local Libraries, by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(3) On page I-68, in the appropriations to the Library and Archives Commission, increase funding for Rider 7 to \$1,500,000 for each year of the following biennium.

(4) In Article I, amend the bill pattern for the Library & Archives Commission by inserting the following appropriately numbered riders to read as follows and renumbering any subsequent riders accordingly:

____. Lone Star Libraries Grants. Out of amounts appropriated above in Strategy A.1.2, Aid to Local Libraries, the agency shall expend \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013 from the General Revenue Fund for Lone Star Libraries grants.

_____. \$250,000 shall be appropriated to Rider 7. Contingency for K-12 TexShare Database Program over the next biennium from the Department of Rural Affairs Goal A.1.1 Strategy to Provide Grants for Community and Economic Development Projects.

Amendment No. 282 (by Alonzo) (Beck, Berman, Branch, Button, Carter, Chisum, Christian, Cook, Dutton, Eissler, Elkins, Flynn, Garza, L. Gonzales, D. Howard, Huberty, Jackson, Landtroop, Laubenberg, Legler, Lewis, Otto, Perry, Phillips, Simpson, V. Taylor, and Workman recorded voting no.)

Floor Packet Page No. 81

Amend **CSHB 1** in Article I by inserting the following rider, appropriately numbered, following the appropriations to the Texas Veterans Commission:

_____. Texas Veterans Commission: Veterans Resource Centers. Out of the amount appropriated above out of the general revenue fund in Strategy A.1.3, Veterans Education, it is the intent of the legislature that, to the extent authorized by general law, the commission establish and administer veterans resource centers at institutions of higher education in the state to:

- (1) provide a centralized place for veterans to find assistance and information while enrolled at an institution of higher education;
- (2) deliver innovative, cost-effective programs to attract veterans and family members of veterans to attend public institutions of higher education;
- (3) enable institutions of higher education to create veteran-friendly environments;
- (4) encourage veterans to take advantage of government educational programs; and
- (5) assist veterans in applying to public institutions of higher education.

Amendment No. 283 (by Naishtat) (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 88

Amend **CSHB 1** as follows:

- (1) On page II-2, Add the following appropriately numbered rider:

_____. Contingency Rider for Nursing Facility Payments. Contingent upon passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals tax exemptions for high cost gas production, the Department of Aging and Disability Services, Strategy A.6.1, Nursing Facility Payments is hereby appropriated \$792,850,832.

Amendment No. 284 (by Naishtat) (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 94

Amend **CSHB 1**, page II-2, as follows by adding the following appropriately numbered rider:

_____. Contingency Rider for **HB 1317**. Contingent upon passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations, the revenue generated by said legislation shall be appropriated to the Department of Aging and Disability Services, Strategy A.2.3, Community Attendant Services

Amendment No. 285 (by Naishtat) (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 95

Amend **CSHB 1**, page II-2, as follows by adding the following appropriately numbered rider:

_____. Contingency Rider for **HB 1317**. Contingent upon passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations, the revenue generated by said legislation shall be appropriated to the Department of Aging and Disability Services, Strategy A.2.1., Primary Home Care.

Amendment No. 286 (by Alonzo) (Beck, Berman, Branch, Brown, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Harless, Harper-Brown, C. Howard, D. Howard, Huberty, Hughes, Isaac, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lyne, Margo, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheffield, Shelton, T. Smith, W. Smith, Smithee, V. Taylor, Truitt, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 103

Amend **CSHB 1** (house committee printing) in Article II of the bill, by inserting the following rider, appropriately numbered, following the appropriations to the Department of Family and Protective Services:

____. Department of Family and Protective Services: Adoption Assistance Agreements. Out of amounts appropriated above in Strategy B.1.12, Adoption/PCA Payments, the Department of Family and Protective Services shall subsidize under an adoption assistance agreement the adoption of a child in foster care by an adoptive parent whose family income is less than 300 percent of the federal poverty level if, based on factors specified in rules of the department, the department determines the child would otherwise have been expected to remain in foster care until the child's 18th birthday and this state would have made foster care payments for that care. The amount of the subsidy to be paid is equal to the amount that would have been paid to the child's foster parent based on the child's foster care service level on the date the department and the adoptive parent enter into the adoption assistance agreement.

Amendment No. 287 (by Guillen) (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Orr, Otto, Parker, Patrick, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, and Zedler recorded voting no.)

Floor Packet Page No. 145

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider, and renumbering subsequent riders accordingly:

_____. Contingent Establishment of Community-Based Navigator Program. Contingent on the enactment of **HB 2610** or similar legislation of the 82nd Legislature, Regular Session, relating to the establishment of a statewide community-based navigator program through which the Health and Human Services Commission will recruit, train, and certify as navigators volunteers and other representatives of faith- and community-based organizations to assist individuals applying or seeking to apply online for public assistance benefits administered by the commission through the Texas Integrated Eligibility Redesign System (TIERS) or other electronic eligibility system that is linked to or made a part of that system, it is the intent of the legislature that the commission use an appropriate portion of the money appropriated to the commission by this Act and available for the purpose to establish the navigator program in the manner provided by that legislation.

Amendment No. 288 (by Crownover) (Beck, Cain, Christian, Creighton, Dutton, Flynn, Frullo, Hughes, Larson, Laubenberg, Lavender, Lyne, Simpson, Weber, and White recorded voting no.)

Floor Packet Page No. 153

Amend **CSHB 1** on page II-97 in the Health and Human Services Commission bill pattern by adding the following new rider:

_____. Contingency for **HB 670**. Contingent on the passage of **HB 670**, all cost savings to the state actualized by this bill's provisions for the 2012-13 biennium, estimated to be \$13,194,224 in General Revenue and \$31,359,000 in All Funds, shall be redistributed to the Health and Human Services Commission, at the discretion of the Executive Commissioner, to address the needs of the Texas Medicaid Program.

Amendment No. 289 (by Coleman) (Aliseda, C. Anderson, Aycok, Beck, Berman, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, C. Howard, Huberty, Hughes, Hunter, Isaac, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, V. Taylor, Truitt, Weber, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 191

Amend **CSHB 1** as follows:

(1) On page III-2, Add the following appropriately numbered rider:

_____. Contingency Rider for the Foundation School Program. Contingent upon passage and enactment of **HB 2114** or similar legislation by the Eighty-second Legislature that creates a beverage container redemption program and places a refundable deposit on certain beverages, the Texas Education Agency, Strategy A.1.1, the Foundation School Program - Equalized Operations is hereby appropriated the funds generated by and not otherwise allocated in **HB 2114**.

Amendment No. 290 (by Burnam) (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kolkhorst, Kuempel, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Walle, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 196

Amend **CSHB 1** in Article III of the bill, following the appropriations to the Texas Education Agency (page III-3), by adding the following appropriately numbered rider:

Contingency Appropriation for **HB 2001**: Revenue from Reduction of High Cost Gas Exemption. Contingent upon passage of **HB 2001** or similar legislation reducing or repealing the exemption from or reduction of natural gas production taxes paid on certain high cost gas, in addition to the amounts appropriated above, there is hereby appropriated to the Foundation School Program any additional revenues generated from the reduction or elimination of the high cost gas exemption or reduction under Section 201.057, Tax Code, for the purpose of allocations to local school districts under Chapters 41, 42, and 46, Education Code.

Amendment No. 291 (by Eiland and L. Taylor) (Aliseda, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, Driver, Dutton, Eissler, Elkins, Flynn, Frullo, Geren, L. Gonzales, Gooden, Gutierrez, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, Johnson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, V. Taylor, Truitt, Weber, White, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 206

Amend **CSHB 1** as follows:

(1) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.1.1. TRS - Public Education Retirement by \$20,538,828 in fiscal year 2012 and \$20,949,604 in fiscal year 2013.

(2) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.1.2 - TRS - Higher Education Retirement by \$2,686,836 in fiscal year 2012 and \$2,740,573 in fiscal year 2013 and decrease the General Revenue Dedicated - Estimated Other Educational and General Income Account No. 770 appropriation by \$3,159,159 in fiscal year 2012 and \$3,222,342 in fiscal year 2013.

(3) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.2.1 Retiree Health - Statutory Funds by \$2,075,151 in fiscal year 2012 and \$2,116,654 in fiscal year 2013.

(4) On page III-139, increase the General Revenue Fund No. 1 appropriation for The University of Texas Medical Branch at Galveston in Strategy D.1.1. Medical Branch Hospitals by \$24,871,922 in fiscal year 2012 and \$25,377,938 in fiscal year 2013.

(5) On page III-143, increase the General Revenue Fund No. 1 appropriation for The University of Texas Health Science Center at Houston in Strategy D.1.1. Dental Clinic Operations by \$117,203 in fiscal year 2012 and \$117,203 in fiscal year 2013.

(6) On page III-146, increase the General Revenue Fund No.1 appropriation for The University of Texas Health Science Center at San Antonio in Strategy D.1.1. Dental Clinic Operations by \$304,799 in fiscal year 2012 and \$304,799 in fiscal year 2013.

(7) On page III-155, increase the General Revenue Fund No.1 appropriation for Texas A&M University System Health Science Center in Strategy D.1.1. Dental Clinic Operations by \$6,891 in fiscal year 2012 and \$6,891 in fiscal year 2013.

Amendment No. 292 (by Coleman) (Aliseda, C. Anderson, R. Anderson, Berman, Branch, Brown, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, Hancock, Hardcastle, Harless, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Larson, Laubenberg, Legler, Lewis, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Perry, Phillips, Schwertner, Sheffield, Shelton, Simpson, T. Smith, L. Taylor, V. Taylor, Truitt, Weber, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 208

Amend **CSHB 1** Article III, Teacher Retirement System, Rider 5, to read as follows contingent upon the passage of **HB 2001**:

State Contribution to Texas Public School Retired Employees Group Insurance Program. The amounts specified above in A.2.1, Retiree Health-Statutory Funds, ~~\$136,349,002~~ \$272,698,004 in fiscal year 2012 and ~~\$139,075,982~~ \$278,151,964 in fiscal year 2013 are based on a state contribution rate of ~~0.50~~ 1.0 percent of payroll for each fiscal year, estimated.

The retirement system shall notify the Legislative Budget Board, the Governor, and its membership prior to establishing premiums, regarding the impact such premiums will have on retiree costs for TRS-Care insurance.

It is the intent of the Legislature that the Teacher Retirement System control the cost of the retiree insurance program by not providing rate increases to health care providers and pharmacy providers during the 2012-13 biennium without providing 60 days notice to the Legislative Budget Board.

Amendment No. 293 (by Alonzo) (Aliseda, C. Anderson, R. Anderson, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 219

Amend **CSHB 1** (house committee printing) under the Article III provisions for the Texas Higher Education Coordinating Board (pages III-33 to III-46) by adding the following appropriately numbered item:

____. Texas Higher Education Coordinating Board: Financial Incentive Program to Prepare Teachers in Bilingual Education, English as a Second Language, and Spanish.

a. It is the intent of the legislature that the Texas Higher Education Coordinating Board establish and administer a program to provide financial incentives such as tuition assistance or student loan repayment to:

(1) assist persons in obtaining certification to teach bilingual education, English as a second language, or Spanish in a public elementary or secondary school in this state; and

(2) facilitate the employment of those persons by a public elementary or secondary school in this state that has a shortage of teachers certified to teach in those fields.

b. The Coordinating Board may use a portion of any undedicated general revenue funds otherwise appropriated to the Coordinating Board by this Act for the purpose of establishing and administering the program described by this rider.

Amendment No. 294 (by Alonzo) (Branch, Christian, Dutton, Eissler, Flynn, Isaac, Kolkhorst, Landtroop, Larson, Lewis, Phillips, Price, Shelton, Smithee, Truitt, and White recorded voting no.)

Floor Packet Page No. 239

Amend **CSHB 1** (house committee printing) by adding the following appropriately numbered SECTION under the special provisions relating only to state agencies of higher education in ARTICLE III of the bill (page III-200), and renumbering existing SECTIONS of that article accordingly:

Sec. _____. Texas Optometry Career Opportunities Program at University of Houston. It is the intent of the legislature that the University of Houston may operate an optometry career program that prepares highly qualified, economically disadvantaged students from any public or private institution of higher education for advanced studies and a career in the field of optometry and that the university solicit and accept gifts and grants for that purpose. The University of Houston may use a portion of the available general revenue funds otherwise appropriated to the institution by this Act, including gifts and grants, for the purpose of establishing and operating such a program at the institution.

Amendment No. 295 (by Turner) (Berman, Brown, Button, Cain, Christian, Dutton, Eissler, Flynn, D. Howard, Isaac, Jackson, Landtroop, Larson, Laubenberg, Lavender, Lewis, Patrick, Phillips, Price, Smithee, V. Taylor, and Truitt recorded voting no.)

Floor Packet Page No. 232

Amend **CSHB 1** (house committee printing) in Article III of the bill, following the appropriations to The University of Texas Health Science Center at Houston, by amending Rider 2 (Texas Heart Institute) to read as follows:

2. Texas Heart Institute. Out of the funds appropriated above, The University of Texas Health Science Center at Houston shall allocate up to \$894,133 in each year of the 2012-13 biennium to the Texas Heart Institute for gene therapy and up to \$399,086 in each year of the 2012-13 biennium to the Texas Heart Institute for cardiovascular research. The funds provided in Strategy E.2.1 for heart disease and stroke research shall be used only in connection with programs of the Texas Heart Institute.

Amendment No. 296 (by Schwertner) (Bohac, Carter, Christian, Dutton, Flynn, D. Howard, Isaac, Menendez, Phillips, Price, Quintanilla, V. Taylor, and Truitt recorded voting no.)

Amend Amendment No. 295 by Turner to **CSHB 1** (page 231 of the prefiled amendment packet) by adding the following to the end of the amendment:

Sec. _____. The Texas A&M University System Health Science Center. The Texas A&M University System Health Science Center is appropriated \$3,000,000 for the fiscal year ending August 31, 2012, and 3,000,000 for the fiscal year ending August 31, 2013, to The Texas A&M University System Health Science Center in Strategy E.1.4. College Station, Temple, Round Rock—Medical (page III-155) for the purpose of enrolling additional medical students over and above its full-time equivalent student base used for the state

fiscal biennium ending August 31, 2013. Any unexpended balances remaining as of August 31, 2012, out of appropriations made by this provision are appropriated to The Texas A&M University System Health Science Center for the fiscal year beginning September 1, 2012, for the same purpose.

Amendment No. 297 (by Zedler) (Aliseda, Alonzo, Alvarado, Anchia, R. Anderson, Beck, Branch, Burkett, Burnam, Coleman, Cook, S. Davis, Deshotel, Driver, Dukes, Dutton, Eiland, Eissler, Farrar, Flynn, Frullo, Giddings, L. Gonzales, V. Gonzales, Gonzalez, Gooden, Gutierrez, Harless, Harper-Brown, Hernandez Luna, D. Howard, Huberty, Hunter, Johnson, Keffer, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Lucio, Lyne, Mallory Caraway, Margo, Marquez, Martinez, Martinez Fischer, McClendon, Muñoz, Naishtat, Orr, Peña, Price, Raymond, Rodriguez, Schwertner, Scott, Sheets, Smithee, Torres, Veasey, Villarreal, Vo, and Walle recorded voting no.)

Floor Packet Page No. 251

Amend **CSHB 1** as follows:

(1) On page IV-33 of the bill pattern, strike D.1.4. Strategy: PUBLIC INTEGRITY UNIT, TRAVIS CO, and renumber accordingly.

(2) On page IV-34 of the bill pattern, strike Rider 38, Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting, and renumber accordingly.

Contingent upon passage of **HB 1928**, or similar legislation, amend **CSHB 1** as follows:

(3) In Article I, Office of the Attorney General, on page ____, add a new goal to read as follows and number and insert the letter accordingly:

"____. Goal: SPECIAL PROGRAMS. _____.1.1. Strategy: PUBLIC INTEGRITY UNIT."

(4) In Article I, Office of the Attorney General, on page ____, add a line item and authorize General Revenue appropriations in the amount of \$3,368,684 in each fiscal year for Strategy _____.1.1, PUBLIC INTEGRITY UNIT, and number and insert the letter accordingly.

(5) In Article I, Office of the Attorney General, on page ____, add a new rider to read as follows and number it accordingly:

"____. Public Integrity Unit. The Public Integrity Unit, Office of the Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on fraud investigations of the Public Integrity Unit."

Amendment No. 298 (by Geren) (Dutton recorded voting no.)

Amend Amendment No. 297 to **CSHB 1** (prefiled amendment packet, page 251) by striking everything after "**CSHB 1**" and substituting the following:

by inserting the following appropriately-numbered rider in Article XI of the bill:

_____. CONTINGENCY APPROPRIATION RELATED TO **HB 1928**. Contingent on the enactment and becoming law of **HB 1928** or similar legislation of the 82nd Legislature relating to the prosecution of offenses against public administration, including ethics offenses, offenses involving insurance fraud, and offenses involving motor fuels tax, the amount appropriated to the Judiciary Section, Comptroller's Department on page IV-33 in Strategy D.1.4 to the Public Integrity Unit, Travis County, is appropriated to the Office of the Attorney General for the purpose of implementing the legislation. If **HB 1928** or similar legislation of the 82nd Legislature is enacted and becomes law, the Public Integrity Unit, Office of Attorney General, shall submit a report each January 1 to the Legislative Budget Board and the Governor the preceding fiscal year ending August 31 in a format prescribed by the Board and the Governor that includes annual statistical information on fraud investigations of the Public Integrity Unit.

Amendment No. 299 (by Hartnett) (C. Anderson, R. Anderson, Berman, Christian, Dutton, Flynn, Isaac, Laubenberg, Paxton, Phillips, Price, and Solomons recorded voting no.)

Floor Packet Page No. 252

On page IV-40 of the bill pattern for Special Provisions - Judiciary, add the following new rider:

_____. Contingency Appropriation for **HB 2174**. Contingent on passage of **HB 2174**, or similar legislation relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs, by the Eighty-second Legislature, Regular Session, in addition to amounts appropriated elsewhere in this Act, there is hereby appropriated out of the fee revenue generated due to implementation of provisions of the **HB 2174** the following amounts:

a. \$3,500,000 in each fiscal year to the Office of Court Administration in Strategy A.2.1, Indigent Defense from the General Revenue-Dedicated Fair Defense Account No. 5073 to restore grants to counties.

In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available. Further, in the event that actual receipts or revenue collections generated by enactment of **HB 2174**, or similar legislation, are in excess of the amounts appropriated by this provision, these amounts are appropriated for the purposes of basic civil legal services, indigent defense, and judicial technical support.

Any unexpended balances remaining as of August 31, 2012, out of appropriations herein are hereby appropriated to the respective agency or court for the fiscal year beginning September 1, 2012, for the same purposes.

Amendment No. 300 (by Thompson) (Aycock, Beck, Berman, Bonnen, Brown, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Driver, Dutton, Fletcher, Flynn, Frullo, Garza, L. Gonzales, Hancock, Harless, Hilderbran, Huberty, Hunter, Isaac, P. King, S. King, Kolkhorst, Kuempel, Landtroop, Laubenberg, Legler, Lewis, Lyne, S. Miller, Orr, Parker, Paxton, Perry, Phillips, Price, Simpson, Solomons, L. Taylor, Truitt, Weber, Workman, and Zedler recorded voting no.)

Floor Packet Page No. 253

Amend **CSHB 1** (house committee printing) in Article IV of the bill, following the Special Provisions - Judiciary, by adding the following appropriately numbered rider to the bill:

_____. Contingent Appropriation for **HB 2502**. (a) Contingent on the enactment of **HB 2502** or similar legislation of the 82nd Legislature, Regular Session, relating to the fees collected by district court clerks on the filing of certain civil actions or proceedings to fund basic civil legal services, in addition to the other amounts appropriated in this Act, from the fee revenue generated from implementing **HB 2502**, \$3,300,000 is appropriated to the Supreme Court of Texas for Strategy B.1.1., Basic Civil Legal Services, in each state fiscal year of the biennium ending August 31, 2013.

(b) If the actual or projected revenue collections are insufficient to offset the money appropriated under Subsection (a) of this rider, the Legislative Budget Board may direct the comptroller of public accounts to reduce the amount of the appropriation to equal the estimated available revenue. If the actual receipts or revenue collections generated by the enactment of **HB 2502**, or similar legislation, exceed the amount appropriated under Subsection (a) of this rider, the amount that exceeds the amount appropriated under Subsection (a) is appropriated to the Supreme Court of Texas for Strategy B.1.1., Basic Civil Legal Services, in each state fiscal year of the biennium ending August 31, 2013.

(c) Of the appropriations made under Subsections (a) and (b) of this rider, any unexpended balances remaining on August 31, 2012, are appropriated to the district court that collected the fee under **HB 2502** for the state fiscal year beginning September 1, 2011, for basic civil legal services.

Amendment No. 301 (by Madden) (Dutton and Mallory Caraway recorded voting no.)

Floor Packet Page No. 274

On page V-XX of **CSHB 1**, add the following rider:

X. Contingency Rider for the Creation of the Juvenile Justice Department. Contingent upon the passage and enactment of **SB 653**, relating to the creation of the Juvenile Justice Department, or similar legislation, by the Eighty-second Legislature, Regular Session, 2011, all funds appropriated herein to the Texas Youth Commission and Juvenile Probation Commission are to be transferred to the Juvenile Justice Department in the following bill pattern:

2012

2013

A. Goal: Community Juvenile Justice

A.1.1. Community Supervision	\$ XX	XX
A.1.2. Post-adjudication Facilities	XX	XX
A.1.3. Juvenile Justice Alternative Education Programs	XX	XX
A.2.1. Training and Certification	XX	XX
A.2.2. Monitoring and Inspections	XX	XX
Total Goal A: Community Juvenile Justice	\$ XX	XX
B. Goal: State Services and Facilities		
B.1.1. Assessment and Orientation	\$ XX	XX
B.1.2. Facility Operations	XX	XX
B.1.3. Education	XX	XX
B.1.4. Halfway House Operations	XX	XX
B.1.5. Health Care	XX	XX
B.1.6. Mental Health (Psychiatric) Care	XX	XX
B.1.7. General Rehabilitation Treatment	XX	XX
B.1.8. Specialized Rehabilitation Treatment	XX	XX
B.1.9. Contract Capacity	XX	XX
B.1.10. Parole Services	XX	XX
B.2.1. Office of the Inspector General	XX	XX
B.2.2. Office of the Independent Ombudsman	XX	XX
B.2.3. Health Care Oversight	XX	XX
B.2.4. Interstate Agreement	XX	XX
Total Goal B: State Service and Facilities	\$ XX	XX
C. Goal: Indirect Administration		
C.1.1. Central Administration	\$ XX	XX
C.1.2. Information Resources	XX	XX
Total Goal B: State Service and Facilities	\$ XX	XX

The Legislative Budget Board and the Governor's Office of Budget, Planning and Policy, shall work together to perfect the bill pattern of the consolidated agency, ensuring that it reflects the above structure.

The riders included in the bill patterns of the Juvenile Probation Commission and the Texas Youth Commission are to be added to the bill pattern of the consolidated Juvenile Justice Department, with all references to either the Juvenile Probation Commission or the Texas Youth Commission replaced with the Juvenile Justice Department, with the addition of the following riders:

A.

Amendment No. 302 (by Madden) (Berman, Dutton, Flynn, Hardcastle, Isaac, Landtroop, and Mallory Caraway recorded voting no.)

Floor Packet Page No. 269

Amend **CSHB 1** in Article V of the bill, Rider 54, page V-22 contingent upon passage of **HB 1908**, by removing the rider.

Amendment No. 303 (by Madden) (C. Anderson, Berman, Christian, Cook, Dutton, Flynn, Hunter, Isaac, Landtroop, Lewis, Mallory Caraway, and Phillips recorded voting no.)

Floor Packet Page No. 271

Amend **CSHB 1**, Article V, page V-24, add the following: contingent on the passage of **HB 3386**, allocate additional funds, received as a result of the annual inmate fee, to the cost of correctional health care Strategy C.1.8.

Amendment No. 304 (by Madden) (Dutton recorded voting no.)

Amend Amendment No. 303 by Madden to **CSHB 1** (page 271 of the prefiled amendment packet), by striking the language on lines 2 through 4 and substituting the following:

Contingent on the passage of **HB 3386** or similar legislation enacted by the 82nd legislature, allocate:

(1) additional funds received as a result of imposing an annual inmate fee to the cost of correctional health care Strategy C.1.8; and

(2) 50 percent of any adult correctional savings in the 2012-2013 biennium achieved through provisions other than a provision imposing an annual inmate fee in equal proportion to Article V, Strategies A.1.2, A.1.3, and A.1.4.

Amendment No. 305 (by McClendon) (C. Anderson, Berman, Branch, Brown, Button, Cain, Christian, Dutton, Eissler, Flynn, L. Gonzales, Gooden, Huberty, Hughes, P. King, Kleinschmidt, Kolkhorst, Larson, Laubenberg, Lavender, Legler, Lewis, Margo, Morrison, Parker, Patrick, Paxton, Perry, Phillips, Price, Sheffield, T. Smith, W. Smith, V. Taylor, Truitt, and Zedler recorded voting no.)

Floor Packet Page No. 275

Amend **CSHB 1** (house committee printing) in Article V of the bill, following the appropriations to the JUVENILE PROBATION COMMISSION, in Rider 2 (page V-30), to read: Restrictions, State Grants Aid. None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salaries or expenses of juvenile board members. None of the funds appropriated above and allocated to local juvenile probation boards shall be expended for salary increases of existing personnel in an amount greater than 12% of the previous year without approval of TJPC. ~~salaries of personnel that exceed 112% of the previous year.~~

Amendment No. 306 (by Madden) (Dutton, Hardcastle, and Mallory Caraway recorded voting no.)

Floor Packet Page No. 284

Amend **CSHB 1**, Article V, Texas Youth Commission, page V-47 through V-53, Texas Youth Commission lease terminations. The reduction in appropriations to the Texas Youth Commission will result in consolidations of staffing and physical plant for cost effectiveness. Texas Youth Commission is hereby authorized to terminate leases during the FY 2012-13 biennium to close

district and other offices as needed. Texas Youth Commission shall work with the Texas Facility Commission to execute timely lease terminations consistent with organizational changes and closures resulting from reduced appropriations.

Amendment No. 307 (by Madden) (Dutton, Gutierrez, D. Howard, and Mallory Caraway recorded voting no.)

Floor Packet Page No. 286

Amend **CSHB 1** in Article V of the bill, Texas Youth Commission, page V-51, Rider No. 5, by deleting the rider.

Amendment No. 308 (by Hamilton) (Berman, Bohac, Branch, Brown, Button, Cain, Christian, Dutton, Eissler, Elkins, Flynn, L. Gonzales, Gooden, Gutierrez, Harless, Harper-Brown, D. Howard, Hughes, P. King, Kleinschmidt, Kolkhorst, Landtroop, Larson, Legler, Lewis, Margo, Morrison, Patrick, Perry, Phillips, Price, Schwertner, Sheffield, Shelton, T. Smith, W. Smith, Smithee, V. Taylor, Truitt, and Zedler recorded voting no.)

Floor Packet Page No. 288

Amend **CSHB 1**, following the appropriations to the Texas Youth Commission in Article V of the bill (page V-51), by adding the following appropriately numbered rider:

_____. Inspire, Encourage, Achieve. Notwithstanding the appropriation made under Strategy C.1.1, General Rehabilitation Treatment, the amount of that appropriation is reduced by \$400,000, and an appropriation is made to Inspire, Encourage, Achieve in the amount of \$400,000 for the state fiscal biennium ending August 31, 2013.

Amendment No. 309 (by Giddings) (Aliseda, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Chisum, Christian, Craddick, Creighton, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Garza, Geren, L. Gonzales, Gooden, Hancock, Hardcastle, Harless, Harper-Brown, Hilderbran, Hughes, Hunter, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 305

Included in the amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$12,500,000 in each fiscal year of the 2012-13 biennium in estimated fee revenues from vehicle inspection and maintenance fees generated pursuant to Health and Safety Code, §§ 382.202 and 382.302, to fund the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP). Of the amounts, not more than \$500,000 in each fiscal year shall be used by the Texas Commission on Environmental Quality (TCEQ) for costs associated with administering the LIRAP as authorized in Health and Safety Code § 382.202, and

all remaining funds shall be used as LIRAP grants to local governments. Also included in the amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, is \$3,750,000 in each fiscal year of the 2012-13 biennium in unexpended balances in the Clean Air Account No. 151 to be used only for purposes authorized in Chapter 382 of the Health and Safety Code for county-implemented local initiatives projects to reduce air emissions, including but not limited to the following: the expansion of AirCheck Texas Repair and Replacement Assistance Program; development and implementation of remote emissions-sensing systems, the Texas Commission on Environmental Quality's (TCEQ) Smoking Vehicle program, and the enhancement of transportation system improvements; and coordination with local law enforcement to reduce counterfeit inspection stickers. In addition to the amounts appropriated above, there is hereby appropriated to the TCEQ for the biennium beginning on September 1, 2011 any additional revenues from vehicle inspection and maintenance fees generated from additional counties participating in the LIRAP beginning on or after September 1, 2011. Such funds shall be used to provide grants to local governments and to cover administrative costs of the TCEQ in administering the LIRAP.

Amendment No. 310 (by Workman) (Alonzo, Alvarado, C. Anderson, Berman, Branch, Burnam, Carter, Christian, Coleman, Deshotel, Dukes, Dutton, Eissler, Farrar, Flynn, V. Gonzales, Gonzalez, Gooden, Gutierrez, Hernandez Luna, Hughes, Johnson, P. King, Kolkhorst, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Mallory Caraway, Margo, Marquez, Martinez, McClendon, Menendez, Morrison, Muñoz, Naishtat, Paxton, Phillips, Price, Raymond, Rodriguez, Schwertner, Sheets, Sheffield, Shelton, T. Smith, W. Smith, V. Taylor, Turner, Villarreal, Vo, Walle, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 321

Amend **CSHB 1** as follows:

(1) Under the Article VI appropriations to the Railroad Commission, add the following appropriately numbered rider:

____. Contingency for **HB 1273**. Contingent on **HB 1273**, 82nd Legislature, Regular Session, 2011, or other similar legislation relating to the regulation of propane utility companies, being enacted and becoming law:

(1) the general revenue appropriations for Strategy A.2.1, Gas Utility Compliance, are increased by \$150,000 for the fiscal year ending August 31, 2012, and increased by \$150,000 for the fiscal year ending August 31, 2013; and

(2) the general revenue appropriations for Strategy A.3.1, Promote Alternative Energy Resource, are reduced by \$150,000 for the fiscal year ending August 31, 2012, and reduced by \$150,000 for the fiscal year ending August 31, 2013.

(2) Adjust the article totals and methods of financing accordingly.

Amendment No. 311 (by Coleman) (C. Anderson, Berman, Button, Cain, Craddick, Dutton, Eissler, Flynn, Huberty, Isaac, Jackson, Kolkhorst, Lavender, Legler, Lyne, Paxton, Phillips, Shelton, Smithee, Truitt, and Zedler recorded voting no.)

Floor Packet Page No. 326

Amend **CSHB 1** as follows:

(1) In Article VII, page ____, reduce general revenue funding for the Texas Lottery Commission, Strategy A.1.8, Mass Media Advertising by \$7,184,949 in FY2012 and by \$7,184,950 in FY2013.

(2) Increase funding in Article III, page ____, strategy B.1.4, Educational Aide Program, by \$7,184,949 in FY2012 and by \$7,184,950 in FY2013.

Amend **CSHB 1**, Article III Higher Education Coordinating Board to add the following appropriately numbered rider:

____: Educational Aide Program. The amounts appropriated above in Strategy B.1.4, Educational Aide Program, shall be expended by the Higher Education Coordinating Board so as to ensure priority for persons who have previously been awarded a tuition exemption in order that they may complete teacher certification. Any balances on hand at the end of fiscal year 2012 may be carried over to fiscal year 2013 and any such funds are appropriated for fiscal year 2013 for the same purpose.

Amendment No. 312 (by Alonzo) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Brown, Burkett, Button, Cain, Carter, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Geren, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Hunter, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Morrison, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 342

Amend **CSHB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

____. Proposed Dallas Streetcar Line. It is the intent of the 82nd Legislature of the State of Texas to express support for and urge the Texas Department of Transportation to provide funding for the promotion of economic development through the construction by the City of Dallas of a streetcar line connecting downtown Dallas and Oak Cliff.

Amendment No. 313 (by Alonzo) (Aliseda, C. Anderson, R. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Burkett, Button, Cain, Carter, Cook, Craddick, Creighton, Crownover, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, Geren, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hunter, Isaac, Jackson, P. King, S. King, Kolkhorst, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, S. Miller, Orr, Otto, Parker, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, Simpson, Smithee, L. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 343

Amend **CSHB 1** by adding the following appropriately numbered rider in Article VII of the bill after the appropriations to the Texas Department of Transportation:

_____. Offer of Certain Real Property to Nonprofit Corporation. (a) In this section, "nonprofit corporation" means a corporation governed as a nonprofit corporation under the Business Organizations Code.

(b) It is the intent of the legislature that the Texas Department of Transportation is authorized to take title to unusable remainder real property not to be used for right-of-way purposes as part of the acquisition, from funds appropriated to the department, of real property for right-of-way purposes.

(c) Notwithstanding Section 202.021, Transportation Code, the Texas Department of Transportation shall offer the real property described by Subsection (b) to a nonprofit corporation designated by the municipality in which the real property is located or, if the real property is not located in a municipality, by the county in which the real property is located, without cost or expense to the designated nonprofit corporation.

(d) Property acquired under this section by a nonprofit corporation or by another entity from a nonprofit corporation that acquired the property under this section must be used for the public purpose of development and diversification of the state economy.

Amendment No. 314 (by Alonzo) (Aliseda, C. Anderson, Aycock, Beck, Berman, Bohac, Bonnen, Branch, Brown, Button, Cain, Carter, Chisum, Christian, Cook, Craddick, Creighton, Crownover, S. Davis, Dutton, Eissler, Elkins, Fletcher, Flynn, Frullo, L. Gonzales, Gooden, Hancock, Harless, Harper-Brown, Hilderbran, D. Howard, Huberty, Hughes, Jackson, P. King, S. King, Kleinschmidt, Kolkhorst, Landtroop, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Madden, Margo, S. Miller, Murphy, Orr, Otto, Parker, Patrick, Paxton, Perry, Phillips, Price, Schwertner, Scott, Sheets, Sheffield, Shelton, Simpson, T. Smith, W. Smith, Smithee, Solomons, L. Taylor, V. Taylor, Truitt, Weber, White, Workman, Zedler, and Zerwas recorded voting no.)

Floor Packet Page No. 344

Amend **CSHB 1** in Article VII of the bill by adding the following appropriately numbered rider following the appropriations to the Texas Department of Transportation:

_____. Use of Emerging Fund Managers for Investments. (a) To the extent that the Texas Department of Transportation contracts with private professional investment managers to manage or assist in managing money appropriated to the department by this Act or otherwise acquires private financial services for money appropriated by this Act, it is the intent of the legislature that the department shall make a good faith effort to award contracts to or acquire services from qualified emerging fund managers.

(b) For purposes of Subsection (a):

(1) "Emerging fund manager" means a private professional investment manager that manages assets of not more than \$5 billion.

(2) "Private financial services" includes pension fund management, consulting, investment advising, brokerage services, hedge fund management, private equity fund management, and real estate investment.

Amendment No. 315 (by P. King) (Alonzo, Alvarado, Anchia, Branch, Burnam, Coleman, Deshotel, Dukes, Dutton, Farrar, V. Gonzales, Gutierrez, Hernandez Luna, Johnson, Mallory Caraway, Marquez, Martinez, McClendon, Menendez, Muñoz, Naishtat, Price, Quintanilla, Rodriguez, Schwertner, Truitt, Villarreal, Vo, and Walle recorded voting no.)

Floor Packet Page No. 376

Amend **CSHB 1**, in Article IX, by inserting the following rider, appropriately numbered, in Part 3:

3._____. Contingent Rider: State Employee Furlough. Contingent on **HB 2720**, or similar legislation of the 82nd Legislature, Regular Session, authorizing state agencies to furlough employees, being enacted and becoming law, the money appropriated to each agency under this Act for employee wages and salaries for the state fiscal year ending August 31, 2012, and the state fiscal year ending August 31, 2013, is reduced by an amount equal to three days' wages or salary for each employee of the agency.

Amendment No. 316 (by Patrick) (Aliseda, C. Anderson, R. Anderson, Aycock, Berman, Bohac, Button, Cain, Christian, Cook, Craddick, Creighton, Dutton, Flynn, Frullo, L. Gonzales, Gutierrez, Hancock, Harper-Brown, Isaac, Kolkhorst, Landtroop, Laubenberg, Lewis, Lyne, Parker, Perry, Phillips, Price, Sheets, Simpson, V. Taylor, White, and Zedler recorded voting no.)

Floor Packet Page No. 390

Amend **CSHB 1** as follows:

(1) On page IX-71 of Article IX of **CSHB 1**, add the following appropriately numbered rider:

_____. Contingency Appropriation for **HB 862**. Contingent on passage and enactment of **HB 862**, or similar legislation relating to putting the State Board of Education and the State Board for Educator Certification under periodic review by the Sunset Advisory Commission, amounts appropriated on page III-2 of the Texas Education Agency bill pattern in Strategy A.2.4, School Improvement and Support Programs are hereby reduced by \$115,000 in General Revenue fiscal year 2012 and \$66,000 in General Revenue in fiscal year 2013, and amounts

referenced on page III-13 in Texas Education Agency, Rider 38, Funding for Regional Education Service Centers, are hereby reduced by \$115,000 in fiscal year 2012 and \$66,000 in fiscal year 2013.

Contingent on passage and enactment of **HB 862**, or similar legislation relating to putting the State Board of Education and the State Board for Educator Certification under periodic review by the Sunset Advisory Commission, amounts appropriated elsewhere in this Act for the operation of the Sunset Advisory Commission are hereby increased by \$115,000 in General Revenue in fiscal year 2012 and \$66,000 in General Revenue in fiscal year 2013.

Amendment No. 317 (by Eiland) (Aliseda, C. Anderson, R. Anderson, Beck, Branch, Burkett, Button, Carter, Cook, Craddick, Creighton, Crownover, Dutton, Eissler, Fletcher, Flynn, Frullo, Geren, Gooden, Hancock, Harper-Brown, Huberty, Hughes, Kleinschmidt, Kolkhorst, Larson, Laubenberg, Lavender, Legler, Lewis, Lyne, Margo, Orr, Patrick, Paxton, Perry, Phillips, Price, Sheffield, Shelton, T. Smith, Solomons, L. Taylor, Truitt, White, and Zedler recorded voting no.)

Floor Packet Page No. 422

Amend **CSHB 1** (house committee printing) in Article XI, insert the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

____. **CONTINGENCY APPROPRIATIONS.** Contingent upon the enactment of **HB 259**, or similar legislation, relating to an assessment on subscription video service providers, by the Eighty-second Legislature, Regular Session 2011 and contingent upon the Comptroller's certification of available General Revenue of approximately \$240 million in for the biennium above the Comptroller's 2011 Biennial Revenue Estimate, the General Revenue generated by the legislation shall be appropriated as follows:

(a) On page II-21, for Total, Goal A. Children with Disabilities, strike "156,619,856" for year 2012 and substitute "222,228,813" and strike "156,618,368" for year 2013 and substitute "235,068,075" to fully fund at recommended levels.

(b) On page II-34, for Total, Goal C: Prevention Programs, strike "24,123,549" in year 2012 and substitute "45,883,571" and strike "24,123,550" in year 2013 and substitute "45,883,571" to fully fund at 2010-2011 levels.

(c) On page II-46, for strategy B.2.6 Reduce Use of Tobacco Products, strike "2,662,173" in year 2012 and substitute "9,450,315", and strike "2,115,062" in year 2013 and substitute "9,450,315" to fully fund at 2010-2011 levels.

(d) On page II-47 for strategy C.2.1 Mental Health Community Hospitals, strike "29,239,096" in year 2012 and substitute "48,388,046.50" and strike "29,239,096" in year 2013 and substitute "48,388,046.50" to fund near recommended levels.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Licensing and Administrative Procedures, 9 a.m. tomorrow.

Business and Industry, 8:30 a.m. tomorrow.

(Speaker in the chair)

CSHB 1 - (consideration continued)

CSHB 1 - REMARKS

REPRESENTATIVE GIDDINGS: By now each member pretty much knows where the others stand on this budget. And I don't believe for a moment that anything that I say at this mic or, for that matter, anything that anybody else says at this mic at this time is going to change anyone's mind here today. But my comments, really, honor the advice that my dad gave me years ago. He said two things that I think are applicable to a time such as this, for a moment such as this. What he told me, and I'm sure it was not an original thought, but what he said to me is, "that if you ever get to a place where people will listen to you, you no longer have the luxury of speaking for yourself; but you must speak for those who have no voice." So today, I speak for the children, whose educational opportunities are sharply curtailed because of the elimination of full-day pre-K, which helps students who are not less intelligent, but less exposed.

In view of the fact that we know if we invest one dollar in early childhood education the dividend is seven dollars, the elimination of the \$223 million in funding not only hurts the future of these young children, it hurts the future, the prosperity, and the competitiveness of our state.

I speak for the students who will not get to college because we're cutting back on financial aid. Fifty thousand fewer TEXAS grants will be available in 2013 than today. We are cutting funding for universities, fewer dollars for financial aid, cutbacks in college funding. Cutbacks in tuition dollars amounts to a severe setback for those who would seek a college education. One of the lessons that we learned in South Africa is that no society can survive and thrive using the talent of only half of its people, and that's where we're headed with this bill.

I speak for the 90,000-plus school employees who will lose their jobs. I speak for the elderly, those in their 70s, their 80s, and their 90s, who will not be able to live in nursing homes, and for those who would like to live at home, and will perhaps be subject to heatstroke, because we are reducing the discount on utility bills. I speak for those who have no voice, but those Texans also sing "Texas, Our Texas." And then my dad said, "some things are worth fighting for, even when you know you can't win." And so I fight for Texas tonight, and its residents, and those who are the least of those. And I believe that we will rue the day that we took many of the actions that we are taking in **HB 1**, and we will feel the ill effects of the dismantling of our infrastructure, I believe, for years to come.

Just because you can do something and just because you have the numbers to do that something doesn't mean you should. Yes, we have less revenues, and yes, we have fewer resources, and yes, we had to do some cutting, but we could've done better. Our approach was not as balanced as it might've been. We needed a combination of cuts of new revenues and more of the spending of the rainy day fund. The question that I like to ask myself at the end of the day is, "are the people of Texas better off because of the action that we're taking here tonight on this budget?" I cannot say that Texans will be healthier. I can't say that they're going to be better educated. I cannot say that the least of those are no worse off. The children, the elderly, the college students, in my mind, are all

worse off. What I can say is this is a day of reckoning, in my view, and in my view we don't measure up to what Texas ought to be about. And so I must vote no, with all due respect, on this bill, because I do think that there are people who have worked extremely hard under some very difficult circumstances and did the best that they could do, but tonight our best simply isn't good enough.

REPRESENTATIVE STRAMA: I rise in opposition, with all due respect to the chairman of the committee, the author of the bill, and the members of the committee who worked hard. It is a testament to their work that your amendments and my amendment presented such agonizing choices because we were working under the constraints of such limited revenues, relative to needs, that every choice to move money took from something that is a priority to almost all of us to give it to something that is a priority to almost all of us. So we appreciate all the hard work that went into making those terrible choices.

The mistake that we made was when we adopted a calendar rule that prohibited us from tapping into the rainy day fund in the next biennium to mitigate some of these cuts and fund some of the priorities that each of you introduced amendments to fund. That is an avoidable mistake. I heard it said many times that we do not have the money to fund these programs, but we patently do and we've simply made a choice not to access them.

Let me talk for a moment about the statistics I've cited in the discussion of amendments that removed funding from family planning services and moved them to other important priorities. I mentioned that in California, a state that is a third bigger than Texas, the growth in the population of children, age zero to five, is 212,000 over the last decade. They have 212,000 more children, age zero to five, at the end of the decade than they started with. We had 388,000 more children between the ages of zero and five at the end of this past decade than we started with. Our growth rate among children, the age zero to five, is nearly double that of California's, a state that is a third bigger than we are. What that means is that our financial difficulties here are not just caused by the recession, and not just caused by the structural deficit due to the margin's tax failure to make up for the property tax cut we all voted for. They are also because those children don't pay taxes yet. They are an expenditure, but they are also an investment.

If you are a business and you are confronted with an explosion of costs that are core to your mission, you find a way to fund them. If that means dipping into your reserves, you dip into your reserves. If that means credit is necessary to sustain you as a business, you access whatever credit you can find. If that means you may have to adjust your pricing structure in order to fund the essential mission of your business, you reconsider your pricing structure. That is the position we are in. If we are going to fund education for this exploding population of children that we either educate now, or plan on spending a lot of money on law enforcement in prisons later. That is the situation we are in.

In the course of the discussion about funding public education, I heard from one constituent who attended a meeting where an advocate of reducing expenditures on public education compared this crisis to draining a lake where you can find out where the mess is on the bottom of the lake and clean it out, as a metaphor for some of the inefficiencies in public school spending. And this 19-year-old asked me, "What happens to the fish?" There is no evidence. While there is a concern that public education spending has increased without impressive results in test scores, there is no evidence that spending \$7 billion less on public education will do anything other than diminish the quality of education

of our children at a time when they need it most. How we can consider cutting public education in the globally competitive economics that these children are going to be in when they reach the work force is unfathomable to me.

Many will vote for this bill and say I voted to move it to the senate where it will get better. It is not their job. It is our job, too. With all due respect, I ask you to consider voting against this bill, send it back to the committee. Let's put the revenues in it necessary to fulfill our core mission.

REPRESENTATIVE CASTRO: I know that this has been a very difficult two days for all of us. Regardless of where you stand on this budget the choices that we have faced are very hard ones, I know, for everyone. A few weeks ago the effects of the budget, for me, really came to life. I was invited to speak at a rally here on the south steps, as we see many rallies during the legislative session, and it was a group of parents who were here with their medically fragile kids. These were kids that were in wheelchairs, many who couldn't talk, who were literally writhing in their chairs, many of them on oxygen. And I spoke, and there were probably 100 to 150 people there, and I said, "We'll do everything that we can to help you. There are many of us here that are going to fight these cuts." And as I was walking back into the Capitol, there was a woman that had a picture of a child, of a young boy, and I asked her in a tone, that I think now was a little too chipper, I said, "Oh, is that your son?" And she said, "Yeah, that was my son. He died in 2003 after the cuts that the legislature made back then." Where do you go in that conversation after that?

This budget and this bill represent, more than anything else, a choice that the republican majority is making. We're not confined by political or economic fate to accept this budget, to forgo the priorities of education, health care, and nursing homes. This is a choice. What I could have told that woman was that this legislature, instead of choosing your kid, and your folks, they're choosing not to raise the cigarette tax by 25 cents or 50 cents. They're choosing not to close corporate loopholes so they can make more revenue. They're choosing not to do any gaming. They're making that choice. They are sacrificing you because they don't want to close any tax loopholes, because they don't want to raise any new revenue. Eighty thousand kids are not going to get their scholarships and grant money because of this bill. Forty-three thousand people are going to get kicked out of nursing homes or get denied nursing home entrance because of this bill. Three hundred and thirty-five thousand jobs, Texas jobs, are going to go away because of this bill. You know, often times when you propose a piece of legislation, and I think the freshmen will understand this as you serve here in your first and second and third terms, anything that you do that looks like it'll kill jobs or hurt jobs, people will say, "Well, we can't do that because you're going to hurt jobs, you're going to kill jobs, you're going to hurt economic development." This bill is hurting economic development. You're killing 335,000 jobs. So, just as the argument that if you raise taxes, we don't want to raise taxes because we're going to hurt jobs. Well, you're killing 335,000 jobs. So does that mean you may as well raise taxes?

Saturday was a very odd day. This is my fifth term here and I've never seen people argue the way I saw on Saturday night, or Friday night. What I saw was a kind of fiscal cannibalism on this floor. People trying to take money from senior citizens or college students to give to senior citizens, from state hospitals to give to college students, from one person's district because it would benefit another person's district. And I couldn't help but think that the reason that we became fiscal cannibals here is because the governor of the State of Texas put the

legislature in this sandbox, which many folks here refuse to get out of. He has said that he doesn't want to use any more of the rainy day fund, that he doesn't want to raise revenue. And so everybody becomes a cannibal trying to take from each other. I don't think that we should be trapped by the ideology of one person with political ambition, trapped by the political ambition of one governor. These are false choices that we make.

Finally, after I finished that rally I came back to my office and they gave me a DVD, and I watched this DVD on the medically fragile kids. And I really started to wonder, why are you here? I'm sure all of us have wondered that at one time or another. And you tell people to come into your office, they ask you to help, and you tell them yeah, of course I'm going to help, and you realize that they've got to convince somebody else if they're going to be successful. That's quite a powerless feeling in politics. So, when I speak to the folks—I had an amendment for the medically fragile kids, I think it was on page 213 or 214. I'll tell them that it was struck down by a point of order because we can't take from the governor's Emerging Technology Fund.

REPRESENTATIVE MARTINEZ: Mr. Speaker, members, everything is bigger in Texas, especially when it comes to this budget. With a gaping \$27 billion shortfall, one of the largest uninsured populations, cuts on our elderly, and most of all, being ranked 44th in education. This bill doesn't make it any better, and I surely don't believe we want to be ranked 50th, but this bill paves the way for that. We should be striving to be number one. Representative Reynolds mentioned that in his debate on Friday night. We should be striving to be number one in education, in health care, in everything that is about Texas and for Texans.

I, as many of you, have probably received hundreds of e-mails and phone calls about **HB 1**. Throughout the hundreds of e-mails and phone calls, not one, members—not one—has been in support of **HB 1**. Not one Texan, or e-mail, has said that they are for 300,000 Texans losing their jobs in both public and private sectors, or saying they're okay with the closing of nursing homes, and our sick and elderly being left out in the street. Not one person has mentioned that they are okay with hurting one of our most important investments—Representative Gallego, you and I talked about this—our most important investment, our children—by cutting education budgets, and the hundreds of thousands of teachers who will lose their jobs as a result of this bill.

I, as many, can't go home and say that we've supported a bill that hurts education, health care, and most of all Texans. I have the utmost respect for our chairman, Chairman Pitts, and the work that he has done on this bill. But, unfortunately, members, this bill today does not help Texans tomorrow.

REPRESENTATIVE D. HOWARD: I too want to thank Chairman Pitts and all the members who have worked so hard on this, and I know we're all here because we're trying to do the best that we can. But that being said, I am here to speak against **HB 1**. As we've been hearing from all the other speakers, everything that we do here is about choices. **HB 1** is predicated on a false choice: the choice to balance our state's budget through cuts alone. The choice of those in power to force this upon us completely shut down any discussion of ways to find a more balanced approach, which would have included cuts, but would also have responsibly looked at utilizing funds from the Economic Stabilization Fund and/or additional sources of revenue.

This budget is a choice to go ahead and lay off teachers and principals, nursing home caregivers, and thousands of state employees, rather than engaging in a responsible discussion of those priorities that keep our state moving forward. No matter how low our taxes, no matter how few our regulations, no matter how much tort reform we have, businesses will stop coming here creating jobs if we don't provide an educated workforce. Because, you see, there has to be a balance between a strong business environment and a healthy infrastructure that supports those families that come here with those businesses and those who work in those businesses. What we're doing here tonight will have a devastating impact on our economic prosperity for years to come.

I also want to say something about those who have justified a cuts-only approach by claiming that we can only spend what we have, that we have to live within our means. I find this very disingenuous. The truth is, we have allowed political rhetoric to box us into a corner by allowing the perpetuation of the myth that we can provide something for nothing. That's simply not true. Rather than have honest discussions with the citizens of this state about what we want government to provide, how much it should cost, and how we should pay for it, we have perpetuated a false impression that our revenue is sufficient, that government is bloated, and that cuts are the only way to balance a budget. I have a hard time believing that when the LBB indicates we're 50th in the nation in terms of expenditure per capita. I have a hard time believing that when only 70 percent of our students end up graduating from high school. I have a hard time believing that when 50 percent of our students who enter higher education need to take remedial courses because they are not prepared for college-level work. And I also have a hard time believing our claims of holding the line on taxes—wink, wink—while we push costs down to local governments and local taxpayers who are left to foot the bill.

HB 1 gives us a budget that sacrifices fiscal responsibility in the name of fiscal conservatism. I think we're better than that. I know Texas is better than that. I am not willing to sacrifice our future with the false choices we have been forced to make. I am voting against **HB 1**, not because I think we can solve all our problems by spending more money, but because I know we won't solve our problems if we just cut. On behalf of teachers, students, nursing home residents, state employees, and Texas families, that's not a choice that I'm willing to make.

REPRESENTATIVE VILLARREAL: Speaker Straus, Chairman Pitts, thank you for giving me the opportunity to work in Appropriations, but I'm afraid we went about it the wrong way. In this process, we cut and then we prioritized, when we should have first prioritized before we cut what we value least. Let me explain. Before we prioritized, those in control of the legislature cut the option of using a single dime of the rainy day fund for 2012 and 2013. Before we were allowed to prioritize, they cut the option of making big corporations pay their fair share of taxes by eliminating tax loopholes we can no longer afford.

We should have placed all these options on the table. We should have evaluated every expenditure, whether it is in our budget or in our tax code, because an expenditure is an expenditure, and then we should have prioritized. But because we did not, this republican budget fails to reflect the people's priorities: protecting education and keeping nursing homes open. Because we did not first prioritize, the budget cuts state support for public education by 21 percent. Twenty-one percent.

To put a face on it, I think of my own children. And for me they are a reflection of children that I know who are all across this state, not just in our big cities, but in our small little towns and in our suburbs. I see them developing a love of art and music. I see them playing with science. I see them developing a passion for math and history and literature and so many other subjects. This budget harms my children and all of our children. This budget harms their dreams, their future. It harms their parents' dreams for them. It harms our state's efforts to grow an educated workforce, to compete in the global economy.

You know, we are a state that only has 24 percent of its people with a college education. This is below the national average, and it is declining. This budget harms our ability to reverse that trend. Because we did not first prioritize, the budget cut state support for higher education by 21 percent and it cuts new TEXAS grants by 100 percent. There are high school students in my district and in yours who have done everything that we told them to do. They've taken the more rigorous courses, they've studied hard, they've made the grades, and they understood, because we told them so, that if they held up their end of the bargain, we would be there for them with financial aid. Because we did not first prioritize, we are now breaking that promise. We're shutting the door on their pursuit for higher education, a well-paying job, a better life.

Because we did not first prioritize, the budget cuts nursing homes by 33 percent. From San Antonio, to Nacogdoches, to Corpus Christi, all across this state our moms, our grandmothers—they are going to be harmed. They've raised their families, they've worked hard. All they asked was that their final years be lived with a measure of dignity and comfort. This budget rips that from them. This budget closes thousands of nursing homes, leaving our elderly Texans in the street.

Because we did not first prioritize, this budget does not use a single dime of the rainy day fund. I've heard people stand up over the last few days and say they care about our children, our vulnerable Texans, children with mental health needs, children with autism, but in their actions—because we did not first prioritize, a vote for this budget says hoarding the rainy day fund is more important than these children and vulnerable Texans. Because we did not first prioritize, this bill is not based on closing a single tax loophole. If you vote for this budget, you are voting to value tax loopholes for big corporations over the quality of education for our children and over keeping nursing homes open. Because we did not first prioritize, the budget diverts billions of dollars.

Texans want us to be honest with them. They want a transparent and accountable budget process, but this budget takes fees paid by Texans, tells them they are going to a worthy cause, like helping poor seniors pay their electricity bill, or helping aspiring CPAs take their fifth year of accounting, and then it hides the money some place else. Because we did not first prioritize, we have been boxed into false choices between valuing seniors over children, or women's health over children's health.

I've read in the clips statements by some colleagues who say we want to know where democrats stand. Well, let me tell you very clearly where we stand. We value the quality education found in our schools. We value keeping nursing homes open. We want big corporations to pay their fair share of taxes. We want a balanced budget that uses some, not all, but some of the rainy day fund so that we can deliver a budget that really represents the morals of our state. Mr. Speaker, please show me voting no on this budget, because it fails on all counts.

REPRESENTATIVE DUTTON: I am speaking on **HB 1**. Some people are a little confused by that and wondered why I'm not against it or for it. This is my 14th opportunity in developing a state budget, which means it's my 14th session here. And one of the things I know is that this is really not the budget. This is really not the budget. When it comes back from the senate, after five people from the house and five people from the senate get together, it will look nothing like what **HB 1** looks like now. And for that reason I decided to speak on it, and the other reason was because I know that—I'm under no illusion, though, that speaking here today will change anybody's mind about how they would vote on **HB 1**. I know that. But I started thinking about it when I got the budget and I took it and started looking at it because as most of you know, I'm not afraid of having amendments.

That's one of the first things I learned when I came to this house, is how to do amendments. And so I took **HB 1** and I started going through it, and I realized something: that I couldn't fix it, that I couldn't fix it. In fact, what had appeared to me to be almost like was, if you can just imagine with me for just a moment, a house that's on fire and you go in this house and there are school children in one room and you got to decide, well, do I save them? But then, you look in the other room and there are senior citizens in that room and they are also in the same burning house. And then, there are university students in that house. And then I finally figured out, I couldn't save anybody in this fire. And then I started to wonder, well, why? Why did the legislature, why did the house of representatives never do anything to put the fire out? I mean, why did we do nothing? Why did we simply just try to say, "Well, all we can do is lose some of those folks. Some of the school children in their room, some of the senior citizens in their room, the students in their room. That's all we could do."

And I thought about it, and I realized why, and it's because, members, the campaign ended back in November, but somehow another came in that door when some of us came in here. And I've been here long enough to recognize that campaigning is a lot different than governing. It's a lot easier to campaign than it is to govern, because you can say just about anything you want during a campaign. I can talk about moving the capital of Texas back to Houston, I suppose. But I could do that all day long, I could say anything I wanted to, but when you come inside those doors, the campaigning has to stop and you have to govern. And governing sometimes presents difficult choices, and I don't think, though we made the difficult choices—I think what we did was make the campaign choices. And so, members, like I said, I've been here 14 sessions, and the one thing I'd never thought I'd say was, thank God for the senate.

REPRESENTATIVE TURNER: Mr. Speaker and members, to Chairman Pitts—and before I get started, let me just say that I have had the privilege of working with Chairman Pitts on the Appropriations Committee in the past. I've had the privilege of serving with him on the Appropriations Conference Committee in the past and I know that the work is not easy, the hours are long, it's tedious, and in this particular session, I know it was more difficult than those in the past. And so before I even get started, I want to, as a member of the Appropriations Committee—even as vice-chair—to commend him for his hard work, for his labor, for the time he has spent on this. I know it is not easy, but he has done it with style and class and I commend him for it, and I think this house should commend him as well. To all of the subcommittee chairs, I've had a chance with them and I count them and view them as friends and I respect them dearly.

I stand before you this evening, in the position I've taken, because in large part the issues before us—it's bigger than Chairman Pitts, it's bigger than the subcommittee chairs, and it's bigger than me, quite frankly. The issues are just bigger. If this was a referendum of my respect and admiration and friendship for Chairman Pitts, I would vote for this bill, and if this was a referendum of my respect and admiration for those who head the various subcommittees I would vote for this bill. But, it's bigger than that, it is much, much bigger than that.

On March 4, I received a letter from a sixth grader who happens to live in Representative Dan Huberty's district. I want to read to you in part what she wrote. She said, "My name is Marcel Simmone Ferrar. I am from Kingwood, Texas. I am 12-years-old and in the sixth grade at Creekwood Middle School. I've heard we are having some problems with money. They might cut electives and some teachers. But, I'm starting to get scared because at first I thought it was just a rumor, but things started to get serious. In school we learn about heroes who take a stand, and that is what I would like to achieve in this letter. I want to make a difference." She says some other things, and then she goes on to say another thing, "I would like to say that if you cut teachers, not only my generation, but the generation after mine will have less educational opportunities. More kids will have to go to our classes and each kid will not have enough attention." And then she signs it, "Sincerely, Marcel Simmone Ferrar. I am proud to be an American and to one day to be free to vote. I deserve a good education." I kept this letter because I was deciding whether or not I was going to speak on it or not.

I've had the privilege of serving on the Appropriations Committee under Speaker Laney, under Speaker Craddick, and now under Speaker Straus. And out of all of those times, all of those times, I have voted for the Appropriations Committee bill six out of seven times. I have voted on the floor of this house for appropriations bills six out of seven times. This is the first time in my 12 years of being on the Appropriations Committee that I will not cast an affirmative vote for this bill. Let me tell you why. This has been an eventful weekend for me. Representative Alma Allen's husband's funeral, my brother-in-law's funeral on Saturday as well, and two months ago, my best friend and law school classmate from Harvard died. And it's brought things home to roost for me, that tomorrow is not promised. And so you have to start wondering, you say to yourself, "What then will be your legacy?" What do you leave, and who knows what tomorrow will bring?

Let me tell you what this budget achieves—and I'm sure Chairman Pitts will tell you as well—that do we reduce the size of government? Absolutely. Do we reduce spending? Absolutely. Do we preserve most of the rainy day fund? Absolutely. And do we leave the franchise tax intact? Absolutely. But, let me also tell you what the consequences are. When we look at the educational system, it is a system that we are dismantling. Textbooks underfunded at \$315 million, pre-K programs significantly reduced, \$800 less for students—the approximate 170,000 kids that we are expecting over the next two years, we pretty much are treating them like they are not coming into the system. And you have heard of the thousands of school teachers and others that will be laid off. I could go on and on, you've heard it before. You already know it, I'm not going to waste your time on that. But, one thing I think we all know is that education is important. When we leave here at the end of May, we will go out and not one of us, not one of us, will talk down education, because we recognize its importance. This bill dismantles educational infrastructure in the State of Texas.

On the health care side, you can go down the list, you've heard it before, I'm not going to take a whole lot of time. But, when it comes to provider rates—doctors, right now in our current system, only 42 percent of our doctors are providing their assistance to these Medicaid individuals. This bill will reduce it even more. Under the current system, we are only paying six percent of the cost that our hospitals are assuming right now. Under this bill, it will be even less. And this bill will literally force some hospitals to close, literally. And it doesn't matter if we are in rural Texas, suburban Texas, or urban Texas. This bill, when you vote on this bill, you will be forcing some hospitals to close and bear significant costs. When you talk about people with developmental and intellectual disabilities, we are cutting the rates, literally in this bill. There are people who want to live in their communities, people who want to live in their homes, people who want to work, and we are denying them the assistance that they will need because they want to live independent lives. This budget will literally shut the doors for many of those people. When you talk about mental health services—Representative Christian had an amendment not too long ago, I share your concern. But for so many other people, this bill will shut the doors for many of them. Let's talk about nursing homes and Representative Christian, you said 48-hours ago, "48-hours later, nursing homes will be attended to." Forty-eight hours have come and gone and the nursing homes remain the same. One survey says that 80 percent of the 1,000-plus nursing homes will close. The Health Association said, conservatively speaking, 50 percent will shut their doors. That's about 4,300 elderly and disabled people. Fifty thousand employees in the nursing home industry will lose their jobs. We are talking about the elderly and people who are disabled. And in this budget, in this budget, literally, those doors will shut on the elderly and those who are disabled, literally.

Not one of us, not one of us, will leave this chamber and go back to our district and take ownership of those cuts. Not one of us will say what we did in closing these homes, "We're proud of it." On shutting these facilities or community-based programs, "We're proud of it." Not one of us. And literally, they will close and our response is that down the road, we will fix it. But, this is the people's house. I have been here for 22 years, this is the people's house. We don't wait on the senate to save us. We don't wait for the senate to give us cover. This budget, **HB 1**, reflects the house values. It reflects who we are and when we vote for it, if you vote for it today, you adopt it as your values—what we stand for. The other day, when I was in my district, a lady asked me, "Sylvester, how do you expect to go and prevail when the numbers are not on your side?" And my response to her, "I'm going back to Austin, Texas, and my position is not as a democrat, and I won't talk to them as republicans or democrats. My appeal will be to them as Texans, as Texans." And it doesn't matter where you live, we are Texans. When the issue came up a few weeks ago, months ago, in reference to the four community colleges that were being closed, I understood what Representative Bonnen was saying—we are keeping them open. But just like those community colleges remain open, what about the rest of the people in the State of Texas? What about our children? What about our teachers? And what about the elderly?

I want to close with this—at the beginning of this session, I joined with Representative Simpson and others in an inaugural sermon that was held here on the first day of the session, and we talked about recognizing that we must believe in someone greater than ourselves. I still, on this day, believe that. But, it will not get better as long as we take positions, and if we are counting who wins and

who loses, when we are dealing with real, live individuals, it will not make any difference. Today, I went to church—quite frankly, I stayed for two services, not just one, and before I left, I stopped by to see my mom—86-years-old, has been suffering with Alzheimer's for seven-and-a-half years. We have providers around the clock, 24/7, and I believe in a large part, that's why she's still alive. Four years ago, the doctors said, "Put her in the hospital." We took her home, put providers around the clock, family rallied around her—four years later, with God's blessing, she is still here. But, we can afford those providers. We can afford to have them with my mom. And in part, do you know why? Because, her children are educated, and her children are working, and her children are taking care of her.

But today, in this budget, you are cutting the future of the children of the State of Texas. And you will not just hurt them, you will hurt those that have yet to come. I can't vote for it. And I will not. I won't vote for it, and neither should you, because it's not about the senate to save us. If this is the Texas House, the house needs to stand up. This budget, I cannot and will not support, because it hurts too many when it should not. And it's not about this governor, it's about our districts. Representative Christian, if all the rest of you, if you heard in your district, and you need help, I will stand with you. And it doesn't matter if we are republicans or democrats. At the end of the day, we are either Texans and we go up together, or we are Texans and we go down together. This budget is not worthy of the Texas House of Representatives.

REPRESENTATIVE PITTS: Mr. Speaker, members, when we first started this debate on Friday morning, I told you that this budget does four things. It lives within the available revenue that we had to work with, it does not rely on new taxes to pay for government programs and services, it does not spend a dollar of the Economic Stabilization Fund on any ongoing spending obligations, and finally, it reflects on the principles of limited government. This budget is the result of the worst recession that anyone in this room has ever experienced. Members, after over 25 hours of discussion and debate reflected in the changes made by this body, I'm here to tell you that this bill still does each one of those things.

Now members, I know this bill is not perfect, and it is very hard to follow my very eloquent colleagues who have spoken against this bill. Dr. Zerwas and Garnet Coleman, we know this bill does not address all the costs we face in health and human services. Lois and Sylvester, we know this bill does not contain significant cuts to our criminal justice system. Representative Branch and Representative Villarreal, we know we have significant work to do in higher education and TEXAS grants. Representative Aycock and Representative Hochberg, as you well know, this budget leaves many school districts facing steep reductions in state spending. But members, I will tell you, this budget does fund the essential services of state government within our available means. I believe this bill is an improvement from what it was when I first came to you in January and explained the bill, and I believe it can be improved further. And I believe it will be. We will continue to find savings to improve efficiencies and to find new tax revenue to help meet some of our outstanding needs. In order to do these things, we must continue to move this bill forward through the process. Members, passing this bill today is a vital next step in the process.

Before I ask you to vote, I want to thank many members here on the floor that worked so hard and have gotten us here today. Mr. Speaker, thank you so much for giving the members of Appropriations the opportunity to work on this

bill. And to Denise Davis, and Lisa Kaufman, and Andrew Blifford, and Chris Griesel, and the rest of the speaker's staff, I want to thank you. John O'Brien and Wayne Pulver and everyone else at the LBB have spent many, many hours working on this bill with us. Amy Peterson and the staff of the committee, Nelda, Heather, Hunter, Joaquin, Jonathan, and Blake have been with us through all of this process and spent many hours with us. But most of all, I want to thank the members of Appropriations. To my friend, Sylvester Turner, who has worked really hard on this bill to make it better and will continue to work hard to make it better. Our talented subcommittee members John Zerwas, Drew Darby, John Otto, Scott Hochberg, and Jimmie Don Aycock, thank you for working so diligently for over 200 hours on this bill. Mr. Speaker, I want to thank you for giving us a fantastic and hardworking committee. No one complained about meeting at 7 o'clock or working until 10 or 11 o'clock at night. No one complained about meeting on Saturday or Sunday when we had to. We were all hardworking individuals to make this bill better.

Members, I ask you today to vote yes for **CSHB 1**, but I want to promise you that we will do everything we can in conference committee to bring back a better bill. With that, Mr. Speaker, I move passage.

REMARKS ORDERED PRINTED

Representative Gallego moved to print closing remarks on **CSHB 1**.

The motion prevailed.

STATEMENT BY REPRESENTATIVES HUNTER AND TORRES

We support TCA and will help the programs. Any transfer should be offset in the budget process.

(Solomons now present)

CSHB 1, as amended, was passed to engrossment by (Record 259): 98 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Turner.

Absent, Excused — Allen.

REASONS FOR VOTE

In our current recovering economy, the legislature is faced with three challenges: passing a constitutionally required balanced state budget; passing a taxpayer prudent, no-tax increase budget; and providing for essential state services, including public education, public health, and public safety. With this in mind, the Texas House of Representatives has overwhelmingly passed **CSHB 1** as a prioritized baseline balanced budget to begin the legislative process of adopting a new state budget for the 2012-2013 biennium. This budget does not raise taxes on any citizen in the State of Texas.

For the taxpayers and schoolchildren of my district and Texas, I voted for the passage of **CSHB 1** only as a step forward in the budget process. In the coming weeks, I am confident that the Texas House and Texas Senate will work toward a final budget that prioritizes state spending on education with emphasis on funding for the classroom, essential state services, economic development, and public safety without increasing taxes.

Bohac

I refuse to vote for a budget that will hurt children, harm our elderly, and risk the lives of Texans. In my 20 years as a state legislator, I've never seen a budget so devastating. The cuts in **CSHB 1** are unsustainable and cut into the marrow. Our state may never recover from the cuts to essential state services in this bill, and maybe that's the design. Texas should pass a budget that funds the needs of all Texans. All we've done today is move around the deck chairs as the Titanic sinks.

Coleman

For the hardworking taxpayers and schoolchildren of Texas House District 134, I am supporting **CSHB 1** only as a moving forward step in the proposed state budget process. My support for the final proposed state budget will be predicated on the following: (1) prioritizing funding for public education with an emphasis on funding for teachers and classroom excellence; (2) prioritizing essential state services; (3) utilizing additional non-tax revenue uncovered in the budget development process to fund education and essential state services; (4) prioritizing cuts to ensure a fairly balanced budget; and (5) not increasing taxes.

S. Davis

After more than 30 hours of debate, my fellow members and I voted to pass **CSHB 1** from our chamber to the senate. It was a hard fought battle with more than 400 amendments offered for the bill. I chose to support the proposed budget while supporting several conservative amendments. I did not support the amendment to strip money from the arts as I believe this is an essential tool for the growth of our children long term.

I must commend Chairman Pitts and his Appropriations subcommittee chairs for their long hours of work to craft this document. They listened to more than 200 hours of testimony and made some very hard decisions. In the end, the State of Texas was only projected to produce \$164 billion over the next two years and we did what we could to make our budget match that prediction. The culmination of an ill-performing margins tax, a decrease in property value, and

low sales tax revenue created a perfect storm. I believe we did all we could with the current situation and hope to remedy some of those issues before we address the budget in the next biennium. While there is work to be done, I know we have worked within the parameters of the revenues provided and will continue to fight to ensure we have the revenues we need for our schools for the constituents of House District 127.

Huberty

For the taxpayers and schoolchildren of my district and Texas, I am supporting **CSHB 1** only as a moving forward step in the proposed state budget process. As the budget process continues, I will advocate for a budget that does the following: (1) prioritizes and increases funding for public education (emphasis on funding for teachers and classroom excellence); (2) prioritizes and increases funding for essential state health and other services; (3) prudently uses rainy day funds to supplement emergency/critical needs of the state, not supplant general state revenue (and protects an appropriate RDF reserve account); (4) prioritizes cuts to ensure a fairly balanced budget; and (5) does not increase taxes.

Keffer

For the taxpayers and schoolchildren of my district and Texas, I am supporting **CSHB 1** only as a moving forward step in the proposed state budget process. In the coming weeks, I am confident the house and senate can negotiate a budget that does the following: (1) prioritizes and increases funding for public education (emphasis on funding for teachers and classroom excellence); (2) prioritizes and increases funding for essential state health and other services; (3) prudently uses rainy day funds to supplement emergency/critical needs of the state, not supplant general state revenue (and protects an appropriate RDF reserve account); (4) prioritizes cuts to ensure a fairly balanced budget; and (5) does not increase taxes.

Kuempel

For the taxpayers, seniors, teachers, and schoolchildren of my district, I wish to make it clear that I am supporting the passage of **CSHB 1** today as an early step forward in the evolving and ongoing budgetary process. When we consider the final state budget later this session, my support will ultimately be determined by a number of factors: (1) it does not increase taxes on the people of Texas; (2) it prioritizes funding for our public education system while placing a specific emphasis on in-classroom objectives; (3) it prioritizes funding for essential state health services for our children, the elderly, and the truly indigent; and (4) it thoughtfully prioritizes all spending reductions to ensure a fair and balanced budget.

Schwertner

HB 1 - MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative S. Miller moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 260): 99 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dutton; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Turner.

Absent, Excused — Allen.

Absent — Branch; Legler; Lucio.

HB 1 - VOTE RECONSIDERED

Representative S. Miller moved to reconsider the vote by which the motion to suspend the constitutional rule and to place **HB 1** on its third reading and final passage was lost.

The motion to reconsider prevailed.

HB 1 ON THIRD READING

(by Pitts)

CONSTITUTIONAL RULE SUSPENDED

Representative S. Miller moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1** on its third reading and final passage.

The motion prevailed by (Record 261): 136 Yeas, 8 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; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr;

Otto; 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; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Castro; Gonzalez; Johnson; Lozano; Muñoz; Oliveira; Raymond; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen.

Absent — Burnam; Farrar; Guillen; Kleinschmidt.

STATEMENT OF VOTE

I was shown voting yes on Record No. 261. I intended to vote no.

Veasey

The speaker laid **HB 1** before the house on its third reading and final passage.

HB 1 was read third time and was passed by (Record 262): 98 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycoc; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Turner.

Absent, Excused — Allen.

The speaker stated that **HB 1** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

HB 1 - ENGROSSED RIDERS

Pursuant to Rule 2, Section 1(a)(9) of the House Rules, Representative Geren moved to send **HB 1** to the senate in the form of engrossed riders in lieu of a full engrossment.

The motion prevailed.

ADJOURNMENT

Representative Geren moved that the house adjourn until 1 p.m. tomorrow in memory of Beverly "Bev" Walsh.

The motion prevailed.

The house accordingly, at 10:34 p.m., adjourned until 1 p.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 1

Border and Intergovernmental Affairs - **HB 1254**

Business and Industry - **HB 8, HB 362, HB 558, HB 565, HB 964, HB 1118, HB 1259, HB 1390, HB 1428, HB 1617**

Corrections - **HB 1962, HB 1964**

County Affairs - **HB 1413, HB 1416, HB 1566, HB 1767, HB 1768, HB 1917**

Culture, Recreation, and Tourism - **HB 536, HB 1322, HB 1450, HB 1806, HB 2138, HB 2139, HB 2141**

Environmental Regulation - **HB 125, HB 1145, HB 1242, HCR 66**

Judiciary and Civil Jurisprudence - **HB 962, HB 1048, HB 1072, HB 1427, HB 1614, HB 1633, HB 1780, HB 2014, HB 2294, HB 3000**

Land and Resource Management - **HB 107**

Natural Resources - **HB 1319, HB 1759, HB 1760**

Pensions, Investments, and Financial Services - **HB 1061**

Public Education - **HB 6**

Public Health - **HB 35, HB 1816, HB 1965**

State Affairs - **HB 266, HB 1753, HB 1801, HB 2616**

Technology - **HB 3333**

ENGROSSED

April 1 - HB 4, HB 71, HB 275

ENROLLED

April 1 - HCR 79, HCR 123, HCR 125

SIGNED BY THE GOVERNOR

April 1 - HCR 47

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-EIGHTH DAY — MONDAY, APRIL 4, 2011

The house met at 1 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 263).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Smithee.

The invocation was offered by Reverend Fred Durham, pastor, First United Methodist Church, Garland.

The speaker recognized Representative Zedler who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of a death in the family:

Allen on motion of Thompson.

The following member was granted leave of absence for today because of important business in the district:

Smithee on motion of Cook.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Zedler and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

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. 14).

CAPITOL PHYSICIAN

The speaker recognized Representative V. Gonzales who presented Dr. Chris Casso and Dr. Melva Palacios of McAllen as the "Doctors for the Day."

The house welcomed Drs. Casso and Palacios and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Legler in the chair)

HR 1048 - ADOPTED

(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 1048**.

The motion prevailed.

The following resolution was laid before the house:

HR 1048, Congratulating the girls' basketball team of Wylie High School in Abilene on winning the UIL 3A state championship.

HR 1048 was read and was adopted.

On motion of Representative S. King, the names of all the members of the house were added to **HR 1048** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative S. King who introduced players and coaches of the Wylie High School girls' basketball team.

HR 842 - ADOPTED

(by Workman)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 842**.

The motion prevailed.

The following resolution was laid before the house:

HR 842, Granting permission to the South Central Texas District of Optimist International to use the house chamber on April 10, 2011.

HR 842 was adopted.

HR 792 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 792**.

The motion prevailed.

The following resolution was laid before the house:

HR 792, Recognizing November 2011 as Lung Cancer Awareness Month in Texas.

HR 792 was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 792** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative McClendon who introduced Steve Conwell, Ken Nicholson, Irene Austin, and Kathleen Foster.

HR 746 - PREVIOUSLY ADOPTED
(by Pitts)

The chair laid out and had read the following previously adopted resolution:

HR 746, Congratulating Dr. Thomas R. Norris of McGregor on his retirement as executive director of Education Service Center Region 12.

On motion of Representative Strama, the names of all the members of the house were added to **HR 746** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Pitts who introduced Dr. Thomas R. Norris, members of his family, and friends.

HR 1040 - ADOPTED
(by Hardcastle)

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 1040**.

The motion prevailed.

The following resolution was laid before the house:

HR 1040, Congratulating the Paducah High School boys' basketball team on winning the UIL 1A Division II state championship.

HR 1040 was adopted.

HR 1030 - ADOPTED
(by Shelton)

Representative Shelton moved to suspend all necessary rules to take up and consider at this time **HR 1030**.

The motion prevailed.

The following resolution was laid before the house:

HR 1030, In memory of Barrett Martin Havran of Fort Worth.

HR 1030 was read and was unanimously adopted by a rising vote.

On motion of Representative Christian, the names of all the members of the house were added to **HR 1030** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Shelton who introduced family members and friends of Barrett Martin Havran.

(Speaker in the chair)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 716 ON SECOND READING

(by S. Miller, Christian, and Deshotel)

CSHB 716, A bill to be entitled An Act relating to the taking of certain feral hogs and coyotes using a helicopter.

CSHB 716 was read second time on March 30 and was postponed until 8:30 a.m. today.

CSHB 716 was passed to engrossment by (Record 264): 137 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anchia; Castro; Farrar; Hernandez Luna; Howard, D.; Lucio; Naishtat; Rodriguez; Strama.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Smithee.

Absent — Dukes.

STATEMENT OF VOTE

I was shown voting yes on Record No. 264. I intended to vote no.

Burnam

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 109 ON SECOND READING (by Brown)

CSHB 109, A bill to be entitled An Act relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

CSHB 109 was passed to engrossment.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Farrar on motion of Reynolds.

CSHB 245 ON SECOND READING (by Gallego and Lewis)

CSHB 245, A bill to be entitled An Act relating to limiting the liability of space flight entities.

Representative Lewis moved to postpone consideration of **CSHB 245** until 1 p.m. Monday, April 11.

The motion prevailed.

CSHB 252 ON SECOND READING (by Hilderbran)

CSHB 252, A bill to be entitled An Act relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

Representative Hochberg moved to postpone consideration of **CSHB 252** until the end of today's calendar.

The motion prevailed.

HB 346 ON SECOND READING (by Kleinschmidt)

HB 346, A bill to be entitled An Act relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.

Representative Kleinschmidt moved to postpone consideration of **HB 346** until 1 p.m. Monday, April 11.

The motion prevailed.

CSHB 371 ON SECOND READING
(by Hochberg and Carter)

CSHB 371, A bill to be entitled An Act relating to prohibiting deferred adjudication community supervision for certain defendants convicted of murder.

CSHB 371 was passed to engrossment. (Riddle recorded voting no.)

HB 377 ON SECOND READING
(by McClendon)

HB 377, A bill to be entitled An Act relating to the expenditure of money from the general revenue fund for rail projects.

Representative McClendon moved to postpone consideration of **HB 377** until 2 p.m. Monday, April 11.

The motion prevailed.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 252 ON SECOND READING
(by Hilderbran)

CSHB 252, A bill to be entitled An Act relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

CSHB 252 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **CSHB 252**:

Amend **CSHB 252** (house committee report) as follows:

(1) On page 1, line 6, strike "Subsection (j)" and substitute "Subsections (f) and (j)".

(2) On page 1, between lines 6 and 7, insert the following:

(f) The comptroller, in prescribing the contents of the application form for each kind of exemption, shall ensure that the form requires an applicant to furnish the information necessary to determine the validity of the exemption claim. The form must require an applicant to provide the applicant's name and driver's license number, personal identification certificate number, or social security account number. The comptroller shall include on the forms a notice in English and in Spanish of the penalties prescribed by Section 37.10, Penal Code, for making or filing an application containing a false statement. The comptroller shall include, on application forms for exemptions that do not have to be claimed annually, a statement explaining that the application need not be made annually

and that if the exemption is allowed, the applicant has a duty to notify the chief appraiser when the applicant's entitlement to the exemption ends. In this subsection:

(1) "Driver's license" has the meaning assigned that term by Section 521.001, Transportation Code.

(2) "Personal identification certificate" means a certificate issued by the Department of Public Safety under Subchapter E, Chapter 521, Transportation Code.

Amendment No. 1 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 2

Representative Menendez offered the following amendment to **CSHB 252**:

Amend **CSHB 252** by adding:

SECTION 1. Section 11.43, Tax Code, is amended by adding Subsection () to read as follows:

() The application form for an exemption authorized by Section 11.13 must require an applicant for an exemption under Subsection (c) or (d) of that section who is not specifically identified on a deed or other appropriate instrument recorded in the applicable real property records as an owner of the residence homestead to provide an affidavit or other compelling evidence establishing the applicant's ownership of an interest in the homestead.

And renumber the sections accordingly.

Amendment No. 2 was adopted.

CSHB 252, as amended, was passed to engrossment.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, during bill referral today, in 3W.15, to set a calendar.

Permission to meet was granted.

Representative Phillips requested permission for the Committee on Transportation to meet while the house is in session, during bill referral today, in 3N.3, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Phillips moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Transportation to consider **HB 2790** at 8 a.m. Wednesday, April 6 in E2.028.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative L. Taylor requested permission for the Committee on Elections to meet while the house is in session, during bill referral today, in E2.028, to consider the posted agenda.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Kolkhorst moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **HB 114** and **HB 2478** at 8 a.m. Wednesday, April 6 in E2.012.

The motion prevailed.

Representative Jackson moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence to consider **HB 2028** upon adjournment today in E2.010.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Jackson requested permission for the Committee on Judiciary and Civil Jurisprudence to meet while the house is in session, during bill referral today, in E2.010, to consider the posted agenda.

Permission to meet was granted.

Representative V. Gonzales requested permission for the Committee on Border and Intergovernmental Affairs to meet while the house is in session, during bill referral today, in E1.010, to consider the posted agenda.

Permission to meet was granted.

Representative Oliveira requested permission for the Committee on Land and Resource Management to meet while the house is in session, during bill referral today, in E2.012, to consider the posted agenda.

Permission to meet was granted.

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, during bill referral today, in E2.016, to consider the posted agenda.

Permission to meet was granted.

Representative Fletcher requested permission for the Committee on Homeland Security and Public Safety, Subcommittee on Law Enforcement Issues, to meet while the house is in session, during bill referral today, in E1.026, to consider the posted agenda.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider **HB 1645, HB 2646, HB 2720, HB 3417, HB 3418, HB 3419, HB 3639, HB 3640, HB 3644, HB 3648, HB 3649, HB 3665, HB 3666, HB 3790,** and **HJR 109** at 8 a.m. Thursday, April 7 in E1.030.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, during bill referral today, in 3W.9, to set a calendar.

Permission to meet was granted.

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, during bill referral today, in 3W.15, to consider pending business.

Permission to meet was granted.

Representative Guillen requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, during bill referral today, in 3W.9, to consider pending business.

Permission to meet was granted.

**HR 1123 - ADOPTED
(by Weber)**

Representative Weber moved to suspend all necessary rules to take up and consider at this time **HR 1123**.

The motion prevailed.

The following resolution was laid before the house:

HR 1123, Congratulating the Pearland High School football team on winning the 2010 UIL 5A Division 1 state championship.

HR 1123 was read and was adopted.

On motion of Representative J. Davis, the names of all the members of the house were added to **HR 1123** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Weber who introduced members of the Pearland High School football team.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Thursday, April 7.

The motion prevailed.

(Murphy in the chair)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judiciary and Civil Jurisprudence, during bill referral today, E2.010, for a public hearing, to consider **HB 2028** and the previously posted agenda.

Transportation, during bill referral today, 3N.3, for a formal meeting, to consider pending business.

Calendars, during bill referral today, 3W.15, for a formal meeting, to set a calendar.

Public Health, during bill referral today, 3W.15, for a formal meeting, to consider pending business.

Local and Consent Calendars, during bill referral today, 3W.9, for a formal meeting, to set a local, consent, and resolutions calendar.

Culture, Recreation, and Tourism, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

Transportation, 8 a.m. Wednesday, April 6, E2.028, for a public hearing, to consider **HB 2790** and the previously posted agenda.

Public Health, 8 a.m. Wednesday, April 6, E2.012, for a public hearing, to consider **HB 114**, **HB 2478**, and the previously posted agenda.

Appropriations, 8 a.m. Thursday, April 7, E1.030, for a public hearing, to consider **HB 1645**, **HB 2646**, **HB 2720**, **HB 3417**, **HB 3418**, **HB 3419**, **HB 3639**, **HB 3640**, **HB 3644**, **HB 3648**, **HB 3649**, **HB 3665**, **HB 3666**, **HB 3790**, and **HJR 109**.

HR 1122 - ADOPTED

(by Weber)

Representative Weber moved to suspend all necessary rules to take up and consider at this time **HR 1122**.

The motion prevailed.

The following resolution was laid before the house:

HR 1122, Congratulating the defending 5A state champion Pearland High School softball team on its early achievements during the 2011 season.

HR 1122 was read and was adopted.

On motion of Representative J. Davis, the names of all the members of the house were added to **HR 1122** as signers thereof.

PROVIDING FOR ADJOURNMENT

Representative S. Miller moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Giddings in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:05 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3184 (By Ritter), Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

To Natural Resources.

HB 3829 (By C. Anderson), Relating to gifts and donations to the McLennan County Juvenile Board.

To Corrections.

HB 3830 (By Harless), Relating to the creation of the Vintage Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

To Natural Resources.

HB 3831 (By Marquez), Relating to the creation of the Montecillo Municipal Management District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

To Natural Resources.

HB 3832 (By Isaac), Relating to the Hays County Development District No. 1.

To County Affairs.

HB 3833 (By Phillips), Relating to the adoption of the Uniform Collaborative Family Law Act.

To Judiciary and Civil Jurisprudence.

HB 3834 (By Zerwas), Relating to the creation of North Fort Bend County Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

To Natural Resources.

HR 1070 (By Truitt), Recognizing September 2011 as Brain Aneurysm Awareness Month in Texas.

To Rules and Resolutions.

HR 1071 (By V. Taylor), Congratulating Judy Drotman on being named the 2010 Citizen of the Year by the Plano Chamber of Commerce.

To Rules and Resolutions.

HR 1072 (By V. Taylor), Congratulating Lloyd "Skip" Jenkins on the occasion of his retirement from the Plano Independent School District Board of Trustees.

To Rules and Resolutions.

HR 1073 (By Dutton), Honoring Dr. Thomas F. Freeman on his 60th anniversary as pastor at Mount Horem Missionary Baptist Church.

To Rules and Resolutions.

HR 1074 (By Dutton), In memory of pro football legend and Trinity native Ollie Matson.

To Rules and Resolutions.

HR 1075 (By Dutton), In memory of Felix Derwyn Cook of Houston.

To Rules and Resolutions.

HR 1076 (By Dutton), Recognizing the 2011 inductees to the Kashmere Alumni Association's Alumni Hall of Fame.

To Rules and Resolutions.

HR 1077 (By Dutton), Honoring the Huston-Tillotson University Concert Choir on the occasion of its performance at Trinity United Methodist Church in Houston.

To Rules and Resolutions.

HR 1078 (By Torres), Congratulating the boys' basketball team of West Oso High School in Corpus Christi on winning the 2011 UIL 3A state championship.

To Rules and Resolutions.

HR 1080 (By Flynn), Congratulating Jack and Bonnie Spring of Commerce on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1081 (By Frullo), Congratulating Charles and Sharon Gass of O'Donnell on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1082 (By Frullo), In memory of Eva Sue Dale of Lubbock.
To Rules and Resolutions.

HR 1083 (By Frullo), In memory of Rick Carlton Hensley of Lubbock.
To Rules and Resolutions.

HR 1084 (By McClendon), Honoring Minnie Miles of Gardendale on her 100th birthday.
To Rules and Resolutions.

HR 1085 (By L. Gonzales), Congratulating the Forbes Middle School Band of Georgetown for winning a Sudler Cup from the John Philip Sousa Foundation.
To Rules and Resolutions.

HR 1086 (By D. Miller), Honoring the Order of the Eastern Star in Boerne on the 100th anniversary of its founding.
To Rules and Resolutions.

HR 1087 (By Frullo), Congratulating Harvey and Foy Wilson of Lubbock on their 50th wedding anniversary.
To Rules and Resolutions.

HR 1088 (By Margo), Congratulating Elaine Rosen of El Paso on her retirement as owner and operator of More Than Baskets.
To Rules and Resolutions.

HR 1089 (By Price), Commemorating the 50th anniversary of the first American manned spaceflight and commending the contributions that Texans have made to U.S. space exploration.
To Rules and Resolutions.

HR 1093 (By Lyne), In memory of Jane Sellers of Wichita Falls.
To Rules and Resolutions.

HR 1094 (By Orr), Congratulating Chester and Mildred Smith of Burleson on their 71st wedding anniversary.
To Rules and Resolutions.

HR 1095 (By Gooden), Commemorating the 70th anniversary of the adoption of the Lend-Lease Act and of the founding of the No. 1 British Flying Training School.
To Rules and Resolutions.

HR 1097 (By D. Miller), Commemorating the 170th anniversary of the French Legation.
To Rules and Resolutions.

HR 1098 (By Lavender), In memory of Bob G. Ingram of Texarkana.
To Rules and Resolutions.

HR 1100 (By Raymond), In memory of Sam Kinch, Jr., of Austin.
To Rules and Resolutions.

HR 1101 (By Pitts), Congratulating the Waxahachie High School girls' soccer team on winning the District 28-4A title.

To Rules and Resolutions.

HR 1102 (By Pitts), Congratulating the Ovilla Christian School boys' basketball team for winning the TAPPS District 3-3A title.

To Rules and Resolutions.

HR 1103 (By Margo), In memory of Gilda Marie Gonzalez of El Paso.

To Rules and Resolutions.

HR 1104 (By Rodriguez), Recognizing April 6, 2011, as Tejano Independence Day.

To Rules and Resolutions.

HR 1105 (By Frullo), Congratulating Santos Herrera, Sr., and Dominga Herrera of Lubbock on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1106 (By Frullo), Congratulating Jack and Linda Cloude of Lubbock on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1107 (By Frullo), Congratulating Jacob and Amelia Way of Lubbock on their 65th wedding anniversary.

To Rules and Resolutions.

HR 1108 (By V. Taylor), Congratulating Gary Base on being named the 2009 Business Executive of the Year by the Plano Chamber of Commerce.

To Rules and Resolutions.

HR 1109 (By Hancock), Congratulating Colby Bannister of North Richland Hills on being selected to compete in gymnastics at the 2011 Special Olympics World Summer Games in Athens.

To Rules and Resolutions.

HR 1110 (By Marquez), Commemorating the 85th anniversary of Cathedral High School in El Paso.

To Rules and Resolutions.

HR 1111 (By Marquez), In memory of Officer Karl R. McDonough of the El Paso Police Department.

To Rules and Resolutions.

HR 1112 (By Marquez), In memory of Arthur Redelfs and Lesley Enriquez of El Paso.

To Rules and Resolutions.

HR 1113 (By Marquez), Commemorating the inaugural Don Haskins Memorial Youth Basketball Tournament, hosted by the YMCA of El Paso.

To Rules and Resolutions.

HR 1114 (By Marquez), Congratulating Jaime Barceleau of El Paso on his receipt of the 2011 Lifetime Achievement Award from the Rio Grande Branch of the Texas Chapter of the National Association of Social Workers.

To Rules and Resolutions.

HR 1115 (By Burkett), Congratulating Valerie Nelson of Walter L. Wilkinson Middle School on her selection as the 2010-2011 Secondary School Principal of the Year by the Mesquite Independent School District Council of PTAs.

To Rules and Resolutions.

HR 1116 (By Hopson), Congratulating the Henderson High School Lions football team on winning the 2010 UIL 3A Division 1 state championship.

To Rules and Resolutions.

HR 1117 (By Hopson), Congratulating Norma Dell Jones of Lovelady on her selection as Person of the Year for 2010 by Houston County Life magazine.

To Rules and Resolutions.

HR 1118 (By Hopson), Congratulating Carol Vincent of Carthage on being named the 2011 Citizen of the Year by the Panola County Chamber of Commerce.

To Rules and Resolutions.

HR 1119 (By Gallego), Recognizing March 31, 2011, as Reeves County Day at the State Capitol.

To Rules and Resolutions.

HR 1120 (By Gallego), Recognizing March 31, 2011, as Loving County Day at the State Capitol.

To Rules and Resolutions.

HR 1121 (By Gallego), Recognizing March 31, 2011, as Ward County Day at the State Capitol.

To Rules and Resolutions.

HR 1124 (By Aliseda), Honoring Brush Country Republican Women on the 25th anniversary of its founding.

To Rules and Resolutions.

HR 1125 (By Naishtat), Commemorating the centennial of the Elisabet Ney Museum in Austin.

To Rules and Resolutions.

HR 1126 (By L. Gonzales), Recognizing April 13, 2011, as Williamson County Day at the State Capitol.

To Rules and Resolutions.

HR 1127 (By Schwertner), Congratulating the Georgetown High School girls' basketball team on its successful 2010-2011 season.

To Rules and Resolutions.

HR 1128 (By Schwertner), Congratulating Sean Gingras of Georgetown on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1129 (By Strama), Honoring actress Holland Taylor on the occasion of her visit to the State Capitol.

To Rules and Resolutions.

HR 1130 (By Kolkhorst), In memory of Bill E. Herod of Navasota.

To Rules and Resolutions.

HR 1131 (By Murphy), Recognizing April 12, 2011, as REALTOR Appreciation Day at the State Capitol.

To Rules and Resolutions.

HR 1132 (By Walle), Honoring legislative employee and Texas Air National Guard Staff Sergeant Ryan Patrick Hogue as he prepares for deployment to Afghanistan.

To Rules and Resolutions.

HR 1133 (By Farrar), Congratulating the Honorable William M. Hatten of Houston on his birthday.

To Rules and Resolutions.

HR 1134 (By D. Howard), Congratulating Austin Ballroom Dancers on its 30th anniversary.

To Rules and Resolutions.

HR 1135 (By D. Howard), In memory of Robert W. "Bob" Townsley, Jr., of Austin.

To Rules and Resolutions.

HR 1136 (By Branch), Honoring Pete Schenkel on his receipt of the 82nd annual Linz Award.

To Rules and Resolutions.

HR 1137 (By Branch), Commending Woodrow Wilson High School and J. L. Long Middle School in the Dallas Independent School District for their efforts to offer students the International Baccalaureate program.

To Rules and Resolutions.

HR 1138 (By Shelton), Commemorating the 100th anniversary of the founding of Travis Avenue Baptist Church in Fort Worth and honoring Dr. Michael Dean for his service to the institution.

To Rules and Resolutions.

HR 1911 (By Johnson), Commemorating the 100th anniversary of the founding of Kappa Alpha Psi Fraternity.

To Rules and Resolutions.

SB 19 to Transportation.

SB 58 to Transportation.

SB 166 to Corrections.

- SB 199 to Agriculture and Livestock.
- SB 238 to Business and Industry.
- SB 290 to Public Education.
- SB 311 to County Affairs.
- SB 316 to Criminal Jurisprudence.
- SB 321 to Business and Industry.
- SB 322 to Business and Industry.
- SB 331 to Criminal Jurisprudence.
- SB 332 to Natural Resources.
- SB 349 to Ways and Means.
- SB 356 to Defense and Veterans' Affairs.
- SB 367 to State Affairs.
- SB 387 to Culture, Recreation, and Tourism.
- SB 410 to County Affairs.
- SB 428 to Judiciary and Civil Jurisprudence.
- SB 433 to Natural Resources.
- SB 439 to Economic and Small Business Development.
- SB 458 to Economic and Small Business Development.
- SB 475 to Natural Resources.
- SB 479 to Judiciary and Civil Jurisprudence.
- SB 483 to Judiciary and Civil Jurisprudence.
- SB 485 to Criminal Jurisprudence.
- SB 488 to Technology.
- SB 489 to Higher Education.
- SB 490 to County Affairs.
- SB 493 to Environmental Regulation.
- SB 494 to County Affairs.
- SB 502 to Judiciary and Civil Jurisprudence.
- SB 503 to Insurance.
- SB 508 to Land and Resource Management.
- SB 509 to Urban Affairs.
- SB 510 to Public Health.
- SB 512 to Natural Resources.
- SB 514 to Higher Education.

- SB 520** to Ways and Means.
- SB 524** to Transportation.
- SB 525** to Natural Resources.
- SB 527** to Environmental Regulation.
- SB 528** to Higher Education.
- SB 539** to Business and Industry.
- SB 542** to Homeland Security and Public Safety.
- SB 543** to Judiciary and Civil Jurisprudence.
- SB 544** to Public Health.
- SB 545** to Homeland Security and Public Safety.
- SB 558** to County Affairs.
- SB 559** to County Affairs.
- SB 563** to Economic and Small Business Development.
- SB 564** to Natural Resources.
- SB 566** to Licensing and Administrative Procedures.
- SB 567** to Insurance.
- SB 569** to Natural Resources.
- SB 580** to Transportation.
- SB 582** to Judiciary and Civil Jurisprudence.
- SB 587** to Judiciary and Civil Jurisprudence.
- SB 594** to Public Health.
- SB 605** to Judiciary and Civil Jurisprudence.
- SB 623** to Criminal Jurisprudence.
- SB 629** to Natural Resources.
- SB 633** to Higher Education.
- SB 638** to Economic and Small Business Development.
- SB 642** to Pensions, Investments, and Financial Services.
- SB 646** to Agriculture and Livestock.
- SB 647** to Insurance.
- SB 683** to Natural Resources.
- SB 684** to Natural Resources.
- SB 690** to Business and Industry.
- SB 691** to Natural Resources.
- SB 716** to Judiciary and Civil Jurisprudence.

- SB 727 to Natural Resources.
- SB 731 to Transportation.
- SB 737 to Natural Resources.
- SB 747 to Licensing and Administrative Procedures.
- SB 748 to Business and Industry.
- SB 761 to Public Health.
- SB 762 to Ways and Means.
- SB 764 to Public Education.
- SB 777 to Higher Education.
- SB 785 to Judiciary and Civil Jurisprudence.
- SB 802 to Transportation.
- SB 809 to State Affairs.
- SB 813 to Natural Resources.
- SB 819 to Judiciary and Civil Jurisprudence.
- SB 822 to Insurance.
- SB 832 to Natural Resources.
- SB 850 to Higher Education.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 2348 (By Larson), Relating to certain standards applicable to certain prisoners confined in a county jail pending transfer to the Texas Department of Criminal Justice.

To County Affairs.

HB 3212 (By Burnam), Relating to the imposition of a fee on oil and gas waste disposed of by injection in a commercial injection well permitted by the Railroad Commission of Texas.

To Energy Resources.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 14

HCR 79, HCR 123, HCR 125

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 3

Agriculture and Livestock - **HB 1808, HB 1991, HB 1992**

Business and Industry - **HB 44**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-NINTH DAY — TUESDAY, APRIL 5, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 265).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; 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; 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; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Harless.

Absent — Laubenberg.

The invocation was offered by Father Steven Gamez, pastor, St. Philip of Jesus Catholic Church, San Antonio, as follows:

Blessed are you, Lord, God of all creation, whose goodness fills our hearts with joy. Blessed are you, who have brought us together this day to work in harmony and peace. Strengthen us with your grace and wisdom. In you, Lord our God, all things have their beginning, continuation, and end. Grace us with your saving presence, aid us with your constant help. May everything we do begin with your inspiration so that all our prayers and works may begin in you and by you be happily ended. May God strengthen you and bring your work to completion. May hope accompany your journey through the days to come. May God's abiding presence be with you all the days of your life.

The speaker recognized Representative White who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Harless on motion of Hopson.

The following member was granted leave of absence for today and the remainder of the week because of a death in the family:

Allen on motion of Thompson.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative White and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative Marquez who presented Dr. David Palafox of El Paso as the "Doctor for the Day."

The house welcomed Dr. Palafox and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, April 7.

The motion prevailed.

(Keffer in the chair)

INTRODUCTION OF GUEST

The chair recognized Representative Keffer who introduced Lance Armstrong, who briefly addressed the house.

(Hamilton in the chair)

HR 1183 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1183**.

The motion prevailed.

The following resolution was laid before the house:

HR 1183, In memory of Dr. Jesse Wallace Jackson, Jr.

HR 1183 was unanimously adopted by a rising vote.

HR 1157 - ADOPTED
(by Shelton)

Representative Shelton moved to suspend all necessary rules to take up and consider at this time **HR 1157**.

The motion prevailed.

The following resolution was laid before the house:

HR 1157, Honoring J. Luther King, Jr., of Fort Worth for his service as chair of the Texas Christian University Board of Trustees.

HR 1157 was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 1157** as signers thereof.

HB 3837 - PERMISSION TO INTRODUCE

Representative Isaac requested permission to introduce and have placed on first reading **HB 3837**.

Permission to introduce was granted by (Record 266): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

Absent — Garza; Laubenberg.

STATEMENT OF VOTE

When Record No. 266 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

HR 881 - ADOPTED (by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 881**.

The motion prevailed.

The following resolution was laid before the house:

HR 881, Recognizing April 6, 2011, as Lamar County Day at the State Capitol.

HR 881 was read and was adopted.

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 **HB 227** and **HB 1309** at 10:30 a.m. or upon adjournment today in JHR 120.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, 10:30 a.m. or upon adjournment today, JHR 120, for a public hearing, to consider **HB 227** and **HB 1309**.

Economic and Small Business Development, upon adjournment today, Desk 14, for a formal meeting, to consider **SB 309** and pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence, Subcommittee on Torts, to consider **HB 274**, **HB 2031**, **HB 2437**, **HB 2661**, and **HB 3673** at 7:30 a.m. tomorrow in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judiciary and Civil Jurisprudence, 9:30 a.m. tomorrow, E2.014, for a formal meeting, to consider pending business.

Judiciary and Civil Jurisprudence, Subcommittee on Torts, 7:30 a.m. tomorrow, E2.014, for a public hearing, to consider **HB 274**, **HB 2031**, **HB 2437**, **HB 2661**, and **HB 3673**.

(Laubenberg now present)

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 716 ON THIRD READING
(by S. Miller, Christian, and Deshotel)**

HB 716, A bill to be entitled An Act relating to the taking of certain feral hogs and coyotes using a helicopter.

HB 716 was passed by (Record 267): 133 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anchia; Burnam; Farrar; Hernandez Luna; Howard, D.; Lucio; Marquez; Martinez Fischer; Naishtat; Rodriguez; Strama; Veasey.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

Absent — Torres.

STATEMENT OF VOTE

I was shown voting yes on Record No. 267. I intended to vote no.

Castro

REASON FOR VOTE

I voted against this bill because it does not provide adequate safety provisions.

Castro

HB 109 ON THIRD READING**(by Brown)**

HB 109, A bill to be entitled An Act relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

HB 109 was passed by (Record 268): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

Absent — Guillen; Pickett.

HB 371 ON THIRD READING**(by Hochberg and Carter)**

HB 371, A bill to be entitled An Act relating to prohibiting deferred adjudication community supervision for certain defendants convicted of murder.

HB 371 was passed by (Record 269): 143 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg;

Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Dutton; Riddle.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

Absent — Villarreal.

HB 252 ON THIRD READING

(by Hilderbran)

HB 252, A bill to be entitled An Act relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

HB 252 was passed by (Record 270): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Gutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Hamilton(C).

Absent, Excused — Allen; Harless.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 1165 ON SECOND READING
(by Keffer, Chisum, Landtroop, Darby, et al.)

HB 1165, A bill to be entitled An Act relating to the exemption of certain electric cooperatives from certain regulations.

HB 1165 was read second time on March 30 and was postponed until 10 a.m. today.

Representative Keffer moved to postpone consideration of **HB 1165** until 10 a.m. Tuesday, April 12.

The motion prevailed.

HB 310 ON SECOND READING
(by T. King and Garza)

HB 310, A bill to be entitled An Act relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.

HB 310 was read second time on March 30, postponed until March 31, and was again postponed until 10 a.m. today.

Representative T. King moved to postpone consideration of **HB 310** until 10 a.m. Tuesday, April 12.

The motion prevailed.

HB 229 ON SECOND READING
(by Solomons)

HB 229, A bill to be entitled An Act relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

HB 229 was read second time on March 23, postponed until March 31, and was again postponed until 10 a.m. today.

Representative Solomons moved to postpone consideration of **HB 229** until 10 a.m. Tuesday, April 12.

The motion prevailed.

(Speaker in the chair)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 444 ON SECOND READING
(by Creighton)

CSHB 444, A bill to be entitled An Act relating to notification of applications for permits for certain injection wells.

CSHB 444 was passed to engrossment.

CSHB 571 ON SECOND READING
(by Huberty, et al.)

CSHB 571, A bill to be entitled An Act relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

CSHB 571 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TURNER: Let me just ask you, for legislative intent purposes on this bill—if this bill passes, Representative Huberty, is it your intent to allow cities to continue to apply and enforce any ordinances they currently have that regulate aggregate production operations within the city limits?

REPRESENTATIVE HUBERTY: Absolutely. Nothing in this bill is intended to limit the applicability of an existing city ordinance that regulates aggregate production operations at all.

TURNER: And is it your intent to prohibit cities from adopting ordinances in the future that regulate aggregate production operations?

HUBERTY: No, Representative Turner, this bill is not intended to preempt any city ordinances that are currently in existence or any city ordinance that may be adopted in the future at all.

REMARKS ORDERED PRINTED

Representative Turner moved to print remarks between Representative Huberty and Representative Turner.

The motion prevailed.

CSHB 571 was passed to engrossment. (Garza and Paxton recorded voting no.)

CSHB 610 ON SECOND READING
(by Zerwas, Murphy, Callegari, et al.)

CSHB 610, A bill to be entitled An Act relating to the method of delivery of certain notices sent by the Texas Commission on Environmental Quality.

Amendment No. 1

Representative Zerwas offered the following amendment to **CSHB 610**:

Amend **CSHB 610** (house committee printing) on page 1, line 18 by striking "The" and substituting "Notwithstanding any other law, the".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **CSHB 610**:

Amend **CSHB 610** (house committee printing), as follows:

(1) On page 1, line 6, strike "(a-1) and (a-2)" and substitute "(a-1), (a-2), and (a-3)".

(2) On page 2, between lines 1 and 2, insert the following:

(a-3) If the notice issued or sent under Subsection (a-2) concerns a permit for a facility, the notice must include an Internet link to an electronic map indicating the location of the facility.

Amendment No. 2 was adopted.

CSHB 610, as amended, was passed to engrossment.

HB 645 ON SECOND READING

(by Orr, et al.)

HB 645, A bill to be entitled An Act relating to the information required to be included on a form for an application for an exemption from ad valorem taxation of property owned by a charitable organization.

HB 645 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE OTTO: Representative Orr, I just want to get some legislative intent. I think you have a very good bill, but there was an issue that was raised in the HRO report about that this should be expanded to all charities. And, as I read your bill, if you are a recognized non-profit organization then your bill would apply, and that was your intent? Is that correct?

REPRESENTATIVE ORR: That is correct.

OTTO: So any recognized charity or non-profit would be able to have the person that's responsible for applying for the exemption to use the federal ID number for that entity. Is that your understanding?

ORR: Yes, sir, that's exactly correct.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Orr and Representative Otto.

The motion prevailed.

HB 645 was passed to engrossment.

HB 675 ON SECOND READING

(by Lucio, et al.)

HB 675, A bill to be entitled An Act relating to football helmet safety requirements in public schools.

HB 675 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LEGLER: We talked a little bit here—my question on this—you know, we talked about an unfunded mandate for schools, and could you tell me a little more on how much, how many people—what percent of this will affect our state, roughly?

REPRESENTATIVE LUCIO: Well, again, if your school district goes out and purchases new helmets—they already do this, because they have to meet their warranty requirements, number one. Two—we're talking about trying to prevent, in our country, an average of 67,000 concussions that occur every year. The

biggest problem is not the first concussion, but that second concussion. And we have other bills we're working on—several members of this body—regarding addressing head injuries. Regarding school districts, I haven't had a single one call and tell me they have an issue with it. My school districts down there all said not a problem, we already do this, we want to protect our high school athletes.

LEGLER: And the question I asked you a while ago about UIL and couldn't they have done this on their own, and you made mention that they really were ambiguous on their answer—they didn't say yes, or they didn't say no, but they—

LUCIO: Exactly.

LEGLER: And you feel like since they couldn't come to a decision, it was best for us to make the decision for them.

LUCIO: Right, and this—again, minimal standards. We're talking about stuff that's already done that we hope to just bring home to say we want to protect. If you're going to have a football program—mind you, we don't mandate any school district to have a football program, nor do we include in curriculum that a student must play football—so if you're going to make the expense of having a football program, hiring coaches, telling parents we're going to do everything we can to protect your athletes—you should recondition the helmets. After 10 years, mind you. So this is going to be in use 10 years before they have to think about it with this bill.

REMARKS ORDERED PRINTED

Representative Legler moved to print remarks between Representative Lucio and Representative Legler.

The motion prevailed.

HB 675 was passed to engrossment. (Aycock, Cain, Callegari, Darby, Garza, S. Miller, Paxton, Phillips, and Simpson recorded voting no.)

REASON FOR VOTE

This creates a mandate that a local district can act on without state law.

Simpson

HB 690 ON SECOND READING (by Martinez Fischer and Hartnett)

HB 690, A bill to be entitled An Act relating to the punishment for the offense of graffiti.

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **HB 690**:

Amend **HB 690** (house committee printing) as follows:

- (1) On page 1, line 9, strike "or property".
- (2) On page 1, lines 15-16, strike the text and substitute the following:

(2-a) "Historic structure" means a structure that:

(A) is publicly owned and included on the National Register of Historic Places;

(B) is designated as a Recorded Texas Historic Landmark; or

(C) is designated as a State Archeological Landmark.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Farias offered the following amendment to **HB 690**:

Amend **HB 690** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____ . Section 54.0481, Family Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] juvenile court, in a disposition hearing under Section 54.04 regarding a child who has been adjudicated to have engaged in delinquent conduct that violates Section 28.08, Penal Code:

(1) may order the child or a parent or other person responsible for the child's support to make restitution by:

(A) reimbursing the owner of the property for the cost of restoring the property; or

(B) with the consent of the owner of the property, personally restoring the property by removing or painting over any markings the child made; and

(2) if the child made markings on public property, a street sign, or an official traffic-control device in violation of Section 28.08, Penal Code, may order the child or a parent or other person responsible for the child's support to:

(A) make to the political subdivision that owns the public property or erected the street sign or official traffic-control device restitution in an amount equal to the lesser of the cost to the political subdivision of replacing or restoring the public property, street sign, or official traffic-control device; or

(B) with the consent of the political subdivision, restore the public property, street sign, or official traffic-control device by removing or painting over any markings made by the child on the property, sign, or device.

(a-1) A juvenile court, in a disposition hearing described by Subsection (a) involving a child who has previously been adjudicated for having engaged in delinquent conduct that violates Section 28.08, Penal Code, in addition to any other disposition ordered, if the child made markings on a historic structure or other property described in Section 28.08(d), Penal Code, or private property, shall order the child and the parent or other person responsible for the child's support to make restitution by personally restoring the property by removing or painting over any markings the child made, with the consent of the owner of the property.

(a-2) A juvenile court may not require that a child or a child's parent or other person responsible for the child's support personally restore the property under this section if:

(1) the child, parent, or other person is physically or mentally incapable of participating in the restoration; or

(2) the restoration is inherently dangerous or would otherwise endanger the health or safety of the child, parent, or other person.

SECTION _____. The change in law made by this Act to Section 54.0481, Family Code, applies only to conduct violating a penal law that occurs on or after the effective date of this Act. Conduct violating a penal law that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, conduct violating a penal law occurred before the effective date of this Act if any element of the violation occurred before that date.

Amendment No. 2 was adopted.

HB 690, as amended, was passed to engrossment.

HB 755 ON SECOND READING
(by Cook)

HB 755, A bill to be entitled An Act relating to eligibility of certain dependents for coverage under the state employee group benefits program.

HB 755 was passed to engrossment. (Garza recorded voting no.)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of personal business in the district:

Woolley on motion of Kleinschmidt.

CSHB 849 ON SECOND READING
(by S. Miller)

CSHB 849, A bill to be entitled An Act relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

CSHB 849 was passed to engrossment.

HB 942 ON SECOND READING
(by Dukes, et al.)

HB 942, A bill to be entitled An Act relating to an exemption for school districts from security for court costs and appeal bond.

HB 942 was passed to engrossment.

HB 989 ON SECOND READING
(by Kolkhorst)

HB 989, A bill to be entitled An Act relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.

HB 989 was passed to engrossment. (Garza and White recorded voting no.)

HB 1210 ON SECOND READING**(by L. Taylor)**

HB 1210, A bill to be entitled An Act relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

Representative L. Taylor moved to postpone consideration of **HB 1210** until 10 a.m. Monday, April 11.

The motion prevailed.

CSHB 1300 ON SECOND READING**(by Guillen, Frullo, and Farias)**

CSHB 1300, A bill to be entitled An Act relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.

CSHB 1300 was passed to engrossment.

HB 1405 ON SECOND READING**(by Smithee, Hardcastle, Eiland, and Nash)**

HB 1405, A bill to be entitled An Act relating to provision by a health benefit plan of prescription drug coverage specified by formulary.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 1405**:

Amend **HB 1405** (house committee printing) as follows:

(1) On page 3, line 6, strike "or" and substitute "[~~or~~]".

(2) On page 3, line 11, between "Section 1369.052" and the period, insert the following:

;

(6) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(7) a Medicaid managed care program operated under Chapter 533, Government Code, or a Medicaid program operated under Chapter 32, Human Resources Code

Amendment No. 1 was adopted.

HB 1405, as amended, was passed to engrossment. (White recorded voting no.)

HB 1732 ON SECOND READING**(by Ritter)**

HB 1732, A bill to be entitled An Act relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.

HB 1732 was passed to engrossment.

HB 1970 ON SECOND READING
(by Jackson)

HB 1970, A bill to be entitled An Act relating to the periodic review of the child support guidelines.

Representative Jackson moved to postpone consideration of **HB 1970** until 10 a.m. Tuesday, April 12.

The motion prevailed.

HB 2124 ON SECOND READING
(by Workman, et al.)

HB 2124, A bill to be entitled An Act relating to victim notification regarding the release of a defendant who was acquitted by reason of insanity in a criminal case.

Amendment No. 1

Representative D. Howard offered the following amendment to **HB 2124**:

Amend **HB 2124** as follows:

(1) Delete Section 1 of the bill, and replace it with the following:

SECTION 1. Section 4(d)(8), Article 46.03, Code of Criminal Procedure, is transferred to Subchapter A, Chapter 46C, Code of Criminal Procedure, redesignated as Article 46C.003, Code of Criminal Procedure, and amended to read as follows:

Art. 46C.003. **VICTIM NOTIFICATION OF RELEASE** ~~[(8) — Victim Notification of Release].~~ If the court issues an order ~~[under Subdivision (4) or (5)]~~ that requires the release of an acquitted person on discharge or on a regimen of outpatient care, the clerk of the court issuing the order, using the information provided on any victim impact statement received by the court under Article 56.03 or other information made available to the court, shall ~~[provide name, address, and phone number information to the Texas Department of Criminal Justice victim services division to enable the person to]~~ notify the victim or the victim's guardian or close relative of the release. ~~[The victim services division shall notify any victim or guardian or close relative named in the victim impact statement or other information.]~~ Notwithstanding Article 56.03(f), the clerk of the court may inspect a victim impact statement for the purpose of notification under this article ~~[subdivision]~~.

Amendment No. 1 was adopted.

HB 2124, as amended, was passed to engrossment.

HB 2154 ON SECOND READING
(by Eiland)

HB 2154, A bill to be entitled An Act relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.

Amendment No. 1

Representative Eiland offered the following amendment to **HB 2154**:

Amend **HB 2154** (house committee printing) on page 1, line 17, by striking "four" and substituting "eight [~~four~~]".

Amendment No. 1 was adopted.

HB 2154, as amended, was passed to engrossment. (White recorded voting no.)

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 68

(by Hunter, Thompson, Martinez Fischer, Cook, Jackson, et al.)

HCR 68, Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

HCR 68 was adopted by (Record 271): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocck; 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; 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; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Harless; Woolley.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Calendars, upon adjournment today, Agricultural Museum (1W.14), for a formal meeting, to set a calendar.

Licensing and Administrative Procedures, upon adjournment today, Desk 122, for a formal meeting, to consider pending business.

State Affairs, upon adjournment today, 3W.15, for a formal meeting, to consider **SB 312** and pending business.

County Affairs, upon adjournment today, 3W.9, for a formal meeting, to consider pending business.

CORRECTIONS IN REFERRAL

Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representative Rodriguez moved that the house adjourn until 10 a.m. tomorrow in memory of Vecina Farrar.

The motion prevailed.

The house accordingly, at 11:46 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 1423 (By Garza), Relating to restrictions on written information required to be provided by public school teachers and a study by the commissioner of education concerning implementation of the restrictions.

To Government Efficiency and Reform.

HB 2010 (By Smithee), Relating to indemnification provisions in construction contracts.

To Insurance.

HB 3244 (By Elkins), Relating to shareholder standing after mergers.

To Business and Industry.

HB 3247 (By Elkins), Relating to the board of directors of the Texas Mutual Insurance Company.

To State Affairs.

List No. 2

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

SB 361 to Insurance.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 5, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 64 Aycock SPONSOR: Fraser
Recognizing April 13, 2011, as Leadership Highland Lakes Day at the State Capitol.

HCR 65 Aycock SPONSOR: Fraser
Recognizing April 13, 2011, as Leadership Killeen Day at the State Capitol.

HCR 150 Branch SPONSOR: Carona
Honoring Sam Houston for his statesmanship on the 150th anniversary of his refusal to take the oath of allegiance to the Confederate States of America.

SB 76 Nelson
Relating to certain providers of subsidized child care.

SB 385 Williams
Relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.

SB 497 Jackson
Relating to the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation; providing an administrative penalty.

SB 655 Hegar
Relating to the abolition of the Railroad Commission of Texas, the creation of the Texas Oil and Gas Commission, and the transfer of the powers and duties of the railroad commission to the oil and gas commission.

SB 871 Lucio

Relating to corrective action with regard to excessive or unfairly discriminatory residential property or personal automobile premium rates.

SB 875 Fraser

Relating to compliance with state and federal environmental permits as a defense to certain actions for nuisance or trespass.

SB 899 Ogden

Relating to the legislature's consent or approval of a settlement of a claim or action against this state.

SB 990 Carona

Relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority; providing penalties.

SB 1034 Watson

Relating to the authority of certain political subdivisions to change the date of their general elections.

SB 1133 Hegar

Relating to a report by the Public Utility Commission of Texas on the ability of electric generators to respond to abnormal weather conditions.

SB 1150 Seliger

Relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals.

SB 1187 Watson

Relating to the effect of indexing notices of lis pendens.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 4

County Affairs - **HB 1694, HB 1700, HB 2964**

Criminal Jurisprudence - **HB 1106, HB 2385**

Economic and Small Business Development - **HB 735**

Higher Education - **HB 1000**

Homeland Security and Public Safety - **HB 90, HB 242, HB 588, HB 1075, HB 2257, HB 3619**

Judiciary and Civil Jurisprudence - **HB 627, HB 2015**

Natural Resources - **HB 648, HB 725, HB 960, HB 1464, HB 1819, HB 1944, HB 1945, HB 2162, HB 2182, HB 2296, HB 2670, HB 2794**

Public Health - **HB 300**

State Sovereignty, Select - **HB 5**

ENGROSSED

April 4 - HB 1

SENT TO THE GOVERNOR

April 4 - HCR 79, HCR 123, HCR 125

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTIETH DAY — WEDNESDAY, APRIL 6, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 272).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Driver; Landtroop.

The invocation was offered by Dr. David L. Wilson, pastor, Southcrest Baptist Church, Lubbock, as follows:

Heavenly Father, we are so grateful for your many blessings. We acknowledge your holiness and righteousness and thank you for your grace and mercy that falls on us. We thank you for life itself and for the health that we need to fulfill our responsibilities. We are mindful of your provision and your personal presence in our lives. Thank you for the ability to be involved in useful work and for the honor of bearing responsibility.

Your holy word has told us that you have established governing authorities to promote peace and order and justice. You have allowed these men and women to bear the responsibility of making policies and establishing laws and regulations. We ask that you give them wisdom that comes from you and understanding to deal with the pressing issues of our day. We ask that you give

them courage to do what is right, moral, and in keeping with your intent for our lives. Guide them clearly amid the conflicting interests and issues of our times. With your sovereign and righteous hand, direct the decisions that will be made by these men and women that represent so many. Give them a strong desire to make the right decisions and to trust in your wisdom. Help them to work together even when there is honest disagreement. Please let them sense your presence and give them personal peace.

We lift up the agenda set before this chamber today. Please give each member an assurance of what would please you and what would benefit those who live and work in our great state. In Jesus' name, I pray. Amen.

The speaker recognized Representative Deshotel who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today because of important business:

Driver on motion of Branch.

Landtroop on motion of Perry.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Deshotel and by unanimous consent, the reading and referral of bills was postponed until just prior to final recess.

CAPITOL PHYSICIAN

The speaker recognized Representative Naishtat who presented Dr. Mark Chassay of Austin as the "Doctor for the Day."

The house welcomed Dr. Chassay and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Gonzalez in the chair)

HCR 128 - ADOPTED

(by Aliseda, Sheets, V. Taylor, and Garza)

Representative Aliseda moved to suspend all necessary rules to take up and consider at this time **HCR 128**.

The motion prevailed.

The following resolution was laid before the house:

HCR 128, In memory of U.S. Marine Corps Sergeant Jose Luis Saenz III of Pleasanton.

HCR 128 was read and was unanimously adopted by a rising vote.

On motion of Representative Sheets, the names of all the members of the house were added to **HCR 128** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Aliseda who introduced family members and friends of U.S. Marine Corps Sergeant Jose Luis Saenz III.

HR 1033 - ADOPTED (by Aycock)

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 1033**.

The motion prevailed.

The following resolution was laid before the house:

HR 1033, Recognizing April 6, 2011, as Burnet County Day at the State Capitol.

HR 1033 was adopted.

HR 1190 - ADOPTED (by Martinez)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 1190**.

The motion prevailed.

The following resolution was laid before the house:

HR 1190, Welcoming Leadership Mid Valley to the State Capitol.

HR 1190 was adopted.

HR 1194 - ADOPTED (by Price)

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 1194**.

The motion prevailed.

The following resolution was laid before the house:

HR 1194, Commemorating April 9, 2011, as Former POW Recognition Day.

HR 1194 was adopted.

HR 1125 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1125**.

The motion prevailed.

The following resolution was laid before the house:

HR 1125, Commemorating the centennial of the Elisabet Ney Museum in Austin.

HR 1125 was adopted.

HR 1182 - ADOPTED
(by Lucio)

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 1182**.

The motion prevailed.

The following resolution was laid before the house:

HR 1182, Recognizing April 6, 2011, as National Start! Walking Day.

HR 1182 was adopted.

HR 1193 - ADOPTED
(by Callegari)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1193**.

The motion prevailed.

The following resolution was laid before the house:

HR 1193, Commemorating April 6, 2011, as Catholic Faith in Action Advocacy Day, sponsored by the Texas Catholic Conference.

HR 1193 was read and was adopted.

On motion of Representative Madden, the names of all the members of the house were added to **HR 1193** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Madden who introduced representatives of the Texas Catholic Conference.

HR 1026 - ADOPTED
(by Kleinschmidt, S. Miller, and D. Miller)

Representative Kleinschmidt moved to suspend all necessary rules to take up and consider at this time **HR 1026**.

The motion prevailed.

The following resolution was laid before the house:

HR 1026, Commemorating the 2011 Masonic Oak ceremony.

HR 1026 was read and was adopted.

On motion of Representative D. Miller, the names of all the members of the house were added to **HR 1026** as signers thereof.

HR 1133 - ADOPTED**(by Farrar, et al.)**

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 1133**.

The motion prevailed.

The following resolution was laid before the house:

HR 1133, Congratulating the Honorable William M. Hatten of Houston on his birthday.

HR 1133 was adopted.

HR 1196 - ADOPTED**(by Gooden)**

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 1196**.

The motion prevailed.

The following resolution was laid before the house:

HR 1196, Honoring Evelyn Fife of Terrell on the occasion of her 100th birthday.

HR 1196 was adopted.

HR 1197 - ADOPTED**(by Gooden)**

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 1197**.

The motion prevailed.

The following resolution was laid before the house:

HR 1197, In memory of Jerry Quitman Kidd of Chandler.

HR 1197 was unanimously adopted by a rising vote.

HR 485 - PREVIOUSLY ADOPTED**(by S. Davis, Miles, and Hochberg)**

The chair laid out and had read the following previously adopted resolution:

HR 485, In memory of Joseph W. Samuels of Houston.

On motion of Representative S. Davis, the names of all the members of the house were added to **HR 485** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Miles who introduced family members of Joseph W. Samuels.

HR 928 - ADOPTED
(by C. Howard)

Representative C. Howard moved to suspend all necessary rules to take up and consider at this time **HR 928**.

The motion prevailed.

The following resolution was laid before the house:

HR 928, In memory of Houston businessman and community leader Gilbert Manly Turner.

HR 928 was unanimously adopted by a rising vote.

On motion of Representative C. Howard, the names of all the members of the house were added to **HR 928** as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of illness:

Villarreal on motion of Gallego.

HR 1129 - ADOPTED
(by Strama)

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HR 1129**.

The motion prevailed.

The following resolution was laid before the house:

HR 1129, Honoring actress Holland Taylor on the occasion of her visit to the State Capitol.

HR 1129 was read and was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative Strama who introduced Holland Taylor.
(Speaker in the chair)

HR 963 - ADOPTED
(by Kuempel)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 963**.

The motion prevailed.

The following resolution was laid before the house:

HR 963, Commemorating the launching of Not Even Past, the interactive website of The University of Texas at Austin Department of History.

HR 963 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Kuempel who introduced representatives of The University of Texas.

HR 581 - PREVIOUSLY ADOPTED

(by Aliseda)

The chair laid out and had read the following previously adopted resolution:

HR 581, Recognizing April 6, 2011, as Atascosa County Day at the State Capitol.

INTRODUCTION OF GUESTS

The speaker recognized Representative Aliseda who introduced a delegation from Atascosa County.

HR 814 - PREVIOUSLY ADOPTED

(by Aliseda)

The chair laid out the following previously adopted resolution:

HR 814, In memory of Mark Lynn Cude of Pleasanton.

HR 971 - ADOPTED

(by Eiland)

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 971**.

The motion prevailed.

The following resolution was laid before the house:

HR 971, In memory of Elinor Steinhagen Burrus.

HR 971 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The speaker recognized Representative Eiland who introduced family members of Elinor Steinhagen Burrus.

GENERAL STATE CALENDAR**HOUSE BILLS****THIRD READING**

The following bills were laid before the house and read third time:

HB 444 ON THIRD READING

(by Creighton)

HB 444, A bill to be entitled An Act relating to notification of applications for permits for certain injection wells.

HB 444 was passed by (Record 273): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Villarreal.

Absent — Davis, J.; Hochberg; Nash.

STATEMENTS OF VOTE

When Record No. 273 was taken, I was in the house but away from my desk. I would have voted yes.

Hochberg

When Record No. 273 was taken, I was excused because of important business. I would have voted yes.

Landtroop

HB 571 ON THIRD READING

(by Huberty, Eissler, et al.)

HB 571, A bill to be entitled An Act relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

HB 571 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE EISSLER: In **HB 571** there's a new Water Code Section 28A.001(1)(c) that provides an exemption for uses at the same or contiguous site. Is it your intent that under this section properties are contiguous if they are only separated by a public road?

REPRESENTATIVE HUBERTY: Yes, Mr. Eissler, I consider the properties that are only separated by a public road to be contiguous.

EISSLER: Thank you, and is proposed Section 28A.001(1)(d) intended to exempt all excavation activities that are already authorized by the state in some other permit?

HUBERTY: Yes, Mr. Chairman. For example, the TCEQ already has permitted a landfill that would not have to seek another authorization under this bill.

REMARKS ORDERED PRINTED

Representative Eissler moved to print remarks between Representative Huberty and Representative Eissler.

The motion prevailed.

HB 571 was passed by (Record 274): 139 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Garza; Hughes; Laubenberg; Paxton; Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Villarreal.

Absent — Nash.

STATEMENT OF VOTE

When Record No. 274 was taken, I was excused because of important business. I would have voted yes.

Landtroop

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a death in the family:

Nash on motion of Price.

HB 610 ON THIRD READING
(by Zerwas, Murphy, Callegari, et al.)

HB 610, A bill to be entitled An Act relating to the method of delivery of certain notices sent by the Texas Commission on Environmental Quality.

HB 610 was passed by (Record 275): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

STATEMENT OF VOTE

When Record No. 275 was taken, I was excused because of important business. I would have voted yes.

Landtroop

HB 645 ON THIRD READING
(by Orr, et al.)

HB 645, A bill to be entitled An Act relating to the information required to be included on a form for an application for an exemption from ad valorem taxation of property owned by a charitable organization.

HB 645 was passed by (Record 276): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn;

Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

STATEMENT OF VOTE

When Record No. 276 was taken, I was excused because of important business. I would have voted yes.

Landtroop

HB 675 ON THIRD READING

(by Lucio, et al.)

HB 675, A bill to be entitled An Act relating to football helmet safety requirements in public schools.

HB 675 was passed by (Record 277): 117 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Johnson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Patrick; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman.

Nays — Aycock; Bonnen; Callegari; Craddick; Creighton; Darby; Fletcher; Garza; Hamilton; Harper-Brown; Hilderbran; Hughes; King, P.; King, S.; Kolkhorst; Laubenberg; Miller, S.; Parker; Paxton; Phillips; Riddle; Simpson; Taylor, V.; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Jackson; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 277. I intended to vote no.

Cain

I was shown voting yes on Record No. 277. I intended to vote no.

Hancock

I was shown voting yes on Record No. 277. I intended to vote no.

Harless

When Record No. 277 was taken, I was excused because of important business. I would have voted no.

Landtroop

I was shown voting yes on Record No. 277. I intended to vote no.

Truitt

HB 690 ON THIRD READING

(by Martinez Fischer, Hartnett, Bohac, and Farias)

HB 690, A bill to be entitled An Act relating to the punishment for the offense of graffiti.

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **HB 690**:

Amend **HB 690** on third reading, in the transition provision that appeared in the house committee printing, by striking "The change in law made by this Act applies" and substituting "The changes in law made by this Act to Sections 28.08(d) and (e), Penal Code, apply".

Amendment No. 1 was adopted.

HB 690, as amended, was passed by (Record 278): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender;

Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Bohac; Taylor, L.; Torres.

STATEMENTS OF VOTE

When Record No. 278 was taken, my vote failed to register. I would have voted yes.

Bohac

When Record No. 278 was taken, I was excused because of important business. I would have voted yes.

Landtroop

When Record No. 278 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

**HB 755 ON THIRD READING
(by Cook)**

HB 755, A bill to be entitled An Act relating to eligibility of certain dependents for coverage under the state employee group benefits program.

HB 755 was passed by (Record 279): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond;

Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Garza.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Anderson, R.

STATEMENT OF VOTE

When Record No. 279 was taken, I was excused because of important business. I would have voted yes.

Landtroop

HB 849 ON THIRD READING

(by S. Miller)

HB 849, A bill to be entitled An Act relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

Amendment No. 1

Representative S. Miller offered the following amendment to **HB 849**:

Amend **HB 849** as follows:

(1) On page 2, between lines 26 and 27, insert the following section, appropriately numbered:

SECTION _____. Section 27.034(a-1), Water Code, as added by this Act, applies only to an application for a permit to dispose of oil and gas waste in a commercial disposal well, as defined by the Railroad Commission of Texas.

(2) Renumber the subsequent sections of the bill accordingly.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE P. KING: Chairman Miller, does this bill deal with notification for saltwater injection wells?

REPRESENTATIVE S. MILLER: Only the commercial injection wells.

P. KING: And, I'm sorry for asking this a day late, but who does it require notice to go to?

S. MILLER: Okay, it would require notice to go to the commissioners court, the county commissioner, the water district, landowners, and tenants of the landowners. It would also require publication in a newspaper of local circulation.

P. KING: Would it also require notice to go to groundwater conservation districts?

S. MILLER: Yes, it does.

P. KING: Am I correct that it is not your intent for this to create any standing for a groundwater conservation district to enter into a contested case regarding a permit for a groundwater conservation district?

S. MILLER: I don't believe it would change current law. Any affected party could ask to protest the permit after a hearing. It does allow for multiple hearings, though.

P. KING: The reason I'm asking is that currently, groundwater conservation districts, as I understand it, don't have standing under the law to intervene into those. There's concerns that that might become something of a lawyer's paradise if they did. And so I like your bill, but I just wanted to clarify for the record that it's not your intent to create standing. I don't want anybody to misinterpret the legislation. It's not your intent to create standing for groundwater conservation districts to be able to enter into the—as a party to the permitting process with TCEQ.

S. MILLER: It's requiring that the owner give notice to the groundwater conservation district along with the others that I mentioned. I don't believe it gives standing.

P. KING: I don't think it does either, I just want to make sure someone reading it a year down the line doesn't think it does, and I think it's a very good bill.

REMARKS ORDERED PRINTED

Representative P. King moved to print remarks between Representative S. Miller and Representative P. King.

The motion prevailed.

Amendment No. 1 was adopted.

HB 849, as amended, was passed by (Record 280): 139 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Gonzalez; Mallory Caraway.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Davis, Y.; Hughes; Reynolds.

STATEMENTS OF VOTE

When Record No. 280 was taken, I was excused because of important business. I would have voted yes.

Landtroop

I was shown voting yes on Record No. 280. I intended to vote no.

Marquez

When Record No. 280 was taken, I was in the house but away from my desk. I would have voted yes.

Reynolds

HB 942 ON THIRD READING

(by Dukes, et al.)

HB 942, A bill to be entitled An Act relating to an exemption for school districts from security for court costs and appeal bond.

HB 942 was passed by (Record 281): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Bohac; Creighton; Davis, Y.

STATEMENTS OF VOTE

When Record No. 281 was taken, my vote failed to register. I would have voted yes.

Bohac

When Record No. 281 was taken, I was excused because of important business. I would have voted yes.

Landtroop

HB 989 ON THIRD READING

(by Kolkhorst)

HB 989, A bill to be entitled An Act relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.

HB 989 was passed by (Record 282): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Garza.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Aycock.

STATEMENTS OF VOTE

When Record No. 282 was taken, my vote failed to register. I would have voted yes.

Aycock

When Record No. 282 was taken, I was excused because of important business. I would have voted yes.

Landtroop

I was shown voting yes on Record No. 282. I intended to vote no.

White

HB 1300 ON THIRD READING

(by Guillen, Frullo, and Farias)

HB 1300, A bill to be entitled An Act relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.

HB 1300 was passed by (Record 283): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Burnam; Hughes.

STATEMENT OF VOTE

When Record No. 283 was taken, I was excused because of important business. I would have voted yes.

Landtroop

HB 1405 ON THIRD READING

(by Smithee, Hardcastle, Eiland, and Nash)

HB 1405, A bill to be entitled An Act relating to provision by a health benefit plan of prescription drug coverage specified by formulary.

HB 1405 was passed by (Record 284): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Mallory Caraway.

STATEMENTS OF VOTE

When Record No. 284 was taken, I was excused because of important business. I would have voted yes.

Landtroop

I was shown voting yes on Record No. 284. I intended to vote no.

White

**HB 1732 ON THIRD READING
(by Ritter)**

HB 1732, A bill to be entitled An Act relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.

HB 1732 was passed by (Record 285): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden;

Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Gonzalez; Harless; Mallory Caraway; Riddle; Veasey.

STATEMENT OF VOTE

When Record No. 285 was taken, I was excused because of important business. I would have voted yes.

Landtroop

HB 2124 ON THIRD READING

(by Workman, et al.)

HB 2124, A bill to be entitled An Act relating to victim notification regarding the release of a defendant who was acquitted by reason of insanity in a criminal case.

HB 2124 was passed by (Record 286): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Aliseda; Crownover; Gonzalez; Mallory Caraway; Taylor, L.

STATEMENT OF VOTE

When Record No. 286 was taken, I was excused because of important business. I would have voted yes.

Landtroop

HB 2154 ON THIRD READING

(by Eiland)

HB 2154, A bill to be entitled An Act relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.

HB 2154 was passed by (Record 287): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Castro.

STATEMENT OF VOTE

When Record No. 287 was taken, I was excused because of important business. I would have voted yes.

Landtroop

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Calendars, during lunch recess today, 3W.15, for a formal meeting, to set a calendar.

Defense and Veterans' Affairs, during lunch recess today, Desk 15, for a formal meeting, to consider pending business.

Business and Industry, during lunch recess today, Desk 47, for a formal meeting, to consider pending business.

RECESS

At 11:59 a.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

(Driver and Landtroop now present)

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 6 ON SECOND READING (by Eissler, Allen, Strama, Branch, et al.)

CSHB 6, A bill to be entitled An Act relating to the foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools.

Amendment No. 1

Representative Eissler offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) on page 9, line 27, by striking "(e)" and substituting "(d-1)".

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Hancock and Eissler offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) on page 23, line 9, after the period, by inserting "If the commissioner places material on the list adopted under Subsection (a), the State Board of Education may, not later than the 90th day after the date the material is placed on the list, require the commissioner to remove the material from the list."

Amendment No. 2 was adopted.

Amendment No. 3

Representative Strama offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) as follows:

(1) On page 11, line 16, between the period and "Each", insert "(a)".

(2) On page 11, between lines 24 and 25, insert the following:

(b) To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills as required by Subsection (a), a school district or open-enrollment charter school may consider:

(1) instructional materials adopted by the State Board of Education;

(2) materials adopted or purchased by the commissioner under Section 31.0231 or Subchapter B-1;

(3) open-source instructional materials submitted by eligible institutions and adopted by the State Board of Education under Section 31.0241;

(4) open-source instructional materials made available by other public schools; and

(5) instructional materials developed or purchased by the school district or open-enrollment charter school.

(3) On page 18, line 3, strike "The heading to".

(4) On page 18, strike lines 7-9.

(5) On page 19, following line 27, insert the following:

(d) At least 12 [24] months before the beginning of the school year for which instructional materials [~~textbooks~~] for a particular subject and grade level will be adopted [~~purchased~~] under the review and adoption cycle [~~adopted by the board~~], the board shall publish notice of the review and adoption cycle for those instructional materials [~~textbooks~~]. A request for production must allow submission of open-source instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.

(6) On page 47, strike lines 4 and 5 and substitute the following:

SECTION 57. Section 31.151, Education Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:

(7) On page 49, between lines 13 and 14, insert the following:

(e) An eligible institution, as defined by Section 31.0241(a), that offers open-source instructional materials under Section 31.0241 is not a publisher or manufacturer for purposes of this section.

(8) On page 52, strike line 27 and renumber the subsequent subdivisions accordingly.

(9) Renumber SECTIONS of the bill accordingly.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Hochberg offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee report) as follows:

(1) On page 13, line 2, strike "and".

(2) On page 13, line 5, strike the period and substitute the following:

; and

(6) fund the technology lending grant program established under Section 32.201.

(3) On page 50, between lines 24 and 25, add the following appropriately numbered SECTION to the bill:

SECTION _____. Chapter 32, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TECHNOLOGY LENDING PROGRAM GRANTS

Sec. 32.201. ESTABLISHMENT OF PROGRAM. (a) The commissioner may establish a grant program under which grants are awarded to school districts and open-enrollment charter schools to implement a technology lending program to provide students access to equipment necessary to use electronic instructional materials.

(b) A school district or an open-enrollment charter school may apply to the commissioner to participate in the grant program. In awarding grants under this subchapter for each school year, the commissioner shall consider:

(1) the availability of existing equipment to students in the district or charter school; and

(2) other funding available to the district or charter school.

(c) The commissioner may determine the terms of a grant awarded under this section, including limits on the grant amount and approved uses of grant funds.

(d) The commissioner may recover funds not used in accordance with the terms of a grant from any state funds otherwise due to the school district or open-enrollment charter school.

Sec. 32.202. FUNDING. (a) The commissioner may set aside not more than 10 percent of the state instructional materials fund under Section 31.021 or a different amount determined by appropriation to administer a grant program established under this subchapter.

(b) The cost of administering a grant program under this subchapter must be paid from funds set aside under Subsection (a).

Sec. 32.203. USE OF GRANT FUNDS. (a) A school district or open-enrollment charter school may use a grant awarded under Section 32.201 or other local funds to purchase, maintain, and insure equipment for a technology lending program.

(b) Equipment purchased by a school district or open-enrollment charter school with a grant awarded under Section 32.201 is the property of the district or charter school.

(4) On page 53, line 12, strike "and".

(5) On page 53, line 13, strike the period and substitute the following:
; and

(18) Subchapter H, Chapter 32.

(6) Following existing SECTION 66 of the bill, add the following appropriately numbered SECTION to the bill:

SECTION _____. Sections 2175.128(a-1) and (b-1), Government Code, are repealed.

(7) Renumber the SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Hochberg offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) as follows:

(1) On page 17, line 13, strike "may" and substitute "shall".

(2) On page 17, line 14, following the period, insert "The rules must include a requirement that a school district provide the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials allotment.".

Amendment No. 5 was adopted.

Amendment No. 6

Representative Hochberg offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee report) as follows:

(1) Strike page 39, line 23, through page 40, line 16, and substitute the following:

Sec. 31.102. TITLE AND CUSTODY. (a) Each instructional material [~~textbook~~] purchased as provided by this chapter for a school district or an open-enrollment charter school is the property of the district or school [~~this state~~].

(b) Subsection (a) applies to ~~an~~ electronic instructional material [~~textbook~~] only to the extent of any applicable licensing agreement.

(c) The board of trustees of a school district or the governing body of an open-enrollment charter school [~~is the legal custodian of textbooks purchased as provided by this chapter for the district or school. The board of trustees~~] shall distribute printed instructional material [~~textbooks~~] to students in the manner that the board or governing body determines is most effective and economical.

(2) Strike page 42, line 24, through page 43, line 6, and substitute the following:

(c) [~~Each textbook must state that the textbook is the property of or is licensed to this state, as appropriate. Each textbook, other than an electronic textbook or a printed copy of an open source textbook, must be covered by the student under the direction of the teacher.~~] Except as provided by Subsection (g), a student must return all instructional materials [~~textbooks~~] to the teacher at the end of the school year or when the student withdraws from school.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Strama offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) on page 44, line 23, between "returned" and the period, by inserting ", unless the instructional materials or technological equipment is damaged, stolen, misplaced, or not returned due to an intentional act of the employee".

Amendment No. 7 was adopted.

CSHB 6, as amended, was passed to engrossment.

HB 500 ON SECOND READING
(by Eissler, Aycock, Guillen, Shelton, et al.)

HB 500, A bill to be entitled An Act relating to end-of-course assessment instruments administered to public high school students.

(Harper-Brown in the chair)

Amendment No. 1

Representative Eissler offered the following amendment to **HB 500**:

Amend **HB 500** (house committee printing) as follows:

(1) On page 2, line 16, strike "(a-2), (b), (b-2)," and substitute "(a-1), (a-2), (a-3), (b), (b-2), (e),".

(2) Strike page 2, line 18, through page 3, line 22, and substitute the following:

(a) The commissioner shall adopt rules requiring a student participating in the recommended or advanced high school program to be administered each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. ~~[A student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a). A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student. A student may not receive a high school diploma until the student has performed satisfactorily on the end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.]~~

(a-1) The commissioner by rule shall determine a method by which a student's satisfactory performance on an advanced placement test, international baccalaureate examination, an SAT Subject Test, or another assessment instrument determined by the commissioner to be at least as rigorous as an end-of-course assessment instrument adopted under Section 39.023(c) may be used as a factor in determining whether the student satisfies the requirements of Subsection (a) and Subsection (a-2), (a-3), or (a-4), as applicable to the student~~[-including the cumulative score requirement of that subsection]~~. The commissioner by rule may determine a method by which a student's satisfactory performance on a Preliminary Scholastic Assessment Test (PSAT) assessment or

a preliminary American College Test (ACT) assessment may be used as a factor in determining whether the student satisfies the requirements of Subsection (a) and Subsection (a-2), (a-3), or (a-4), as applicable to the student.

(3) On page 3, lines 23-25, strike "In lieu of satisfying ~~[addition to]~~ the cumulative score requirements under Subsection (a), to graduate under the recommended high school program," and substitute "To graduate under the recommended high school program ~~[In addition to the cumulative score requirements under Subsection (a)]~~,".

(4) On page 4, between lines 7 and 8, insert the following:

(a-3) To graduate under the advanced high school program ~~[In addition to the cumulative score requirements under Subsection (a)]~~, a student must:

(1) achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a-1) on end-of-course assessment instruments for the following:

(A) English III; and

(B) Algebra II; and

(2) achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

(A) biology, chemistry, or physics; and

(B) world geography, world history, or United States history ~~[in order to graduate under the advanced high school program]~~.

(5) On page 4, lines 8 and 9, strike "In lieu of satisfying the cumulative score requirements under Subsection (a), to graduate" and substitute "To graduate".

(6) On page 4, lines 20 and 21, strike "a minimum score under Subsection (a) may ~~shall~~" and substitute "the ~~[a minimum]~~ score requirement under this section may ~~[Subsection (a) shall]~~".

(7) On page 5, strike lines 2-20 and substitute the following:

(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the ~~[cumulative]~~ score requirement under this section ~~[requirements]~~ for one or more end-of-course assessment instruments as necessary ~~[subjects prescribed by Subsection (a)]~~ for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner ~~[not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a)]~~. A student may use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the ~~[cumulative]~~ score requirement under this section ~~[requirements prescribed by Subsection (a)]~~.

(e) The commissioner shall establish a required performance level for an assessment instrument adopted under Subsection (d) that is at least as rigorous as the performance level required to be met under Subsection (a-2), (a-3), or (a-4), as applicable to the student ~~[(a)]~~.

(8) On page 6, line 6, strike "Subdivision (5)" and substitute "Subdivisions (5) and (6)".

(9) On page 7, line 1, between "high school diploma" and "unless", insert "under the recommended high school program".

(10) On page 7, line 14, strike "and".

(11) On page 7, between lines 14 and 15, insert the following:

(6) a student subject to Subdivision (4) may not receive a high school diploma under the minimum high school program unless the student:

(A) achieves a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

(i) English III;

(ii) Algebra I;

(iii) biology, chemistry, or physics; and

(iv) world geography, world history, or United States history;

or

(B) has performed satisfactorily on each required assessment instrument administered under Section 39.023(c), as that section existed before amendment by Chapter 1312 (SB 1031), Acts of the 80th Legislature, Regular Session, 2007; and

(12) On page 7, line 15, strike "(6)" and substitute "(7)".

(13) On page 7, line 18, strike "(a)," and substitute "(a) and Subsection".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Eissler offered the following amendment to **HB 500**:

Amend **HB 500** (house committee report) as follows:

(1) On page 2, line 17, strike "Subsection (a-4)" and substitute "Subsections (a-4) and (a-5)".

(2) On page 2, line 26, between "(a-4)," and "or (d)", insert "(a-5)".

(3) On page 4, between lines 18 and 19, insert the following:

(a-5) The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on end-of-course assessment instruments.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Eissler offered the following amendment to **HB 500**:

Amend **HB 500** (introduced version) on page 7, line 25, between "eighth grade." and "Subsection (f)" by inserting "For a student who entered eighth grade in the 2010-2011 school year, notice under this subsection must also be provided not later than the date the student enters the ninth grade to inform the student of modifications in the requirements applicable to the student."

Amendment No. 3 was adopted.

Amendment No. 4

Representative Hochberg offered the following amendment to **HB 500**:

Amend **HB 500** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.034, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The agency may use a projection measure only in determining, for purposes of this section, an expected level of annual improvement in student achievement. The agency may not use a projection measure as a representation, for purposes of this section, of an actual level of annual improvement in student achievement.

Amendment No. 4 was adopted by (Record 288): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Allen; Nash; Villarreal.

Amendment No. 5

Representative Hochberg offered the following amendment to **HB 500**:

Amend **HB 500** (house committee printing) as follows:

(1) On page 1, between lines 4 and 5, add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 28.021(c), Education Code, is amended to read as follows:

(c) In determining promotion under Subsection (a), a school district shall consider:

- (1) the recommendation of the student's teacher;
- (2) the student's grade in each subject or course;
- (3) the student's score on an assessment instrument administered under Section 39.023(a), (b), or (l), to the extent applicable; and
- (4) any other necessary academic information, as determined by the district.

SECTION _____. Section 28.0211, Education Code, is amended by adding Subsections (o) and (p) to read as follows:

(o) This section does not require the administration of a fifth or eighth grade assessment instrument in a subject under Section 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

(1) is enrolled in a course in the subject for which the student will receive high school academic credit; and

(2) will be administered an end-of-course assessment instrument adopted under Section 39.023(c) for the course.

(p) Notwithstanding any other provision of this section, a student described by Subsection (o) may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student in accordance with that subsection.

(2) On page 1, strike lines 5 and 6 and substitute the following:

SECTION _____. Section 39.023, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-2) to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Except as provided by Subsection (a-2), all [AH] students, other than [except] students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight;

(5) science, in grades five and eight; and

(6) any other subject and grade required by federal law.

(a-2) A student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:

(1) is enrolled in a course in the subject for which the student will receive high school academic credit; and

(2) will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.

(3) On page 2, line 17, strike "Subsection (a-4)" and substitute "Subsections (a-4) and (e-1)".

(4) On page 5, between lines 20 and 21, insert the following:

(e-1) Nothing in this section has the effect of prohibiting the administration of an end-of-course assessment instrument listed in Section 39.023(c) to a student enrolled below the high school level who is enrolled in the course for which the assessment instrument is adopted. The commissioner shall adopt rules necessary to ensure that the student's performance on the assessment instrument is considered in the same manner for purposes of this section as the performance of a student enrolled at the high school level.

(5) On page 7, between lines 26 and 27, add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 39.053, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) In aggregating results of assessment instruments across grade levels by subject in accordance with Subsection (c)(1), the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(c) is included with results relating to other students enrolled at the same grade level.

SECTION _____. Section 39.203, Education Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to the distinction designations otherwise described by this section, the commissioner may award a distinction designation to a campus with a significant number of students below grade nine who perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c).

Amendment No. 5 was adopted.

Amendment No. 6

Representatives Phillips, Kolkhorst, and Menendez offered the following amendment to **HB 500**:

Amend **HB 500** as follows:

(1) On page 6, line 1, strike "2011-2012" and substitute "2013-2014 [2011-2012]".

(2) On page 6, strike lines 3-21, and substitute the following:
instruments is made, [:

[(+)] for students entering a grade above the ninth grade during the 2011-2012 or 2012-2013 school years [year], the commissioner shall seek a waiver from federal law requirements mandating administration of assessment instruments to public school students in this state. If a waiver is granted, assessment instruments may not be administered under Section 39.023 during the 2011-2012 and 2012-2013 school years. If a waiver is not granted, districts shall administer to district students, during the 2011-2012 and 2012-2013 school years, appropriate assessment instruments in place of exit-level or end-of-course assessment instrument as necessary to comply with federal law [retain,

~~administer, and use for purposes of accreditation and other campus and district accountability measures under this chapter the assessment instruments required by Section 39.023(a) or (c), as that section existed before amendment by Chapter 1312 (SB 1031), Acts of the 80th Legislature, Regular Session, 2007;~~

~~[(2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily on each required assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (SB 1031), Acts of the 80th Legislature, Regular Session, 2007; and~~

~~[(3) the agency may defer releasing assessment instrument questions and answer keys as required by Section 39.023(e) to the extent necessary to develop additional assessment instruments.]~~

(Villarreal now present)

Representative Eissler moved to table Amendment No. 6.

The motion to table prevailed by (Record 289): 94 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Aycock; Beck; Branch; Burkett; Button; Carter; Castro; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eissler; Elkins; Farias; Farrar; Frullo; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Hunter; Isaac; Jackson; Johnson; King, T.; Kleinschmidt; Larson; Laubenberg; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Reynolds; Rodriguez; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Turner; Vo; Walle; Woolley; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Berman; Bohac; Bonnen; Brown; Burnam; Cain; Callegari; Chisum; Christian; Dukes; Eiland; Fletcher; Flynn; Gallego; Geren; Hamilton; Harless; Hopson; Howard, C.; Huberty; Hughes; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Lavender; Legler; Lewis; McClendon; Menendez; Morrison; Phillips; Raymond; Riddle; Ritter; Schwertner; Simpson; Smith, W.; Solomons; Torres; Truitt; Veasey; Villarreal; Weber; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Allen; Nash.

Absent — Landtroop.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 289. I intended to vote no.

Elkins

I was shown voting yes on Record No. 289. I intended to vote no.

Guillen

I was shown voting yes on Record No. 289. I intended to vote no.

Isaac

I was shown voting yes on Record No. 289. I intended to vote no.

T. King

When Record No. 289 was taken, I was in the house but away from my desk. I would have voted no.

Landtroop

I was shown voting no on Record No. 289. I intended to vote yes.

Morrison

I was shown voting yes on Record No. 289. I intended to vote no.

Perry

Amendment No. 7

Representative Bonnen offered the following amendment to **HB 500**:

Amend **HB 500** by inserting into the bill the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0239 to read as follows:

Sec. 39.0239. STUDENT PERFORMANCE: FUNDING. Notwithstanding Chapter 41, 42, 46 or any other provision of this code, 35 percent of state funding for school districts and open-enrollment charter schools shall be based on successful student performance on assessment instruments as determined in accordance with Section 39.0241.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Hochberg offered the following amendment to **HB 500**:

Amend **HB 500** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0236 to read as follows:

Sec. 39.0236. REDUCED ASSESSMENT REQUIREMENTS PILOT PROGRAM. (a) In this section, "pilot program" means the reduced assessment requirements pilot program established under this section.

(b) The commissioner by rule shall establish a pilot program in which certain students in grades three through eight at a participating campus have reduced assessment requirements, as provided by this section.

(c) A campus may apply to the commissioner to participate in the pilot program.

(d) The commissioner shall select at least 20 campuses to participate in the pilot program. In selecting campuses for participation in the pilot program, the commissioner shall ensure that, to the greatest extent practicable, the diverse demographic, geographic, socioeconomic, and academic characteristics found in this state are represented and that elementary and middle or junior high schools are represented.

(e) Notwithstanding Section 39.023, a student attending a campus participating in the pilot program, other than a student administered assessment instruments under Section 39.023(b) or (l) or granted an exemption from administration of an assessment instrument under Section 39.027, shall be assessed using assessment instruments adopted or developed under Section 39.023(a) in:

(1) mathematics:

(A) in grades three and five without the aid of technology; and

(B) in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, in grades three, five, and eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight; and

(5) science, in grades five and eight.

(f) A student shall be assessed in grade four in mathematics or reading using an assessment instrument administered under Subsection (e) in grade three if, on the final assessment instrument in that subject administered to the student in grade three during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(g) A student shall be assessed in grade six in mathematics or reading using an assessment instrument administered under Subsection (e) in grade five if, on the final assessment instrument in that subject administered to the student in grade five during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(h) A student shall be assessed in grade seven in mathematics or reading using an assessment instrument administered under Subsection (g) in grade six if, on the final assessment instrument in that subject administered to the student in grade six during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(i) A participating campus may, for its own use in determining whether students are performing at a satisfactory level, administer to a student at the appropriate grade level, other than a student required to be assessed under this section, an assessment instrument. At the request of a participating campus, the agency shall provide, allow for the administration of, and score each assessment instrument administered under this subsection in the same manner and at the

same cost as for assessment instruments required to be administered under the applicable subsection. The results of an assessment instrument administered under this subsection may not be included as an indicator of student achievement under Section 39.054 or any other provision.

(j) If there is a conflict between this section and federal law as a result of forgoing under this section certain administration of assessment instruments to students who have recently performed successfully on assessment instruments assessing the same subject, the commissioner shall seek a waiver from the application of conflicting federal law for a campus participating in the pilot program.

(k) The commissioner shall adopt rules as necessary to administer this section.

(l) The commissioner shall conduct a study to determine whether the pilot program has been successful. The study must compare the achievements in mathematics and reading of students at participating and nonparticipating campuses in similar geographic areas that have students of similar demographic, socioeconomic, and academic characteristics. The study must evaluate the differences between mathematics and reading performance of students at campuses participating in the pilot program and those in matched non-participating campuses. Not later than September 1, 2014, the commissioner shall submit the results of the study to the legislature.

(m) The commissioner by rule shall establish the pilot program for the 2012-2013 and 2013-2014 school years.

(n) This section expires December 31, 2014.

Amendment No. 8 was adopted.

(Speaker in the chair)

HB 3839 - PERMISSION TO INTRODUCE

Representative Giddings requested permission to introduce and have placed on first reading **HB 3839**.

Permission to introduce was granted by (Record 290): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bertram; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy;

Naishtat; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Nash.

Absent — Orr; Torres.

SCR 40 - ADOPTED
(Hilderbran - House Sponsor)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **SCR 40**.

The motion prevailed.

The following resolution was laid before the house:

SCR 40, Recognizing Wayne and Eileen Hurd for their contributions to the Horseshoe Bay community.

SCR 40 was adopted.

MAJOR STATE CALENDAR
(consideration continued)

HB 500 - (consideration continued)

HB 500, as amended, was passed to engrossment. (Berman, Flynn, and T. Smith recorded voting no.)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 10 ON SECOND READING
(by Branch, D. Howard, Hunter, Aycock, Villarreal, et al.)

CSHB 10, A bill to be entitled An Act relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.

Representative Branch moved to postpone consideration of **CSHB 10** until 8 a.m. Thursday, April 14.

The motion prevailed.

SB 351 ON SECOND READING
(Deshotel - House Sponsor)

SB 351, A bill to be entitled An Act relating to the maximum capacity of a container of wine sold to a retail dealer.

SB 351 was considered in lieu of **HB 510**.

SB 351 was passed to third reading.

HB 510 - LAID ON THE TABLE SUBJECT TO CALL

Representative Deshotel moved to lay **HB 510** on the table subject to call.

The motion prevailed.

CSHB 1201 ON SECOND READING

(by Kolkhorst, Pitts, Harless, Zerwas, Phillips, et al.)

CSHB 1201, A bill to be entitled An Act relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHB 1201**:

Amend **CSHB 1201** (house committee printing) as follows:

(1) On page 8, line 12, strike "and".

(2) On page 8, strike lines 13-15, and substitute the following:

(2) the commission determines, after an engineering and traffic investigation conducted after traffic conditions on that part of the highway system have stabilized but not earlier than the first anniversary of the date that part of the highway system opens to traffic, that the established speed limit is reasonable and safe for that part of the highway system; and

(3) construction of that part of the highway system is completed on or after June 1, 2011.

Amendment No. 1 was adopted.

CSHB 1201, as amended, was passed to engrossment.

FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 367** 30 minutes after final recess today in JHR 140.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 9 a.m. tomorrow, in E1.004, to consider previously posted business.

Permission to meet was granted.

Representative W. Smith requested permission for the Committee on Environmental Regulation to meet while the house is in session, during bill referral today, in E2.030, to consider the previously posted agenda.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs, 4:30 p.m. today, E2.016.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, during bill referral today, in E2.012, to consider the previously posted agenda.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, Subcommittee on Cyber Bullying, 8 a.m. tomorrow, E2.022, for a work session, to consider cyber bullying.

State Affairs, 30 minutes after final recess today, JHR 140, for a public hearing, to consider **SB 367** and the previously posted agenda.

PROVIDING FOR RECESS

Representative Coleman moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10:15 a.m. tomorrow.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Workman in the chair)

RECESS

In accordance with a previous motion, the house, at 4:08 p.m., recessed until 10:15 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3835 (By Laubenberg), Relating to the Rockwall County Juvenile Board.

To Corrections.

HB 3836 (By Pitts), Relating to the creation of the Windsor Hills Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.

To Natural Resources.

HB 3837 (By Isaac), Relating to the designation of a portion of U.S. Highway 183 as the Cpl. Jason K. LaFleur Memorial Highway.

To Transportation.

HCR 74 (By Landtroop), Honoring pregnancy care centers.

To Rules and Resolutions.

HCR 110 (By Workman), Urging the president of the United States to defend the Defense of Marriage Act.

To Select State Sovereignty.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 1916 (By Callegari), Relating to the regulation of weather modification operations.

To Agriculture and Livestock.

HB 3101 (By Perry), Relating to the creation of the office of inspector general within the governor's office.

To Government Efficiency and Reform.

HB 3300 (By Cain), Relating to mechanisms to address the adverse impact of unfunded state mandates on local governments.

To Government Efficiency and Reform.

HB 3425 (By Zedler), Relating to a continuous improvement process at state agencies.

To Government Efficiency and Reform.

HB 3676 (By Brown), Relating to procuring contracts for certain professional services by a governmental entity.

To Government Efficiency and Reform.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, April 6, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 27 Zaffirini

Relating to policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.

SB 73 Nelson

Relating to debt issuance authority of and funding for the Cancer Prevention and Research Institute of Texas.

SB 142 West

Relating to real property that is subject to restrictive covenants, including the operation of property owners' associations of subdivisions that are subject to restrictive covenants, and to certain foreclosure actions.

SB 153 Huffman

Relating to the authority of a judge to suspend the imposition of a sentence and place a defendant on community supervision.

SB 315 Carona

Relating to the agencies and entities responsible for compiling and maintaining information pertaining to criminal combinations and criminal street gangs.

SB 597 Shapiro

Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.

SB 626 Carona

Relating to lottery winnings, including assignment of winnings, periodic payments of winnings, and the deduction of child support delinquency amounts from winnings paid to a prize winner.

SB 656 Huffman

Relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

SB 907 Seliger

Relating to the management, operation, rulemaking authority, and oversight of groundwater conservation districts.

SB 1097

Eltife

Relating to single certification in incorporated or annexed areas served by water or sewer utilities.

SB 1230

Estes

Relating to the construction and operation of combined heating and power facilities in certain municipalities.

SB 1308

Seliger

Relating to the standards for attorneys representing indigent defendants in capital cases.

SB 1702

Williams

Relating to the establishment of a task force to enhance the prosecution and tracking of money laundering in this state.

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 14

Senate Conferees: Fraser - Chair/Birdwell/Huffman/Van de Putte/Williams

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 5

Business and Industry - **HB 1960**

Culture, Recreation, and Tourism - **HB 596, HB 673, HB 1395**

Elections - **HB 1136, HB 1436, HB 1503, HB 1528, HB 1593, HB 1696, HB 2051, HB 2053, HB 2959, HB 3055, HB 3448**

Environmental Regulation - **HB 240**

Government Efficiency and Reform - **HB 2866**

Higher Education - **HB 33, HB 1206, HB 2433**

Judiciary and Civil Jurisprudence - **HB 908, HB 2047, HB 2330**

Licensing and Administrative Procedures - **HB 2271, SB 351**

Natural Resources - **HB 1814, HB 1832, HB 1852, HB 1901, HB 2893, HB 2983, HB 3002, SB 292, SB 313**

State Affairs - **SB 312**

Ways and Means - **HB 270, HB 316, HB 533, HB 930, HB 975, HB 1263, HB 2582, HJR 63**

ENGROSSED

April 5 - HB 109, HB 252, HB 371, HB 716

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTIETH DAY (CONTINUED) — THURSDAY, APRIL 7, 2011

The house met at 10:15 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 291).

Present — Mr. Speaker; Aliseda; Alonzo; 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; 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; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Johnson.

Absent, Excused, Committee Meeting — Alvarado; Keffer; Peña; Solomons; Veasey.

Absent — Farrar; Nash.

The invocation was offered by Dr. Michael Dean, senior pastor, Travis Avenue Baptist Church, Fort Worth, as follows:

Lord, we come before you today with hearts filled with gratitude and praise. You are great, and greatly to be praised. "Bless the Lord, O my soul, and forget none of his benefits." We are the recipients of your many gracious benefits in life, and we thank you for the gift of life, for our families, for our health, for our friends, for our work, and for the blessing of being citizens of the United States of America and residents of the great State of Texas. I thank you for this body of men and women who have been elected by the people of Texas to create an environment of safety, security, liberty, and stability.

We acknowledge that for all of our resources we still remain vitally dependent upon you. We depend upon you for wisdom. Your word tells us to trust in the Lord with all of our hearts and to not lean on our own understanding. We are to acknowledge you in all of our ways, and you promise to make our paths straight. We depend on you for that today. We depend upon your wisdom to discern, not just what is good, but what is best. We depend upon you to help us find the right blend of mercy and justice. We depend upon you to help us rise above selfish agendas to seek the highest and the best for those you have given us to lead. We need your wisdom for the faithful stewardship of abundant resources and treasures that have been given by your hand.

Father, your son, Jesus, said in the sermon on the mount that everyone who hears your words and puts them into practice is like a wise man who built his house on the rock. So help us build our lives, our homes, and our state on the solid rock of your truth. May the words of our mouth and the meditations of our heart be acceptable in your sight. We ask all these things in your name. Amen.

The speaker recognized Representative Shelton who led the house in the pledges of allegiance to the United States and Texas flags.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Shelton and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Alvarado on motion of Geren.

Keffer on motion of Geren.

Solomons on motion of Geren.

Veasey on motion of Geren.

The following member was granted leave of absence for today to attend a meeting of the Committee on Redistricting:

Peña on motion of Geren.

The following member was granted leave of absence for today because of illness:

Johnson on motion of S. Davis.

HR 1138 - ADOPTED (by Shelton)

Representative Shelton moved to suspend all necessary rules to take up and consider at this time **HR 1138**.

The motion prevailed.

The following resolution was laid before the house:

HR 1138, Commemorating the 100th anniversary of the founding of Travis Avenue Baptist Church in Fort Worth and honoring Dr. Michael Dean for his service to the institution.

HR 1138 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Shelton who introduced Dr. Michael Dean and his wife, Nan.

(Harper-Brown in the chair)

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of a death in the family:

Nash on motion of Price.

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Phillips on motion of Geren.

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. 15).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Madden on motion of Geren.

HR 1109 - ADOPTED (by Hancock)

Representative Hancock moved to suspend all necessary rules to take up and consider at this time **HR 1109**.

The motion prevailed.

The following resolution was laid before the house:

HR 1109, Congratulating Colby Bannister of North Richland Hills on being selected to compete in gymnastics at the 2011 Special Olympics World Summer Games in Athens.

HR 1109 was read and was adopted.

On motion of Representative Truitt, the names of all the members of the house were added to **HR 1109** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hancock who introduced Colby Bannister and members of his family.

HR 1198 - ADOPTED**(by Lewis)**

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 1198**.

The motion prevailed.

The following resolution was laid before the house:

HR 1198, Recognizing April 7, 2011, as Winkler County Day at the State Capitol.

HR 1198 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today and tomorrow because of important business in the district:

Christian on motion of P. King.

HR 1132 - ADOPTED**(by Walle)**

Representative Walle moved to suspend all necessary rules to take up and consider at this time **HR 1132**.

The motion prevailed.

The following resolution was laid before the house:

HR 1132, Honoring legislative employee and Texas Air National Guard Staff Sergeant Ryan Patrick Hogue as he prepares for deployment to Afghanistan.

HR 1132 was read and was adopted.

On motion of Representative Farias, the names of all the members of the house were added to **HR 1132** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Walle who introduced Texas Air National Guard Staff Sergeant Ryan Patrick Hogue and members of his family.

CAPITOL PHYSICIAN

The chair recognized Representative Truitt who presented Dr. Rick Edwards of Fort Worth as the "Doctor for the Day."

The house welcomed Dr. Edwards and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

HR 1056 - ADOPTED

(by V. Gonzales)

Representative V. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 1056**.

The motion prevailed.

The following resolution was laid before the house:

HR 1056, In memory of Cristina "Crissy" Dalia Huff of Palmhurst.

HR 1056 was unanimously adopted by a rising vote.

HR 63 - ADOPTED

(by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 63**.

The motion prevailed.

The following resolution was laid before the house:

HR 63, Honoring Kerrville Folk Festival founder Rod Kennedy on his birthday.

HR 63 was read and was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative Hilderbran who introduced Rod Kennedy.

HR 1167 - ADOPTED

(by C. Anderson, Keffer, Hughes, S. King, Lozano, et al.)

Representative C. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 1167**.

The motion prevailed.

The following resolution was laid before the house:

HR 1167, Recognizing April 7, 2011, as Texas State Technical College Day at the State Capitol.

HR 1167 was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 1167** as signers thereof.

(Farrar now present)

HR 1078 - ADOPTED

(by Torres)

Representative Torres moved to suspend all necessary rules to take up and consider at this time **HR 1078**.

The motion prevailed.

The following resolution was laid before the house:

HR 1078, Congratulating the boys' basketball team of West Oso High School in Corpus Christi on winning the 2011 UIL 3A state championship.

HR 1078 was read and was adopted.

On motion of Representative Scott, the names of all the members of the house were added to **HR 1078** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Torres who introduced members of the West Oso High School boys' basketball team.

HR 1176 - ADOPTED (by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 1176**.

The motion prevailed.

The following resolution was laid before the house:

HR 1176, Commemorating the 69th anniversary of the Bataan Death March.

HR 1176 was adopted.

HR 1104 - ADOPTED (by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1104**.

The motion prevailed.

The following resolution was laid before the house:

HR 1104, Recognizing April 6, 2011, as Tejano Independence Day.

HR 1104 was read and was adopted.

HR 1130 - ADOPTED (by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 1130**.

The motion prevailed.

The following resolution was laid before the house:

HR 1130, In memory of Bill E. Herod of Navasota.

HR 1130 was unanimously adopted by a rising vote.

HR 1174 - ADOPTED
(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 1174**.

The motion prevailed.

The following resolution was laid before the house:

HR 1174, Honoring the Reverend Darrell Dever on his installation as pastor of First Missionary Baptist Church in Huntsville.

HR 1174 was adopted.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 886 (by W. Smith), Commemorating the dedication of a Texas Historical Marker honoring George Washington Carver High School in Baytown.

HR 887 (by W. Smith), Congratulating Deysi Martinez of Channelview on quickly mastering English as her second language and winning third-place honors in the Crenshaw Elementary School spelling bee.

HR 889 (by Craddick), Congratulating Charles and Sylvia Hale of Stanton on their 50th wedding anniversary.

HR 895 (by Frullo), Honoring Tony and Margaret Balios of Lubbock on their 50th wedding anniversary.

HR 896 (by C. Anderson), Congratulating Carrol and Blanch Ward of McGregor on their 60th wedding anniversary.

HR 897 (by C. Anderson), Congratulating Sam and Emily Skrhak of McGregor on their 50th wedding anniversary.

HR 898 (by C. Anderson), Congratulating Ed and Merle Wittner of Woodway on their 60th wedding anniversary.

HR 899 (by C. Anderson), Congratulating Boots and Dorothy Baker on their 50th wedding anniversary.

HR 900 (by C. Anderson), Congratulating Ray and Joan Anderson on their 50th wedding anniversary.

HR 901 (by C. Anderson), Congratulating Charles and Ruby Jo Crelia of Waco on their 50th wedding anniversary.

HR 902 (by C. Anderson), Congratulating Fred and Martha Vinson of Waco on their 70th wedding anniversary.

HR 903 (by C. Anderson), Congratulating Jack and Faye Dell Clements of West on their 60th wedding anniversary.

HR 904 (by C. Anderson), Congratulating Ervin and Mary Kaddatz of West on their 70th wedding anniversary.

HR 905 (by C. Anderson), Congratulating Steve and Karen Briggs of Robinson on their 25th wedding anniversary.

HR 906 (by Marquez), Congratulating Jim Phillips on being named the 2010 El Pasoan of the Year by El Paso Inc.

HR 907 (by Marquez), Congratulating Casa Ford Lincoln Mercury for its service to the residents of El Paso.

HR 908 (by Marquez), Honoring Dr. Diana Natalicio for her service as president of The University of Texas at El Paso.

HR 909 (by Marquez), Honoring Dr. Richard Rhodes for his service as president of El Paso Community College.

HR 911 (by Marquez), Honoring Woody and Gayle Hunt of El Paso for their philanthropic work.

HR 915 was withdrawn.

HR 916 (by Burkett), Congratulating Captain David Shedd on being named the 2011 Mesquite Fire Department Officer of the Year.

HR 917 (by Burkett), Congratulating Jason Sutcliffe on being named the 2011 Paramedic of the Year by the Mesquite Fire Department.

HR 919 (by Veasey), Commemorating the 128th Session of the Texas Annual Conference of the African Methodist Episcopal Zion Church.

HR 921 (by Marquez), Commemorating the 50th anniversary of the El Paso Museum of Art.

HR 923 (by Aliseda), Commending Arthur McCall of Pleasanton for his achievements as an artist and game warden.

HR 927 (by Gallego), Congratulating Casie De Luna on being named Firefighter of the Year by the Val Verde County Volunteer Fire Rescue Department.

HR 933 (by Hartnett), Congratulating Webelos Scouts of Cub Scout Pack No. 710 in Dallas on attaining the Arrow of Light Award.

HR 944 (by Hilderbran), Congratulating Robert M. Terrill on his retirement as constable for Precinct 4 of Kerr County.

HR 952 (by S. Davis), Congratulating Van Van Osdall of Houston on her 100th birthday.

HR 954 (by Dukes), Commemorating the induction of Willie Wells into the Texas Sports Hall of Fame.

HR 955 (by Flynn), Congratulating Glen and Sherry Northcutt of Ben Wheeler on their 50th wedding anniversary.

HR 956 (by Strama), Honoring Victor Gonzales, mayor pro tem of Pflugerville, on becoming a Certified Municipal Official.

HR 960 (by Sheffield), Congratulating Ernest and Lillian Winkler of Temple on their 65th wedding anniversary.

HR 961 (by Sheffield), Congratulating Willie and Eula Bennett of Rockdale on their 65th wedding anniversary.

HR 962 (by Sheffield), Congratulating Rufus and Betty Ruth Hurley of Temple on their 60th wedding anniversary.

HR 963 was previously adopted.

HR 972 (by Eiland), Honoring Marian Thomas for her work as executive director and CEO of Communities in Schools of Galveston County.

HR 973 (by Flynn), Congratulating the Canton High School archery team on winning its second consecutive state championship.

HR 974 (by P. King), Congratulating the Brock High School girls' basketball team on winning the 2011 UIL 2A state championship.

HR 976 (by Parker), Congratulating Elizabeth Lester on being named the 2010 Student Ambassador of the Year by People to People Ambassador Programs.

HR 978 (by Cain), Honoring Dr. M. LaVelle Hendricks on his 20th pastoral anniversary with East Caney Missionary Baptist Church in Sulphur Springs.

HR 981 (by Sheffield), Congratulating Jesse and Minnie Garcia of Temple on their 60th wedding anniversary.

HR 982 (by Sheffield), Congratulating Melvin and Alice Gemgross of Temple on their 70th wedding anniversary.

HR 984 (by Hardcastle), Commemorating the 50th anniversary of Fred's Corner Grille in Vernon.

HR 986 (by Bonnen), Congratulating Theodore and Dorothy Kaspar of Brazoria on their 50th wedding anniversary.

HR 991 (by Zedler), Congratulating Casey and Kyle Shufelt of Fort Worth on the birth of their son, Jude Anthony Shufelt.

HR 992 (by C. Anderson), Congratulating the members of the West High School Lady Trojan powerlifting team on their performance at the Texas High School Powerlifting Association Region II Championship.

HR 993 (by C. Anderson), Congratulating the Crawford High School Lady Pirates basketball team on winning the 2010-2011 District 16-2A championship.

HR 994 (by C. Anderson), Congratulating the Robinson High School tennis team for qualifying for the 2011 state tournament.

HR 999 (by C. Anderson), Commending Alexis Rodriguez of Waco for rescuing her two cousins from a house fire.

HR 1000 (by C. Anderson), Congratulating Ella Whitley on her selection as a finalist for the 2011 H-E-B Excellence in Education Award.

HR 1002 (by C. Anderson), Congratulating the Midway High School softball team on winning the First Annual Midway Varsity Tournament.

HR 1004 (by C. Anderson), Congratulating the Midway High School 2011 Spirit of Midway Award winners.

HR 1005 (by Cook), Congratulating Joe B. Cannon on his receipt of the 2010 Outstanding 50-Year Lawyer Award from the Texas Bar Foundation.

HR 1006 (by McClendon), Commending the San Antonio Youth Council of the NAACP on its 12th annual Youth Image Awards Banquet.

HR 1014 (by Lozano), Commending the Honorable Juan Manuel Escobar of Kingsville for his public service.

HR 1015 (by Margo), Congratulating Jaime Barceleanu of El Paso on receiving the 2011 Lifetime Achievement Award from the Rio Grande Branch of the National Association of Social Workers.

HR 1017 (by Burkett), Congratulating Gary Cooper on being named the 2010 Civilian of the Year by the Mesquite Police Department.

HR 1018 (by Burkett), Congratulating Officer Stephen Killingsworth on being named the 2010 Mesquite Police Department Officer of the Year.

HR 1024 (by Veasey), Honoring Pastor Emeritus Hoise Bell of Berea Baptist Church on the dedication of a chapel in his name.

HR 1025 (by D. Miller), Honoring Gene Carnes for his contributions to Freemasonry.

HR 1027 (by Cain), Congratulating Georgia Weddle on her receipt of the Lifetime Achievement Award from the Girl Scouts of Northeast Texas.

HR 1029 (by L. Gonzales), Congratulating McNeil High School basketball coach Darrell Hagemann on winning his 400th game.

HR 1032 (by Brown), Congratulating the George Bush Presidential Library and Museum at Texas A&M University in College Station on receiving its two-millionth visitor.

HR 1033 was previously adopted.

HR 1034 (by Hilderbran), Congratulating Paul and Monica Minzenmayer of Rowena on earning the 2011 Achievement Award from the American Farm Bureau Federation.

HR 1036 (by Bonnen), Congratulating J. Michael and Leslie A. Lowrey of Lake Jackson on their receipt of the 2011 Philanthropist of the Year award from the Community Foundation of Brazoria County.

HR 1037 (by Bonnen), Congratulating Jimmy Miller on his receipt of the 2009 Peace Officer of the Year award from the 100 Club of Brazoria County.

HR 1043 was withdrawn.

HR 1044 (by Y. Davis), Congratulating the boys' basketball team of Kimball High School in Dallas on winning the UIL 4A state championship.

HR 1052 (by Frullo), Commending Roger Haldenby on his career with Plains Cotton Growers, Inc.

HR 1057 (by V. Gonzales), Congratulating Dr. Stephanie Alvarez on her receipt of the Outstanding Latino/a Faculty in Higher Education (Teaching Institutions) Award from the American Association of Hispanics in Higher Education.

HR 1058 (by V. Gonzales), Honoring Edinburg Children's Hospital on five years of service to the Rio Grande Valley.

HR 1061 (by Burkett), Congratulating Captain Terry Ratliff on his retirement from the Mesquite Fire Department.

HR 1063 (by Schwertner), Honoring T. J. "Hap" Rosson of Georgetown on his 100th birthday.

HR 1066 was withdrawn.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 809 was withdrawn.

HR 884 (by Pitts), In memory of longtime Ennis volunteer firefighter Jodie Harbert, Jr.

HR 885 (by W. Smith), In memory of George Calvin Love of Houston.

HR 890 (by Gallego), In memory of Juan S. Olivares, Jr., of Del Rio.

HR 910 (by Marquez), In memory of Frank Alarcon of El Paso.

HR 914 (by W. Smith), In memory of Charles Garrison of Deer Park.

HR 918 (by Veasey), In memory of Steave Randolph Powell, Jr., of Forest Hill.

HR 920 (by Morrison), In memory of Leonard H. Von Dohlen III of Goliad.

HR 922 (by T. King), In memory of Carolyn Louise Baker of Hondo.

HR 924 (by Button), In memory of Leona "DeRue" Fischer of Sunnyvale.

HR 925 (by Margo, Marquez, and Gonzalez), In memory of Sondra Dailey of El Paso.

HR 943 (by Hilderbran), In memory of Richard Y. Thorpe of Ballinger.

HR 945 (by Hilderbran), In memory of Danny Duggan of Cherokee.

HR 953 (by Veasey), In memory of Paula Dare Roberts Baker.

HR 964 (by Coleman), In memory of Ernest Zachary Clouser of Houston.

HR 965 (by Hardcastle), In memory of Henry Leland Snow of Wichita Falls.

HR 968 (by Crownover), Honoring the life of S. J. "Sweet" Estes on the occasion of her posthumous nomination to the National Cowgirl Museum and Hall of Fame.

HR 970 (by Pitts), In memory of Chuck Demoney of Waxahachie.

HR 971 was previously adopted.

HR 977 (by Zerwas), In memory of Captain Thomas Araguz III of the Wharton Volunteer Fire Department.

HR 983 (by Hilderbran), In memory of Harold Dean Martin of Junction.

HR 985 (by Hardcastle), In memory of Edward L. Lehman, Jr., of Vernon.

HR 987 (by Bonnen), In memory of Harry Edward Wille, Jr., of Clute.

HR 988 (by Bonnen), In memory of Robert Raye Dixon of Brazoria County.

HR 990 (by D. Howard), In memory of George Quentin Breazeale of Austin.

HR 995 (by C. Anderson), In memory of Deryl W. Abbe, Sr., of Waco.

HR 996 (by C. Anderson), In memory of V. Irene Clifton of Hewitt.

HR 997 (by C. Anderson), In memory of Lucia Alderete Anaya of McGregor.

HR 998 (by C. Anderson), In memory of Montie Belle Seals of Waco.

HR 1001 (by C. Anderson), In memory of Gean Bartoli of Waco.

HR 1003 (by C. Anderson), In memory of Mary Sykora of West.

HR 1007 (by McClendon), Commemorating the centennial of the death of frontier hero U.S. Army Brigadier General John Lapham Bullis.

HR 1019 (by Orr), In memory of former Texas state representative Charles D. Kirkham, Jr., of Cleburne.

HR 1041 (by Castro), In memory of U.S. Air Force Airman First Class Corey C. Owens of San Antonio.

HR 1047 was withdrawn.

HR 1053 (by Guillen), Commemorating the dedication of Bravo Park in Zapata County and the unveiling of a marker honoring the park's namesake, Judge Manuel B. Bravo.

HR 1055 (by Margo), In memory of Frank Feuille IV of El Paso.

HR 1056 was previously adopted.

HR 1059 (by V. Gonzales), In memory of Blanca Ramirez Shawn of San Juan.

HR 1064 (by Hilderbran), In memory of retired U.S. Army colonel and university professor Dr. Charles T. McDowell.

HR 1065 (by Gutierrez), In memory of Rafael Hernandez of San Antonio.

HR 1067 (by Raymond), In memory of Fernando A. Salinas of Laredo.

HR 1068 (by Raymond), In memory of Barbara Kazen of Laredo.

The resolutions were unanimously adopted by a rising vote.

HR 1251 - ADOPTED

(by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1251**.

The motion prevailed.

The following resolution was laid before the house:

HR 1251, Commemorating the grand opening of the West Irving Library on April 9, 2011.

HR 1251 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Hunter on motion of Otto.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

SB 24 (Thompson, Jackson, Madden, Harless, Menendez, et al. - House Sponsors), in lieu of **HB 7**, A bill to be entitled An Act relating to the prosecution, punishment, and certain criminal and civil consequences of offenses involving or related to the trafficking of persons and to certain protections for victims of those offenses.

Representative Thompson moved to lay **HB 7** on the table subject to call, and the motion prevailed.

HB 42 (by Menendez), A bill to be entitled An Act relating to the duty imposed on the operator of a motor vehicle that strikes a structure adjacent to a highway. (Berman recorded voting no.)

HB 46 was withdrawn.

HB 118 (by McClendon), A bill to be entitled An Act relating to requiring the provision of notice by certain hospitals regarding patients' medical records.

(Phillips now present)

HB 191 (by Walle), A bill to be entitled An Act relating to the regulation of automobile wrecking and salvage yards in certain counties. (Harless, Legler, Parker, Simpson, and White recorded voting no.)

HB 205 (by Pickett), A bill to be entitled An Act relating to the imposition by certain municipalities and municipal transit departments of the local sales and use tax in certain federal military installations. (Simpson recorded voting no.)

Amendment No. 1

Representative Pickett offered the following amendment to **HB 205**:

Amend **HB 205** as follows:

(1) On page 1, between lines 17 and 18, insert the following:

(c) This section does not affect:

(1) the boundaries of an emergency services district that contains territory within the boundaries of a federal military installation on the effective date of this section;

(2) the authority of that emergency services district to continue to impose a sales and use tax in the entire territory of the district; or

(3) the duty of that emergency services district to provide services in the entire territory of the district.

(2) Strike SECTIONS 2 and 3 of the bill (page 1, line 18, through page 2, line 4) and substitute the following:

SECTION 2. Section 453.051, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The jurisdiction of a transit department created by a municipality with a population of more than 500,000 that borders the United Mexican States does not include any territory within the boundaries of a federal military installation that is located in that municipality's extraterritorial jurisdiction.

SECTION 3. This Act takes effect July 1, 2011, 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 effect on that date, this Act takes effect October 1, 2011.

Amendment No. 1 was adopted.

HB 266 (by Hilderbran), A bill to be entitled An Act relating to the use of address-matching software by certain state agencies.

HB 282 (by Flynn and Guillen), A bill to be entitled An Act relating to an analysis by the adjutant general of facility needs of state military forces before grants or conveyances of real property.

HB 289 (by Jackson, Anchia, Weber, and Thompson), A bill to be entitled An Act relating to activity that constitutes maintaining a common nuisance.

HB 308 (by Menendez), A bill to be entitled An Act relating to life preserving devices on recreational vessels. (Harless, Phillips, Simpson, and Solomons recorded voting no.)

HB 328 (by Guillen), A bill to be entitled An Act relating to information provided to a person applying for a state tax permit or license.

HB 399 (by Castro, et al.), A bill to be entitled An Act relating to requiring general academic teaching institutions to offer personal financial literacy training. (Landroop, Perry, and White recorded voting no.)

HB 407 was withdrawn.

HB 412 (by Aycock), A bill to be entitled An Act relating to the requirement that certain impaired veterinarians participate in a peer assistance program.

CSHB 413 (by Aycock), A bill to be entitled An Act relating to the confidentiality of certain information held by a veterinarian.

CSHB 414 (by Aycock), A bill to be entitled An Act relating to the conducting of licensing examinations by the State Board of Veterinary Medical Examiners.

HB 441 (by Guillen), A bill to be entitled An Act relating to the fees for certain commercial vehicles. (Landroop, Perry, Solomons, and White recorded voting no.)

HB 460 (by White), A bill to be entitled An Act relating to the board of directors of the Trinity Memorial Hospital District.

CSHB 468 (by Burnam and Veasey), A bill to be entitled An Act relating to the designation of a portion of Interstate Highway 35W as the Cesar Chavez Memorial Freeway. (Beck, Berman, Cain, Flynn, Lavender, Paxton, and Zedler recorded voting no.)

HB 479 (by Orr), A bill to be entitled An Act relating to the location of board meetings of certain economic development corporations.

HB 530 (by Shelton), A bill to be entitled An Act relating to the definition of local law enforcement authority for purposes of the sex offender registration program.

HB 534 (by Phillips), A bill to be entitled An Act relating to the powers and duties of the Gunter Municipal Utility Districts Nos. 1 and 2.

HB 555 (by D. Howard), A bill to be entitled An Act relating to reportable boating accidents and the penalties for certain boating accidents.

HB 650 (by Castro), A bill to be entitled An Act relating to property held by certain junior colleges and presumed abandoned.

HB 679 (by Button), A bill to be entitled An Act relating to change order approval requirements for certain political subdivisions of the state.

HB 682 was deferred until the end of today's local, consent, and resolutions calendar.

HB 709 (by Fletcher), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 723 was withdrawn.

HB 729 was withdrawn.

HB 734 (by Patrick, et al.), A bill to be entitled An Act relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.

Amendment No. 1

Representative Patrick offered the following amendment to **HB 734**:

Amend **HB 734** (house committee report) as follows:

- (1) On page 1, line 12, strike "1.4" and substitute "1.75".
- (2) On page 1, line 22, strike "1.4" and substitute "1.75".
- (3) On page 2, line 7, strike "1.4" and substitute "1.75".
- (4) On page 2, line 21, strike "1.4" and substitute "1.75".
- (5) On page 3, line 1, strike "1.4" and substitute "1.75".

Amendment No. 1 was adopted.

CSHB 811 (by Darby), A bill to be entitled An Act relating to the powers and duties of the Scurry County Hospital District. (Berman, S. King, Schwertner, Shelton, and Zerwas recorded voting no.)

HB 840 was deferred until the end of today's local, consent, and resolutions calendar.

HB 841 (by Gonzalez), A bill to be entitled An Act relating to certain statutory references to the Department of Family and Protective Services. (Berman recorded voting no.)

CSHB 871 (by Y. Davis), A bill to be entitled An Act relating to indigent health care services that may be provided by a county. (Beck, S. Davis, Isaac, Kleinschmidt, Landroop, Lavender, Parker, Paxton, Perry, Simpson, and Weber recorded voting no.)

HB 886 (by W. Smith), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 935 was withdrawn.

HB 943 (by Dukes), A bill to be entitled An Act relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.

HB 965 (by Callegari and Creighton), A bill to be entitled An Act relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality.

CSHB 994 (by Castro), A bill to be entitled An Act relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

CSHB 1010 (by Bonnen), A bill to be entitled An Act relating to enforcement of commercial motor vehicle safety standards in certain municipalities.

HB 1028 (by Phillips and Carter), A bill to be entitled An Act relating to certain contact between a criminal defendant and the victim of the offense of which the defendant is convicted or a member of the victim's family.

HB 1032 (by Smithee), A bill to be entitled An Act relating to a rescission period for annuity contracts.

HB 1060 (by Kleinschmidt), A bill to be entitled An Act relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.

HB 1091 (by J. Davis), A bill to be entitled An Act relating to the authority of certain hospital districts to contract for the performance of administrative functions and services.

HB 1116 (by Harper-Brown, R. Anderson, Fletcher, and Driver), A bill to be entitled An Act relating to prohibiting the sale and use of certain radar interference devices; creating an offense. (White recorded voting no.)

HB 1157 was withdrawn.

HB 1173 (by Riddle), A bill to be entitled An Act relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties. (Simpson recorded voting no.)

HB 1245 (by Callegari), A bill to be entitled An Act relating to the repeal of the authorization to establish a super collider facility research authority.

HB 1247 (by Callegari), A bill to be entitled An Act relating to the repeal of certain prohibitions on purchases of paper supplies and cabinets by state agencies.

HB 1293 (by Price), A bill to be entitled An Act relating to the Moore County Hospital District.

CSHB 1305 (by Bonnen), A bill to be entitled An Act relating to the issuance of oversize or overweight vehicle permits by certain port authorities.

HB 1334 (by Allen), A bill to be entitled An Act relating to the effect of a delay by the State Board for Educator Certification in renewing an educator's certification. (Flynn and Zedler recorded voting no.)

HB 1341 (by Walle), A bill to be entitled An Act relating to the manner of payment of tuition and mandatory fees at public institutions of higher education.

HB 1343 (by Carter, Solomons, Laubenberg, Gallego, et al.), A bill to be entitled An Act relating to proper venue for certain criminal prosecutions of mortgage fraud.

HB 1344 (by Burkett), A bill to be entitled An Act relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

HB 1376 (by Bohac), A bill to be entitled An Act relating to the definition of a junked vehicle for purposes of abatement of a public nuisance. (Cain, Flynn, and Legler recorded voting no.)

HB 1417 (by Chisum), A bill to be entitled An Act relating to the Swisher Memorial Hospital District.

SB 582 (Lewis - House Sponsor), in lieu of **HB 1438**, A bill to be entitled An Act relating to service of process on certain domestic and foreign entities for the collection of delinquent property taxes.

Representative Lewis moved to lay **HB 1438** on the table subject to call, and the motion prevailed.

HB 1473 (by Scott), A bill to be entitled An Act relating to creating the offense of altering a disabled parking placard.

HB 1482 was withdrawn.

SB 37 (Naishtat - House Sponsor), in lieu of **HB 1493**, A bill to be entitled An Act relating to the duration of the interagency task force on ensuring appropriate care settings for persons with disabilities.

Representative Naishtat moved to lay **HB 1493** on the table subject to call, and the motion prevailed.

HB 1495 (by Muñoz), A bill to be entitled An Act relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.

HB 1496 (by Gallego), A bill to be entitled An Act relating to the contracting authority of the Val Verde County Hospital District. (Beck, Kleinschmidt, Lavender, and Weber recorded voting no.)

HB 1499 (by Larson and Anchia), A bill to be entitled An Act relating to the designation of the Scenic Loop Road–Boerne Stage Road–Toutant Beauregard Road Historic Corridor.

HB 1504 (by Muñoz and Peña), A bill to be entitled An Act relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.

HB 1524 (by Phillips), A bill to be entitled An Act relating to the creation of the Case Creek Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1555 (by Thompson and Miles), A bill to be entitled An Act relating to the first day of instruction in certain school districts that provide additional days of instruction financed with local funds. (Beck, Isaac, and Lavender recorded voting no.)

HB 1560 (by Scott), A bill to be entitled An Act relating to the authority of counties to nominate projects in the extraterritorial jurisdictions of certain municipalities for designation as enterprise projects. (White recorded voting no.)

HB 1567 (by Coleman), A bill to be entitled An Act relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails. (Berman, S. King, Schwertner, Shelton, and Zerwas recorded voting no.)

HB 1567 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SCHWERTNER: Chairman Coleman, this bill, does this pertain to a specific county?

REPRESENTATIVE COLEMAN: Yes, it does—Harris County.

SCHWERTNER: Harris County. And this is an agreed-to bill amongst the various parties?

COLEMAN: Yes, it is, and I'll read the provisions that you might be concerned with. Let me make sure they're in the bill. "This section may not be construed as authorizing commissioners courts to supervise or control the practice of medicine as prohibited by Subtitle B, Title III of the Occupations Code, or to supervise the control of the practice of dentistry as provided by Subtitle D, Title III of the Occupations Code."

SCHWERTNER: So these provisions are for the protection of physician, patients, and clinical—

COLEMAN: Physician autonomy, in that the physician is working for the health of the patient, not working for the county and that, if there is ever any intervention in that, the physician has due process.

REMARKS ORDERED PRINTED

Representative Schwertner moved to print remarks between Representative Coleman and Representative Schwertner.

The motion prevailed.

HB 1570 (by Murphy and S. Davis), A bill to be entitled An Act relating to training for deputy voter registrars.

HB 1573 (by Gallego), A bill to be entitled An Act relating to certain pretrial and post-trial procedures in a criminal case.

CSHB 1638 (by Aliseda), A bill to be entitled An Act relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.

HB 1753 (by Gallego, Hilderbran, Geren, and Turner), A bill to be entitled An Act relating to the threshold amount at which public utilities are required to report a transaction.

HB 1756 (by Rodriguez), A bill to be entitled An Act relating to the creation of the Pilot Knob Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1757 (by Rodriguez), A bill to be entitled An Act relating to the creation of the Pilot Knob Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1758 (by Rodriguez), A bill to be entitled An Act relating to the creation of the Pilot Knob Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(Madden now present)

HB 1770 (by Madden), A bill to be entitled An Act relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision. (Phillips and Solomons recorded voting no.)

HB 1778 was withdrawn.

HB 1779 (by Naishtat), A bill to be entitled An Act relating to an exemption from private security regulation for social workers engaged in the practice of social work.

CSHB 1781 (by Price, Harper-Brown, Callegari, Frullo, and Thompson), A bill to be entitled An Act relating to obsolete or redundant reporting requirements applicable to state agencies.

(Hunter now present)

HB 1804 (by Hancock), A bill to be entitled An Act relating to certificates of insurance required for certain plumbing contractors.

HB 1869 (by Giddings), A bill to be entitled An Act relating to local governments that may consider a bidder's principal place of business when awarding a contract.

CSHB 1885 (by Hardcastle), A bill to be entitled An Act relating to the authority of the board of directors of the Knox County Hospital District to employ physicians and other health care providers. (Berman, S. King, Schwertner, Shelton, and Zerwas recorded voting no.)

HB 1889 (by Burkett), A bill to be entitled An Act relating to the creation of municipal courts of record in the city of Mesquite.

(Solomons now present)

HB 1891 (by S. Davis, et al.), A bill to be entitled An Act relating to the execution of a search warrant for data or information contained in or on certain devices.

HB 1904 (by Sheffield and Isaac), A bill to be entitled An Act relating to the deadlines for write-in candidates for the office of county or precinct chair of a political party.

HB 1932 (by Schwertner), A bill to be entitled An Act relating to the powers and duties of the Williamson-Liberty Hill Municipal Utility District.

CSHB 1952 (by Kuempel), A bill to be entitled An Act relating to alcoholic beverage seller-servers and to seller training programs.

HB 1956 (by Thompson), A bill to be entitled An Act relating to appeal of an order of the Texas Alcoholic Beverage Commission or the commission's administrator refusing, canceling, or suspending a private club registration permit.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 1956**:

Amend **HB 1956** (house committee printing) as follows:

(1) On page 2, line 2, strike "Section 32.18" and substitute "Sections 11.67(b) and 32.18".

(2) On page 2, line 3, strike "applies" and substitute "apply".

(3) Insert the following appropriately numbered SECTION and renumber existing SECTIONS of the bill accordingly:

SECTION _____. Section 11.67(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The appeal shall be under the substantial evidence rule and against the commission alone as defendant. The rules applicable to ordinary civil suits apply, with the following exceptions, which shall be construed literally:

(1) the appeal shall be perfected and filed within 30 days after the date the order, decision, or ruling of the commission or administrator becomes final and appealable;

(2) the case shall be tried before a judge within 60 [~~40~~] days from the date it is filed;

(3) neither party is entitled to a jury; and

(4) the order, decision, or ruling of the commission or administrator may be suspended or modified by the court pending a trial on the merits, but the final judgment of the district court may not be modified or suspended pending appeal.

Amendment No. 1 was adopted.

HB 1967 (by Chisum), A bill to be entitled An Act relating to the contracting authority of the Collingsworth County Hospital District. (Berman recorded voting no.)

HB 1981 (by W. Smith), A bill to be entitled An Act relating to measuring, monitoring, and reporting emissions. (White recorded voting no.)

HB 2007 (by Shelton), A bill to be entitled An Act relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.

CSHB 2012 (by Thompson), A bill to be entitled An Act relating to certain prohibited dealings between a wholesaler and retailer of alcoholic beverages.

HB 2014 (by Thompson, Branch, Raymond, S. Davis, Bonnen, et al.), A bill to be entitled An Act 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.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 2014**:

Amend **HB 2014** (house committee printing) in SECTION 3.01 of the bill, in proposed Section 71.0353, Government Code (page 11, lines 24-25), between "district court" and "shall", by inserting "or county court at law".

Amendment No. 1 was adopted.

HB 2035 (by Hamilton), A bill to be entitled An Act relating to the temporary relocation of an alcoholic beverage distributor's or wholesaler's premises during a period of emergency and delivery of alcoholic beverages to a distributor's or wholesaler's premises.

HB 2039 was withdrawn.

CSHB 2207 (by Oliveira), A bill to be entitled An Act relating to the authority of the board of trustees to set rates for certain municipal utility systems. (Cain, Flynn, Legler, Parker, and Weber recorded voting no.)

HB 2258 (by Deshotel), A bill to be entitled An Act relating to the use and transferability of certain state property transferred from the state to Spindletop MHMR Services. (Cain, Flynn, and Zedler recorded voting no.)

HB 2340 was withdrawn.

HB 2351 (by McClendon), A bill to be entitled An Act relating to the authority of the Bexar County Hospital District to employ physicians. (Berman, S. King, Schwertner, Shelton, and Zerwas recorded voting no.)

CSHB 2360 (by Schwertner), A bill to be entitled An Act relating to the creation of the Corn Hill Regional Water Authority; providing authority to issue bonds.

HB 2376 (by Hamilton), A bill to be entitled An Act relating to the regulation of plumbing.

HB 2418 (by Callegari), A bill to be entitled An Act relating to the territory, board of directors, and powers of the North Harris County Regional Water Authority.

HB 2503 (by Thompson), A bill to be entitled An Act relating to insurance agent licenses issued to certain foreign corporations and partnerships.

CSHB 2521 (by Sheffield), A bill to be entitled An Act relating to the creation of the Bell County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 2609 (by Guillen), A bill to be entitled An Act relating to employment at or by certain facilities serving the elderly or persons with disabilities.

HB 2616 was withdrawn.

HB 2631 (by Branch), A bill to be entitled An Act relating to the advanced research program.

HB 2633 (by Madden), A bill to be entitled An Act relating to the office of inspector general of the Texas Youth Commission.

HB 2690 (by Deshotel), A bill to be entitled An Act relating to authorizing local governments to convey real property interests to other local governments for less than fair market value. (S. Davis, Landtroop, and Perry recorded voting no.)

CSHB 2785 (by J. Davis, Reynolds, and Murphy), A bill to be entitled An Act relating to the creation of the Select Committee on Economic Development. (White recorded voting no.)

HB 2909 (by Branch), A bill to be entitled An Act relating to increasing awareness in this state of the importance of higher education.

CSHB 840 (by Gonzalez, Marquez, Margo, Pickett, and Quintanilla), A bill to be entitled An Act relating to the authority of the El Paso County Hospital District to appoint, contract for, or employ physicians, dentists, and other health care providers. (Berman, S. King, Schwertner, Shelton, and Zerwas recorded voting no.)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Culture, Recreation, and Tourism, upon first adjournment today, Desk 16, for a formal meeting, to consider pending business.

Human Services, upon first adjournment today, Desk 12, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon first adjournment today, Desk 92, for a formal meeting, to consider pending business.

Public Education, upon first adjournment today, Desk 56, for a formal meeting, to consider pending business.

Ways and Means, upon first adjournment today, Desk 9, for a formal meeting, to consider pending business.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

CSHB 682 (by Brown, Zedler, and Garza), A bill to be entitled An Act relating to leasing advertising space on state agency Internet websites.

CSHB 682 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FARRAR: Mr. Brown, we spoke about this earlier, just for purposes of legislative intent, as we discussed, my concern was that government may be perceived as being for sale. So I just wanted to make sure that an agency that was regulating a business entity—say Exxon/Mobile—had a permit pending, or an enforcement action pending, and then their advertisement would be on the TCEQ website. So I just wanted to make sure, because your bill has rulemaking authority, that it was not your intent to have those sorts of situations occur, correct?

REPRESENTATIVE BROWN: That is correct.

FARRAR: And also, perhaps, other objectionable matter, adult matter, and so on, that we sometimes get—things that sometimes might be on a Yahoo account and things come across that might not be appropriate to general audiences—is it your intent that sort of subject matter not be advertised?

BROWN: That is correct, and that will be adopted in the rules either by DIR or its successor agency.

REMARKS ORDERED PRINTED

Representative Farrar moved to print remarks between Representative Brown and Representative Farrar.

The motion prevailed.

NAMES ADDED

On motion of Representative Gallego, the names of all the members of the house were added to **HR 890** and **HR 927** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections, upon first adjournment today, Desk 81, for a formal meeting, to consider pending business.

(Nash now present)

ADJOURNMENT

Representative Harper-Brown moved that the house adjourn until 2:45 p.m. today.

The motion prevailed.

The house accordingly, at 1:53 p.m., adjourned until 2:45 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 15

HCR 64, HCR 65, HCR 150

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 7, 2011

The Honorable Speaker of the House
House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 128 Aliseda SPONSOR: Zaffirini
In memory of U.S. Marine Corps Sergeant Jose Luis Saenz III of Pleasanton.

SB 28 Zaffirini
Relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.

SB 122 Ellis
Relating to postconviction forensic DNA analysis.

SB 324 Jackson
Relating to the course levels offered by the University of Houston-Clear Lake.

SB 701 Watson
Relating to high-value data sets of state agencies posted on the Internet.

SB 1087 Carona
Relating to state-issued certificates of franchise authority to provide cable service and video service.

SB 1094 Rodriguez
Relating to the availability of online testing for high school equivalency examinations.

SB 1098 Huffman
Relating to certain offenses involving unauthorized recordings.

SB 1501 Watson
Relating to energy and efficiency conservation programs administered by the Public Utility Commission of Texas.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 7, 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:
LOCAL AND UNCONTESTED CALENDAR

- SB 71** Nelson
Relating to certain reports submitted and analyses conducted by health and human services agencies.
- SB 82** Nelson
Relating to the prosecution of the offense of stalking.
- SB 182** Wentworth
Relating to the penalty for the offense of reckless driving.
- SB 217** Huffman
Relating to expulsion of a public school student who commits certain criminal acts involving a computer, computer network, or computer system owned by or operated on behalf of a school district.
- SB 222** Nelson
Relating to access to certain long-term care services and supports under the medical assistance program.
- SB 227** Nelson
Relating to the nondisciplinary resolution of certain complaints filed against physicians.
- SB 229** Nelson
Relating to newborn hearing screenings and hearing services for certain children.
- SB 249** Estes
Relating to the composition of the Finance Commission of Texas.
- SB 258** Hegar
Relating to the pledge of allegiance to the state flag during a state flag retirement ceremony.
- SB 327** Van de Putte
Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.
- SB 372** Seliger
Relating to certain reports, communications, publications, and other documents involving the attorney general.
- SB 403** Eltife
Relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility.
- SB 419** West
Relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.
- SB 420** Deuell
Relating to determining eligibility for indigent health care.

- SB 423** Lucio
Relating to health insurance coverage for eligible survivors of certain public servants killed in the line of duty.
- SB 432** Jackson
Relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.
- SB 460** Seliger
Relating to regulation of the import, export, and management of mule deer; providing penalties.
- SB 498** Jackson
Relating to the trapping and transport of surplus white-tailed deer.
- SB 499** Jackson
Relating to the identification of breeder deer by microchips.
- SB 551** Williams
Relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.
- SB 596** Shapiro
Relating to transition planning for a public school student receiving special education services.
- SB 628** Duncan
Relating to the authority of the Childress County Hospital District to provide facilities and services for persons who are elderly or disabled; providing authority to issue bonds and notes.
- SB 630** Hegar
Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- SB 639** Van de Putte
Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.
- SB 680** Gallegos
Relating to a fee collected by a district clerk for certain certified copies.
- SB 692** Estes
Relating to exemptions from groundwater conservation district permit requirements.
- SB 715** Harris
Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.
- SB 729** Seliger
Relating to a joint election for trustees of an independent school district.
- SB 743** Hegar

Relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.

SB 759 West

Relating to the state low income housing plan and report developed by the Texas Department of Housing and Community Affairs.

SB 778 Williams

Relating to the inclusion of professional staff who educate students with disabilities on district-level and campus-level planning and decision-making committees.

SB 779 Whitmire

Relating to a central database containing information about certain persons who have been convicted of or received a grant of deferred adjudication for certain offenses involving animal cruelty; providing a criminal penalty.

SB 782 Carona

Relating to uniform law on secured transactions.

SB 789 Harris

Relating to the duration of a protective order against family violence.

SB 794 Nelson

Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

SB 795 Nelson

Relating to regulation of nurse aides.

SB 800 Duncan

Relating to the qualifications and operations of workers' compensation data collection agents.

SB 803 Hegar

Relating to venue projects in certain counties.

SB 804 Hegar

Relating to the use of revenue from the hotel occupancy tax by certain counties.

SB 816 Lucio

Relating to the appointment and recommendations of the Border Trade Advisory Committee.

SB 867 Deuell

Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

SB 873 Duncan

Relating to rate and damage schedules governing certain easements or other interests in land of The University of Texas System.

SB 874 Fraser

Relating to establishing a separate provider type for prosthetic and orthotic providers under the medical assistance program.

SB 882 Whitmire

Relating to the filing of a copy of certain records related to the release of accused persons on personal bond.

SB 893 Whitmire

Relating to motor fuel quality and testing.

SB 894 Duncan

Relating to employment of physicians by certain hospitals.

SB 900 Gallegos

Relating to the Aldine Improvement District; providing authority to impose a tax.

SB 901 Hegar

Relating to approval from the Department of State Health Services for disposal of ambulances purchased with certain grant funds.

SB 914 Wentworth

Relating to the applicability to certain regional water districts of provisions concerning bond approval by the Texas Commission on Environmental Quality.

SB 959 Wentworth

Relating to toll collection and enforcement.

SB 969 Nelson

Relating to the establishment of the Public Health Funding and Policy Committee within the Department of State Health Services.

SB 978 Hinojosa

Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.

SB 981 Carona

Relating to the regulation of distributed renewable generation of electricity.

SB 992 Lucio

Relating to the allocation of loans made under the owner-builder loan program.

SB 997 Shapiro

Relating to the public inspection of an application for a ballot to be voted early by mail.

SB 1009 Huffman

Relating to requiring public institutions of higher education to notify the federal Student and Exchange Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.

SB 1017 Davis

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

SB 1025 Harris

Relating to service of citation and appointment of an attorney ad litem for an indigent parent in certain suits affecting the parent-child relationship.

SB 1069 Jackson

Relating to the Texas emerging technology fund reporting requirement.

SB 1121 Estes

Relating to the student fees for the university center at Midwestern State University.

SB 1144 Shapiro

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

SB 1145 Shapiro

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

SB 1151 Jackson

Relating to notice of utility rate increases.

SB 1167 Carona

Relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

SB 1176 Jackson

Relating to the definition of a postsecondary program in regard to non-baccalaureate career schools and colleges.

SB 1185 Nichols

Relating to the authority of certain counties to impose a hotel occupancy tax for the operation and maintenance of a fairground in the county.

SB 1226 Hegar

Relating to the ballot language for junior college district annexation elections.

SB 1228 Hegar

Relating to the duties of district clerks regarding certain electronic filing systems.

SB 1241 West

Relating to authorizing certain courts to access information in the juvenile justice information system.

SB 1242 West

Relating to the judicial immunity and powers of certain magistrates.

SB 1322 Fraser

Relating to the operation of the Kimble County, McCulloch County, Mason County, and Menard County Juvenile Boards.

SB 1343 Eltife

Relating to archeological cemeteries.

SB 1518 Eltife

Relating to the powers and duties of the Texas Historical Commission; imposing a penalty.

SB 1714 Duncan

Relating to certain actions against an employer by an employee who is not covered by workers' compensation insurance.

SB 1716 Duncan

Relating to voidability of contracts procured through and liability arising from conduct constituting barratry; providing a civil penalty.

SCR 2

Uresti

Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

Respectfully,
Patsy Spaw
Secretary of the Senate

Amendment No. 48 - Vote Reconsidered

Representative Veasey moved to reconsider the vote by which Amendment No. 48 was adopted.

The motion to reconsider prevailed.

Amendment No. 48 was adopted by (Record 146): 100 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs meeting is cancelled.

CSSB 14 - (consideration continued)**Amendment No. 62**

Representative Strama offered the following amendment to **CSSB 14**:

Amend **CSSB 14** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. ELECTION INTEGRITY TRAINING. The secretary of state shall annually conduct, in at least four different geographic regions of the state, election integrity training for election officers, law enforcement personnel, and prosecutors in detecting, investigating, and prosecuting instances of voter fraud in which a person impersonates another person for the purpose of voting.

P. KING: And again, I appreciate that, I know y'all are going through tremendous work in trying to put this together and find a way to make the budget balanced. But take the cosmetologist, for example. If they had the right—if we say they could, I'm pulling this out of the air—if we said they could raise their fee from \$100 to \$500 for a license or for whatever, does our bill automatically put that in place? **HB 1**. Or does the agency, are they then required to make some affirmative decision to raise that? In other words, if we vote this in, automatically do those fees become raised, or will the cosmetologist commission have a hearing or rule-makings to determine what the appropriate fee is, so that the public will have the opportunity to come and give input?

PITTS: What we have done at Appropriations is, we will have—the agency will come to us, and this is especially Article VIII, we call them LARI riders or different things during the course of appropriations and what that is, is that the letter from the association, the Cosmetology Association will write Appropriations a letter and say, "If you give us this amount of money to be able to do certain things, we will raise our fee because our members want this done." And we have that on file for every agency that we have that says, "We will let you have this money contingent on you raising fees."

P. KING: What about for a large organization, like the Texas Railroad Commission, that has primarily been state-funded? Will they continue to be state-funded?

PITTS: They will continue to be state-funded in this bill.

P. KING: So there is nothing in this bill that will change the Railroad Commission from being state-funded to industry-funded?

PITTS: I want to let—the sub-committee chair can probably answer your question better than that.

P. KING: I know you're absolutely as concerned as I am about the possibility of, or about the intent to try avoid anything that takes any more money out of the private sector and puts it into the public sector.

PITTS: That is correct.

P. KING: Could I ask, as we go through the process today, just kind of helter skelter, that we try to be as clear as possible to those of us that didn't sit in on all of the Appropriations hearings? Dumb it down as much as possible to make us understand where we may be making a decision that has some type of intended or unintended tax or fee.

PITTS: Yes, I'll try to dummy it down so that I can understand, too.

REMARKS ORDERED PRINTED

Representative P. King moved to print remarks between Representative Pitts and Representative P. King.

The motion prevailed.