

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; Harcastle; 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; Landroop; 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 Klinginsmith 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.; 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.; 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.; 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; 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.; 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; 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; Alvaradó; 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 King of Parker 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 Aycock 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: ~~\$1,600,749~~
\$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.; Aycock; 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.

STATEMENT OF VOTE

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 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 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 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: Alright, 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; Harcastle; 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; Keffner; 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; 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; 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 Murphy 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** 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.; 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; 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**.

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, HB 1305**

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