

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-EIGHTH DAY — WEDNESDAY, MAY 4, 2011

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

The roll of the house was called and a quorum was announced present (Record 660).

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

Absent — Hochberg; King, T.

The invocation was offered by Dr. Clark A. Mahoney, pastor, Hillister Baptist Church, Hillister, as follows:

Our dear benevolent Father, we give you thanks this day for this place where we now stand, for the decisions that have been made in this honorable house. Being thankful for our great leaders of the past, and for these great men and women who have been chosen by you and appointed by the state to govern for the people of the great, great State of Texas. We humbly beseech you, praying for divine wisdom.

Grant these, your leaders, to accomplish not only the will of the people, but your perfect will. May each representative from all parties work together in cooperation to accomplish the many tasks set before them this day. I ask for your blessings of health and for prosperity upon all of those in this chamber. Would you reward them for their sacrificial and tireless service for the people of our

state. We acknowledge that the decisions made by this house have a far greater reach than our state's borders. Our nation, yes, even our world we believe will be impacted by the decisions of these men and women. Please guide them with your eternal eye and your all-powerful hand. I love my State of Texas and give you thanks for these great leaders, and I ask for your blessings and for your gracious civility to rule over them. According to Acts 4:12, I ask all of this in "the name that is above every name, the only name under Heaven given among men whereby we must be saved," in the name of Jesus. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Naishtat who presented Dr. Dana Sprute of Austin as the "Doctor for the Day."

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

(Geren in the chair)

HR 1730 - ADOPTED (by White)

Representative White moved to suspend all necessary rules to take up and consider at this time **HR 1730**.

The motion prevailed.

The following resolution was laid before the house:

HR 1730, In memory of Janice Mahoney of Hillister.

(Hochberg now present)

HR 1730 was read and was unanimously adopted by a rising vote.

On motion of Representative C. Anderson, the names of all the members of the house were added to **HR 1730** as signers thereof.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 20).

LEAVE OF ABSENCE GRANTED

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

Hopson on motion of J. Davis.

HR 1347 - ADOPTED
(by Anchia)

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 1347**.

The motion prevailed.

The following resolution was laid before the house:

HR 1347, Honoring Gerald "Jerry" Brown for his service as chair of the Dallas Police and Fire Pension System Board of Trustees.

(D. Howard in the chair)

HR 1347 was read and was adopted.

On motion of Representative Sheets, the names of all the members of the house were added to **HR 1347** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Anchia who introduced Gerald "Jerry" Brown and representatives of the Dallas Police and Fire Pension System Board of Trustees.

LEAVE OF ABSENCE GRANTED

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

Truitt on motion of Solomons.

(T. King now present)

HR 1512 - ADOPTED
(by Patrick, Villarreal, Eissler, Branch, and V. Gonzales)

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 1512**.

The motion prevailed.

The following resolution was laid before the house:

HR 1512, Honoring Teach For America founder and native Texan Wendy Kopp.

HR 1512 was read and was adopted.

On motion of Representative Branch, the names of all the members of the house were added to **HR 1512** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Patrick who introduced Wendy Kopp and representatives of Teach For America.

HR 1740 - ADOPTED
(by Alvarado)

Representative Alvarado moved to suspend all necessary rules to take up and consider at this time **HR 1740**.

The motion prevailed.

The following resolution was laid before the house:

HR 1740, Recognizing October 2011 as Inflammatory Breast Cancer Awareness Month.

HR 1740 was adopted.

On motion of Representative S. Davis, the names of all the members of the house were added to **HR 1740** as signers thereof.

HR 1047 - ADOPTED
(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 1047**.

The motion prevailed.

The following resolution was laid before the house:

HR 1047, In memory of Tom Gordon of Abilene.

HR 1047 was read and was unanimously adopted by a rising vote.

On motion of Representative Woolley, the names of all the members of the house were added to **HR 1047** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative S. King who introduced family members of Tom Gordon.

HR 1663 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1663**.

The motion prevailed.

The following resolution was laid before the house:

HR 1663, Honoring the Afiya Center of Dallas on the occasion of its May 2011 empowerment summit for women.

HR 1663 was adopted.

HR 1044 - PREVIOUSLY ADOPTED
(by Y. Davis)

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

HR 1044, Congratulating the boys' basketball team of Kimball High School in Dallas on winning the UIL 4A state championship.

On motion of Representatives Johnson and Driver, the names of all the members of the house were added to **HR 1044** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Y. Davis who introduced coaches and players of the Kimball High School boys' basketball team.

HR 1641 - ADOPTED
(by L. Taylor)

Representative L. Taylor moved to suspend all necessary rules to take up and consider at this time **HR 1641**.

The motion prevailed.

The following resolution was laid before the house:

HR 1641, Honoring Bay Area Charter Schools and welcoming a delegation from Ed White Memorial High School in League City to the State Capitol on May 4, 2011.

HR 1641 was adopted.

HR 1702 - ADOPTED
(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1702**.

The motion prevailed.

The following resolution was laid before the house:

HR 1702, Recognizing the 2011 Oak Cliff Coalition for the Arts Cinco de Mayo parade and street festival.

HR 1702 was adopted.

On motion of Representatives Alonzo and Y. Davis, the names of all the members of the house were added to **HR 1702** as signers thereof.

HR 1741 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 1741**.

The motion prevailed.

The following resolution was laid before the house:

HR 1741, Welcoming representatives of United Technologies Corporation to the Texas State Capitol.

HR 1741 was adopted.

HR 1489 - ADOPTED**(by Nash)**

Representative Nash moved to suspend all necessary rules to take up and consider at this time **HR 1489**.

The motion prevailed.

The following resolution was laid before the house:

HR 1489, Commemorating the 50th anniversary of Six Flags Over Texas in Arlington.

HR 1489 was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 1489** as signers thereof.

HR 1521 - ADOPTED**(by V. Gonzales)**

Representative V. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 1521**.

The motion prevailed.

The following resolution was laid before the house:

HR 1521, Congratulating Gloria Galvan of McAllen on her selection as the 2010-2011 Faculty Representative of the Year by the Texas Classroom Teachers Association.

HR 1521 was adopted.

On motion of Representative Eissler, the names of all the members of the house were added to **HR 1521** as signers thereof.

HR 1046 - ADOPTED**(by Button, Thompson, Vo, V. Taylor, and C. Howard)**

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 1046**.

The motion prevailed.

The following resolution was laid before the house:

HR 1046, Recognizing May 2011 as Asian-Pacific American Heritage Month.

HR 1046 was read and was adopted.

On motion of Representatives Vo and C. Howard, the names of all the members of the house were added to **HR 1046** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Button who introduced participants in Asian-Pacific American Heritage Month.

(Geren in the chair)

HR 1310 - ADOPTED
(by W. Smith)

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 1310**.

The motion prevailed.

The following resolution was laid before the house:

HR 1310, Recognizing May 4, 2011, as Texas Environmental Excellence Awards Day and commending the 2011 award recipients.

(S. Miller in the chair)

HR 1310 was adopted.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 396 ON THIRD READING
(Marquez - House Sponsor)

SB 396, A bill to be entitled An Act relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.

SB 396 was passed by (Record 661): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Truitt.

Absent — Ritter.

SB 934 ON THIRD READING
(Hilderbran - House Sponsor)

SB 934, A bill to be entitled An Act relating to the enforcement of tax laws; providing a criminal penalty.

SB 934 was passed by (Record 662): 143 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Isaac; Simpson; White.

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

Absent, Excused — Hopson; Truitt.

STATEMENT OF VOTE

I was shown voting yes on Record No. 662. I intended to vote no.

P. King

SB 1086 ON THIRD READING
(Hardcastle - House Sponsor)

SB 1086, A bill to be entitled An Act relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.

SB 1086 was passed by (Record 663): 110 Yeas, 28 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Berman; Branch; Burnam; Button; Callegari; Castro; Chisum; Christian; Cook; Craddick; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Farias; Farrar; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bonnen; Brown; Cain; Carter; Creighton; Elkins; Fletcher; Flynn; Garza; Hancock; Harper-Brown; Hartnett; Howard, C.; King, P.; Laubenberg; Madden; Miller, S.(C); Paxton; Phillips; Riddle; Schwertner; Sheffield; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Hopson; Truitt.

Absent — Bohac; Burkett; Coleman; Crownover; Eiland; Giddings; Hughes; Orr; Turner.

STATEMENTS OF VOTE

When Record No. 663 was taken, my vote failed to register. I would have voted yes.

Bohac

I was shown voting yes on Record No. 663. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 663. I intended to vote no.

S. King

I was shown voting yes on Record No. 663. I intended to vote no.

Solomons

SB 257 ON THIRD READING

(Phillips, Schwertner, Chisum, Paxton, et al. - House Sponsors)

SB 257, A bill to be entitled An Act relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

SB 257 was passed by (Record 664): 110 Yeas, 26 Nays, 2 Present, not voting.

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

Nays — Alonzo; Alvarado; Burnam; Coleman; Davis, Y.; Dutton; Farias; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Mallory Caraway; Martinez Fischer; Menendez; Miles; Naishtat; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Walle.

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

Absent, Excused — Hopson; Truitt.

Absent — Beck; Deshotel; Dukes; Fletcher; Giddings; Larson; Oliveira; Shelton; Villarreal; Workman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 664. I intended to vote no.

Allen

When Record No. 664 was taken, my vote failed to register. I would have voted yes.

Beck

I was shown voting yes on Record No. 664. I intended to vote present, not voting.

Castro

When Record No. 664 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

I was shown voting yes on Record No. 664. I intended to vote no.

Farrar

When Record No. 664 was taken, my vote failed to register. I would have voted yes.

Fletcher

When Record No. 664 was taken, my vote failed to register. I would have voted yes.

Larson

I was shown voting yes on Record No. 664. I intended to vote no.

Marquez

I was shown voting yes on Record No. 664. I intended to vote no.

McClendon

When Record No. 664 was taken, my vote failed to register. I would have voted yes.

Shelton

When Record No. 664 was taken, my vote failed to register. I would have voted yes.

Workman

**SB 321 ON THIRD READING
(Kleinschmidt - House Sponsor)**

SB 321, A bill to be entitled An Act relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

SB 321 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LEWIS: What I want to do, if I could, Tim—yesterday, I didn't ask for the questions I asked to be reduced into the journal. So, I want to ask those questions on your intent again. First of all, in the immunity section, it says that the people who are given immunity, the employer, and the employer's agents—

REPRESENTATIVE KLEINSCHMIDT: Correct.

LEWIS: And, I asked you at that time, by the term "agents," is it your intent that agents be interpreted in its broadest sense?

KLEINSCHMIDT: Yes.

LEWIS: So, "agents," as you have it in your bill, would mean the employer itself, its partners, its principals, its officers, its directors, and other employees will all be covered by that immunity. Is that correct?

KLEINSCHMIDT: I think you added in employees there in the end. It would not include an employee that was involved in some action in the parking lot. But, to the extent that they're an agent, officer, director, manager, etcetera, acting on behalf of the employer, yes it would be—

LEWIS: But, it would include any employees who were not guilty themselves—let's say malfeasance with regard to the firearm or failure to follow 52.061—correct?

KLEINSCHMIDT: I believe it would.

LEWIS: Okay, and that is your intent, that those persons also receive immunity. Is that correct?

KLEINSCHMIDT: So long as they are acting as an agent of their employer, which would be within the scope and purpose of their employment.

LEWIS: The other thing I wanted to ask you about—also, in that paragraph, it says that these people are immune from any liability for firearms that are transported onto or stored on the employer's premises. I think it says, "In accordance with 52.061." I think.

KLEINSCHMIDT: Correct.

LEWIS: And I asked you yesterday, and I want to make sure this is still correct, 52.061 had some requirements. You had to be authorized to be in possession of the firearm, and you had to lock your car. It has to be a locked vehicle. Correct?

KLEINSCHMIDT: Yes, it legally has possession of the firearm, either BCHL or a legal possessor of a firearm—

LEWIS: But, as I understand it, it is your intent that the persons who are made immune are made immune regardless of whether the individual failed to lock the car or not, is that correct?

KLEINSCHMIDT: The bill does not seek to create any liability on an employer or the employee's inability to lock a vehicle.

LEWIS: This bill does not place any duty on the employer to make sure that the vehicles are locked or that the person is authorized to have a weapon in the first place?

KLEINSCHMIDT: Correct.

REMARKS ORDERED PRINTED

Representative Lewis moved to print remarks between Representative Kleinschmidt and Representative Lewis.

The motion prevailed.

REPRESENTATIVE V. GONZALES: Okay, to follow up on that again—the concern I think we have is that is the employee is going to say, "I have a Second Amendment right to bear arms. I have a constitutional right to bear arms, and now the State of Texas has given me the right to bear them at my office, and so, you can't fire me, employer, because I've now brought a gun to the office."

KLEINSCHMIDT: Again, this is a parking lot bill only. We are not at the office.

V. GONZALES: Well, to the parking lot. I mean, it's on the premises of the employer's business.

KLEINSCHMIDT: Well, no it's not. According to the definition of the bill, "premises" would include the buildings. The parking lot is not included within the Penal Code definition of "premises." I know I'm being a little technical here, but—

V. GONZALES: Yeah, we are splitting hairs here, because what you're saying is you can leave it in your car parked at your place of employment, is that correct?

KLEINSCHMIDT: If it's in the car, on the parking lot, you're fine.

V. GONZALES: Sure. So, if the employer is to say to the employee, "I know the State of Texas now says you can bring your gun and you can leave it in your car, but I don't want you having your gun here," and you get fired for that reason. Are we giving a right to the employee to allege wrongful termination on the basis that the employee had a Second Amendment right, and the State of Texas, through this legislation, guaranteed that employee the right to bear arms at the place of business?

KLEINSCHMIDT: There is no intent in the bill to create such a right between an employee-employer relationship.

V. GONZALES: In no way are you attempting to change the employment-at-will policy that currently exists?

KLEINSCHMIDT: That's correct.

REMARKS ORDERED PRINTED

Representative V. Gonzales moved to print remarks between Representative Kleinschmidt and Representative V. Gonzales.

The motion prevailed.

Amendment No. 1

Representative Hartnett offered the following amendment to **SB 321**:

Amend **SB 321** in SECTION 1 of the bill, in added Subchapter G, Chapter 52, Labor Code, by adding a new Section 52.064 (page 3, between lines 26 and 27) as follows:

Sec. 52.064. CONSTRUCTION OF PROVISION RELATING TO IMMUNITY FROM CIVIL LIABILITY. Section 52.063 does not limit or alter the personal liability of:

(1) an individual who causes harm or injury by using a firearm or ammunition for a firearm;

(2) an individual who aids, assists, or encourages another person to cause harm or injury by using a firearm or ammunition for a firearm; or

(3) an employee who transports or stores a firearm or ammunition for a firearm on the property of an employer but who fails to comply with the requirements of Section 52.061.

Amendment No. 1 was adopted by (Record 665): 141 Yeas, 3 Nays, 1 Present, not voting.

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

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

Nays — Legler; Walle; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Hopson; Truitt.

Absent — Burnam; Lync; Veasey.

STATEMENTS OF VOTE

I was shown voting no on Record No. 665. I intended to vote yes.

Walle

I was shown voting no on Record No. 665. I intended to vote yes.

Woolley

SB 321 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HUBERTY: We talked a little bit this morning about the intent of this legislation. We talked yesterday, as well, about some liability issues, and I think there are many representatives in this room who have a similar—one of the concerns I had—we brought it up last night—which is, as a premises owner, a builder owner, that has multiple tenants in a building, your bill does not create any additional liability for building owners that have multiple tenants in the building at this particular time. That's your—at least that's what we talked about your understanding is this morning, is that correct?

REPRESENTATIVE KLEINSCHMIDT: My understanding—and it's not the intent of this bill to create any new duties or liabilities for the owners of the properties.

HUBERTY: So a multi-tenant building owner, as an example, that has an employer that says those employees can now bring a gun to a parking lot that maybe they don't own—the employer does not own—I, as a building owner that owns the parking, are not going to assume any additional liability associated with that?

KLEINSCHMIDT: There's no intent on the part of the bill to create any additional new duty or liability on the part of the landowner.

REPRESENTATIVE EILAND: Mr. Kleinschmidt, we discussed yesterday about my concern that this bill does not apply to contractors coming onto a—in my area of the woods—plant premises. And so, what I need to know, to go back and tell my constituents, especially my NRA members—was this the best bill that you could get out of committee and onto the floor?

KLEINSCHMIDT: Yes, it is.

EILAND: Okay, and so, if we want to try to add contractors, I guess, we're going to have to come back next year and try to add contractors to the bill—

KLEINSCHMIDT: That would be my opinion.

REMARKS ORDERED PRINTED

Representative Huberty moved to print remarks between Representative Eiland and Representative Kleinschmidt and between Representative Huberty and Representative Kleinschmidt.

The motion prevailed.

SB 321, as amended, was passed by (Record 666): 117 Yeas, 29 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.; Deshotel; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; 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; Lucio; Lyne; Madden; Margo; Martinez; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farrar; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Howard, D.; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Naishtat; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Woolley.

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

Absent, Excused — Hopson; Truitt.

**SB 360 ON THIRD READING
(Creighton - House Sponsor)**

SB 360, A bill to be entitled An Act relating to the composition and use of money in the rural water assistance fund.

SB 360 was passed by (Record 667): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Truitt.

Absent — Lozano; Naishtat; Nash; Zedler.

STATEMENTS OF VOTE

When Record No. 667 was taken, I was in the house but away from my desk. I would have voted yes.

Nash

When Record No. 667 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

SB 501 ON THIRD READING (Dukes - House Sponsor)

SB 501, A bill to be entitled An Act relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.

The vote of the house was taken on the final passage of **SB 501** and the vote was announced yeas 67, nays 72.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 668): 58 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bonnen; Burnam; Callegari; Castro; Coleman; Crownover; Darby; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Hardcastle; Hernandez Luna; Hochberg; Howard, D.; Huberty; Hunter; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Zerwas.

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

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

Absent, Excused — Hopson; Truitt.

Absent — Davis, Y.; Eissler; Gutierrez; Harless; King, T.; Morrison; Oliveira; Smith, T.

STATEMENTS OF VOTE

When Record No. 668 was taken, I was in the house but away from my desk. I would have voted no.

Harless

I was shown voting no on Record No. 668. I intended to vote yes.

Lavender

I was shown voting present, not voting on Record No. 668. I intended to vote no.

S. Miller

When Record No. 668 was taken, I was temporarily out of the house chamber. I would have voted no.

T. Smith

The chair stated that **SB 501** failed to pass by the above vote. (The vote was reconsidered later today, and **SB 501**, as amended, was passed by Record No. 711.)

**SB 894 ON THIRD READING
(Coleman - House Sponsor)**

SB 894, A bill to be entitled An Act relating to employment of physicians by certain hospitals.

Representative Coleman moved to postpone consideration of **SB 894** until 5 p.m. Friday, May 6.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a family emergency:

Morrison on motion of P. King.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, at 12:30 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs, 12:30 p.m. today, 1W.14, for a formal meeting, to consider pending business.

RECESS

At 12:19 p.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by Representative Geren.

**SB 1160 ON THIRD READING
(Jackson - House Sponsor)**

SB 1160, A bill to be entitled An Act relating to the liability of a landowner for harm to a trespasser.

Amendment No. 1

Representative Lozano offered the following amendment to **SB 1160**:

Amend Amendment No. 1 of **CSSB 1160** by amending Subsection (c) as follows:

(c) An owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another person to enter the agricultural land with or without the permission of the

owner, lessee, or occupant. ~~The owner, lessee, or occupant of agricultural land is not liable for the damage or injury~~ regardless of whether the damage or injury occurs on the agricultural land.

Amendment No. 1 was adopted.

SB 1160, as amended, was passed by (Record 669): 130 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Crownover; Davis, Y.; Gutierrez; Harper-Brown; Hughes; Johnson; King, P.; Laubenberg; Oliveira; Sheets; Smith, T.; Taylor, L.; Villarreal; White; Zedler.

STATEMENT OF VOTE

When Record No. 669 was taken, I was temporarily out of the house chamber. I would have voted yes.

T. Smith

**SB 980 ON THIRD READING
(Hancock - House Sponsor)**

SB 980, A bill to be entitled An Act relating to communications services and markets.

SB 980 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HANCOCK: Nothing in **SB 980** limits or impairs the authority of any department, agency, or political subdivision to administer or enforce any statutory obligation or fee with regard to the regulation or provisioning of E-9-1-1 services or next generation E-9-1-1 services.

REMARKS ORDERED PRINTED

Representative Hancock moved to print his remarks on **SB 980**.

The motion prevailed.

SB 980 was passed by (Record 670): 136 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Davis, Y.; Eiland; Gutierrez; Johnson; Oliveira; Smith, T.; Villarreal; White; Zedler.

STATEMENTS OF VOTE

When Record No. 670 was taken, my vote failed to register. I would have voted yes.

Johnson

When Record No. 670 was taken, I was temporarily out of the house chamber. I would have voted yes.

T. Smith

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

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

HJR 122 ON THIRD READING
(by Legler)

HJR 122, A joint resolution proposing a constitutional amendment authorizing garnishment of wages for the recovery of fraudulently obtained unemployment benefits.

Representative Legler moved to postpone consideration of **HJR 122** until 12:01 p.m. Monday, July 4.

The motion prevailed.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 8 ON THIRD READING
(by Darby, Geren, R. Anderson, Pitts, Menendez, et al.)

HB 8, A bill to be entitled An Act relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.

HB 8 was passed by (Record 671): 135 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Taylor, V.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Crownover; Davis, Y.; Guillen; Gutierrez; Johnson; Martinez Fischer; Oliveira; Raymond; Zedler.

STATEMENTS OF VOTE

When Record No. 671 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

When Record No. 671 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

HB 300 ON THIRD READING
(by Kolkhorst, Naishtat, et al.)

HB 300, A bill to be entitled An Act relating to the privacy of protected health information; providing administrative and civil penalties.

HB 300 was passed by (Record 672): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Davis, Y.; Gutierrez; Johnson; Oliveira.

HB 528 ON THIRD READING
(by Solomons)

HB 528, A bill to be entitled An Act relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system; providing an administrative violation.

HB 528 was passed by (Record 673): 139 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Davis, Y.; Gallego; Giddings; Gutierrez; Oliveira; Turner.

(Kolkhorst in the chair)

HB 257 ON THIRD READING
(by Hilderbran and Harper-Brown)

HB 257, A bill to be entitled An Act relating to the presumed abandonment of certain unclaimed personal property.

Amendment No. 1

Representative P. King offered the following amendment to **HB 257**:

Amend **HB 257** by adding the following:

SECTION 1. Section 1(c), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(c) This [~~if this section takes effect, this~~] section expires December 31, 2013 [2011].

SECTION 2. Section 2(b), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(b) This section takes effect January 1, 2014 [2012, if **HB 2154**, Acts of the 81st Legislature, Regular Session, 2009, amends Section 155.0211, Tax Code, in a manner that results in an increase in the revenue from the tax under that section during the state fiscal biennium beginning September 1, 2009, that is attributable to that change, and that Act is enacted and becomes law. If **HB 2154**, Acts of the 81st Legislature, Regular Session, 2009, does not amend Section 155.0211, Tax Code, in that manner or is not enacted or does not become law, this section takes effect January 1, 2010].

SECTION 3. Section 3(b), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(b) This section takes effect January 1, 2014 [2012, if **HB 2154**, Acts of the 81st Legislature, Regular Session, 2009, amends Section 155.0211, Tax Code, in a manner that results in an increase in the revenue from the tax under that section during the state fiscal biennium beginning September 1, 2009, that is attributable to that change, and that Act is enacted and becomes law. If **HB 2154**, Acts of the 81st Legislature, Regular Session, 2009, does not amend Section 155.0211, Tax Code, in that manner or is not enacted or does not become law, this section takes effect January 1, 2010].

SECTION 4. This Act takes effect only if **HB 3790**, Acts of the 82nd Legislature, Regular Session, 2011, results in an increase in the revenue collected from state taxes imposed during the state fiscal biennium beginning September 1, 2011, that is attributable to the changes provided by that Act, and that Act is enacted and becomes law. If **HB 3790**, Acts of the 82nd Legislature, Regular Session, 2011, does not result in an increase in the revenue collected from state taxes imposed or is not enacted or does not become law, this Act has no effect.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was withdrawn.)

HB 257, as amended, was passed by (Record 674): 138 Yeas, 1 Nays, 3 Present, not voting. (The vote was reconsidered later today, and **HB 257** was passed by Record No. 706.)

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

Nays — Taylor, V.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Davis, Y.; Gutierrez; Johnson; Miller, D.; Oliveira.

(Bonnen in the chair)

HB 961 ON THIRD READING
(by Turner)

HB 961, A bill to be entitled An Act relating to the sealing of and restricting access to juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision.

HB 961 was passed by (Record 675): 141 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Davis, Y.; Guillen; Gutierrez; Oliveira; Raymond.

HB 1009 ON THIRD READING
(by Callegari)

HB 1009, A bill to be entitled An Act relating to procedures for obtaining informed consent before certain postmortem examinations or autopsies.

HB 1009 was passed by (Record 676): 137 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Bohac; Davis, Y.; Eiland; Gutierrez; Madden; Oliveira; Raymond; Villarreal.

STATEMENTS OF VOTE

When Record No. 676 was taken, my vote failed to register. I would have voted yes.

Bohac

When Record No. 676 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

HB 1389 ON THIRD READING (by Hopson and Shelton)

HB 1389, A bill to be entitled An Act relating to the criminal penalties for the owner of a dog that attacks another person.

HB 1389 was passed by (Record 677): 109 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eissler; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Howard, C.; Howard, D.; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter;

Rodriguez; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Torres; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Berman; Cain; Christian; Elkins; Flynn; Harper-Brown; Hochberg; Hughes; Hunter; Isaac; King, P.; Landtroop; Laubenberg; Lavender; Legler; Parker; Paxton; Perry; Phillips; Taylor, L.; Zedler.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Anderson, C.; Bohac; Crownover; Davis, Y.; Deshotel; Eiland; Gutierrez; Huberty; McClendon; Oliveira; Peña; Riddle; Sheets; Thompson; Villarreal.

STATEMENTS OF VOTE

When Record No. 677 was taken, my vote failed to register. I would have voted no.

C. Anderson

When Record No. 677 was taken, my vote failed to register. I would have voted yes.

Bohac

I was shown voting yes on Record No. 677. I intended to vote no.

Callegari

When Record No. 677 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

I was shown voting yes on Record No. 677. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 677. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 677. I intended to vote no.

S. Miller

I was shown voting yes on Record No. 677. I intended to vote no.

T. Smith

I was shown voting no on Record No. 677. I intended to vote yes.

L. Taylor

I was shown voting yes on Record No. 677. I intended to vote no.

Weber

HB 1720 ON THIRD READING**(by J. Davis)**

HB 1720, A bill to be entitled An Act relating to improving health care provider accountability and efficiency under the child health plan and Medicaid programs.

Amendment No. 1

Representative Coleman offered the following amendment to **HB 1720**:

Amend **HB 1720** (house committee printing) as follows:

(1) On page 1, line 24, strike "Sections 531.1131 and 531.117" and substitute "Sections 531.1131, 531.1132, and 531.117".

(2) On page 3, between lines 1 and 2, insert the following:

Sec. 531.1132. ANNUAL REPORT ON CERTAIN FRAUD AND ABUSE RECOVERIES. Not later than December 1 of each year, the commission shall prepare and submit a report to the legislature relating to the amount of money recovered during the preceding 12-month period as a result of investigations and recovery efforts made under Sections 531.113 and 531.1131 by special investigative units or entities with which a managed care organization contracts under Section 531.113(a)(2). The report must specify the amount of money retained by each managed care organization under Section 531.1131(c).

Amendment No. 1 was adopted.

HB 1720, as amended, was passed by (Record 678): 138 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Creighton; Davis, Y.; Farias; Gutierrez; Hancock; Oliveira; Walle.,

STATEMENT OF VOTE

When Record No. 678 was taken, I was temporarily out of the house chamber. I would have voted yes.

Y. Davis

**HB 1723 ON THIRD READING
(by Lucio)**

HB 1723, A bill to be entitled An Act relating to the penalties prescribed for a single violation or repeated violations of certain court orders or conditions of bond in a family violence case.

HB 1723 was passed by (Record 679): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Davis, S.; Davis, Y.; Gutierrez; Oliveira.

STATEMENTS OF VOTE

When Record No. 679 was taken, my vote failed to register. I would have voted yes.

S. Davis

When Record No. 679 was taken, I was in the house but away from my desk. I would have voted yes.

Y. Davis

HB 1942 ON THIRD READING**(by Patrick, Shelton, Strama, Eissler, Guillen, et al.)****HB 1942**, A bill to be entitled An Act relating to bullying in public schools.**HB 1942** was passed by (Record 680): 94 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, R.; Aycocck; Beck; Branch; Brown; Burkett; Burnam; Button; Carter; Castro; Christian; Coleman; Craddick; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; King, S.; Kleinschmidt; Kuempel; Larson; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Thompson; Turner; Veasey; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Berman; Bohac; Cain; Callegari; Chisum; Crownover; Elkins; Fletcher; Flynn; Garza; Geren; Hancock; Harper-Brown; Hartnett; Hughes; Keffer; King, P.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Miller, S.; Parker; Paxton; Perry; Phillips; Price; Riddle; Schwertner; Smith, T.; Taylor, L.; Taylor, V.; Torres; Weber; White; Zedler.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Alonzo; Cook; Creighton; Davis, Y.; Deshotel; Gutierrez; King, T.; Oliveira; Peña; Villarreal.

STATEMENTS OF VOTE

When Record No. 680 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

I was shown voting no on Record No. 680. I intended to vote yes.

Bohac

I was shown voting no on Record No. 680. I intended to vote yes.

Callegari

I was shown voting yes on Record No. 680. I intended to vote no.

Christian

When Record No. 680 was taken, I was temporarily out of the house chamber. I would have voted yes.

Y. Davis

I was shown voting yes on Record No. 680. I intended to vote no.

Frullo

When Record No. 680 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

I was shown voting no on Record No. 680. I intended to vote yes.

Madden

I was shown voting no on Record No. 680. I intended to vote yes.

T. Smith

I was shown voting yes on Record No. 680. I intended to vote no.

Solomons

HB 1992 ON THIRD READING

(by **Hardcastle, et al.**)

HB 1992, A bill to be entitled An Act relating to the authority of the Texas Animal Health Commission to set and collect fees.

HB 1992 was passed by (Record 681): 98 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Burnam; Castro; Chisum; Coleman; Cook; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eissler; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Otto; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Shelton; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Vo; Walle; White; Woolley; Zerwas.

Nays — Anderson, C.; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Craddick; Creighton; Deshotel; Elkins; Fletcher; Flynn; Frullo; Harper-Brown; Hartnett; Hughes; King, P.; Kolkhorst; Laubenberg; Lewis; Miller, S.; Orr; Parker; Patrick; Paxton; Peña; Phillips; Riddle; Sheets; Sheffield; Smith, T.; Solomons; Taylor, V.; Weber; Workman; Zedler.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Bohac; Davis, Y.; Dutton; Eiland; Gutierrez; Oliveira; Villarreal.

STATEMENTS OF VOTE

When Record No. 681 was taken, my vote failed to register. I would have voted yes.

Bohac

When Record No. 681 was taken, I was in the house but away from my desk. I would have voted yes.

Y. Davis

I was shown voting yes on Record No. 681. I intended to vote present, not voting.

Harless

I was shown voting yes on Record No. 681. I intended to vote no.

White

HB 2366 ON THIRD READING

(by Truitt)

HB 2366, A bill to be entitled An Act relating to the authority of an open-enrollment charter school operated by a municipality to give a preference in admissions to children of employees of the municipality.

HB 2366 was passed by (Record 682): 121 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Muñoz; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Anderson, C.; Cain; Callegari; Crownover; Davis, Y.; Farias; Gonzales, V.; Gonzalez; Howard, D.; Kolkhorst; Miller, S.; Naishtat; Patrick; Reynolds; Rodriguez; Thompson; Weber; White.

Present, not voting — Mr. Speaker; Mallory Caraway.

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Giddings; Gutierrez; McClendon; Oliveira; Sheffield.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 682. I intended to vote no.

Marquez

I was shown voting yes on Record No. 682. I intended to vote no.

Martinez

I was shown voting yes on Record No. 682. I intended to vote no.

Zedler

**HB 2470 ON THIRD READING
(by Phillips)**

HB 2470, A bill to be entitled An Act relating to the regulation of sport bikes.

HB 2470 was passed by (Record 683): 141 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Weber; White.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Gutierrez; Oliveira.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 683. I intended to vote no.

Callegari

I was shown voting yes on Record No. 683. I intended to vote no.

S. Miller

HB 2671 ON THIRD READING
(by Miles)

HB 2671, A bill to be entitled An Act relating to the disclosure of personal information under the Motor Vehicle Records Disclosure Act.

HB 2671 was passed by (Record 684): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Eissler; Gutierrez; Lyne; Oliveira.

STATEMENTS OF VOTE

When Record No. 684 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

I was shown voting yes on Record No. 684. I intended to vote no.

Simpson

HB 2761 ON THIRD READING
(by Garza and C. Howard)

HB 2761, A bill to be entitled An Act relating to meetings and records of certain property owners' associations.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 2761**:

Amend **HB 2761** on third reading as follows:

(1) On page 1, lines 7-10, strike the following:

Except as provided by Subsection (b), this section applies to all property owners' associations and controls over other law not specifically applicable to a property owners' association.

(b)

(2) On page 1, line 14, strike "(c) Notwithstanding a provision in a dedicatory instrument, a [A]" and substitute "(b) A".

(3) On page 1, line 23, strike "(d)" and substitute "(c)".

(4) On page 2, line 6, strike "(e)" and substitute "(d)".

(5) On page 2, lines 12-13, strike "(f) An owner or the owner's attorney or certified public accountant" and substitute "(e) An owner or the owner's authorized representative".

(6) On page 2, line 14, strike "(c)" and substitute "(b)".

(7) On page 2, line 14, between "mail" and the comma, insert "or other evidence of mailing or delivery".

(8) On page 3, line 7, strike "(g)" and substitute "(f)".

(9) On page 3, line 12, between "requestor" and "that", insert "the reason".

(10) On page 3, line 19, strike "(h)" and substitute "(g)".

(11) On page 3, line 24, strike "(i)" and substitute "(h)".

(12) On page 3, line 27, strike "(j)" and substitute "(i)".

(13) On page 3, line 27, between "for" and "costs", insert "actual".

(14) On page 4, line 2, between "all" and "costs", insert "actual".

(15) On page 4, line 4, between "overhead" and the period, insert "but may not exceed costs that would be applicable for an item under Section 70.3, Administrative Code".

(16) On page 4, line 5, strike "estimated".

(17) On page 4, line 5, strike "If the".

(18) On page 4, strike lines 6-16.

(19) On page 4, line 17, strike "(k)" and substitute "(j)".

(20) On page 5, line 1, strike "(l)" and substitute "(k)".

(21) On page 5, line 9, strike "(m)" and substitute "(l)".

(22) Strike page 6, lines 26-27 through page 7, line 5 and substitute:

(c) Members shall be given notice of the date, hour, place, and general subject of a regular, emergency, or special board meeting, including a general description of any matter to be brought up for deliberation in executive session.

Amendment No. 1 was adopted.

HB 2761, as amended, was passed by (Record 685): 137 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; 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; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Hochberg; Sheffield; Thompson.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Creighton; Dutton; Gutierrez; Miles; Oliveira.

STATEMENTS OF VOTE

When Record No. 685 was taken, I was in the house but away from my desk. I would have voted no.

Creighton

I was shown voting no on Record No. 685. I intended to vote yes.

Thompson

HB 2735 ON THIRD READING (by Madden)

HB 2735, A bill to be entitled An Act relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

HB 2735 was passed by (Record 686): 139 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Aliseda; Branch; Creighton; Gutierrez; Oliveira; Villarreal.

STATEMENT OF VOTE

When Record No. 686 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

HB 2826 ON THIRD READING (by Murphy and Coleman)

HB 2826, A bill to be entitled An Act relating to the issuance of a certificate for a municipal setting designation.

HB 2826 was passed by (Record 687): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Gutierrez; Oliveira; Walle; Woolley.

HB 2940 ON THIRD READING

(by T. King)

HB 2940, A bill to be entitled An Act relating to the form of death certificates and fetal death certificates.

HB 2940 was passed by (Record 688): 142 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Sheffield.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Gutierrez; Oliveira.

HB 2973 ON THIRD READING

(by Hunter, Raymond, Hochberg, Martinez Fischer, et al.)

HB 2973, A bill to be entitled An Act relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.

HB 2973 was passed by (Record 689): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Gutierrez; Naishtat; Oliveira.

STATEMENT OF VOTE

When Record No. 689 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

HB 2902 ON THIRD READING (by Zerwas)

HB 2902, A bill to be entitled An Act relating to the release of extraterritorial jurisdiction by certain general-law municipalities.

HB 2902 was passed by (Record 690): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; 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.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.;

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Callegari; Christian; Gutierrez; Miller, S.; Oliveira.

HB 2969 ON THIRD READING

(by Oliveira)

HB 2969, A bill to be entitled An Act relating to authorizing the sale of certain real property held by certain state agencies.

HB 2969 was passed by (Record 691): 141 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Laubenberg.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Callegari; Gutierrez; Oliveira.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 691. I intended to vote no.

Anchia

I was shown voting yes on Record No. 691. I intended to vote no.

Dukes

I was shown voting yes on Record No. 691. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 691. I intended to vote no.

McClendon

HB 3096 ON THIRD READING
(by Kolkhorst)

HB 3096, A bill to be entitled An Act relating to the cancellation of a subdivision by a commissioners court.

HB 3096 was passed by (Record 692): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Anderson, C.; Gutierrez; Marquez; Oliveira; Riddle.

HB 3182 ON THIRD READING
(by Ritter)

HB 3182, A bill to be entitled An Act relating to the imposition of state taxes, including the sales and use, motor vehicle sales and use, and hotel occupancy tax, on certain oilfield portable units.

HB 3182 was passed by (Record 693): 134 Yeas, 2 Nays, 2 Present, not voting.

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

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

Nays — Berman; Flynn.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Allen; Alonzo; Creighton; Gutierrez; Oliveira; Patrick; Riddle; Sheffield; Torres.

HB 3573 ON THIRD READING

(by S. King, Garza, Giddings, Kolkhorst, and Workman)

HB 3573, A bill to be entitled An Act relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.

HB 3573 was passed by (Record 694): 139 Yeas, 1 Nays, 2 Present, not voting.

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

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

Nays — Phillips.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Gutierrez; Mallory Caraway; Oliveira; Riddle; Smith, W.

HB 3311 ON THIRD READING
(by Carter)

HB 3311, A bill to be entitled An Act relating to the duty of an attorney ad litem appointed for a child to meet with the child or individual with whom the child resides before each court hearing.

HB 3311 was passed by (Record 695): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Garza; Gutierrez; Oliveira; Sheets.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 695. I intended to vote no.

Aycock

I was shown voting yes on Record No. 695. I intended to vote no.

Callegari

I was shown voting yes on Record No. 695. I intended to vote no.

Darby

I was shown voting yes on Record No. 695. I intended to vote no.

S. Miller

I was shown voting yes on Record No. 695. I intended to vote no.

Weber

HB 3395 ON THIRD READING

(by Callegari)

HB 3395, A bill to be entitled An Act relating to state purchasing preferences for recycled products.

Amendment No. 1

Representative Callegari offered the following amendment to **HB 3395**:

Amend **HB 3395** on third reading in amended Section 2155.445(a), Government Code, by striking "shall give preference" and substituting "may [~~shall~~] give preference".

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Representative Callegari, you took on an amendment yesterday, and now today you're putting on an amendment that changes—what, from "shall" to "may"?

REPRESENTATIVE CALLEGARI: It basically changes from "shall" to "may"—it allows them to give preference if a price is 10 percent or less. It's still permissive.

BURNAM: Well, you don't really need the amendment you accepted yesterday if you are only going to say "may," do you?

CALLEGARI: I think it does give a signal that there's a preference to use recycled products, but that they don't have to if it's a cost issue.

BURNAM: Well, no, the bill itself says—

CALLEGARI: I understand that, but it at least lets the departments know that there is a preference to use recycled products.

BURNAM: How does it do that, given the bill itself?

CALLEGARI: If they read it and they see that it's permissive to be able to use—to buy the products, if it's a lesser cost, even if it's a close—it doesn't have to be less, it could be close to the price and still give them the opportunity to buy it if they want to.

BURNAM: So, the legislative intent in this—and I will ask for the following comments to be reduced to writing. Your intent, "may," is to be permissive for any agency that thinks it's appropriate to spend 10 percent or more for the recycled product to do so?

CALLEGARI: If they make that decision. Yes, it's correct.

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Callegari and Representative Burnam.

The motion prevailed.

Amendment No. 1 was adopted.

HB 3395, as amended, was passed by (Record 696): 140 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Eiland; Gutierrez; Oliveira; Orr; Villarreal.

HB 3468 ON THIRD READING
(by Patrick and Branch)

HB 3468, A bill to be entitled An Act relating to the assessment of public school students for college readiness and developmental education courses to prepare students for college-level coursework.

HB 3468 was passed by (Record 697): 135 Yeas, 3 Nays, 2 Present, not voting.

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

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

Nays — Lavender; Perry; Weber.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Christian; Eiland; Gutierrez; Naishtat; Oliveira; Pickett; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 697. I intended to vote no.

Isaac

I was shown voting yes on Record No. 697. I intended to vote no.

Simpson

HB 3506 ON THIRD READING (by Villarreal)

HB 3506, A bill to be entitled An Act relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.

Representative Aycock moved to postpone consideration of **HB 3506** until 2:40 p.m. today.

The motion prevailed.

HB 442 ON THIRD READING (by Guillen, V. Gonzales, Fletcher, and Margo)

HB 442, A bill to be entitled An Act relating to the establishment of an emergency radio infrastructure account.

HB 442 was passed by (Record 698): 140 Yeas, 2 Nays, 2 Present, not voting.

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

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

Nays — Laubenberg; Nash.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Gutierrez; Oliveira; Smithee.

STATEMENT OF VOTE

I was shown voting yes on Record No. 698. I intended to vote no.

Paxton

HB 742 ON THIRD READING (by Hunter)

HB 742, A bill to be entitled An Act relating to student information required to be provided at the time of enrollment in public schools.

HB 742 was passed by (Record 699): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; 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; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield;

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Gutierrez; Margo; Oliveira.

HB 1395 ON THIRD READING
(by Parker)

HB 1395, A bill to be entitled An Act relating to the requirements to operate personal watercraft and certain boats.

Representative Parker moved to postpone consideration of **HB 1395** until 2:50 p.m. today.

The motion prevailed.

HB 2949 ON THIRD READING
(by Cook)

HB 2949, A bill to be entitled An Act relating to the administration of the collision improvement program.

HB 2949 was passed by (Record 700): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Gutierrez; Kleinschmidt; Oliveira; Sheets.

HB 2077 ON THIRD READING
(by Rodriguez)

HB 2077, A bill to be entitled An Act relating to a pilot program under the loanstar revolving loan program to promote the use of energy efficiency measures and renewable energy technology by certain nonprofit organizations.

HB 2077 was passed by (Record 701): 120 Yeas, 16 Nays, 2 Present, not voting.

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

Nays — Berman; Christian; Craddick; Creighton; Elkins; Fletcher; Flynn; Frullo; Landtroop; Laubenberg; Legler; Miller, S.; Paxton; Perry; Simpson; Weber.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Anderson, R.; Bohac; Callegari; Gutierrez; Lewis; Lucio; Lyne; Oliveira; White.

STATEMENTS OF VOTE

When Record No. 701 was taken, my vote failed to register. I would have voted yes.

Bohac

When Record No. 701 was taken, I was in the house but away from my desk. I would have voted no.

Lewis

I was shown voting yes on Record No. 701. I intended to vote no.

Riddle

When Record No. 701 was taken, I was in the house but away from my desk. I would have voted yes.

White

I was shown voting yes on Record No. 701. I intended to vote no.

Zedler

HB 2663 ON THIRD READING
(by Chisum)

HB 2663, A bill to be entitled An Act relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 2663**:

Amend **HB 2663** on third reading as follows:

(1) In added Section 113.054, Natural Resources Code, between "LAW." and "The", insert "(a)".

(2) At the end of added Section 113.054, Natural Resources Code, add the following:

(b) Notwithstanding Subsection (a), on approval of the commission, a political subdivision may adopt or enforce an ordinance, order, or rule relating to any aspect or phase of the LPG industry that would otherwise be preempted and superseded by a rule or standard promulgated and adopted by the commission.

Amendment No. 1 was adopted.

HB 2663, as amended, was passed by (Record 702): 140 Yeas, 0 Nays, 3 Present, not voting.

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

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

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Deshotel; Gutierrez; Larson; Oliveira.

HB 3346 ON THIRD READING

(by Burnam, Hartnett, Christian, Zedler, and Aliseda)

HB 3346, A bill to be entitled An Act relating to certain information available to the public on a central database containing information about sex offenders.

HB 3346 was passed by (Record 703): 138 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Carter; Weber.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Alvarado; Farias; Gutierrez; Oliveira; Walle.

HB 2599 ON THIRD READING

(by Ritter)

HB 2599, A bill to be entitled An Act relating to the definition of chewing tobacco for purposes of the taxes imposed on cigars and other tobacco products and to the rate of the tax imposed on chewing tobacco.

HB 2599 was passed by (Record 704): 83 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Branch; Burnam; Button; Cain; Chisum; Christian; Coleman; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Elkins; Farias; Frullo; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Huberty; Hughes; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lozano; Lucio; Lyne; Marquez; Martinez; McClendon; Menendez; Miles; Miller, D.; Murphy; Naishtat; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Ritter; Schwertner; Sheets; Shelton; Simpson; Smith, W.; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Walle; White; Woolley.

Nays — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Brown; Burkett; Carter; Castro; Cook; Craddick; Creighton; Darby; Driver; Dutton; Farrar; Fletcher; Flynn; Gallego; Garza; Hardcastle; Hartnett; Howard, C.; Isaac; Jackson; King, S.; Landtroop; Lavender; Legler; Lewis; Madden; Mallory Caraway; Miller, S.; Nash; Orr; Parker; Patrick; Perry; Reynolds; Riddle; Rodriguez; Scott; Sheffield; Smith, T.; Smithee; Solomons; Villarreal; Vo; Weber; Workman; Zedler; Zerwas.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Callegari; Eissler; Gutierrez; Hunter; Margo; Martinez Fischer; Muñoz; Oliveira; Veasey.

STATEMENTS OF VOTE

I was shown voting no on Record No. 704. I intended to vote yes.

C. Anderson

I was shown voting no on Record No. 704. I intended to vote yes.

Darby

I was shown voting yes on Record No. 704. I intended to vote no.

S. Davis

When Record No. 704 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

I was shown voting yes on Record No. 704. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 704. I intended to vote no.

Miles

When Record No. 704 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

I was shown voting yes on Record No. 704. I intended to vote no.

Price

I was shown voting yes on Record No. 704. I intended to vote no.

Sheets

I was shown voting yes on Record No. 704. I intended to vote no.

W. Smith

I was shown voting yes on Record No. 704. I intended to vote no.

Strama

When Record No. 704 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

POSTPONED BUSINESS

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

**SB 1716 ON SECOND READING
(Fletcher - House Sponsor)**

SB 1716, A bill to be entitled An Act relating to voidability of contracts procured through barratry and civil liability arising from conduct constituting barratry.

SB 1716 was considered in lieu of **CSHB 1890**.

SB 1716 was read second time and was passed to third reading.

CSHB 1890 - LAID ON THE TABLE SUBJECT TO CALL

Representative Fletcher moved to lay **CSHB 1890** on the table subject to call.

The motion prevailed.

**CSHB 3790 ON SECOND READING
(by Pitts)**

CSHB 3790, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSHB 3790 was read second time on May 3 and was postponed until 8 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3790** until 8 a.m. tomorrow.

The motion prevailed.

**CSHB 3640 ON SECOND READING
(by Pitts)**

CSHB 3640, A bill to be entitled An Act relating to the remittance and allocation of certain taxes and fees.

CSHB 3640 was read second time on May 3 and was postponed until 8 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3640** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3665 ON SECOND READING
(by Otto)

CSHB 3665, A bill to be entitled An Act relating to state fiscal matters related to general government.

CSHB 3665 was read second time on May 3 and was postponed until 8 a.m. today.

Representative Otto moved to postpone consideration of **CSHB 3665** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3639 ON SECOND READING
(by Pitts and Aycock)

CSHB 3639, A bill to be entitled An Act relating to state fiscal matters related to public and higher education.

CSHB 3639 was read second time on May 3 and was postponed until 8 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3639** until 8 a.m. tomorrow.

The motion prevailed.

(Keffer in the chair)

HB 3648 ON SECOND READING
(by Otto)

HB 3648, A bill to be entitled An Act relating to state fiscal matters related to the judiciary.

HB 3648 was read second time on May 3 and was postponed until 8 a.m. today.

Representative Otto moved to postpone consideration of **HB 3648** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3418 ON SECOND READING
(by Darby)

CSHB 3418, A bill to be entitled An Act relating to certain state fiscal matters related to natural resources or the environment.

CSHB 3418 was read second time on May 3 and was postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3418** until 8 a.m. tomorrow.

The motion prevailed.

HB 3506 ON THIRD READING
(by Villarreal)

HB 3506, A bill to be entitled An Act relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.

HB 3506 was read third time earlier today and was postponed until this time.

HB 3506 was passed by (Record 705): 104 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Castro; Chisum; Cook; Craddick; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hernandez Luna; Hochberg; Howard, D.; Hunter; Isaac; Jackson; Johnson; King, S.; King, T.; Kolkhorst; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Turner; Villarreal; Vo; Walle; Workman; Zerwas.

Nays — Anderson, C.; Berman; Bonnen; Cain; Carter; Christian; Creighton; Elkins; Fletcher; Flynn; Garza; Gooden; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; King, P.; Kleinschmidt; Landtroop; Legler; Madden; Peña; Perry; Phillips; Riddle; Sheffield; Taylor, V.; Weber; White; Woolley; Zedler.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Aycock; Coleman; Darby; Eissler; Gutierrez; Kuempel; Oliveira; Veasey.

STATEMENTS OF VOTE

When Record No. 705 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

I was shown voting yes on Record No. 705. I intended to vote no.

Frullo

I was shown voting yes on Record No. 705. I intended to vote no.

Harless

When Record No. 705 was taken, I was in the house but away from my desk. I would have voted yes.

Kuempel

I was shown voting no on Record No. 705. I intended to vote yes.

Legler

I was shown voting yes on Record No. 705. I intended to vote no.

Paxton

When Record No. 705 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

CSSB 656 ON SECOND READING
(Bonnen - House Sponsor)

CSSB 656, A bill to be entitled An Act relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

CSSB 656 was considered in lieu of **CSHB 2250**.

CSSB 656 was read second time.

Amendment No. 1

Representative Bonnen offered the following amendment to **CSSB 656**:

Amend **CSSB 656** (house committee printing) as follows:

(1) In SECTION 11 of the bill, strike amended Section 33.205(c), Natural Resources Code (page 7, line 14, through page 8, line 10), and substitute:

(c) The commissioner [~~council~~] may [~~not~~] review a proposed agency or subdivision action subject to the requirements of Subsections (a) and (b) [~~of this section~~] for consistency with the goals and policies of the coastal management program if [~~unless~~]:

(1) the consistency determination for the proposed action was contested by:

(A) a [~~council~~] member of the committee or an agency that was a party in a formal hearing under Chapter 2001, Government Code, or in an alternative dispute resolution process; or

(B) another [~~a council member or other~~] person by the filing of written comments with the agency before the action was proposed if the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is not available;

(2) a person described by Subdivision (1) ~~[of this subsection]~~ files a request for referral alleging a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program; and

(3) any three members of the committee ~~[council]~~ other than the representative ~~[director]~~ of the Texas ~~[A&M University]~~ Sea Grant College Program agree that there is a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program and the matter is referred to the commissioner for review ~~[placed on the agenda for a council meeting].~~

(2) In SECTION 15 of the bill, in amended Section 33.206(d), Natural Resources Code (page 15, lines 16-17), strike "~~[chair or any three members]~~" and substitute "~~[chair]~~ or any three committee members".

(3) In SECTION 15 of the bill, in amended Section 33.206(e), Natural Resources Code (page 15, lines 21-22), strike "~~the commissioner determines [any three members of the council agree]~~" and substitute "any three committee members [of the council] agree".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Castro offered the following amendment to **CSSB 656**:

Amend **CSSB 656** (house committee printing) by striking page 6, lines 23-27, and substituting:

(c) Appointments to the committee ~~[council]~~ shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Amendment No. 2 was withdrawn.

CSSB 656, as amended, was passed to third reading.

HB 257 - VOTE RECONSIDERED

Representative Hilderbran moved to reconsider the vote by which **HB 257**, as amended, was passed.

The motion to reconsider prevailed.

**HB 257 ON THIRD READING
(by Hilderbran and Harper-Brown)**

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

HB 257, A bill to be entitled An Act relating to the presumed abandonment of certain unclaimed personal property.

HB 257 was read third time earlier today and was passed, as amended.

Amendment No. 1 - Vote Reconsidered

Representative P. King moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

HB 257 was passed by (Record 706): 139 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Laubenberg; Taylor, V.; Weber.

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

Absent, Excused — Hopson; Morrison; Truitt.

Absent — Gutierrez; Oliveira; Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 706. I intended to vote no.

Paxton

LEAVE OF ABSENCE GRANTED

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

Martinez Fischer on motion of Veasey.

SB 201 ON SECOND READING (Callegari - House Sponsor)

SB 201, A bill to be entitled An Act relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation of the homestead.

SB 201 was considered in lieu of **CSHB 469**.

SB 201 was read second time.

Amendment No. 1

Representative Callegari offered the following amendment to **SB 201**:

Amend **SB 201** (house committee report) as follows:

SECTION _____. Subchapter B, Chapter 23, Tax Code, is amended by adding Section 23.231 to read as follows:

Sec. 23.231. LIMITATION ON APPRAISED VALUE OF RESIDENCE HOMESTEADS OF CERTAIN VETERANS. (a) This section applies only to a residence owned by a veteran of the armed services of the United States who receives from the United States Department of Veteran Affairs or its successor a disability rating of fifty percent or greater that is donated by and legal title transferred from a charitable organization described by Section 11.11(c) of this code.

(b) For the purpose of appraising property that is donated and transferred as provided by subsection (a) and qualifies under Sections 11.13 or 11.131 of this code as a residence homestead, the chief appraiser shall appraise the property at 30 percent of its market value.

Amendment No. 1 was adopted.

SB 201, as amended, was passed to third reading.

CSHB 2400 ON SECOND READING

(by D. Miller)

CSHB 2400, A bill to be entitled An Act relating to the powers and duties of the Texas Commission on Environmental Quality and other entities regarding water and sewer utilities and certain conservation and reclamation districts.

CSHB 2400 was read second time on May 3 and was postponed until 10 a.m. today.

Representative D. Miller moved to postpone consideration of **CSHB 2400** until 8 a.m. tomorrow.

The motion prevailed.

HB 3132 ON SECOND READING

(by Geren)

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

HB 3132 was read second time on May 3 and was postponed until 10 a.m. today.

Representative Geren moved to postpone consideration of **HB 3132** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 1604 ON SECOND READING
(by Guillen and Raymond)

CSHB 1604, A bill to be entitled An Act relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.

CSHB 1604 was read second time on May 3, postponed until later that day, and was again postponed until 10 a.m. today.

Amendment No. 1

Representative Lucio offered the following amendment to **CSHB 1604**:

Amend **CSHB 1604** (house committee printing) as follows:

(1) On page 2, lines 7-8, strike "Subsection (a-1)" and substitute "Subsections (a-1), (a-2), (a-3), (a-4), and (a-5)".

(2) On page 3, between lines 13 and 14, add the following:

(a-2) An earnest money contract entered into under Subsection (a-1) is void if the plat for the land has not been finally approved and recorded before the 91st day after the date the earnest money contract is signed by the potential purchaser, unless the potential purchaser agrees in writing to extend the period for plat approval and recording for an additional 90-day period. Only one extension may be granted under this subsection.

(a-3) If an earnest money contract is void under Subsection (a-2), the seller shall refund all earnest money paid to the potential purchaser not later than the 30th day after the date the earnest money contract becomes void under Subsection (a-2). If the seller fails to refund the earnest money to the potential purchaser in violation of this subsection, the potential purchaser, in a suit to recover the earnest money, may recover an amount equal to three times the amount of the earnest money required to be refunded, plus reasonable attorney's fees.

(a-4) Before entering into an earnest money contract with a potential purchaser and before a plat has been finally approved and recorded for the land as permitted under Subsection (a-1), a person must provide written notice to the attorney general and to the local government responsible for approving the plat. The notice must include:

(1) a statement of intent to enter into an earnest money contract under Subsection (a-1);

(2) a legal description of the land to be included in the subdivision;

(3) each county in which all or part of the subdivision is located; and

(4) the number of proposed individual lots to be included in the subdivision.

(a-5) The attorney general may adopt rules regarding the notice to be provided under Subsection (a-4).

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

Sec. 232.0806. SUIT BY PRIVATE PERSON IN ECONOMICALLY DISTRESSED AREA. A person who has purchased or is purchasing a lot in a subdivision for residential purposes that does not have water and sewer services as required by this subchapter and is located in an economically distressed area, as defined by Section 17.921, Water Code, from a subdivider may bring suit in the district court in which the property is located or in a district court in Travis County to:

(1) declare the sale of the property void, require the subdivider to return the purchase price of the property, and recover from the subdivider:

(A) the market value of any permanent improvements the person placed on the property;

(B) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(C) court costs; and

(D) reasonable attorney's fees; or

(2) enjoin a violation or threatened violation of Section 232.072, require the subdivider to plat or amend an existing plat under Sections 232.011 and 232.081, and recover from the subdivider:

(A) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(B) court costs; and

(C) reasonable attorney's fees.

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

Amendment No. 2

Representatives Gallego and Marquez offered the following amendment to **CSHB 1604**:

Amend **CSHB 1604** (house committee printing) as follows:

(1) On page 7, line 18, between "232.033," and "and", insert "232.041,".

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

SECTION ____ . Section 232.041, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) The commissioners court may impose a fee for filing an application under this section. The amount of the fee must be based on the cost of processing the application, including publishing the notices required under Subsection (b).

Amendment No. 2 was adopted. (Phillips and Weber recorded voting no.)

Amendment No. 3

Representative Lucio offered the following amendment to **CSHB 1604**:

Amend **CSHB 1604** (house committee printing) as follows:

(1) On page 2, line 9, strike "and advertising of any form" and substitute "[and] advertising of any form, and earnest money contracts".

(2) On page 4, between lines 14 and 15, insert the following:

(d) This section does not apply to an action filed by a private individual.

(3) On page 5, between lines 23 and 24, insert the following:

(e) This section does not apply to an action filed by a private individual.

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

SECTION _____. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:

Sec. 232.045. EARNEST MONEY CONTRACTS. (a) An earnest money contract entered into under Section 232.033(a-1) must contain the following statement:

"NOTICE: THIS IS AN EARNEST MONEY CONTRACT ONLY. THE MAXIMUM AMOUNT THAT THE SELLER MAY COLLECT UNDER THIS CONTRACT IS \$250. THE SELLER MAY NOT DEMAND ANY ADDITIONAL PAYMENT UNTIL A PLAT OF THE SUBDIVISION HAS BEEN APPROVED."

(b) An earnest money contract entered into under Section 232.033(a-1) must contain the notice required by Section 232.033.

Amendment No. 3 was adopted. (Phillips recorded voting no.)

CSHB 1604, as amended, was passed to engrossment. (Christian, Laubenberg, Legler, Martinez, Otto, Paxton, Phillips, and Rodriguez recorded voting no.)

CSHB 2250 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bonnen moved to lay **CSHB 2250** on the table subject to call.

The motion prevailed.

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

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

CSHJR 61 ON SECOND READING

(by Raymond, Lewis, P. King, Deshotel, Woolley, et al.)

CSHJR 61, A joint resolution proposing a constitutional amendment changing the terms of office of a district judge.

CSHJR 61 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GARZA: Representative Raymond, I just wanted to kind of agree with what Representative Gallego said. Since the district judges are generally closer to the people—in much of the way we are elected every two years, the opposite argument could be made is why don't we elect them every two years? So, I'm actually thinking the four years, the way it is, allows us every four years to consider how those judges are doing in the courtroom. If we have some judges that are not performing, we have that shorter period of time to be able to correct that situation. So, I just wanted to bring that viewpoint to the argument.

REPRESENTATIVE RAYMOND: Well, I don't think that the supreme court—Justice Wallace Jefferson and others on the court don't—I don't think they espouse or believe that judges should not be accountable to the people. But, he supports this reform as he supports other reforms in the judicial system that would remove money from the process or at least make it so judges don't have to go and beg for money as often as they do right now.

GARZA: Do you agree that maybe allowing judge races to be non-partisan might be a more effective way to not have the political process of campaigning and raising funds less critical? Wouldn't that be a better way to approach it?

RAYMOND: Well, I mean, if you do non-partisan you're still having to go ask for money.

GARZA: That's true.

RAYMOND: So, that's really what I'm trying to get at.

REMARKS ORDERED PRINTED

Representative Garza moved to print remarks between Representative Raymond and Representative Garza.

The motion prevailed.

CSHJR 61 was passed to engrossment by (Record 707): 82 Yeas, 53 Nays, 5 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Branch; Brown; Button; Callegari; Carter; Castro; Chisum; Cook; Craddick; Crownover; Darby; Davis, S.; Deshotel; Eiland; Farias; Fletcher; Frullo; Geren; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hardcastle; Harless; Hernandez Luna; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Margo; Marquez; Martinez; Menendez; Miller, D.; Muñoz; Murphy; Parker; Patrick; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Strama; Taylor, V.; Villarreal; Walle; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Berman; Bohac; Bonnen; Burkett; Burnam; Cain; Christian; Coleman; Creighton; Davis, Y.; Driver; Dukes; Dutton; Eissler; Elkins; Farrar; Flynn; Garza; Giddings; Gonzales, L.; Gutierrez; Harper-Brown; Hartnett; Hilderbran; Hochberg; Huberty; Hughes; Landtroop; Laubenberg; Lavender; Legler; Lyne; Madden; Mallory Caraway; McClendon; Miles; Miller, S.; Naishtat; Orr; Otto; Paxton; Rodriguez; Schwertner; Solomons; Taylor, L.; Thompson; Torres; Turner; Veasey; Vo; Weber; White.

Present, not voting — Mr. Speaker; Johnson; Keffer(C); Nash; Sheets.

Absent, Excused — Hopson; Martinez Fischer; Morrison; Truitt.

Absent — Davis, J.; Gallego; Hancock; Oliveira; Pickett; Smithee.

STATEMENTS OF VOTE

I was shown voting no on Record No. 707. I intended to vote yes.

Creighton

I was shown voting no on Record No. 707. I intended to vote yes.

Naishtat

I was shown voting no on Record No. 707. I intended to vote yes.

Rodriguez

I was shown voting yes on Record No. 707. I intended to vote no.

Zedler

REASON FOR VOTE

My son is a civil court judge. I am going to vote present, not voting.

Nash

CSHB 469 - LAID ON THE TABLE SUBJECT TO CALL

Representative Callegari moved to lay **CSHB 469** on the table subject to call.

The motion prevailed.

HJR 63 ON SECOND READING

(by Pickett)

HJR 63, A joint resolution proposing a constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area.

HJR 63 was passed to engrossment. (Flynn, Garza, Landtroop, Laubenberg, Perry, and Weber recorded voting no.) (The vote was reconsidered later today, and **HJR 63** was passed to engrossment by Record No. 709.)

POSTPONED BUSINESS

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

HB 1395 ON THIRD READING

(by Parker)

HB 1395, A bill to be entitled An Act relating to the requirements to operate personal watercraft and certain boats.

HB 1395 was read third time earlier today and was postponed until this time.

HB 1395 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE Y. DAVIS: I want to put on the record, because I think it's important that we as a legislature recognize that we're allowing 13-year-olds to drive, right now, a boat—and actually, your bill deals with personal watercraft as well as any other motor boat, is that correct?

REPRESENTATIVE PARKER: That's correct.

Y. DAVIS: And your bill is going to require training for any 13-year-olds that are going to be driving boats?

PARKER: That's correct. It's improving—if you will—safety by encouraging, well, by mandatory education for those that are born after September 1 of '93.

Y. DAVIS: And when you—when we pass this bill, it will be across the board—13-year-olds can drive, if they pass training, without supervision, is that correct?

PARKER: That's correct.

Y. DAVIS: And, to the extent that we're now, in my judgment, being a little callous about this issue—and I respect that this is your bill and you've worked on it all session—do you think that it would be appropriate to have us review the licensing process and maybe separate the personal watercraft and the larger motorboats?

PARKER: Representative Davis, as we discussed, you're my good friend from, obviously, my region, from Dallas County, and I'd be honored to work with you in the interim on that topic. Broadly, I believe it's separate and apart from what we're doing with this slow, phased-in approach to mandatory boater education.

Y. DAVIS: And I just wanted to put in—also maybe mention a couple other things as it relates to the training course you're going to give. Will adults who drive boats—will they have to do any kind of training?

PARKER: I'm sorry, I had a hard time hearing you, will you repeat the question?

Y. DAVIS: Adults that are driving boats—do they have also a training requirement?

PARKER: Well, today, we currently—in the bill, we are exempting those individuals that were born prior to September 1st of 199. So no, there would be no requirement for the existing adult population. That was one of the things that was very important in working on. In time—let me say this—in time, because of this mandatory phased-in approach, we will cover a larger and ever-growing annually, a larger portion of the population of the adults, but at present, no.

Y. DAVIS: So your—this bill will phase in training for adults as we go?

PARKER: Yes, that's correct.

Y. DAVIS: Okay, and it's also your thought that the Parks & Wildlife suggests or believes that most of the accidents are with the older adults and not the youth?

PARKER: That's the facts that show that folks between 35 and 50—that's right.

Y. DAVIS: And, so the training that's in this bill that will be phased in will be an attempt to get the younger kids and the older folks in there?

PARKER: Ultimately, we'll take in the entire population, yes ma'am.

REMARKS ORDERED PRINTED

Representative Y. Davis moved to print remarks between Representative Parker and Representative Y. Davis.

The motion prevailed.

HB 1395 was passed by (Record 708): 134 Yeas, 7 Nays, 2 Present, not voting.

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

Nays — Christian; Davis, Y.; Eiland; Giddings; Phillips; Pickett; Villarreal.

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

Absent, Excused — Hopson; Martinez Fischer; Morrison; Truitt.

Absent — Hernandez Luna; Lucio; Oliveira.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 708. I intended to vote no.

Farrar

I was shown voting yes on Record No. 708. I intended to vote no.

Garza

I was shown voting yes on Record No. 708. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 708. I intended to vote no.

Kolkhorst

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 122 ON SECOND READING
(by Veasey)**

CSHB 122, A bill to be entitled An Act relating to proof that is acceptable for identifying individuals acknowledging written instruments.

CSHB 122 was passed to engrossment.

**HB 595 ON SECOND READING
(by Raymond)**

HB 595, A bill to be entitled An Act relating to the punishment prescribed for false identification as a peace officer.

HB 595 was passed to engrossment.

**CSHB 654 ON SECOND READING
(by Solomons)**

CSHB 654, A bill to be entitled An Act relating to a report regarding the municipality or county of origin of certain tax revenue collected by the comptroller.

Amendment No. 1

Representative Farrar offered the following amendment to **CSHB 654**:

Amend **CSHB 654** (house committee printing) by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0143 to read as follows:

Sec. 403.0143. REPORT ON UNFUNDED MANDATES. Before each regular session of the legislature, the comptroller shall report to the legislature and the governor on the number and cost of unfunded mandates imposed on municipalities and counties by this state. The report may be included in any other report made by the comptroller.

Amendment No. 1 was withdrawn.

Representative Solomons moved to postpone consideration of **CSHB 654** until 4:30 p.m. today.

The motion prevailed.

**CSHB 673 ON SECOND READING
(by Parker)**

CSHB 673, A bill to be entitled An Act relating to the production and use of an instructional video on recreational water safety.

CSHB 673 was passed to engrossment. (Phillips recorded voting no.)

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

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

Representative Riddle moved to postpone consideration of **CSHB 922** until 7 a.m. tomorrow.

The motion prevailed.

HB 1071 ON SECOND READING
(by S. Davis)

HB 1071, A bill to be entitled An Act relating to the extension of deed restrictions in certain residential real estate subdivisions.

Amendment No. 1

Representative S. Davis offered the following amendment to **HB 1071**:

Amend **HB 1071** (house committee printing) as follows:

- (1) On page 5, strike lines 9-13.
- (2) On page 5, line 14, strike "212.010" and substitute "212.009".
- (3) On page 6, line 5, strike "212.011" and substitute "212.010".

Amendment No. 1 was adopted.

HB 1071, as amended, was passed to engrossment.

HJR 63 - VOTE RECONSIDERED

Representative Pickett moved to reconsider the vote by which **HJR 63** was passed to engrossment.

The motion to reconsider prevailed.

HJR 63 ON SECOND READING
(by Pickett)

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

HJR 63, A joint resolution proposing a constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area.

HJR 63 was read second time earlier today and was passed to engrossment.

HJR 63 was passed to engrossment by (Record 709): 82 Yeas, 54 Nays, 4 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Bonnen; Branch; Burnam; Castro; Chisum; Christian; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Geren; Giddings;

Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Harless; Hartnett; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Johnson; Kleinschmidt; Kuempel; Larson; Lavender; Lewis; Lozano; Lyne; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Nash; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Shelton; Smith, W.; Solomons; Strama; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Brown; Burkett; Button; Cain; Callegari; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Harper-Brown; Hilderbran; Hughes; Jackson; King, P.; King, S.; Kolkhorst; Landtroop; Laubenberg; Legler; Madden; Miller, D.; Miller, S.; Orr; Otto; Parker; Paxton; Perry; Sheets; Sheffield; Simpson; Smith, T.; Smithee; Taylor, L.; Weber; White; Woolley; Zedler; Zerwas.

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

Absent, Excused — Hopson; Martinez Fischer; Morrison; Truitt.

Absent — Hernandez Luna; King, T.; Lucio; Oliveira; Phillips; Walle.

STATEMENT OF VOTE

I was shown voting yes on Record No. 709. I intended to vote no.

Harless

**GENERAL STATE CALENDAR
(consideration continued)**

**CSHB 1095 ON SECOND READING
(by Farias)**

CSHB 1095, A bill to be entitled An Act relating to a requirement of a commitment to serve a certain minimum term before a person may be appointed as a member of a local school health advisory council.

Amendment No. 1

Representative Dukes offered the following amendment to **CSHB 1095**:

Amend **CSHB 1095** (house committee printing) as follows:

- (1) On page 2, line 1, strike "and" and substitute "[~~and~~]"
- (2) on page 2, line 2, strike the period and substitute "; and"
- (3) On page 2, between lines 2 and 3, insert the following:
(10) local domestic violence programs.

Amendment No. 1 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hamilton requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, at 4:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Licensing and Administrative Procedures, 4:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR ADDENDUM

On motion of Representative Thompson and by unanimous consent, the Committee on Local and Consent Calendars was granted permission to add **HB 577, HB 762, HB 826, HB 872, HB 970, HB 971, HB 1033, HB 1090, HB 1178, HB 1262, HB 1315, HB 1318, HB 1335, HB 1407, HB 1489, HB 1500, HB 1517, HB 1554, HB 1678, HB 1839, HB 1930, HB 2009, HB 2172, HB 2220, HB 2285, HB 2295, HB 2335, HB 2380, HB 2549, HB 2577, HB 2584, HB 2651, HB 2657, HB 2699, HB 2703, HB 2723, HB 2784, HB 2791, HB 2810, HB 2899, HB 2903, HB 3002, HB 3109, HB 3135, HB 3278, HB 3298, HB 3337, HB 3396, HB 3457, and HB 3808** in an addendum to the local, consent, and resolutions calendar set for tomorrow.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, at 4:30 p.m. today, in 1W.14, to consider **SB 660** and pending business.

Permission to meet was granted.

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 5:30 p.m. today, in 1W.14, to set an addendum to the local, consent, and resolutions calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, 4:30 p.m. today, 1W.14, for a formal meeting, to consider **SB 660** and pending business.

Local and Consent Calendars, 5:30 p.m. today, 1W.14, for a formal meeting, to set an addendum to the local, consent, and resolutions calendar.

CSHB 1095 - (consideration continued)

Amendment No. 2

Representative Chisum offered the following amendment to **CSHB 1095**:

Amend **CSHB 1095** (house committee printing) as follows:

(1) On page 1, line 6, strike "Section 28.004(d), Education Code, is amended" and substitute "Section 28.004, Education Code, is amended by amending Subsection (d) and adding Subsections (d-2), (e-1), and (i-2)".

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

(d-2) Notwithstanding Subsection (d), the board of trustees may not appoint a person employed by or affiliated with an entity that performs abortions, provides abortion-related services, or makes referrals to any abortion provider to the council.

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

CSHB 1095, as amended, failed to pass to engrossment by (Record 710): 54 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Chisum; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Howard, D.; Johnson; Kolkhorst; Kuempel; Larson; Lozano; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Price; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Simpson; Strama; Taylor, L.; Torres; Turner; Veasey; Villarreal; Vo; Walle.

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

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

Absent, Excused — Hopson; Martinez Fischer; Morrison; Truitt.

Absent — Harless; Hernandez Luna; King, T.; Lucio; Oliveira; Quintanilla; Smith, T.; Thompson; Woolley.

STATEMENTS OF VOTE

When Record No. 710 was taken, I was temporarily out of the house chamber. I would have voted no.

Harless

I was shown voting no on Record No. 710. I intended to vote yes.

Isaac

I was shown voting yes on Record No. 710. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 710. I intended to vote no.

Price

When Record No. 710 was taken, I was in the house but away from my desk. I would have voted no.

Woolley

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Licensing and Administrative Procedures:

Kuempel on motion of Guillen.

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Natural Resources:

T. King on motion of Guillen.

SB 501 - VOTE RECONSIDERED

Representative Hancock moved to reconsider the vote by which **SB 501** failed to pass.

The motion to reconsider prevailed.

SB 501 ON THIRD READING (Dukes - House Sponsor)

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

SB 501, A bill to be entitled An Act relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.

SB 501 was read third time earlier today and failed to pass by Record No. 668.

Amendment No. 1

Representative Hancock offered the following amendment to **SB 501**:

Amend **SB 501** on third reading, in SECTION 1 of the bill, in added Section 2.003, Human Resources Code (page 4, line 16), by striking "and private".

Amendment No. 1 was adopted.

SB 501, as amended, was passed by (Record 711): 115 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Castro; Chisum; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Johnson; King, S.; Kleinschmidt; Kolkhorst;

Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Cain; Carter; Craddick; Flynn; Hartnett; Hughes; King, P.; Landtroop; Laubenberg; Madden; Mallory Caraway; Miller, S.; Parker; Paxton; Perry; Phillips; Riddle; Sheets; Solomons; Taylor, V.; Zedler.

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

Absent, Excused — Hopson; Martinez Fischer; Morrison; Truitt.

Absent, Excused, Committee Meeting — King, T.; Kuempel.

Absent — Bohac; Hardcastle; Jackson; Oliveira.

STATEMENT OF VOTE

I was shown voting no on Record No. 711. I intended to vote yes.

Mallory Caraway

POSTPONED BUSINESS

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

**CSHB 654 ON SECOND READING
(by Solomons)**

CSHB 654, A bill to be entitled An Act relating to a report regarding the municipality or county of origin of certain tax revenue collected by the comptroller.

CSHB 654 was read second time earlier today, an amendment was offered and disposed of, and **CSHB 654** was postponed until this time.

CSHB 654 was passed to engrossment.

SB 894 - VOTE RECONSIDERED

Representative Coleman moved to reconsider the vote by which **SB 894** was postponed until 5 p.m. Friday, May 6.

The motion to reconsider prevailed.

**SB 894 ON THIRD READING
(Coleman - House Sponsor)**

SB 894, A bill to be entitled An Act relating to employment of physicians by certain hospitals.

(Kuempel now present)

SB 894 was passed by (Record 712): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hopson; Martinez Fischer; Morrison; Truitt.

Absent, Excused, Committee Meeting — King, T.

Absent — Oliveira.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 1135 ON SECOND READING
(by Aycock)

CSHB 1135, A bill to be entitled An Act relating to an application to run for political office.

CSHB 1135 was passed to engrossment.

CSHB 1161 ON SECOND READING
(by Bonnen)

CSHB 1161, A bill to be entitled An Act relating to granting limited state law enforcement authority to certain federal officers and agents.

(Geren in the chair)

(T. King now present)

CSHB 1161 - POINT OF ORDER

Representative Gallego raised a point of order against further consideration of **CSHB 1161** under Rule 11, Section 2 and Rule 4, Section 41 of the House Rules on the grounds that the committee substitute is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of **CSHB 1161**.

HB 1226 ON SECOND READING

(by **Dutton**)

HB 1226, A bill to be entitled An Act relating to the eligibility of certain persons who have received deferred adjudication to vote.

HB 1226 was passed to engrossment by (Record 713): 75 Yeas, 64 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Button; Castro; Chisum; Christian; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Johnson; Keffer; King, T.; Kuempel; Larson; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Otto; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Smith, W.; Solomons; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Vo; Walle; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Cain; Callegari; Carter; Cook; Craddick; Creighton; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hilderbran; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Riddle; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Taylor, V.; Weber; White; Woolley; Zedler; Zerwas.

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

Absent, Excused — Hopson; Martinez Fischer; Morrison; Truitt.

Absent — Coleman; Darby; Eiland; Oliveira; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 713. I intended to vote no.

Button

I was shown voting yes on Record No. 713. I intended to vote no.

Kuempel

MESSAGE FROM THE SENATE

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

CSHB 1276 ON SECOND READING**(by Guillen)**

CSHB 1276, A bill to be entitled An Act relating to state actions necessary to maximize federal funding for certain transportation projects and activities in this state.

Amendment No. 1

Representative Martinez offered the following amendment to **CSHB 1276**:

Amend **CSHB 1276** (house committee report) as follows:

(1) On page 1, line 13, strike "Section 201.622" and substitute "Sections 201.622 and 201.623".

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

Sec. 601.223. FEDERAL FUNDING FOR PASSENGER AND HIGH-SPEED RAIL. The department shall work and plan to maximize federal funding awarded for projects in this state related to passenger rail or high-speed rail.

Amendment No. 1 was adopted.

CSHB 1276, as amended, failed to pass to engrossment by (Record 714): 50 Yeas, 91 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Hopson; Martinez Fischer; Morrison; Truitt.

Absent — Oliveira; Smith, W.; Strama.

STATEMENT OF VOTE

I was shown voting yes on Record No. 714. I intended to vote no.

Darby

HB 1354 ON SECOND READING

(by S. Davis, et al.)

HB 1354, A bill to be entitled An Act relating to liability of certain certified municipal inspectors for services rendered during an emergency or disaster.

HB 1354 was passed to engrossment.

CSHB 1456 ON SECOND READING

(by Orr)

CSHB 1456, A bill to be entitled An Act relating to the waiver and release of a mechanic's, contractor's, or materialman's lien or payment bond claim.

Amendment No. 1

Representative Orr offered the following amendment to **CSHB 1456**:

Amend **CSHB 1456** (house committee printing) as follows:

(1) On page 2, line 5, strike "this subchapter" and substitute "Section 53.284".

(2) On page 2, strike lines 15-16 and substitute the following:

(1) the statement is in writing and substantially complies with a form prescribed by Section 53.284;

(3) Strike page 2, line 20, through page 3, line 8, and substitute the following:

(A) in a written original contract or subcontract for the construction, remodel, or repair of a single-family house, townhouse, or duplex or for land development related to a single-family house, townhouse, or duplex; and

(B) made before labor or materials are provided under the original contract or subcontract.

(b) The filing of a lien rendered unenforceable by a lien waiver under Subsection (a)(3) does not violate Section 12.002, Civil Practice and Remedies Code, unless:

(1) an owner or original contractor sends a written explanation of the basis for nonpayment, evidence of the contractual waiver of lien rights, and a notice of request for release of the lien to the claimant at the claimant's address stated in the lien affidavit; and

(2) the lien claimant does not release the filed lien affidavit on or before the 14th day after the date the owner or the original contractor sends the items required by Subdivision (1).

(c) Subsection (a)(3) does not apply to a person who supplies only material, and not labor, for the construction, remodel, or repair of a single-family house, townhouse, or duplex or for land development related to a single-family house, townhouse, or duplex.

(4) On page 5, lines 17-19, strike "This document may be enforceable against you if you sign it, even if you have not been paid."

(5) On page 5, line 19, strike "unlawful" and substitute "prohibited".

(6) On page 8, lines 25-27, strike "This document may be enforceable against you if you sign it, even if you have not been paid."

(7) On page 8, line 27, strike "unlawful" and substitute "prohibited".

(8) On page 10, line 16, strike "(a)".

(9) On page 10, strike lines 21-23 and substitute the following:

Sec. 53.287. CERTAIN AGREEMENTS EXEMPT. This subchapter does not apply to a written agreement to subordinate, release, waive, or satisfy all or part of a lien or bond claim in:

(1) an accord and satisfaction of an identified dispute;

(2) an agreement concerning an action pending in any court or arbitration proceeding; or

(3) an agreement that is executed after an affidavit claiming the lien has been filed or the bond claim has been made.

(10) On page 10, line 25, strike "September 1, 2011" and substitute "January 1, 2012".

(11) On page 10, line 26, strike "September 1, 2011" and substitute "January 1, 2012".

(12) On page 11, line 2, strike "September 1, 2011" and substitute "January 1, 2012".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Harper-Brown offered the following amendment to **CSHB 1456**:

Amend **CSHB 1456** (house committee printing) as follows:

(1) On page 10, line 24, strike "The changes in law made by this Act" and substitute "Section 53.085(c), Property Code, as amended by this Act, and Subchapter L, Chapter 53, Property Code, as added by this Act,"

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

SECTION ____ . Section 53.021(d), Property Code, is amended to read as follows:

(d) A person who provides labor, plant material, or other supplies for the installation of landscaping for a house, building, or improvement, including the construction of a retention pond, retaining wall, berm, irrigation system, fountain, or other similar installation, under or by virtue of a written contract with the owner or the owner's agent, contractor, subcontractor, trustee, or receiver has a lien on the property.

SECTION ____ . Section 53.021(d), Property Code, as amended by this Act, applies only to a lien claim arising under or by virtue of a contract entered into on or after the effective date of this Act. A lien claim arising under or by virtue of a contract entered into before the effective date of this Act is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 2 was adopted.

CSHB 1456, as amended, was passed to engrossment.

HB 1477 ON SECOND READING
(by Allen and Marquez)

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

(Speaker in the chair)

Representative Allen moved to postpone consideration of **HB 1477** until 8 p.m. today.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Local and Consent Calendars:

Bohac on motion of Brown.

Darby on motion of Brown.

Elkins on motion of Brown.

Farias on motion of Brown.

Hancock on motion of Brown.

Harper-Brown on motion of Brown.

Larson on motion of Brown.

Orr on motion of Brown.

Scott on motion of Brown.

Thompson on motion of Brown.

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

Laubenberg on motion of Sheets.

CSHB 1649 ON SECOND READING
(by Marquez, Muñoz, and Gallego)

CSHB 1649, A bill to be entitled An Act relating to the enforcement of building code standards for new residential construction in the unincorporated area of a county; providing a fee.

(Geren in the chair)

MESSAGE FROM THE SENATE

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

CSHB 1649 - (consideration continued)**Amendment No. 1**

Representative Marquez offered the following amendment to **CSHB 1649**:

Amend **CSHB 1649** on page 2, line 1, by striking "as determined by the county".

Amendment No. 1 was adopted.

Amendment No. 2

Representative S. Miller offered the following amendment to **CSHB 1649**:

Amend **CSHB 1649** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 233.152, Local Government Code, is amended to read as follows:

Sec. 233.152. APPLICABILITY. (a) Except as provided by Subsection (b), this [This] subchapter applies only to new residential construction in a county that has adopted a resolution or order requiring the application of the provisions of this subchapter and that:

- (1) is located within 50 miles of an international border; or
- (2) has a population of more than 100.

(b) This subchapter does not apply to new residential construction if:

(1) the property on which the new residential construction is located is appraised for ad valorem tax purposes as land for agricultural use or open-space land under Subchapter C or D, Chapter 23, Tax Code;

(2) the new residential construction will not be located within 1,000 feet of a platted subdivision;

(3) the new residential construction is intended to be used as the primary residence of an individual who is the builder of, or acts as the general contractor for, the construction; and

(4) the new residential construction is:

(A) the first residential construction, as described by Section 233.151(a)(1), to be built on the property; or

(B) an addition to an existing single-family house or duplex, as described by Section 233.151(a)(2).

Amendment No. 2 was adopted.

Amendment No. 3

Representatives Workman, Zerwas, Isaac, Sheffield, Hilderbran, Paxton, Callegari, Aliseda, Schwertner, Hardcastle, Aycock, Carter, Christian, Kuempel, Price, and Garza offered the following amendment to **CSHB 1649**:

Amend **CSHB 1649** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 233.152, Local Government Code, is amended to read as follows:

Sec. 233.152. APPLICABILITY. This subchapter applies only to a county that:

- (1) has adopted a resolution or order requiring the application of the provisions of this subchapter; and
- (2) ~~that~~
 [(1)] is located within 50 miles of an international border; ~~or~~
 [(2)] ~~has a population of more than 100~~.

Amendment No. 3 - Point of Order

Representative Farrar raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order.

(Harper-Brown, Elkins, Farias, Orr, and Scott now present)

Representative Marquez moved to table Amendment No. 3.

The vote of the house was taken on the motion to table Amendment No. 3 and the vote was announced yeas 67, nays 63.

A verification of the vote was requested and was granted.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, at 6:15 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, at 6:15 p.m. today, in 3W.15, to consider **SB 238, SB 472, SB 767, SB 1368**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Insurance, 6:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

Business and Industry, 6:15 p.m. today, 3W.15, for a formal meeting, to consider **SB 238, SB 472, SB 767, SB 1368**, and pending business.

CSHB 1649 - (consideration continued)

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 715): 66 Yeas, 64 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Burnam; Button; Castro; Coleman; Cook; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Farias; Farrar; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, P.; King, T.; Lavender; Lozano; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Naishtat; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Shelton; Smithee; Strama; Torres; Turner; Veasey; Vo; Walle; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Elkins; Fletcher; Flynn; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Keffer; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Legler; Lewis; Lyne; Madden; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, V.; Weber; White; Workman; Zedler.

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

Absent, Excused — Hopson; Laubenberg; Martinez Fischer; Morrison; Truitt.

Absent, Excused, Committee Meeting — Bohac; Darby; Hancock; Larson; Thompson.

Absent — Crownover; Eiland; Jackson; Lucio; Oliveira; Taylor, L.; Villarreal; Woolley.

The chair stated that the motion to table prevailed by the above vote.

(Hancock, Larson, and Thompson now present)

Amendment No. 4

Representative S. Miller offered the following amendment to **CSHB 1649**:

Amend **CSHB 1649** on page 1 by striking line 9-11.

Amendment No. 4 was adopted.

CSHB 1649, as amended, was passed to engrossment by (Record 716): 81 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Beck; Burkett; Burnam; Castro; Chisum; Coleman; Cook; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hardcastle; Harless; Hernandez Luna; Hochberg; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Kuempel; Larson; Lavender; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Miller, S.; Muñoz; Naishtat; Peña; Pickett; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Smith, W.; Smithee; Strama; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; White.

Nays — Anderson, C.; Anderson, R.; Aycok; Berman; Bonnen; Branch; Brown; Button; Cain; Callegari; Carter; Christian; Craddick; Creighton; Crownover; Elkins; Fletcher; Flynn; Hamilton; Hancock; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landroop; Legler; Lewis; Miller, D.; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Riddle; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, L.; Weber; Workman; Zedler; Zerwas.

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

Absent, Excused — Hopson; Laubenberg; Martinez Fischer; Morrison; Truitt.

Absent, Excused, Committee Meeting — Bohac; Darby.

Absent — Deshotel; Lucio; Oliveira; Woolley.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 716. I intended to vote no.

Hunter

I was shown voting yes on Record No. 716. I intended to vote no.

Schwertner

LEAVES OF ABSENCE GRANTED

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

Lucio on motion of Anchia.

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Insurance:

Sheets on motion of R. Anderson.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Madden requested permission for the Committee on Corrections to meet during dinner recess today, at Desk 50, to consider **HB 3829**, **SB 880**, **SB 953**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Corrections, upon dinner recess today, Desk 50, for a formal meeting, to consider **HB 3829**, **SB 880**, **SB 953**, and pending business.

RECESS

At 6:32 p.m., the chair announced that the house would stand recessed until 7:00 p.m. today

NIGHT SESSION

The house met at 7 p.m. and was called to order by Representative Geren.

CSHB 1772 ON SECOND READING

(by L. Taylor)

CSHB 1772, A bill to be entitled An Act relating to the regulation of certain benefit plans.

Amendment No. 1

On behalf of Representative L. Taylor, Representative Phillips offered the following amendment to **CSHB 1772**:

Amend **CSHB 1772** (house committee printing) as follows:

(1) On page 3, strike lines 15-20 and substitute:

Sec. 1301.0042. APPLICABILITY OF INSURANCE LAW. (a) Except as provided by Subsection (b), a provision of this code or another insurance law of this state that applies to a preferred provider benefit plan applies to an exclusive provider benefit plan except to the extent that the commissioner determines the provision to be inconsistent with the function and purpose of an exclusive provider benefit plan.

(b) An exclusive provider benefit plan may not provide dental care benefits.

(2) On page 4, line 3, strike "Section" and substitute "Sections 1301.0052 and".

(3) On page 5, line 3, strike "Section 1301.0051" and substitute "Sections 1301.0051, 1301.0052, 1301.0053, and 1301.0056".

(4) On page 6, between lines 18 and 19, insert:

Sec. 1301.0052. EXCLUSIVE PROVIDER BENEFIT PLANS: REFERRALS FOR MEDICALLY NECESSARY SERVICES. (a) If a covered service is medically necessary and is not available through a preferred provider, the issuer of an exclusive provider benefit plan, on the request of a preferred provider, shall:

(1) approve the referral of an insured to a nonpreferred provider within a reasonable period; and

(2) fully reimburse the nonpreferred provider at the usual and customary rate or at a rate agreed to by the issuer and the nonpreferred provider.

(b) An exclusive provider benefit plan must provide for a review by a health care provider with expertise in the same specialty as or a specialty similar to the type of health care provider to whom a referral is requested under Subsection (a) before the issuer of the plan may deny the referral.

Sec. 1301.0053. EXCLUSIVE PROVIDER BENEFIT PLANS: EMERGENCY CARE. If a nonpreferred provider provides emergency care as defined by Section 1301.155 to an enrollee in an exclusive provider benefit plan, the issuer of the plan shall reimburse the nonpreferred provider at the usual and customary rate or at a rate agreed to by the issuer and the nonpreferred provider for the provision of the services.

Sec. 1301.0056. EXAMINATIONS AND FEES. (a) The commissioner may examine an insurer to determine the quality and adequacy of a network used by an exclusive provider benefit plan offered by the insurer under this chapter. An insurer is subject to a qualifying examination of the insurer's exclusive provider benefit plans and subsequent quality of care examinations by the commissioner at least once every five years. Documentation provided to the commissioner during an examination conducted under this section is confidential and is not subject to disclosure as public information under Chapter 552, Government Code.

(b) An insurer examined under this section shall pay the cost of the examination in an amount determined by the commissioner.

(c) The department shall collect an assessment in an amount determined by the commissioner from the insurer at the time of the examination to cover all expenses attributable directly to the examination, including the salaries and expenses of department employees and all reasonable expenses of the department necessary for the administration of this chapter.

(d) The department shall deposit an assessment collected under this section to the credit of the Texas Department of Insurance operating account. Money deposited under this subsection shall be used to pay the salaries and expenses of examiners and all other expenses relating to the examination of insurers under this section.

(5) On page 7, between lines 3 and 4, insert:

(c) An identification card or similar document issued by an insurer to an insured in an exclusive provider benefit plan must display:

(1) the first date on which the insured became insured under the plan;

(2) a toll-free number that a physician or health care provider may use to obtain the date on which the insured became insured under the plan; and

(3) the acronym "EPO" or the phrase "Exclusive Provider Organization" on the card in a location of the insurer's choice.

Amendment No. 1 was adopted.

CSHB 1772, as amended, was passed to engrossment.

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).

(Bohac, Darby, Sheets, and Woolley now present)

CSHB 1813 ON SECOND READING

(by Phillips)

CSHB 1813, A bill to be entitled An Act relating to the beneficiaries of a trust who are entitled to demand an accounting from the trustee.

(Cook in the chair)

CSHB 1813 failed to pass to engrossment by (Record 717): 59 Yeas, 68 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, R.; Branch; Burnam; Button; Castro; Chisum; Christian; Creighton; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Farrar; Fletcher; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hochberg; Howard, C.; Howard, D.; Huberty; Jackson; Johnson; Keffer; King, T.; Landtroop; Larson; Lavender; Lewis; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Murphy; Parker; Peña; Perry; Phillips; Pickett; Pitts; Reynolds; Riddle; Smith, W.; Strama; Taylor, V.; Veasey; Villarreal; Vo.

Nays — Aliseda; Allen; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Burkett; Cain; Callegari; Carter; Craddick; Davis, J.; Eissler; Elkins; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hughes; Isaac; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Lozano; Lyne; Madden; Mallory Caraway; Marquez; Miller; S.; Muñoz; Nash; Orr; Otto; Paxton; Price; Quintanilla; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Thompson; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Hopson; Laubenberg; Lucio; Martinez Fischer; Morrison; Truitt.

Absent — Brown; Coleman; Crownover; Farias; Guillen; Harper-Brown; Hernandez Luna; Hunter; Naishtat; Oliveira; Patrick; Raymond; Taylor, L.; Turner; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 717. I intended to vote no.

Button

When Record No. 717 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting yes on Record No. 717. I intended to vote no.

Landtroop

I was shown voting yes on Record No. 717. I intended to vote no.

D. Miller

When Record No. 717 was taken, I was temporarily out of the house chamber. I would have voted yes.

Naishtat

I was shown voting yes on Record No. 717. I intended to vote no.

Perry

HB 1821 ON SECOND READING
(by R. Anderson)

HB 1821, A bill to be entitled An Act relating to the delivery of subdivision information by a property owners' association to purchasers.

Amendment No. 1

Representative R. Anderson offered the following amendment to **HB 1821**:

Amend **HB 1821** (house committee printing) by striking SECTION 2 of the bill (page 1, line 9, through page 5, line 18) and substituting the following:

SECTION 2. Section 207.003, Property Code, is amended by amending Subsections (a), (b), and (f) and adding Subsections (a-1) and (c-1) to read as follows:

(a) Not later than the 10th business day after the date a written request for subdivision information is received from an owner or the[;] owner's agent, a purchaser of property in a subdivision or the purchaser's agent, or a title insurance company or its agent acting on behalf of the owner or purchaser, the property owners' association shall deliver to the owner or the[;] owner's agent, the purchaser or the purchaser's agent, or the title insurance company or its agent:

- (1) a current copy of the restrictions applying to the subdivision;
- (2) a current copy of the bylaws and rules of the property owners' association; and
- (3) a resale certificate that complies with Subsection (b).

(a-1) For a request from a purchaser of property in a subdivision or the purchaser's agent, the property owners' association may require the purchaser or purchaser's agent to provide to the association, before the association delivers the items listed in Subsection (a), reasonable evidence that the purchaser has a contractual or other right to acquire property in the subdivision.

(b) A resale certificate under Subsection (a) must contain:

(1) a statement of any right of first refusal, other than a right of first refusal that is prohibited by statute, and any [✕] other restraint contained in the restrictions or restrictive covenants that restricts the owner's right to transfer the owner's property;

(2) the frequency and amount of any regular assessments;

(3) the amount of any special assessment that has been approved as of ~~[is due after]~~ the date the resale certificate is prepared;

(4) the total of all amounts due and unpaid to the property owners' association that are attributable to the owner's property;

(5) capital expenditures, if any, approved by the property owners' association for the property owners' association's current fiscal year;

(6) the amount of reserves, if any, for capital expenditures;

(7) the property owners' association's current operating budget and balance sheet;

(8) the total of any unsatisfied judgments against the property owners' association;

(9) the style and cause number of any pending lawsuit in which the property owners' association is a defendant, other than a lawsuit relating to unpaid property taxes of an individual member of the association;

(10) a copy of a certificate of insurance showing the property owners' association's property and liability insurance relating to the common areas and common facilities;

(11) a description of any conditions on the owner's property that the property owners' association board has actual knowledge are in violation of the restrictions applying to the subdivision or the bylaws or rules of the property owners' association;

(12) a summary or copy of notices received by the property owners' association from any governmental authority regarding health or housing code violations existing on the preparation date of the certificate relating to the owner's property or any common areas or common facilities owned or leased by the property owners' association;

(13) the amount of any administrative transfer fee charged by the property owners' association for a change of ownership of property in the subdivision;

(14) the name, mailing address, and telephone number of the property owners' association's managing agent, if any; ~~and~~

(15) a statement indicating whether the restrictions allow foreclosure of a property owners' association's lien on the owner's property for failure to pay assessments; and

(16) a statement of all fees associated with the transfer of ownership, including a description of each fee, to whom each fee is paid, and the amount of each fee.

(c-1) A purchaser shall pay the fee to the property owners' association or its agent for issuing the resale certificate unless otherwise agreed by the purchaser and seller of the property. The property owners' association may not process a payment for a resale certificate until the certificate is available for delivery. The association may not charge a fee if the certificate is not provided in the time prescribed by Subsection (a).

(f) Not later than the seventh business day after the date a written request for an update of ~~to~~ a resale certificate delivered under Subsection (a) is received from an owner, owner's agent, or title insurance company or its agent acting on behalf of the owner, the property owners' association shall deliver to the owner, owner's agent, or title insurance company or its agent an updated resale certificate that contains the following information:

(1) if a right of first refusal or other restraint on sale is contained in the restrictions, a statement of whether the property owners' association waives the restraint on sale;

(2) the status of any unpaid special assessments, dues, or other payments attributable to the owner's property; and

(3) any changes to the information provided in the resale certificate issued under Subsection (a).

Amendment No. 1 was adopted.

HB 1821, as amended, was passed to engrossment. (Berman recorded voting no.)

CSHB 1840 ON SECOND READING
(by Phillips, Hunter, Aliseda, Pitts, and Laubenberg)

CSHB 1840, A bill to be entitled An Act relating to the creation and functions of the Texas Grain Producer Indemnity Board.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 1840**:

Amend **CSHB 1840** (house committee printing), on page 12, between lines 6 and 7, by inserting the following:

Sec. 41.215. ANNUAL REPORT. (a) The board shall submit a report to the comptroller annually that contains a summary of the board's activities and a review of the board's effectiveness.

(b) The board shall post the report online on the board's Internet website.

Amendment No. 2

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

Amend amendment No. 1 by Gallego to **CSHB 1840** on page 1, line 4 of the amendment by striking "comptroller" and substituting "commissioner".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

CSHB 1840, as amended, was passed to engrossment. (Berman, Flynn, and Simpson recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 7:45 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 7:45 p.m. today, 3W.9, for a formal meeting, to set a calendar.

SB 748 ON SECOND READING
(Giddings - House Sponsor)

SB 748, A bill to be entitled An Act relating to business entities and associations.

SB 748 was considered in lieu of **HB 1873**.

SB 748 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GARZA: Representative Giddings, I know this is a 67-page bill which deals with all sorts of changes to business organization codes, incorporations, LLCs, partnerships—I know you had a state bar committee and it's basically a clean-up bill from the 2004 reform bill.

REPRESENTATIVE GIDDINGS: Yes.

GARZA: Not being able to evaluate all the changes, I just wanted to clarify what support you have on this legislation.

GIDDINGS: Well, basically it's the state law business foundation that came forth. The secretary of state was also consulted, and as you know, with state agencies, they're not either for or against bills. They're there as resource witnesses, but the secretary of state's office has been very involved with this legislation. No one testified against this bill.

GARZA: So the Texas Association of Business and the other organizations haven't brought any opposition to this legislation?

GIDDINGS: No, sir, they have not.

(Speaker in the chair)

REMARKS ORDERED PRINTED

Representative Garza moved to print remarks between Representative Giddings and Representative Garza.

The motion prevailed.

Amendment No. 1 (Committee Amendment No. 1)

Representative Orr offered the following committee amendment to **SB 748**:

Amend **SB 748** (senate engrossment) in Section 44 of the bill, in added Section 152.308(f), Business Organizations Code (page 35, line 26), by striking "limited".

Amendment No. 1 was adopted.

Amendment No. 2 (Committee Amendment No. 2)

Representative Orr offered the following committee amendment to **SB 748**:

Amend **SB 748** (senate engrossment) by striking SECTION 33 of the bill, amending Section 22.153(a), Business Organizations Code (page 27, lines 8-14), and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

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 Johnson.

Branch on motion of Johnson.

Coleman on motion of Johnson.

Cook on motion of Johnson.

Geren on motion of Johnson.

Hunter on motion of Johnson.

Keffer on motion of Johnson.

T. King on motion of Johnson.

Kolkhorst on motion of Johnson.

Ritter on motion of Johnson.

Rodriguez on motion of Johnson.

Solomons on motion of Johnson.

Zerwas on motion of Johnson.

SB 748 - (consideration continued)

SB 748, as amended, was passed to third reading.

CSHB 1983 ON SECOND READING

(by Kolkhorst, Walle, et al.)

CSHB 1983, A bill to be entitled An Act relating to certain childbirths occurring before the 39th week of gestation.

Representative Huberty moved to postpone consideration of **CSHB 1983** until 8 p.m. today.

The motion prevailed.

HB 1873 - LAID ON THE TABLE SUBJECT TO CALL

Representative Giddings moved to lay **HB 1873** on the table subject to call.

The motion prevailed.

CSHB 1985 ON SECOND READING

(by Turner)

CSHB 1985, A bill to be entitled An Act relating to the collection of criminal and civil court costs, fees, and fines by a municipality or county.

CSHB 1985 was passed to engrossment. (Berman and Flynn recorded voting no.)

CSHB 2038 ON SECOND READING

(by Price, Shelton, Mallory Caraway, Schwertner, Guillen, et al.)

CSHB 2038, A bill to be entitled An Act relating to prevention, treatment, and oversight of concussions affecting public school students participating in interscholastic athletics.

Amendment No. 1

Representative V. Gonzales offered the following amendment to **CSHB 2038**:

Amend **CSHB 2038** (house committee printing) by inserting into the bill the following appropriately numbered new SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. This Act may be cited as Natasha's Law in honor of Natasha Helmick for her courage in advocating for the enactment of this Act and in honor of all other student athletes at the middle and high school levels.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Price offered the following amendment to **CSHB 2038**:

Amend **CSHB 2038** (house committee printing) as follows:

- (1) On page 6, line 21, strike "and diagnosis".
- (2) On page 6, line 22, strike "appropriate medical treatment".

Amendment No. 2 was adopted.

CSHB 2038, as amended, was passed to engrossment. (Paxton and Simpson recorded voting no.)

(Branch, Cook, Geren, Keffer, Kolkhorst, Ritter, and Rodriguez now present)

**HB 2042 ON SECOND READING
(by Menendez)**

HB 2042, A bill to be entitled An Act relating to defense base development authorities, including the powers of an authority and the taxation of certain tangible personal property located on the base property for which the authority is established.

HB 2042 was passed to engrossment.

POSTPONED BUSINESS

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

**HB 1477 ON SECOND READING
(by Allen and Marquez)**

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

HB 1477 was read second time earlier today and was postponed until this time.

Representative Allen moved to postpone consideration of **HB 1477** until 12 p.m. Friday, May 6.

The motion prevailed.

(Coleman, Hunter, T. King, and Solomons now present)

CSHB 1983 ON SECOND READING

(by Kolkhorst, Walle, et al.)

CSHB 1983, A bill to be entitled An Act relating to certain childbirths occurring before the 39th week of gestation.

CSHB 1983 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Crownover offered the following amendment to **CSHB 1983**:

Amend **CSHB 1983** (house committee printing) on page 1, lines 8-9, by striking "develop quality initiatives and implement cost-cutting measures" and substituting the following:
achieve cost savings with improved outcomes by adopting and implementing quality initiatives that are evidence-based, tested, and fully consistent with established standards of clinical care and that are

Amendment No. 1 was adopted.

CSHB 1983, as amended, was passed to engrossment.

GENERAL STATE CALENDAR

(consideration continued)

CSHB 2048 ON SECOND READING

(by Lyne)

CSHB 2048, A bill to be entitled An Act relating to the collection and enforcement of state and local hotel occupancy taxes.

CSHB 2048 was passed to engrossment.

CSHB 2127 ON SECOND READING

(by Geren)

CSHB 2127, A bill to be entitled An Act relating to the municipal regulation of the discharge of firearms and certain other weapons in certain counties.

CSHB 2127 was passed to engrossment.

HB 2197 ON SECOND READING

(by Rodriguez)

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

Representative Rodriguez moved to postpone consideration of **HB 2197** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 2233 ON SECOND READING
(by Huberty, Rodriguez, et al.)

CSHB 2233, A bill to be entitled An Act relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

Representative Huberty moved to postpone consideration of **CSHB 2233** until 3 p.m. Monday, May 9.

The motion prevailed.

SB 1153 ON SECOND READING
(Ritter - House Sponsor)

SB 1153, A bill to be entitled An Act relating to the authority of the Public Utility Commission of Texas to participate in certain proceedings before the Federal Energy Regulatory Commission.

SB 1153 was considered in lieu of **HB 2264**.

Amendment No. 1

Representative Burnam offered the following amendment to **SB 1153**:

Amend **SB 1153** by adding the following appropriately numbered SECTION to the bill;

SECTION ____ . Section 39.4526, Utilities Code, is amended to read as follows:

(g) The commission shall be precluded from engaging any lobbyist, as defined in Section 305.003 of Texas Government Code, under Subsection (a).

Amendment No. 1 was adopted.

SB 1153, as amended, was passed to third reading. (Berman and Flynn recorded voting no.)

HB 2264 - LAID ON THE TABLE SUBJECT TO CALL

Representative Ritter moved to lay **HB 2264** on the table subject to call.

The motion prevailed.

HB 2374 ON SECOND READING
(by Gallego)

HB 2374, A bill to be entitled An Act relating to the taking of children into custody by certain law enforcement officers.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 2374**:

Amend **HB 2374**, on page 1, by striking lines 5-17, and substituting the following:

SECTION 1. Chapter 52, Family Code, is amended by adding Section 52.024 to read as follows:

Sec. 52.024. EXTRAJURISDICTIONAL APPREHENSION OF CHILD.
A child who is lawfully taken into custody by a federal law enforcement officer in this state, or by a law enforcement officer of another state in that state:

(1) may be detained, interviewed, and otherwise processed under, as applicable, federal law or the laws of the other state; and

(2) is not considered to be in custody for the purposes of this section or chapter until the child has been released to a person or brought to a person or facility in the manner required by Section 52.02.

Amendment No. 1 was adopted.

HB 2374, as amended, was passed to engrossment.

HB 2477 ON SECOND READING
(by Harless)

HB 2477, A bill to be entitled An Act relating to the provision of bilingual election materials.

HB 2477 was passed to engrossment. (Flynn recorded voting no.)

CSHB 2636 ON SECOND READING
(by Kolkhorst and Walle)

CSHB 2636, A bill to be entitled An Act relating to a commission to study neonatal intensive care units.

CSHB 2636 was passed to engrossment.

HB 2742 ON SECOND READING
(by Kleinschmidt)

HB 2742, A bill to be entitled An Act relating to the business of structural pest control.

HB 2742 was passed to engrossment. (Cain and V. Taylor recorded voting no.)

SB 1490 ON SECOND READING
(Hunter, Raymond, Weber, and Martinez Fischer - House Sponsors)

SB 1490, A bill to be entitled An Act relating to the recording of proceedings and the issuance of a warrant to take physical custody of a child in certain suits affecting the parent-child relationship; creating an offense.

SB 1490 was considered in lieu of **HB 2976**.

SB 1490 was passed to third reading. (Garza recorded voting no.)

HB 2976 - LAID ON THE TABLE SUBJECT TO CALL

Representative Weber moved to lay **HB 2976** on the table subject to call.

The motion prevailed.

HB 2993 ON SECOND READING**(by Miles)**

HB 2993, A bill to be entitled An Act relating to offenses involving violating the civil rights of a person in custody and engaging in improper sexual activity with a person in custody; providing certain enhanced penalties.

HB 2993 was passed to engrossment.

CSHB 3071 ON SECOND READING**(by Veasey)**

CSHB 3071, A bill to be entitled An Act relating to contract award considerations by certain conservation and reclamation districts.

CSHB 3071 was passed to engrossment. (C. Anderson, Berman, Cain, Fletcher, Flynn, Garza, C. Howard, P. King, Landtroop, Paxton, Perry, Riddle, and V. Taylor recorded voting no.)

HB 3085 ON SECOND READING**(by L. Taylor)**

HB 3085, A bill to be entitled An Act relating to the period of a license for a freestanding medical emergency care facility.

Amendment No. 1

Representative L. Taylor offered the following amendment to **HB 3085**:

Amend **HB 3085** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 254.051(f), Health and Safety Code, is amended to read as follows:

(f) Notwithstanding Section 254.053(f), a [A] facility that is not in continuous operation 24 hours per day and 7 days per week cannot be issued a license with a term that extends beyond August 31, 2013.

Amendment No. 1 was adopted.

HB 3085, as amended, was passed to engrossment.

CSHB 3116 ON SECOND READING**(by V. Gonzales)**

CSHB 3116, A bill to be entitled An Act relating to the execution of deeds conveying residential real estate in connection with certain transactions involving residential real estate.

CSHB 3116 was passed to engrossment. (C. Anderson, Fletcher, C. Howard, Landtroop, Perry, and Riddle recorded voting no.)

SB 1568 ON SECOND READING**(Elkins - House Sponsor)**

SB 1568, A bill to be entitled An Act relating to shareholder standing to institute or maintain a derivative proceeding after a merger.

SB 1568 was considered in lieu of **HB 3244**.

SB 1568 was passed to third reading.

HB 3244 - LAID ON THE TABLE SUBJECT TO CALL

Representative Elkins moved to lay **HB 3244** on the table subject to call.

The motion prevailed.

HB 3329 ON SECOND READING

(by Keffer)

HB 3329, A bill to be entitled An Act relating to a daily temporary private club permit for a nonprofit corporation.

HB 3329 was passed to engrossment.

CSHB 3375 ON SECOND READING

(by Murphy, Zedler, et al.)

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

Representative Murphy moved to postpone consideration of **CSHB 3375** until 7:30 a.m. Friday, May 6.

The motion prevailed.

CSHB 3391 ON SECOND READING

(by D. Miller)

CSHB 3391, A bill to be entitled An Act relating to rainwater harvesting and other water conservation initiatives.

(Bonnen now present)

CSHB 3391 was passed to engrossment. (Paxton and White recorded voting no.)

HB 3473 ON SECOND READING

(by Gallego)

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

Representative Castro moved to postpone consideration of **HB 3473** until 7 a.m. Friday, May 6.

The motion prevailed.

CSHB 3689 ON SECOND READING

(by Oliveira)

CSHB 3689, A bill to be entitled An Act relating to The University of Texas at Brownsville, including its partnership agreement with the Texas Southmost College District.

Amendment No. 1

On behalf of Representative Oliveira, Representative Muñoz offered the following amendment to **CSHB 3689**:

Amend **CSHB 3689** (house committee printing) by striking SECTION 2 of the bill (page 1, lines 17 through 24), and substituting the following:

SECTION 2. Section 78.03, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board may prescribe courses at the university leading to customary degrees offered at leading American universities and may award those degrees, including bachelor's, master's, and doctoral degrees and their equivalents ~~authorize the university to offer any upper level or graduate course which is authorized by the Texas Higher Education Coordinating Board~~.

(a-1) A department, school, or degree program may not be instituted without the prior approval of the Texas Higher Education Coordinating Board.

Amendment No. 1 was adopted.

CSHB 3689, as amended, was passed to engrossment. (Garza recorded voting no.)

HB 3807 ON SECOND READING
(by Woolley)

HB 3807, A bill to be entitled An Act relating to the option of providing electronic recordings of proceedings in the municipal court of record for the City of Houston.

HB 3807 was passed to engrossment. (Bohac, Fletcher, and Riddle recorded voting no.)

CSHB 1616 ON SECOND READING
(by Geren, Flynn, and P. King)

CSHB 1616, A bill to be entitled An Act relating to the reporting of political contributions and expenditures.

Amendment No. 1

Representative T. King offered the following amendment to **CSHB 1616**:

Amend **CSHB 1616** (house committee report) on page 3, by striking lines 3-16 and substituting the following:

(9) any of the following received during the reporting period resulting from the use of a political contribution or an asset purchased with a political contribution the amount of which exceeds \$100:

- (i) credit;
- (ii) interest;
- (iii) rebate;
- (iv) refund;
- (v) reimbursement; or
- (iv) return of a deposit fee;

(10) any proceeds of the sale of an asset received during the reporting period the amount of which exceeds \$100;

(11) any investment purchased with a political contribution received during the reporting period the amount of which exceeds \$100;

(12) any other gain from a political contribution received during the reporting period the amount of which exceeds \$100; and

(13) the full name and address of each person from whom an amount described by Subdivisions (9), (10), (11), or (12) is received, the date the amount is received, and the purpose for which the amount is received.

Amendment No. 1 was adopted. (V. Taylor recorded voting no.)

Amendment No. 2

Representative T. King offered the following amendment to **CSHB 1616**:

Amend **CSHB 1616** (house committee report) on page 2, line 2, by striking "\$50" and substituting "\$100 [~~\$50~~"]".

Amendment No. 2 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 3

Representative C. Howard offered the following amendment to **CSHB 1616**:

Amend **CSHB 1616** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 145.003, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), a [A] municipal officer or a candidate for a municipal office filled by election shall file a financial statement as required by this chapter.

(c) A municipal officer who does not receive compensation for serving as an officer or a candidate for such an office is not required to file a financial statement under this chapter.

SECTION _____. Section 11.064, Education Code, is repealed.

SECTION _____. Section 335.1085, Local Government Code, is repealed.

SECTION _____. (a) Section 145.003, Local Government Code, as amended by this Act, applies only to the filing by a municipal officer or candidate of a financial statement that covers the 2011 or a later calendar year. The filing by a municipal officer or candidate of a financial statement that covers the 2010 calendar year is governed by the law in effect on January 1, 2011, and the former law is continued in effect for that purpose.

(b) The repeal by this Act of Section 11.064, Education Code, applies only to the filing by a school district trustee of a financial statement that covers the 2011 or a later calendar year. The filing by a school district trustee of a financial statement that covers the 2010 calendar year is governed by the law in effect on January 1, 2011, and the former law is continued in effect for that purpose.

(c) The repeal by this Act of Section 335.1085, Local Government Code, applies only to the filing by a director of a venue district of a financial statement that covers the 2011 or a later calendar year. The filing by a director of a venue district of a financial statement that covers the 2010 calendar year is governed by the law in effect on January 1, 2011, and the former law is continued in effect for that purpose.

Amendment No. 3 was adopted. (V. Taylor recorded voting no.)

Amendment No. 4

Representative P. King offered the following amendment to **CSHB 1616**:

Amend **CSHB 1616** on page 3 by striking lines 3 and 4 and substituting the following:

(9) the following amounts that in the aggregate exceed \$50 and that are received during the reporting period:

Amendment No. 4 was adopted. (V. Taylor recorded voting no.) (The vote was reconsidered later today, and Amendment No. 4 was withdrawn.)

Amendment No. 5

Representative P. King offered the following amendment to **CSHB 1616**:

Amend **CSHB 1616** (house committee printing) on page 3 by striking lines 19-21 and substituting the following:

(1) The registration form must include the full name and address of each person who compensates or reimburses the registrant or person acting as an agent for the registrant for services, including political consulting services, rendered by the registrant from:

Amendment No. 5 was adopted. (V. Taylor recorded voting no.)

Amendment No. 6

Representative Callegari offered the following amendment to **CSHB 1616**:

Amend **CSHB 1616** (house committee report) as follows:

SECTION _____. Section 159.003(b)(2), Local Government Code, is amended to read as follows: (a) A county officer, candidate for a county office, justice of the peace, or candidate for the office of justice of the peace shall file a financial statement as required by this subchapter.

(b) The statement must:

(1) be filed with the county clerk of the county in which the officer, justice, or candidate resides; and

(2) comply with Sections 572.022 and 572.023, Government Code, and with the requirements set forth by any commissioners court order requiring additional disclosures.

SECTION _____. Section 159.034(c), Local Government Code is repealed.

Amendment No. 6 was adopted. (V. Taylor recorded voting no.)

Amendment No. 7

Representative Gallego offered the following amendment to **CSHB 1616**:

Amend **CSHB 1616** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 571, Government Code, is amended by adding Sections 571.080 and 571.081 to read as follows:

Sec. 571.080. ASSISTANCE FOR CERTAIN FILERS. The commission, using existing resources, must provide a service that enables a candidate or officeholder required to file a report with the commission to speak to commission staff to assist the person in preparing and filing the report. This service must be continuously available beginning 16 hours before the time and date of a deadline for filing a report with the commission and ending on the deadline for filing the report.

Sec. 571.081. AVAILABILITY OF DIRECT TELEPHONE NUMBER OF COMMISSION STAFF TO CERTAIN FILERS. An employee of the commission shall on request provide the employee's direct telephone number to a candidate or officeholder required to file a report with the commission.

SECTION _____. Section 571.123(b), Government Code, is amended to read as follows:

(b) After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. The written notice to the complainant and the respondent must:

(1) state whether the complaint complies with the form requirements of Section 571.122;

(2) if the respondent is a candidate or officeholder, state the procedure by which the respondent may designate an agent with whom commission staff may discuss the complaint;

(3) if the respondent is a candidate or officeholder, state that the respondent may request the direct telephone number of the commission staff member who will perform the processing of the complaint against the respondent; and

(4) ~~(2)~~ if applicable, include the information required by Section 571.124(e).

SECTION _____. Subchapter E, Chapter 571, Government Code, is amended by adding Sections 571.1231 and 571.1232 to read as follows:

Sec. 571.1231. DESIGNATION OF AGENT BY CERTAIN RESPONDENTS. (a) This section applies only to a respondent who is a candidate or officeholder.

(b) A respondent to a complaint filed against the respondent may by writing submitted to the commission designate an agent with whom the commission staff may communicate regarding the complaint.

(c) For purposes of this subchapter, including Section 571.140, communications with the respondent's agent designated under this section are considered communications with the respondent.

Sec. 571.1232. PROVISION OF TELEPHONE NUMBER TO CERTAIN RESPONDENTS. (a) This section applies only to a respondent who is a candidate or officeholder.

(b) On request, the commission shall provide to a respondent the direct telephone number of the commission staff member who will perform the processing of the complaint against the respondent.

Amendment No. 7 was adopted. (V. Taylor recorded voting no.)

Amendment No. 4 - Vote Reconsidered

Representative P. King moved to reconsider the vote by which Amendment No. 4 was adopted.

The motion to reconsider prevailed.

Amendment No. 4 was withdrawn.

Amendment No. 8

Representative Hilderbran offered the following amendment to **CSHB 1616**:

Amend **CSHB 1616** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 571.062, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A person may not be prosecuted for engaging in an action authorized by commission rule.

SECTION _____. Section 571.065, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A person may not be prosecuted for an offense arising out of the filing of a statement or report on a form prescribed by the commission if the person would not have committed an offense had the person not followed written instructions contained on the form.

SECTION _____. Section 571.097, Government Code, is amended to read as follows:

Sec. 571.097. IMMUNITY FROM PROSECUTION ~~[DEFENSE]~~ FOR RELIANCE ON ADVISORY OPINION. An attorney representing this state may not prosecute or seek recovery of ~~[It is a defense to prosecution or to imposition of]~~ a civil penalty from a ~~[that the]~~ person who reasonably relied on a written advisory opinion of the commission relating to the provision of the law the person is alleged to have violated or relating to a fact situation that is substantially similar to the fact situation in which the person is involved.

(Zerwas now present)

Amendment No. 8 was adopted. (V. Taylor recorded voting no.)

CSHB 1616, as amended, was passed to engrossment. (Anchia and V. Taylor recorded voting no.)

CSHB 1960 ON SECOND READING
(by Deshotel, Ritter, et al.)

CSHB 1960, A bill to be entitled An Act relating to the regulation of boat manufacturers, distributors, and dealers; providing a civil penalty.

CSHB 1960 was passed to engrossment by (Record 718): 109 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Keffer; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Thompson; Torres; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, R.; Beck; Cain; Craddick; Crownover; Flynn; Garza; Geren; Gonzales, L.; Gooden; Harper-Brown; Hughes; Isaac; Johnson; King, P.; King, S.; King, T.; Legler; Sheets; Shelton; Simpson; Taylor, L.; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hopson; Laubenberg; Lucio; Martinez Fischer; Morrison; Truitt.

Absent — Alonzo; Davis, S.; Giddings; Hamilton; Lavender; Oliveira; Rodriguez; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 718. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 718. I intended to vote no.

Paxton

I was shown voting yes on Record No. 718. I intended to vote no.

Schwertner

I was shown voting no on Record No. 718. I intended to vote yes.

L. Taylor

When Record No. 718 was taken, I was in the house but away from my desk. I would have voted no.

Lavender

CSHB 777 ON SECOND READING
(by Gonzalez and V. Gonzales)

CSHB 777, A bill to be entitled An Act relating to court costs imposed on conviction and deposited to the appropriate courthouse security fund or court building security fund.

CSHB 777 was passed to engrossment. (C. Anderson, Garza, Landtroop, Paxton, and Perry recorded voting no.)

HB 818 ON SECOND READING
(by D. Howard and Dukes)

HB 818, A bill to be entitled An Act relating to use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school.

HB 818 was passed to engrossment. (C. Anderson, Bonnen, Cain, Christian, Fletcher, Garza, Harless, P. King, Landtroop, Paxton, Perry, Phillips, Riddle, Schwertner, Simpson, White, and Woolley recorded voting no.)

CSHB 710 ON SECOND READING
(by Walle, Menendez, and Naishtat)

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

Representative Walle moved to postpone consideration of **CSHB 710** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 1610 ON SECOND READING
(by L. Gonzales and Madden)

CSHB 1610, A bill to be entitled An Act relating to employment termination procedures applicable to a teacher who is convicted of or receives deferred adjudication for a felony.

Amendment No. 1

Representative Dutton offered the following amendment to **CSHB 1610**:

Amend **CSHB 1610** on page 2, lines 11 and 12, by striking "has been convicted of or received deferred adjudication for a felony offense" and substituting "has been convicted of a felony offense or has received deferred adjudication for a felony offense and violated a condition imposed by the court before the expiration of the required period of community supervision".

Amendment No. 1 was adopted.

CSHB 1610, as amended, was passed to engrossment.

CSHB 3145 ON SECOND READING
(by Naishtat and Perry)

CSHB 3145, A bill to be entitled An Act relating to the regulation of chemical dependency counselors.

Amendment No. 1

Representative Perry offered the following amendment to **CSHB 3145**:

Amend **CSHB 3145** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 504.002(b), Occupations Code, is amended to read as follows:

(b) This chapter does not apply to an activity or service of a person who:

(1) is employed as a counselor by a federal institution and is providing chemical dependency counseling within the scope of the person's employment;

(2) except as provided by Section 504.1515, is a student, intern, or trainee pursuing a supervised course of study in counseling at a regionally accredited institution of higher education or training institution, if the person:

(A) is designated as a "counselor intern"; and

(B) is engaging in the activity or providing the service as part of the course of study;

(3) is not a resident of this state, if the person:

(A) engages in the activity or provides the service in this state for not more than 30 days during any year; and

(B) is authorized to engage in the activity or provide the service under the law of the state of the person's residence;

(4) is a licensed physician, psychologist, professional counselor, or social worker;

(5) is a religious leader of a congregation providing pastoral chemical dependency counseling within the scope of the person's duties;

(6) is working for or providing counseling with a program exempt under Subchapter C, Chapter 464, Health and Safety Code; ~~or~~

(7) is a school counselor certified by the State Board for Educator Certification; or

(8) provides chemical dependency counseling through a program or in a facility that receives funding from the Texas Department of Criminal Justice and who is credentialed as:

(A) a certified criminal justice addictions professional by the International Certification and Reciprocity Consortium; or

(B) having certified criminal justice professional applicant status issued by the Texas Certification Board of Addiction Professionals.

Amendment No. 1 was adopted.

CSHB 3145, as amended, was passed to engrossment. (C. Anderson, Phillips, and V. Taylor recorded voting no.)

CSHB 2100 ON SECOND READING**(by Lewis)**

CSHB 2100, A bill to be entitled An Act relating to the exemption from taxation of property of a local government corporation.

Amendment No. 1

Representative Lewis offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** (house committee printing) by striking page 1, lines 11-13 and substituting the following:

corporation created by a municipal power agency that was created under Subchapter C, Chapter 163, Utilities Code, is not exempt from ad valorem taxation if the property is located outside of the boundaries of each of the municipalities that created the municipal power agency.

Amendment No. 1 was adopted.

CSHB 2100, as amended, was passed to engrossment.

HB 2882 ON SECOND READING**(by Scott)**

HB 2882, A bill to be entitled An Act relating to subrogation of certain costs for services provided or paid by the Nueces County Hospital District; providing penalties.

Amendment No. 1

Representatives Scott and Coleman offered the following amendment to **HB 2882**:

Amend **HB 2882** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 281, Health and Safety Code, is amended by adding Section 281.075 to read as follows:

Sec. 281.075. NUECES' COUNTY HOSPITAL DISTRICT; HOSPITAL LIEN. (a) Notwithstanding any other law, the Nueces County Hospital District has a lien on a cause of action or claim of an individual who receives health care services provided or paid for by the district for injuries caused by an accident that is attributed to the negligence of another person.

(b) Chapter 55, Property Code, applies to a lien filed under this section. In addition to the requirements under that chapter, not later than the fifth business day after the hospital district files a lien under this section, the district shall send notice of the lien to the affected individual by regular mail.

SECTION 2. This Act applies only to the receipt of hospital services on or after the effective date of this Act. The receipt of services before the effective date of this Act is governed by the law in effect on the date of receipt of services, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

HB 2882, as amended, was passed to engrossment.

HB 1834 ON SECOND READING
(by Shelton)

HB 1834, A bill to be entitled An Act relating to elimination of certain requirements for increasing community awareness of prekindergarten programs offered by or in partnership with school districts.

HB 1834 - POINT OF ORDER

Representative Villarreal raised a point of order against further consideration of **HB 1834**.

The speaker overruled the point of order.

HB 1834 was passed to engrossment.

HB 2173 ON SECOND READING
(by Torres, Burkett, White, et al.)

HB 2173, A bill to be entitled An Act relating to a pilot program allowing certain military and overseas voters to receive and cast a ballot electronically.

Amendment No. 1

Representative Torres offered the following amendment to **HB 2173**:

Amend **HB 2173** (house committee printing) on page 2, line 10, between "transmission" and the underlined semicolon, insert "by having the balloting materials returned to the secretary of state for verification and redistribution".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Torres offered the following amendment to **HB 2173**:

Amend **HB 2173** (house committee printing) as follows:

(1) On page 1, line 8, strike "AND".

(2) On page 1, lines 12-14, strike "voter described by Section 101.001 who is located outside the territorial limits of the United States and the District of Columbia" and substitute "member of the armed forces of the United States who is on active duty overseas".

(3) On page 2, line 6, between "address" and the underlined semicolon, insert "that contains the suffix ".mil"".

(4) On page 2, line 10, between "transmission" and the underlined semicolon, insert "by having the balloting materials returned to the secretary of state for verification and redistribution".

(5) On page 2, line 10, strike "and".

(6) On page 2, line 12, between "section" and the underlined period, insert the following:

; and

(5) require that the balloting materials be sent to and returned from the e-mail address provided under Subdivision (1)(C)

(7) On page 2, line 22, strike "may" and substitute "shall".

(8) On page 3, line 3, strike "and".

Amendment No. 2 was adopted.

HB 2173, as amended, was passed to engrossment.

HB 1502 ON SECOND READING
(by White, Torres, et al.)

HB 1502, A bill to be entitled An Act relating to allowing military voters on active duty overseas to receive and cast a ballot electronically.

Amendment No. 1

Representative Berman offered the following amendment to **HB 1502**:

Amend **HB 1502** (house committee printing) as follows:

(1) On page 1, line 12, between "overseas" and "for the general primary election", insert "in a combat zone".

(2) On page 2, line 5, between "transmission" and the underlined semicolon, insert "by having the balloting materials returned to the secretary of state for redistribution".

Amendment No. 1 was adopted.

HB 1502, as amended, was passed to engrossment.

HB 2043 ON SECOND READING
(by Menendez)

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

Representative Menendez moved to postpone consideration of **HB 2043** until 12:01 a.m. tomorrow.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence to consider **SB 1717** and pending business at 8:30 a.m. tomorrow in E2.036.

The motion prevailed.

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 661**, **SB 1504**, and **SB 1613** 15 minutes after final recess today in JHR 140.

The motion prevailed.

HB 2166 - RECOMMITTED

Representative Ritter moved to recommit **HB 2166** to the Committee on Natural Resources.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Kolkhorst moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **SB 189, SB 190, SB 191, SB 227, SB 240, SB 256, SB 263, SB 1661**, and the previously posted agenda at 8 a.m. tomorrow in E2.028.

The motion prevailed.

Representative Hartnett moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **SB 1024** and pending business at 8 a.m. tomorrow in JHR 120.

The motion prevailed.

Representative Gooden moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **SB 373, SB 917, SB 1014, SB 1687, SB 1692**, and pending items at 8:30 a.m. tomorrow in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, 8:30 a.m. tomorrow, E2.016, for a public hearing, to consider **SB 373, SB 917, SB 1014, SB 1687, SB 1692**, and pending business.

Criminal Jurisprudence, 8 a.m. tomorrow, JHR 120, for a public hearing, to consider **SB 1024** and pending business.

Public Health, 8 a.m. tomorrow, E2.028, for a public hearing, to consider **SB 189, SB 190, SB 191, SB 227, SB 240, SB 256, SB 263, SB 1661**, and the previously posted agenda.

Energy Resources, upon final recess today, Desk 108, for a formal meeting, to consider pending business.

State Affairs, 15 minutes after final recess today, JHR 140, for a public hearing, to consider **SB 661, SB 1504, SB 1613**, and the previously posted agenda.

Judiciary and Civil Jurisprudence, 8:30 a.m. tomorrow, E2.036, for a public hearing, to consider **SB 1717** and pending business.

CSHB 1813 - VOTE RECONSIDERED

Representative Hartnett moved to reconsider the vote by which **CSHB 1813** failed to pass to engrossment.

The motion to reconsider prevailed.

CSHB 1813 ON SECOND READING

(by Phillips)

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

CSHB 1813, A bill to be entitled An Act relating to the beneficiaries of a trust who are entitled to demand an accounting from the trustee.

CSHB 1813 was read second time earlier today and failed to pass to engrossment.

Representative Phillips moved to postpone consideration of **CSHB 1813** until 12 p.m. Monday, July 4, 2012.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RECESS

Representative Miles moved that the house recess until 10 a.m. tomorrow in memory of Glenda Faye Purham-Brown of Katy.

The motion prevailed.

The house accordingly, at 9:53 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 3865 (By Isaac), Relating to the Hays Trinity Groundwater Conservation District.

To Natural Resources.

HCR 141 (By Craddick), Granting William James Stroman, Jr., permission to sue the State of Texas and the board of regents of The University of Texas System.

To Judiciary and Civil Jurisprudence.

HCR 142 (By J. Davis), Congratulating Clear Lake High School junior Cameron Blizzard on overcoming cancer.

To Rules and Resolutions.

HCR 143 (By S. Davis), Honoring Debra L. Friedkin for her support of the ongoing anthropological research at the Debra L. Friedkin site by Texas A&M University's Center for the Study of the First Americans.

To Rules and Resolutions.

HCR 144 (By Parker), Designating June 2 as Italian Heritage Day for a 10-year period, beginning in 2011.

To Culture, Recreation, and Tourism.

HCR 145 (By Smithee), Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to Lieutenant General (Brevet) Everett Selden Simpson.

To Defense and Veterans' Affairs.

SB 9 to Homeland Security and Public Safety.

SB 150 to Homeland Security and Public Safety.

SB 288 to Homeland Security and Public Safety.

SB 346 to Public Education.

SB 947 to Homeland Security and Public Safety.

SB 1036 to Licensing and Administrative Procedures.

SB 1059 to Criminal Jurisprudence.

SB 1117 to Public Education.

SB 1138 to Transportation.

SB 1184 to Urban Affairs.

SB 1196 to Judiciary and Civil Jurisprudence.

SB 1197 to Judiciary and Civil Jurisprudence.

SB 1208 to Corrections.

SB 1231 to Public Health.

SB 1328 to Public Education.

SB 1404 to Ways and Means.

SB 1445 to Elections.

SB 1488 to Higher Education.

SB 1546 to Ways and Means.

SB 1564 to Higher Education.

SB 1649 to Border and Intergovernmental Affairs.

SB 1664 to Pensions, Investments, and Financial Services.

SB 1841 to Culture, Recreation, and Tourism.

SCR 52 to Rules and Resolutions.

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

SB 875 to Environmental Regulation.

SIGNED BY THE SPEAKER

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

House List No. 20

HB 1510, HCR 73

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 4, 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:

HB 1674 Jackson, Jim SPONSOR: Harris
Relating to procedures for establishment, modification, and enforcement of child support obligations.
(Committee Substitute/Amended)

SB 288 Lucio
Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.

SB 346 Gallegos
Relating to the curriculum that must be provided by a disciplinary alternative education program.

SB 1036 Williams
Relating to notice required in connection with possessory liens on motor vehicles.

SB 1184 Nichols
Relating to the creation of the Timber Springs Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

SB 1208 Whitmire
Relating to the age until which juveniles placed on determinate sentence probation may be on probation.

SB 1404 Hinojosa
Relating to the deadline for filing a suit to compel an appraisal review board to change an appraisal roll.

SB 1546 Patrick
Relating to the right to a new hearing before an appraisal review board following a failure to attend a hearing.

SB 1564 West
Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

SB 1649 Watson
Relating to a grant program to support the prosecution of certain crimes.

SCR 52 Watson
Recognizing Donn and Arlene Adelman for their efforts on behalf of Crime Stoppers.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 4, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1 Pitts SPONSOR: Ogden
General Appropriations Bill.
(Committee Substitute/Amended)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 4, 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 1664

Duncan

Relating to the powers and duties of and contributions to and benefits from the systems and programs administered by the Employees Retirement System of Texas.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 3Appropriations - **HB 3647, SB 1811**Criminal Jurisprudence - **HB 278, HB 1686, HB 2285, HB 3396**Defense and Veterans' Affairs - **SB 497**Economic and Small Business Development - **HB 2784**Elections - **HB 631, HB 1696, HB 1761, HB 2487**Energy Resources - **HB 2435, HB 3254, HB 3310, SB 20**Government Efficiency and Reform - **HB 1423, HB 2404, HB 2448,**
HB 3149, SB 372Higher Education - **HB 2701**Homeland Security and Public Safety - **HB 1377, HB 2178, HB 3107,**
HB 3131, SB 542Insurance - **HB 762, HB 1368, HB 1744, HB 1776, HB 3157**

Judiciary and Civil Jurisprudence - **HB 3856, HB 3858, SB 502**

Licensing and Administrative Procedures - **HB 1366, HB 1793, SB 747, SB 1630**

Natural Resources - **HB 2507, HB 3273, HB 3812, HB 3842, HB 3845, HB 3849, HB 3852, HJR 138, SB 271, SB 408, SB 660, SB 683, SB 942, SB 1082**

Pensions, Investments, and Financial Services - **HB 1222, HB 1608, HB 2120, HB 2731, HB 3542, HB 3747**

Public Education - **HB 3758, SB 866**

Public Health - **HB 2975, HB 3406**

State Affairs - **HB 561, HB 1046, HB 2089, HB 2549, HB 3495, HJR 86, SB 800, SB 1150**

Transportation - **HB 1105, HB 3413, HB 3550**

Ways and Means - **HB 262, HB 1090, SB 1341**

ENGROSSED

May 3 - HB 1390

SENT TO THE GOVERNOR

May 3 - HB 314, HB 367, HB 861, HB 1409, HCR 140

