

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SIXTH DAY — MONDAY, APRIL 16, 2007

The house met at 2 p.m. and, at the request of the speaker, was called to order by Representative Eissler.

The roll of the house was called and a quorum was announced present (Record 501).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — Moreno.

The invocation was offered by Edward Lee, pastor, Mosaic Community Covenant Church, Missouri City, as follows:

Heavenly Father, we humbly come before you recognizing that you are God and that we are mere men. Forgive us Father if we have thought more highly of ourselves than we ought. Forgive us Father when we have overcrowded our schedules to the detriment of cultivating an intimate relationship with you. We know that you long to fellowship with us. Thank you for your everlasting love and unending patience toward us. Yet, we still cry out to you in times of need, for you to intervene on our behalf. Only you can bring about the spiritual revival that we seek for our country.

We thank you for giving us this nation where we have the freedom to worship and enter into dialogue with differing ideas and strategies to help make our nation a catalyst for peace, freedom, generosity, and love. We ask God that

you would continue to bless this nation with God-fearing leaders who are not afraid to stand up for biblical principles—leaders who realize that they represent you in fulfilling their commitment to sacrificially serve the people of this great nation and state with integrity, honor, and compassion. Grant them divine wisdom in the midst of various challenges, threats, and crises that face our nation. Grant them courage as they depend on you. Grant them conviction as they obey you. Grant them favor as they honor you. Grant them humility as they work for you and with others.

Help the people of our nation realize that you are the one that has blessed this nation. You are the one that has made this nation great. Help us as a people to acknowledge that you are our God. You are the one that gives us hope for this life and for the life to come. Help us as a people to return to you, our first love. We have experienced your unconditional love, grace, forgiveness, and acceptance. Help us to extend that same love, grace, forgiveness, and acceptance to others, especially to those who are different from us, to those who do not like us, to those who have hurt us. Help us to die to ourselves that you may be preeminent in our lives, that others would know our true motives, that others would trust our noble intentions, that others would join us on this spiritual journey in search of ultimate fulfillment in you.

Thank you for our soldiers who serve on behalf of our country. We thank you for their commitment to defending the principles and ideals that distinguish this nation as a place of refuge, protection, and hope—an illuminating light house for people in the stormy seas of tyranny, poverty, and despair. Hear our humble prayer O God. We wait in eager anticipation for your answers because we ask it all in the name that is above every name, your one and only son, Jesus Christ. Amen.

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

CAPITOL PHYSICIAN

The chair recognized Representative Morrison who presented Dr. Harold High of Cuero as the "Doctor for the Day."

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

LEAVES OF ABSENCE GRANTED

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

Moreno on motion of Escobar.

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

Farabee on motion of Hardcastle.

HR 1039 - ADOPTED
(by Creighton)

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 1039**.

The motion prevailed.

The following resolution was laid before the house:

HR 1039, Congratulating Jason "Sundance" Head for his appearance on American Idol.

HR 1039 was read and was adopted.

On motion of Representative Dukes, the names of all the members of the house were added to **HR 1039** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Creighton who introduced Jason "Sundance" Head and his wife, Misty.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 22 and Senate List No. 21).

BILLS RECOMMITTED

Representative Berman moved to recommit **HB 218** and **HB 626** to the Committee on Elections.

The motion prevailed.

HCR 190 - ADOPTED
(by Strama)

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HCR 190**.

The motion prevailed.

The following resolution was laid before the house:

HCR 190, Congratulating the Greater Austin Crime Commission on its 10th anniversary and recognizing the Longhorn Leaders.

HCR 190 was read and was adopted.

On motion of Representative Bolton, the names of all the members of the house were added to **HCR 190** as signers thereof.

(Speaker in the chair)

INTRODUCTION OF GUESTS

The speaker recognized Representative Strama who introduced representatives of the Greater Austin Crime Commission and Texas Longhorn Leaders.

HR 1440 - ADOPTED
(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 1440**.

The motion prevailed.

The following resolution was laid before the house:

HR 1440, Congratulating Maureen Priestner of Abilene on winning the TEXPAC June Bratcher Award for 2007.

HR 1440 was read and was adopted.

(Truitt in the chair)

HR 1057 - ADOPTED
(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 1057**.

The motion prevailed.

The following resolution was laid before the house:

HR 1057, In memory of Janie Lynn Delapaz of Abilene.

HR 1057 was read and was unanimously adopted by a rising vote.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 1057** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative S. King who introduced friends and family members of Janie Lynn Delapaz.

HR 915 - READ
(by Naishtat)

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

HR 915, Recognizing April 15-22, 2007, as Holocaust Days of Remembrance in Texas.

HR 915 - MOTION TO ADD NAMES

On motion of Representative Crabb, the names of all the members of the house were added to **HR 915** as signers thereof.

HR 216 - ADOPTED
(by Anderson)

Representative Anderson moved to suspend all necessary rules to take up and consider at this time **HR 216**.

The motion prevailed.

The following resolution was laid before the house:

HR 216, In memory of Maryasha Garelik of New York.

HR 216 was read and was unanimously adopted by a rising vote.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 216** as signers thereof.

HB 1386 - RECOMMITTED

Representative P. King moved to recommit **HB 1386** to the Committee on Regulated Industries.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Pierson on motion of Veasey.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 11 ON SECOND READING (by B. Cook, Chisum, Rose, Paxton, Keffer, et al.)

HB 11, A bill to be entitled An Act relating to the filing of sales reports with the comptroller by wholesalers and distributors of certain alcohol and tobacco products.

HB 11 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 331 ON SECOND READING (by Harper-Brown, Escobar, Corte, Flynn, Aycock, et al.)

CSHB 331, A bill to be entitled An Act relating to the use in an advertisement of a name or picture of a member of the United States armed forces or the national guard; providing a criminal penalty.

Representative Harper-Brown moved to postpone consideration of **CSHB 331** until 10 a.m. Monday, April 23.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Dunnam on motion of Martinez Fischer.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 216 ON SECOND READING
(by Otto, Keffer, Rose, D. Howard, Miller, et al.)**

HB 216, A bill to be entitled An Act relating to the margin of error the comptroller of public accounts must use to determine whether the local value for a school district is valid after conducting the annual property value study.

Representative Villarreal moved to extend speaking time on **HB 216**.

A record vote was requested.

The motion to extend time prevailed by (Record 502): 105 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Bohac; Bolton; Branch; Brown, F.; Burnam; Castro; Chavez; Christian; Cohen; Coleman; Cook, R.; Crabb; Davis, Y.; Delisi; Deshotel; Dukes; Dutton; Eiland; Elkins; England; Escobar; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hancock; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Aycock; Berman; Brown, B.; Callegari; Chisum; Corte; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Flynn; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; Jackson; Krusee; Macias; Madden; Miller; Parker; Patrick; Riddle; Smithee; Zedler.

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

Absent, Excused — Dunnam; Farabee; Moreno; Pierson.

Absent — Bonnen; Cook, B.; Farias; Haggerty; Isett; Jones; Keffer; Miles; O'Day; Ritter; Taylor.

HB 216 - POINT OF ORDER

Representative Turner raised a point of order against further consideration of **HB 216** under Rule 8, Section 21 of the House Rules on the grounds that the general appropriations bill has not yet been certified by the comptroller.

The point of order was withdrawn.

Representative Otto moved to postpone consideration of **HB 216** until the end of today's calendar.

The motion prevailed.

HB 95 ON SECOND READING
(by Martinez)

HB 95, A bill to be entitled An Act relating to interference with child custody in violation of a temporary child custody order; imposing a criminal penalty.

A record vote was requested.

HB 95 was passed to engrossment by (Record 503): 137 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Davis, Y.; Mallory Caraway; Thompson.

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

Absent, Excused — Dunnam; Farabee; Moreno; Pierson.

Absent — Harless; Merritt; Patrick; Talton.

STATEMENTS OF VOTE

I was shown voting no on Record No. 503. I intended to vote yes.

Mallory Caraway

When Record No. 503 was taken, I was in the house but away from my desk. I would have voted yes.

Patrick

When Record No. 503 was taken, I was in the house but away from my desk. I would have voted yes.

Talton

MOMENT OF SILENCE OBSERVED

The chair asked the house and the gallery to rise for a moment of silence in memory of the victims of the Virginia Tech shootings.

HB 1973 ON SECOND READING (by Delisi)

HB 1973, A bill to be entitled An Act relating to the procedure to process an application for a physician's license.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 1973**:

Amend **HB 1973** as follows:

(1) On page 1, line 6, strike "and (j)" and substitute "(j), and (k)".

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

(k) The report required under Subsection (h)(3) must include all criminal history record information collected under Section 155.008 or 156.001.

(3) Add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 155.008, Occupations Code, is amended to read as follows:

Sec. 155.008. CRIMINAL RECORD CHECK. (a) The board may submit to the Department of Public Safety a complete set of fingerprints of each license applicant, and the department shall classify and check the fingerprints against those in the department's fingerprint records. The department shall certify to the board its findings regarding the criminal record of the applicant or the applicant's lack of a criminal record.

(b) Each applicant shall submit to the board a copy of the applicant's criminal history record information detailing any conviction:

(1) under Chapter 35 or 35A, Penal Code;

(2) under Chapter 481, Health and Safety Code;

(3) under Section 22.011 or 22.021, Penal Code;

(4) for tax fraud or evasion; and

(5) under Chapter 49, Penal Code.

SECTION _____. Section 156.001, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) In addition to the information required by Subsection (c), a license holder shall submit to the board with the registration permit renewal application a copy of the license holder's criminal history record information detailing any conviction:

(1) under Chapter 35 or 35A, Penal Code;

(2) under Chapter 481, Health and Safety Code;

(3) under Section 22.011 or 22.021, Penal Code;

- (4) for tax fraud or evasion; and
- (5) under Chapter 49, Penal Code.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Hopson offered the following amendment to **HB 1973**:

Amend **HB 1973** as follows:

- (1) On page 1, line 6, strike "and (j)" and substitute "(j), and (k)".
- (2) On page 2, between lines 3 and 4, insert the following:
- (k) The report required under Subsection (h)(3) must include:

(1) any specialty certification information collected from applicants, including any information similar to information collected under Section 154.006; and

- (2) the location where each applicant intends to practice.

Amendment No. 2 was adopted.

Representative Delisi moved to postpone consideration of **HB 1973** until the end of today's calendar.

The motion prevailed.

HB 1922 ON SECOND READING (by Kolkhorst)

HB 1922, A bill to be entitled An Act relating to eligibility of school districts for state assistance with payment of existing debt.

HB 1922 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2198 ON SECOND READING (by Flores, Guillen, and Bonnen)

HB 2198, A bill to be entitled An Act relating to authorizing certain public junior colleges to offer baccalaureate degree programs.

HB 2198 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE OLIVO: Mr. Flores, I do have a question. On page 4 of the bill, where you allow the coordinating board to establish an application process, is there also something in the bill that allows the coordinating board to say no to somebody that's applying?

REPRESENTATIVE FLORES: Yes, of course. That's something that we're not taking anything away from the coordinating council, and basically what we're saying is, to follow the same criteria and whatever is relevant at the time, whatever they need, and whatever the person's needs are, and they will have, yes.

OLIVO: Because if you look on page 4 of your bill, it's not really, really clear about giving them authority to say yes or no to the application. Can we do an amendment there, maybe make it more clear?

FLORES: Well, it's the same thing as what we did, to answer the question, yes, it will continue to have that, but it's no different in that they set up our criteria that we had to meet for this guideline, and they will continue to have the same guideline. They will create the guideline for whatever the next need is going to be.

OLIVO: So that's the intent that you, the Higher Education Coordinating Board, will decide which universities qualify?

FLORES: That's correct.

REMARKS ORDERED PRINTED

Representative Olivo moved to print remarks between Representative Flores and Representative Olivo.

The motion prevailed.

HB 2198 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Riddle recorded voting no.)

CSHB 460 ON SECOND READING (by Miller)

CSHB 460, A bill to be entitled An Act relating to the offense of fraudulent use or possession of a person's identifying information.

Amendment No. 1

Representative Miller offered the following amendment to **CSHB 460**:

Amend **CSHB 460** on page 2 of the bill, by striking the text on line 5.

Amendment No. 1 was adopted.

A record vote was requested.

CSHB 460, as amended, was passed to engrossment by (Record 504): 132 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; England; Escobar; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden;

Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Davis, Y.; Farrar; Hodge; Mallory Caraway; McClendon; Olivo; Thompson.

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

Absent, Excused — Dunnam; Farabee; Moreno; Pierson.

Absent — Creighton; Dutton; Heflin; Miles; Paxton.

STATEMENT OF VOTE

When Record No. 504 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

(Taylor in the chair)

HB 588 ON SECOND READING (by Gonzalez Toureilles)

HB 588, A bill to be entitled An Act relating to a court fee on dismissal of a charge in connection with motor vehicle financial responsibility.

Representative Gonzalez Toureilles moved to postpone consideration of **HB 588** until 8 a.m. Wednesday, April 18.

The motion prevailed.

HB 347 ON SECOND READING (by Hamilton)

HB 347, A bill to be entitled An Act relating to the punishment for the offense of harboring a runaway child.

HB 347 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 991 ON SECOND READING (by Rose, Gattis, Leibowitz, and Hughes)

HB 991, A bill to be entitled An Act relating to the confidentiality of certain records maintained by the Department of Public Safety regarding persons licensed to carry a concealed handgun.

Representative Rose moved to postpone consideration of **HB 991** until 10 a.m. Wednesday, April 18.

The motion prevailed.

HB 1610 ON SECOND READING
(by Madden)

HB 1610, A bill to be entitled An Act relating to the requirement that a judge release on community supervision certain defendants convicted of certain state jail felonies.

Amendment No. 1

Representative Madden offered the following amendment to **HB 1610**:

Amend **HB 1610** (committee printing) on page 1, line 11, between "Section 12.35(a)" and the comma, by inserting "or 12.44(a)".

Amendment No. 1 was adopted.

HB 1610, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Phillips and Talton recorded voting no.)

CSHB 954 ON SECOND READING
(by Farabee and Guillen)

CSHB 954, A bill to be entitled An Act relating to extending to veterans of the armed forces the discount for concealed handgun licenses currently available to active members of the armed forces.

CSHB 954 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Speaker in the chair)

CSHB 685 ON SECOND READING
(by Orr, Otto, Peña, R. Cook, et al.)

CSHB 685, A bill to be entitled An Act relating to the exemption of volunteer fire departments from certain motor fuel taxes.

CSHB 685 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1265 ON SECOND READING
(by Peña)

HB 1265, A bill to be entitled An Act relating to the operations of the Task Force on Indigent Defense.

HB 1265 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1270 ON SECOND READING

(by Eissler)

HB 1270, A bill to be entitled An Act relating to an intensive reading and language intervention pilot program at certain public school campuses.

HB 1270 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Kolkhorst recorded voting no.)

CSHB 2503 ON SECOND READING

(by Eissler, et al.)

CSHB 2503, A bill to be entitled An Act relating to a technology literacy assessment instrument to be administered to certain public school students.

(Escobar in the chair)

Representative Eissler moved to postpone consideration of **CSHB 2503** until 10 a.m. Wednesday, April 18.

The motion prevailed.

(Speaker in the chair)

CSHB 1764 ON SECOND READING

(by Kuempel)

CSHB 1764, A bill to be entitled An Act relating to the purchasing methods available to a county when paying with certain funds.

CSHB 1764 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HERRERO: Representative Kuempel, I have a question regarding the bill. Does it pertain to all counties, or is it restricted to certain population counties?

REPRESENTATIVE KUEMPEL: All counties.

HERRERO: And the bill as drafted, does it pertain to anticipation notes, or does it extend as well to certificates of obligation?

KUEMPEL: Only anticipation.

HERRERO: So the restriction setting it of the lesser of 20 percent of the county's budget or the 10 million monetary amount pertains to only anticipation notes?

KUEMPEL: Correct.

HERRERO: It does not apply to certificates of obligation?

KUEMPEL: Anticipation notes.

REMARKS ORDERED PRINTED

Representative Herrero moved to print remarks between Representative Kuempel and Representative Herrero.

The motion prevailed.

CSHB 1764 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1178 ON SECOND READING
(by Escobar and McClendon)**

CSHB 1178, A bill to be entitled An Act relating to procedures applicable to waivers of the right to counsel in certain adversary judicial proceedings that may result in punishment by confinement.

A record vote was requested.

CSHB 1178 was passed to engrossment by (Record 505): 96 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bohac; Bolton; Branch; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Jones; Keffer; King, P.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Mowery; Naishtat; Oliveira; Olivo; Ortiz; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, B.; Brown, F.; Callegari; Christian; Corte; Crabb; Creighton; Crownover; Darby; Elkins; Flynn; Geren; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; Isett; Jackson; Kolkhorst; Macias; Merritt; Miller; Morrison; Murphy; Noriega; O'Day; Orr; Otto; Parker; Patrick; Phillips; Pitts; Smith, T.; Smith, W.; Truitt; West; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dunnam; Farabee; Moreno; Pierson.

Absent — Cook, R.; Eiland; Haggerty; King, S.; Riddle; Taylor.

STATEMENTS OF VOTE

When Record No. 505 was taken, I was in the house but away from my desk. I would have voted yes.

R. Cook

I was shown voting yes on Record No. 505. I intended to vote no.

Delisi

I was shown voting yes on Record No. 505. I intended to vote no.

Hartnett

When Record No. 505 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

I was shown voting yes on Record No. 505. I intended to vote no.

Kuempel

I was shown voting no on Record No. 505. I intended to vote yes.

Noriega

When Record No. 505 was taken, I was in the house but away from my desk. I would have voted no.

Taylor

CSHB 1105 ON SECOND READING

(by McClendon, Truitt, Peña, Otto, Kolkhorst, et al.)

CSHB 1105, A bill to be entitled An Act relating to the state contribution to the Teacher Retirement System of Texas, including a one-time supplemental annuity payment.

A record vote was requested.

CSHB 1105 was passed to engrossment by (Record 506): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; England; Escobar; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dunnam; Farabee; Moreno; Pierson.

Absent — Anchia; Eiland; King, S.; Thompson.

STATEMENTS OF VOTE

When Record No. 506 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 506 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

When Record No. 506 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 506 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

RESOLUTION CALENDAR

The chair laid before the house the following resolution on committee report:

HCR 173

(by Corte)

HCR 173, Expressing support for bids by the Texas Bio- and Agro-Defense Consortium and the Texas A&M NBAF Consortium to locate the U.S. Department of Homeland Security's National Bio and Agro-Defense Facility in Texas.

HCR 173 was adopted.

POSTPONED BUSINESS

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

HB 216 ON SECOND READING

(by Otto, Keffer, Rose, D. Howard, Miller, et al.)

HB 216, A bill to be entitled An Act relating to the margin of error the comptroller of public accounts must use to determine whether the local value for a school district is valid after conducting the annual property value study.

HB 216 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Villarreal offered the following amendment to **HB 216**:

Amend **HB 216** (committee printing) on page 1, line 21, following the period, by inserting:

In determining whether the margin of error falls within the limit established by this subsection, the comptroller must ensure that the appraisal district:

(1) has used appropriate appraisal standards, procedures and methodology to appraise all property or categories of property for a school district; and

(2) uses samples selected through appropriate random sampling techniques and tests compliance with generally accepted appraisal standards and practices to determine the taxable value according to the school district's appraisal roll.

Amendment No. 1 - Point of Order

Representative Otto raised a point of order against further consideration of Amendment No. 1 under Rule 8, Section 3 of the House Rules on the grounds that it violates the one subject rule.

The point of order was withdrawn.

Representative Otto moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 507): 87 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Frost; Geren; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Escobar; Farrar; Flores; Gallego; Garcia; Gattis; Gonzales; Gonzalez Tourelles; Guillen; Hernandez; Herrero; Hochberg; Hodge; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Miles; Naishtat; Olivo; Ortiz; Puente; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Dunnam; Farabee; Moreno; Pierson.

Absent — Chisum; Creighton; Farias; Hartnett; King, S.; Oliveira; Peña; Pickett; Solomons.

STATEMENT OF VOTE

When Record No. 507 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

LEAVE OF ABSENCE GRANTED

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

Chavez on motion of Castro.

HB 216 - (consideration continued)

Amendment No. 2

Representative Villarreal offered the following amendment to **HB 216**:

Amend **HB 216** (committee printing, on page 1, lines 17 and 18) by striking "of 10 [~~that does not exceed five~~] percent" and substituting "that has a range, the lower limit of which is 90 percent of the state value and the upper limit of which is 100 percent of the state value, [~~does not exceed five percent~~]".

Representative Otto moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 508): 96 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farias; Flores; Flynn; Frost; Gattis; Geren; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McClendon; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Burnam; Castro; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Escobar; Farrar; Gallego; Garcia; Giddings; Gonzalez Tourelles; Hernandez; Herrero; Hochberg; Hodge; Jackson; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Phillips; Puente; Quintanilla; Raymond; Rodriguez; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez; Dunnam; Farabee; Moreno; Pierson.

STATEMENT OF VOTE

I was shown voting yes on Record No. 508. I intended to vote no.

Strama

A record vote was requested.

HB 216 was passed to engrossment by (Record 509): 87 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; England; Escobar; Flores; Frost; Gattis; Geren; Gonzales; Guillen; Hancock; Harless; Harper-Brown; Hilderbran; Hill; Hopson; Howard, C.; Howard, D.; Isett; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Quintanilla; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Talton; Taylor; Truitt; Van Arsdale; Vaught; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Berman; Burnam; Castro; Chisum; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Elkins; Farrar; Flynn; Gallego; Garcia; Giddings; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hughes; Jackson; Kuempel; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Naishtat; Oliveira; Olivo; Ortiz; Pitts; Puente; Raymond; Rodriguez; Smithee; Swinford; Thompson; Turner; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez; Dunnam; Farabee; Moreno; Pierson.

Absent — Crownover; Farias; Jones; Miles.

STATEMENTS OF VOTE

I was shown voting no on Record No. 509. I intended to vote yes.

Berman

When Record No. 509 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

I was shown voting no on Record No. 509. I intended to vote yes.

Flynn

HB 1973 ON SECOND READING

(by Delisi)

HB 1973, A bill to be entitled An Act relating to the procedure to process an application for a physician's license.

HB 1973 was read second time earlier today, amendments were offered and disposed of, and was postponed until this time.

Representative Delisi moved to postpone consideration of **HB 1973** until 10 a.m. tomorrow.

The motion prevailed.

HB 522 - RECOMMITTED

Representative Woolley moved to recommit **HB 522** to the Committee on Insurance.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local Government Ways and Means will reconvene upon adjournment today, E2.026, for a formal meeting.

FIVE DAY POSTING RULE SUSPENDED

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **HB 4107** upon adjournment today in E2.028.

The motion prevailed.

Representative Smithee moved to suspend the five day posting rule to allow the Committee on Insurance to consider **HB 3850**, **SB 471**, and **SB 1153** upon adjournment today in E1.026.

The motion prevailed.

Representative Berman moved to suspend the five day posting rule to allow the Committee on Elections to consider **HB 2822** at 2 p.m. or upon adjournment Wednesday, April 18 in E2.028.

The motion prevailed.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to set a congratulatory and memorial calendar for 9 a.m. Thursday, April 19.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Peña moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 823** at 8 a.m. or upon adjournment tomorrow in E2.016.

The motion prevailed.

Representative C. Howard moved to suspend the five day posting rule to allow the Committee on Local and Consent Calendars to consider the posted agenda upon adjournment today.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, Subcommittee on Integrated Eligibility and TIERS Implementation, 8 a.m. Wednesday, April 18, JHR 110, for a formal meeting.

Public Health, upon adjournment today, Desk 58, for a formal meeting, to consider pending business.

Human Services, Subcommittee on Integrated Eligibility and TIERS Implementation, 8 a.m. tomorrow, E2.018, for a work session.

Border and International Affairs, upon adjournment today, Desk 30, for a formal meeting, to consider pending business.

Calendars, upon adjournment today, 3W.9, for a formal meeting.

Elections, upon adjournment today, Desk 21, for a formal meeting, to consider **HB 218** and **HB 626**.

ADJOURNMENT

Representative S. King moved that the house adjourn until 10 a.m. tomorrow in memory of Janie Lynn Delapaz of Abilene.

The motion prevailed.

The house accordingly, at 6:03 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

Senate List No. 21

SB 112

House List No. 22

HCR 189

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 13

Agriculture and Livestock - **HB 2546**

Border and International Affairs - **HB 3437, HB 3818, HB 3819**

Business and Industry - **HB 1733**

County Affairs - **HB 182, HB 2485, HB 2591, HB 2618, HB 2619, HB 2641, HB 3158, HJR 61**

Criminal Jurisprudence - **HB 1086, HB 1545**

Defense Affairs and State-Federal Relations - **HB 3879**

Economic Development - **HB 1188, HB 1196, HB 1333, HB 1467, HB 2278, HB 3446**

Government Reform - **HB 921, HB 3517, SB 393**

Higher Education - **HB 116, HB 317, HB 589, HB 1213, HB 1668**

Human Services - **HB 96, HB 321, HB 3008**

Judiciary - **HB 3129**

Juvenile Justice and Family Issues - **HB 173, HB 448, HB 568, HB 569, HB 670, HB 772, HB 775, HB 1078, HB 1547, HB 1960, HB 1988, HB 1995, HB 1999, HB 2078, HB 2607**

Land and Resource Management - **HB 2349, HB 3378, HB 3410, HB 3486**

Law Enforcement - **HB 2295**

Licensing and Administrative Procedures - **HB 1248, HB 1281, HB 2144, HB 3977**

Local Government Ways and Means - **HB 3170, HB 3493, HB 3494, HB 3614**

Natural Resources - **HB 2072, HB 2655**

Public Health - **HB 654, HB 1585**

Regulated Industries - **HB 2818**

Transportation - **HB 616, HB 1439**

April 15

Civil Practices - **HB 1602**

Financial Institutions - **HB 345**

State Affairs - **HB 225, HB 1038, HB 3249**

ENGROSSED

April 13 - HB 280, HB 492, HB 629, HB 741, HB 902, HB 1023, HB 1187, HB 1401, HB 1453, HB 1551, HB 1683, HB 1772, HB 1839, HB 2017, HB 2018, HB 2054, HB 2068, HB 2076, HB 2090, HB 2094, HB 2127, HB 2212, HB 2232, HB 2272, HB 2281, HB 2518, HB 2766,

HB 2769, HB 2839, HB 2967, HB 3084, HB 3169, HCR 125

SENT TO THE GOVERNOR

**April 13 - HCR 57, HCR 59, HCR 60, HCR 74, HCR 83, HCR 98,
HCR 101, HCR 110, HCR 118, HCR 122, HCR 127, HCR 129, HCR 130,
HCR 145, HCR 146, HCR 166, HCR 184**

