

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTY-NINTH DAY — THURSDAY, APRIL 19, 2007

The house met at 11:25 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 557).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Oliveira.

### LEAVES OF ABSENCE GRANTED

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

### RULES SUSPENDED

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

The motion prevailed.

### **MOTION FOR ONE RECORD VOTE**

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

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

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

(Record 558): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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; 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; 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; Thompson; Truitt; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Oliveira.

**SB 192**

**SB 229**

**SB 343**

**SB 369**

**SB 456**

**HB 56**

**HB 100**

**HB 210** (Burnam and Veasey - no) (140 - 2 - 2)  
**HB 264**  
**HB 563**  
**HB 730**  
**HB 948**  
**HB 1052**  
**HB 1110**  
**HB 1244**  
**HB 1420**  
**HB 1471**  
**HB 1522**  
**HB 1590**  
**HB 1652**  
**HB 1694**  
**HB 1930**  
**HB 2066**  
**HB 2174**  
**HB 2176**  
**HB 2398**  
**HB 2406**  
**HB 2484**  
**HB 2514**  
**HB 2708**  
**HB 2727**  
**HB 2840**  
**HB 2931**  
**HB 3089** (Latham - no) (141 - 1 - 2)  
**HB 3189** (Latham - no) (141 - 1 - 2)  
**HB 3191**  
**HB 3193**  
**HB 3295**  
**HB 3614**  
**HB 3718**  
**HB 3787**

**HB 3972**

**HB 1768**

**HB 3437**

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 24).

(Speaker in the chair)

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 213 ON THIRD READING  
(Hilderbran - House Sponsor)**

**SB 213**, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax.

**Amendment No. 1**

Representative Hopson offered the following amendment to **SB 213**:

Amend **SB 213**, as amended by Amendment No. 1 by Homer, on third reading as follows:

(1) In the recital to SECTION 1 of the bill, strike "Subsection (a)" and substitute "Subsections (a) and (d)".

(2) In SECTION 1 of the bill, in Section 352.002, Tax Code, insert the following between amended Subsection (a) and added Subsection (f):

(d) The tax imposed by a county authorized by Subsection (a)(4), (6), (8), (9), (10), (11), (12), (17), (19), (20), ~~(21)~~ (21), or (23) to impose the tax does not apply to a hotel located in a municipality that imposes a tax under Chapter 351 applicable to the hotel. This subsection does not apply to:

(1) a county authorized by Subsection (a)(6) to impose the tax that:

(A) has a population of less than 40,000 and adjoins the most populous county in this state; or

(B) has a population of more than 200,000 and borders the Neches River; or

(2) a county authorized by Subsection (a)(9) to impose the tax that has a population of more than 9,000.

Amendment No. 1 was adopted.

A record vote was requested.

**SB 213**, as amended, was passed by (Record 559): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Puente; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Miller; Oliveira; Pickett; Quintanilla.

**SB 325 ON THIRD READING**  
**(Creighton - House Sponsor)**

**SB 325**, A bill to be entitled An Act relating to the creation of an appellate judicial system for the Ninth Court of Appeals District.

A record vote was requested.

**SB 325** was passed by (Record 560): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith,

W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Bohac; Bolton; Cohen; Herrero; Isett; Latham; McReynolds; Miles; Oliveira; Pickett; Puente.

### STATEMENTS OF VOTE

When Record No. 560 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 560 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 560 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

When Record No. 560 was taken, I was in the house but away from my desk. I would have voted yes.

McReynolds

### POSTPONED BUSINESS

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

#### **HB 1667 ON SECOND READING** (by Geren)

**HB 1667**, A bill to be entitled An Act relating to the amount of the fee for issuing certain alcoholic beverage permits.

**HB 1667** was read second time on April 18 and was postponed until 7 a.m. today.

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

Representative Geren offered the following amendment to **HB 1667**:

Amend **HB 1667** as follows:

(1) On page 1, strike lines 5-13, and substitute the following:

SECTION 1. Section 25.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 25.02. FEE. (a) Except as provided in Subsection (b) and Section 25.03, the annual state fee for an [a wine and beer retailer's permit is \$175-

~~(b) The annual state fee for a wine and beer retailer's permit in connection with an establishment located in a county with a population of 1.4 million or more is \$750. The] original [application fee for a] wine and beer retailer's permit~~

~~[in connection with an establishment located in a county with a population of 1.4 million or more] is \$1,000. The annual state fee for a renewal of a wine and beer retailer's permit is \$750.~~

~~(b) The annual state fee for an original wine and beer retailer's permit issued with a food and beverage certificate is \$175. The annual state fee for a renewal of a wine and beer retailer's permit issued with a food and beverage certificate is \$175.~~

SECTION 2. Section 69.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 69.02. FEE. (a) Except as provided in Subsection (b) and Section 69.03, the annual state fee for an ~~[a retail dealer's on-premise license is \$150.~~

~~[(b) The annual state fee for a retail dealer's on-premise license in connection with an establishment located in a county with a population of 1.4 million or more is \$750. The] original [application fee for a] retail dealer's on-premise license [in connection with an establishment located in a county with a population of 1.4 million or more] is \$1,000. The annual state fee for a renewal of a retail dealer's on-premise license is \$750.~~

~~(b) The annual state fee for an original retail dealer's on-premise license issued with a food and beverage certificate is \$150. The annual state fee for a renewal of a retail dealer's on-premise license issued with a food and beverage certificate is \$150.~~

(2) Renumber the subsequent sections of the bill accordingly.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Hernandez offered the following amendment to **HB 1667**:

Amend **HB 1667** on page 1, line 13, between "certificate" and the period by inserting "or to a fraternal organization as defined by Section 32.11".

Amendment No. 2 was adopted.

**HB 1667**, 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. No members registered their position on this measure.)

## **CSHB 197 ON SECOND READING**

**(by Gonzalez Toureilles, Driver, Turner, Chavez, et al.)**

**CSHB 197**, A bill to be entitled An Act relating to the provision of intervention or counseling services to certain persons who have committed family violence and to a process for accrediting those services.

**CSHB 197** was read second time on April 12 and was postponed until 10 a.m. today.

Representative Gonzalez Toureilles moved to postpone consideration of **CSHB 197** until 8 a.m. Thursday, April 26.

The motion prevailed.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 2328 ON THIRD READING  
(by Woolley, Christian, Laubenberg, Farrar, et al.)**

**HB 2328**, A bill to be entitled An Act relating to the offenses of cruelty to livestock and nonlivestock animals.

A record vote was requested.

**HB 2328** was passed by (Record 561): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; 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; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — King, T.; Oliveira.

**HB 2426 ON THIRD READING  
(by Truitt, B. Cook, McClendon, Kolkhorst, Flynn, et al.)**

**HB 2426**, A bill to be entitled An Act relating to the regulation of the practice of nursing and the renaming of the Board of Nurse Examiners as the Texas Board of Nursing.

A record vote was requested.

**HB 2426** was passed by (Record 562): 141 Yeas, 0 Nays, 2 Present, not voting.



Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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; Elkins; England; Escobar; Farabee; Farias; Farrar; 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; 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; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Eissler; Oliveira.

### STATEMENT OF VOTE

When Record No. 562 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

### GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

#### HB 991 ON THIRD READING

(by Rose, Gattis, Leibowitz, Hughes, et al.)

**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.

A record vote was requested.

**HB 991** was passed by (Record 563): 133 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby;

Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Burnam; Coleman; Farrar; Hernandez; Hodge; Naishtat; Olivo; Rodriguez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Dutton; Hartnett; Oliveira.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 563. I intended to vote no.

Bolton

I was shown voting yes on Record No. 563. I intended to vote no.

Thompson

I was shown voting yes on Record No. 563. I intended to vote no.

Veasey

### HB 2503 ON THIRD READING (by Eissler, et al.)

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

A record vote was requested.

**HB 2503** was passed by (Record 564): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; 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; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez; Herrero; Hilderbran; Hill; 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; Mowery; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Harper-Brown.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Bolton; Giddings; Hochberg; Morrison; Oliveira.

### **HB 1459 ON THIRD READING**

**(by Guillen)**

**HB 1459**, A bill to be entitled An Act relating to the application of the sales and use tax to certain telecommunications services provided through the use of a pay phone.

A record vote was requested.

**HB 1459** was passed by (Record 565): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Harless; Hartnett; Hernandez; Herrero; 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; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Coleman; Creighton; Eissler; Elkins; Hamilton; Harper-Brown; Hilderbran; Macias; Morrison; Oliveira.

**STATEMENTS OF VOTE**

When Record No. 565 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 565 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

**HB 371 ON THIRD READING**

(by Dukes, et al.)

**HB 371**, A bill to be entitled An Act relating to a study regarding the conversion of certain Class C misdemeanors to civil infractions.

A record vote was requested.

**HB 371** was passed by (Record 566): 136 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; 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; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Jackson; Macias; Miller; Phillips; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Crabb; Kolkhorst; Oliveira.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 566. I intended to vote no.

Anderson

I was shown voting yes on Record No. 566. I intended to vote no.

Zedler

**HB 3392 ON THIRD READING**  
**(by Guillen, et al.)**

**HB 3392**, A bill to be entitled An Act relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

A record vote was requested.

**HB 3392** was passed by (Record 567): 127 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Berman; Corte; Crossover; Dutton; Eiland; Giddings; Hancock; Hilderbran; Kolkhorst; Krusee; Mallory Caraway; Miller; Oliveira; Olivo; Rodriguez; Straus; Taylor.

**STATEMENTS OF VOTE**

When Record No. 567 was taken, I was in the house but away from my desk. I would have voted yes.

Crossover

When Record No. 567 was taken, I was in the house but away from my desk. I would have voted yes.

Hancock

When Record No. 567 was taken, my vote failed to register. I would have voted yes.

Mallory Caraway

When Record No. 567 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

When Record No. 567 was taken, I was in the house but away from my desk. I would have voted yes.

Straus

When Record No. 567 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

#### HB 1844 ON THIRD READING (by C. Howard and Bonnen)

**HB 1844**, A bill to be entitled An Act relating to the administration of certain tests to home-schooled students by school districts.

A record vote was requested.

**HB 1844** was passed by (Record 568): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Bolton; Christian; Driver; Hartnett; Miles; Oliveira; Zerwas.

**HB 1853 ON THIRD READING****(by Corte)**

**HB 1853**, A bill to be entitled An Act relating to exempting certain state agencies from certain laws relating to real property transactions.

A record vote was requested.

**HB 1853** was passed by (Record 569): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Oliveira; Patrick; Woolley.

**HB 2267 ON THIRD READING**  
**(by Solomons and Martinez Fischer)**

**HB 2267**, A bill to be entitled An Act relating to the suspension of sentence and deferral of final disposition in certain misdemeanor cases.

A record vote was requested.

**HB 2267** was passed by (Record 570): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; 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; Thompson; Truitt; Turner; Van Arsdale; Villarreal; Vo; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Brown, F.; Oliveira; Veasey; West.

### STATEMENT OF VOTE

When Record No. 570 was taken, my vote failed to register. I would have voted yes.

Veasey

### HB 2233 ON THIRD READING

(by Corte)

**HB 2233**, A bill to be entitled An Act relating to information technology security practices of state agencies.

A record vote was requested.

**HB 2233** was passed by (Record 571): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycoc; Bailey; Bohac; Bolton; Bonnen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).



Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Berman; Merritt; Oliveira; Patrick; Paxton; Solomons; Talton.

### STATEMENTS OF VOTE

When Record No. 571 was taken, I was in the house but away from my desk. I would have voted yes.

Patrick

When Record No. 571 was taken, I was in the house but away from my desk. I would have voted yes.

Solomons

When Record No. 571 was taken, I was in the house but away from my desk. I would have voted yes.

Talton

### HB 1056 ON THIRD READING

(by Truitt)

**HB 1056**, A bill to be entitled An Act relating to creation of a minimum data set for the collection of information on health professionals by the statewide health coordinating council.

A record vote was requested.

**HB 1056** was passed by (Record 572): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Oliveira.

**HB 1303 ON THIRD READING**  
**(by Peña)**

**HB 1303**, A bill to be entitled An Act relating to the manner of providing notice of a petition or order for the expunction or nondisclosure of certain criminal records.

A record vote was requested.

**HB 1303** was passed by (Record 573): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Madden; Morrison; Oliveira.

**HB 1929 ON THIRD READING**  
**(by Flynn, Hardcastle, and Zedler)**

**HB 1929**, A bill to be entitled An Act relating to the comptroller's electronic funds transfer system and the use of electronic paycards.

A record vote was requested.

**HB 1929** was passed by (Record 574): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Olivo; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Giddings; Goolsby; Oliveira; Paxton.

### **HB 488 ON THIRD READING** **(by Driver)**

**HB 488.** A bill to be entitled An Act relating to disciplinary action by the Commission on Law Enforcement Officer Standards and Education against certain officers elected under the Texas Constitution.

A record vote was requested.

**HB 488** was passed by (Record 575): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; 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; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Chavez; Farrar; Goolsby; Hopson; Latham; McClendon; Mowery; Oliveira.

### STATEMENTS OF VOTE

When Record No. 575 was taken, I was in the house but away from my desk. I would have voted yes.

Farrar

When Record No. 575 was taken, I was in the house but away from my desk. I would have voted yes.

Hopson

### HB 1739 ON THIRD READING (by Hartnett)

**HB 1739**, A bill to be entitled An Act relating to electronic submission of certain information on a death certificate.

#### Amendment No. 1

Representative Hartnett offered the following amendment to **HB 1739**:

Amend on third reading **HB 1739** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Notwithstanding Sections 193.002 and 193.005, Health and Safety Code, as amended by this Act, any funeral home that does not on the effective date of this Act renew its establishment license electronically is not required to comply with the change in law made by this Act before September 1, 2008.

(b) Notwithstanding Sections 193.002 and 193.005, Health and Safety Code, as amended by this Act, any doctor that does not on the effective date of this Act renew the doctor's license online is not required to comply with the change in law made by this Act before September 1, 2008.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 1739**, as amended, was passed by (Record 576): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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;

Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Goolsby; Latham; Oliveira.

### **HB 1216 ON THIRD READING (by Pitts and Orr)**

**HB 1216**, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax and to the use of the tax.

A record vote was requested.

**HB 1216** was passed by (Record 577): 135 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; 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 Toureilles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Crabb; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Allen; Bolton; Coleman; Goolsby; Latham; McCall; Oliveira.

**STATEMENTS OF VOTE**

When Record No. 577 was taken, I was in the house but away from my desk. I would have voted yes.

Allen

When Record No. 577 was taken, I was in the house but away from my desk. I would have voted yes.

Bolton

**HB 2590 ON THIRD READING**  
(by McCall)

**HB 2590**, A bill to be entitled An Act relating to requirements regarding motor vehicle retail installment transactions.

A record vote was requested.

**HB 2590** was passed by (Record 578): 140 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; 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; Olivo; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Harless.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Darby; Oliveira; Paxton.

**HB 892 ON THIRD READING**  
(by Hilderbran)

**HB 892**, A bill to be entitled An Act relating to the timely deposit of county funds received by the county treasurer.

A record vote was requested.

**HB 892** was passed by (Record 579): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Burnam; Latham; Oliveira.

### **HB 120 ON THIRD READING** **(by F. Brown)**

**HB 120**, A bill to be entitled An Act relating to state funding and tuition charged for courses provided during off-peak hours at certain public institutions of higher education.

A record vote was requested.

**HB 120** was passed by (Record 580): 140 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; 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;

Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Brown, F.; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Jones; Oliveira.

### STATEMENT OF VOTE

I was shown voting no on Record No. 580. I intended to vote yes.

F. Brown

### HB 818 ON THIRD READING

(by Paxton, McCall, Madden, and Laubenberg)

**HB 818**, A bill to be entitled An Act relating to the creation of an additional judicial district in Collin County.

A record vote was requested.

**HB 818** was passed by (Record 581): 140 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Hopson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Hughes; Madden; Oliveira.



**STATEMENT OF VOTE**

I was shown voting no on Record No. 581. I intended to vote yes.

Hopson

**HB 1623 ON THIRD READING**

(by Phillips)

**HB 1623**, A bill to be entitled An Act relating to certain penalties and fees imposed for operating a motor vehicle or vessel in violation of law.

A record vote was requested.

**HB 1623** failed to pass by (Record 582): 54 Yeas, 87 Nays, 1 Present, not voting. (The vote was reconsidered later today, and **HB 1623** was postponed until 10 a.m. Monday, April 23.)

Yeas — Allen; Anderson; Aycock; Bailey; Bolton; Chavez; Chisum; Christian; Cohen; Cook, B.; Corte; Creighton; Davis, J.; Deshotel; Driver; Eiland; England; Escobar; Frost; Garcia; Gonzales; Hardcastle; Harper-Brown; Hilderbran; Hill; Howard, D.; Hughes; Jackson; Jones; King, P.; King, S.; Krusee; Latham; Macias; McCall; McReynolds; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Phillips; Pitts; Quintanilla; Smithee; Strama; Straus; Swinford; Van Arsdale; West; Zedler; Zerwas.

Nays — Alonzo; Anchia; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Coleman; Cook, R.; Crabb; Crownover; Darby; Davis, Y.; Delisi; Dukes; Dunnam; Dutton; Eissler; Elkins; Farabee; Farias; Farrar; Flores; Flynn; Gallego; Gattis; Geren; Giddings; Gonzalez Toureilles; Guillen; Haggerty; Hancock; Harless; Hartnett; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Isett; Keffer; King, T.; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Miles; Miller; Naishtat; Noriega; Olivo; Ortiz; Patrick; Paxton; Peña; Pickett; Puente; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Talton; Taylor; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Goolsby; Hamilton; Oliveira.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 582. I intended to vote no.

Anderson

I was shown voting yes on Record No. 582. I intended to vote no.

Bolton

I was shown voting yes on Record No. 582. I intended to vote no.

England

I was shown voting yes on Record No. 582. I intended to vote no.

McReynolds

I was shown voting yes on Record No. 582. I intended to vote no.

Pitts

**HB 588 ON THIRD 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.

**Amendment No. 1**

Representative Martinez Fischer offered the following amendment to **HB 588**:

Amend **HB 588** (second reading engrossment) on third reading by striking SECTION 2 and substituting:

SECTION 2. Subchapter I, Chapter 601, Transportation Code, is amended by adding Section 601.2611 to read as follows:

Sec. 601.2611. RELEASE OF VEHICLE ON PROOF OF FINANCIAL RESPONSIBILITY IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that has a population of more than one million and is located in the metropolitan area served by a rapid transit authority eligible to create an advanced transportation district under Subchapter O, Chapter 451.

(b) Notwithstanding any other law, the owner or operator of a storage facility shall release a vehicle impounded at the facility because the vehicle had been operated by a person without evidence of financial responsibility and waive the impound and storage fees if the owner of the vehicle provides to the owner or operator of the facility not later than 48 hours after the vehicle was impounded evidence of financial responsibility for the vehicle that was in effect on the date the impoundment began. The municipality that authorized the impoundment shall pay any impoundment or storage fee waived under this section.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 588**, as amended, was passed by (Record 583): 139 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; 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; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Aycock; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Goolsby; Hamilton; Oliveira.

(Taylor in the chair)

**HB 447 ON THIRD READING**  
**(by Callegari and Macias)**

**HB 447**, A bill to be entitled An Act relating to contracts by governmental entities for construction projects and related professional services and to public works performance and payment bonds.

A record vote was requested.

**HB 447** was passed by (Record 584): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; 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(C); Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Goolsby; Oliveira.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**HB 2427 ON SECOND READING  
(by Truitt, B. Cook, McClendon, Kolkhorst, and Flynn)**

**HB 2427**, A bill to be entitled An Act relating to the continuation and functions of the Teacher Retirement System of Texas; providing penalties.

**Amendment No. 1**

Representative Truitt offered the following amendment to **HB 2427**:

Amend **HB 2427** (committee printing) as follows:

(1) On page 1, strike lines 7 through 15 and substitute:

Sec. 824.302. ELIGIBILITY FOR DISABILITY RETIREMENT. Subject to Section 824.310, a [A] member is eligible to retire and receive a disability retirement annuity if the member:

(1) is mentally or physically disabled from the further performance of duty; and

(2) has a ~~the~~ disability that is probably permanent.

(2) On page 3, line 8, between "retiree" and "for", insert "during the 12-month period in which the retiree earned the highest compensation".

(3) On page 3, lines 9 and 10, strike "in the 12-month period before the retiree applied for a disability retirement annuity".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Truitt offered the following amendment to **HB 2427**:

Amend **HB 2427** (committee printing) as follows:

(1) On page 4, line 2, strike "an officer, employee, or paid" and substitute "a paid officer, employee, or".

(2) On page 4, lines 5 and 6, strike "an officer, employee, or paid" and substitute "a paid officer, employee, or".

(3) On page 6, between lines 14 and 15, insert the following new SECTION, appropriately numbered:

SECTION \_\_\_\_\_. Subchapter A, Chapter 825, Government Code, is amended by adding Section 825.0061 to read as follows:

Sec. 825.0061. COMPLIANCE WITH SUNSET RECOMMENDATIONS.  
(a) The board of trustees shall:

(1) comply with and implement the management action recommendations regarding the board of trustees adopted by the Sunset Advisory Commission on January 10, 2007, as a result of the commission's review of the retirement system; and

(2) report to the Sunset Advisory Commission not later than November 1, 2008, the information the Sunset Advisory Commission requires regarding the board of trustees' implementation of the recommendations under Subdivision (1).

(b) This section expires June 1, 2009.

(4) On page 27, between lines 21 and 22, insert the following new SECTION, appropriately numbered:

SECTION \_\_\_\_\_. The changes in law made by this Act by the amendment of Sections 825.0032, 825.0041, and 825.010, Government Code, regarding the prohibitions on, qualifications of, and training for members of the board of trustees of the Teacher Retirement System of Texas do not affect the entitlement of a member serving on the board immediately before September 1, 2007, to continue to serve and function as a member of the board for the remainder of the member's term. The changes in law described by this section apply only to a member appointed on or after September 1, 2007.

(5) Renumber the SECTIONS of the bill appropriately.

Amendment No. 2 was adopted.

### Amendment No. 3

Representative Truitt offered the following amendment to **HB 2427**:

Amend **HB 2427** (committee printing) as follows:

(1) On page 9, line 25, between "RETIREMENT" and "COUNSELING", insert "BENEFITS".

(2) On page 9, line 26, after "retirement", insert "benefits".

(3) On page 10, line 2, between "retirement" and "counseling", insert "benefits".

(4) On page 10, line 3, strike "and".

(5) On page 10, line 5, between "retirement" and "counseling", insert "benefits".

(6) On page 10, line 6, strike the underlined period and substitute:

; and

(3) clarify that the retirement system does not provide financial or legal advice.

(7) On page 10, line 7, between "RETIREMENT" and "COUNSELING", insert "BENEFITS".

(8) On page 10, line 8, after "make retirement", insert "benefits".

(9) On page 10, line 12, after "provide retirement", insert "benefits".

Amendment No. 3 was adopted.

### Amendment No. 4

Representative Truitt offered the following amendment to **HB 2427**:

Amend **HB 2427** (committee printing) as follows:

(1) On page 10, strike lines 15 and 16 and substitute the following:

SECTION 13. Sections 22.004(d) and (e), Education Code, are amended to read as follows:

(d) Each district shall report the district's compliance with this section to the executive director of the Teacher Retirement System of Texas not later than March 1 of each even-numbered year in the manner required by the board of trustees of the Teacher Retirement System of Texas. For a district that does not

participate in the program described by Subsection (a), the report must be available for review, together with the policy or contract for the group health coverage plan, at the central administrative office of each campus in the district and be posted on the district's Internet website if the district maintains a website, must be based on the district group health coverage plan in effect during the current plan year, and must include:

(1) appropriate documentation of:

(A) the district's contract for group health coverage with a provider licensed to do business in this state by the Texas Department of Insurance or a risk pool authorized under Chapter 172, Local Government Code; or

(B) a resolution of the board of trustees of the district authorizing a self-insurance plan for district employees and of the district's review of district ability to cover the liability assumed;

(2) the schedule of benefits;

(3) the premium rate sheet, including the amount paid by the district and employee;

(4) the number of employees covered by the health coverage plan offered by the district; ~~and~~

(5) information concerning the ease of completing the report, as required by the executive director of the Teacher Retirement System of Texas; and

(6) any other information considered appropriate by the executive director of the Teacher Retirement System of Texas.

(2) On page 11, line 4, following the period, insert "The retirement system shall post the report on the Internet website maintained by the system."

Amendment No. 4 was adopted.

### **Amendment No. 5**

Representative Truitt offered the following amendment to **HB 2427**:

Amend **HB 2427** (committee printing) as follows:

(1) On page 16, line 17, between "concerning" and "the fees" insert "all".

(2) On page 16, strike line 19, and substitute "product and the sale and administration of the product. The list must include other information concerning each product as determined by the retirement system. In implementing the list, the retirement system shall take action to avoid increasing the amount of work required of educational institutions, which may include assigning a unique identifying number to each product.".

(3) On page 20, lines 25 through 27, strike ", or may assess an administrative penalty against the company under this section,".

(4) Strike page 21, line 12, through page 22, line 11.

(5) On page 22, strike lines 12 through 15 and substitute the following:

(c) A proceeding to suspend or revoke a certification, recertification, or registration under this section is a contested case under Chapter 2001, Government Code.

Amendment No. 5 was adopted.

**Amendment No. 6**

Representative Burnam offered the following amendment to **HB 2427**:

Amend **HB 2427** (house committee printing) by inserting the following SECTIONS, appropriately numbered, and renumbering SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 824, Government Code, is amended by adding Section 824.007 to read as follows:

Sec. 824.007. BIENNIAL COST-OF-LIVING ADJUSTMENT. (a) The amount of a monthly service retirement benefit, disability retirement benefit, or death benefit paid under this chapter is increased to include an annual cost-of-living adjustment in accordance with this section.

(b) Effective September 1 of each odd-numbered year, the board of trustees shall recompute the amount of a benefit paid monthly under this chapter by applying a five percent cost-of-living adjustment to the monthly amount otherwise required to be paid as determined in accordance with this chapter, including the amount of any previous cost-of-living adjustment made under this section or other increase required by law.

SECTION \_\_\_\_\_. Not later than September 1, 2007, or as soon as practicable after that date, the Board of Trustees of the Teacher Retirement System of Texas shall make the first cost-of-living adjustment under Section 824.007, Government Code, as added by this Act.

Representative Truitt moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 585): 81 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bonnen; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Driver; Dukes; Eissler; Elkins; England; Flores; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Hodge; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McClendon; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bohac; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hernandez; Herrero; Hochberg; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Naishtat; Olivo; Ortiz; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

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

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Davis, J.; Escobar; King, S.; Miles; Noriega; Oliveira.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 585. I intended to vote no.

England

I was shown voting yes on Record No. 585. I intended to vote no.

Harless

I was shown voting yes on Record No. 585. I intended to vote no.

Jones

When Record No. 585 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting yes on Record No. 585. I intended to vote no.

Krusee

I was shown voting yes on Record No. 585. I intended to vote no.

Latham

I was shown voting yes on Record No. 585. I intended to vote no.

Patrick

I was shown voting yes on Record No. 585. I intended to vote no.

T. Smith

**HB 2427**, 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. No members registered their position on this measure.)

### HB 2458 ON SECOND READING

(by B. Cook, Truitt, McClendon, Kolkhorst, et al.)

**HB 2458**, A bill to be entitled An Act relating to the licensing and regulation of structural pest control by the Department of Agriculture and the abolition of the Texas Structural Pest Control Board.

#### Amendment No. 1

Representative B. Cook offered the following amendment to **HB 2458**:

Amend **HB 2458** by striking page 47, line 17, through page 48, line 9, and substituting the following:

Sec. 1951.605. STOP USE ORDER. (a) If the department has reason to believe that a person licensed under this chapter is using or is in possession of a pesticide that is in violation of Chapter 76, Agriculture Code, the department may



issue and enforce a written or printed order to stop the use of the pesticide. The department shall present the order to the owner or custodian of the pesticide. The person who receives the order may not use the pesticide until the department determines that the pesticide:

(1) is in compliance with this chapter; or

(2) does not present a hazard to the public health, safety, or welfare.

(b) This section does not limit the right of the department or commissioner to proceed as authorized by another section of this chapter, including in the assessment of an administrative penalty under this chapter.

(c) A person may appeal an order issued under this section in the manner provided by Subchapters K and L.

Amendment No. 1 was adopted.

**HB 2458**, 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: Garcia recorded voting no.)

**CSHB 1373 ON SECOND READING**  
**(by Guillen)**

**CSHB 1373**, A bill to be entitled An Act relating to creating the Chronic Kidney Disease Task Force.

**Amendment No. 1**

Representative Laubenberg offered the following amendment to **CSHB 1373**:

Amend **CSHB 1373** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. This Act shall be known as the Glenda Dawson Act.

Amendment No. 1 was adopted.

**CSHB 1373**, 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. No members registered their position on this measure.)

(Speaker in the chair)

**HB 281 ON SECOND READING**  
**(by Madden)**

**HB 281**, A bill to be entitled An Act relating to state funding of the Windham School District.

Representative Madden moved to postpone consideration of **HB 281** until 10 a.m. Friday, June 1.

The motion prevailed.

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

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

**CSHJR 54 ON SECOND READING**

**(by Hilderbran, Keffer, Otto, Martinez Fischer, R. Cook, et al.)**

**CSHJR 54**, A joint resolution proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation one motor vehicle owned by an individual and used in the course of the owner's occupation or profession and also for personal activities of the owner.

A record vote was requested.

**CSHJR 54** was adopted by (Record 586): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; 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; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; 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; Thompson; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Pierson; Vaught.

Absent — Jackson; Miles; Oliveira; Truitt.

**STATEMENT OF VOTE**

When Record No. 586 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**SB 679 ON SECOND READING**  
**(Woolley - House Sponsor)**

**SB 679**, A bill to be entitled An Act relating to the use of certain surplus revenue in the unemployment compensation fund.

**SB 679** was considered in lieu of **HB 1489**.

**SB 679** was passed to third reading. (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 1489 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Woolley moved to lay **HB 1489** on the table subject to call.

The motion prevailed.

**HB 2136 ON SECOND READING**  
**(by Hancock, et al.)**

**HB 2136**, A bill to be entitled An Act relating to public disclosure of student referrals for services made by counselors in public schools.

**HB 2136 - POINT OF ORDER**

Representative Allen raised a point of order against further consideration of **HB 2136** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes were not filed in a timely manner.

The point of order was withdrawn.

Representative Hancock moved to postpone consideration of **HB 2136** until the end of today's calendar.

The motion prevailed.

**CSHB 1022 ON SECOND READING**  
**(by Hilderbran, Keffer, Otto, Martinez Fischer, R. Cook, et al.)**

**CSHB 1022**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of a motor vehicle owned by an individual and used in the course of the owner's occupation or profession and also for personal activities of the owner and to the rendition of such vehicles.

**CSHB 1022** 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 589 ON SECOND READING**  
**(by Aycock, Delisi, Miller, Corte, et al.)**

**HB 589**, A bill to be entitled An Act relating to the student enrollment required for Texas A&M University–Central Texas to operate as a general academic teaching institution.

**HB 589** 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.)

#### **LEAVE OF ABSENCE GRANTED**

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

Oliveira on motion of England.

#### **HB 1668 ON SECOND READING**

**(by Aycock and Delisi)**

**HB 1668**, A bill to be entitled An Act relating to the issuance of revenue bonds to fund facilities at Texas A&M University—Central Texas.

**HB 1668** 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 2400 ON SECOND READING**

**(by Keffer)**

**CSHB 2400**, A bill to be entitled An Act relating to membership in, contributions to, benefits from, and administration of the Texas Emergency Services Retirement System.

**CSHB 2400** 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.)

(Callegari in the chair)

#### **HB 1962 ON SECOND READING**

**(by Orr)**

**HB 1962**, A bill to be entitled An Act relating to the application of the Business Organizations Code to certain financial institutions and the regulation of those institutions by the Texas Department of Banking.

**HB 1962** 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)

#### **RESOLUTIONS ADOPTED**

Representative Leibowitz moved to suspend all necessary rules in order to take up and consider at this time **HR 1529**, **HR 1602**, and **HR 1603**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 1529** (by Goolsby and Truitt), Honoring Kenneth A. Ardoin for his years of service to Pfizer.

**HR 1602** (by Miller), Honoring Nancy Lee Talbett on her receipt of the Communities In Schools Teacher of the Year Award.

**HR 1603** (by Hughes and Zerwas), Honoring Delores and Alton "Bingo" Krauskopf of Wharton County on their 50th wedding anniversary.

The resolutions were adopted.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Phillips in the chair)

**POSTPONED BUSINESS**

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

**HB 2136 ON SECOND READING  
(by Hancock, et al.)**

**HB 2136**, A bill to be entitled An Act relating to public disclosure of student referrals for services made by counselors in public schools.

**HB 2136** was read second time earlier today and was postponed until this time.

Representative Allen moved to extend speaking time on **HB 2136**.

A record vote was requested.

The motion to extend time prevailed by (Record 587): 71 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Bonnen; Burnam; Chavez; Cohen; Coleman; Cook, R.; Corte; Crabb; Creighton; Davis, J.; Delisi; Dukes; Dunnam; Dutton; England; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hancock; Hernandez; Herrero; Hill; Hochberg; Hodge; Hopson; Howard, D.; Keffer; King, S.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Merritt; Miles; Naishtat; Noriega; Olivo; Ortiz; Quintanilla; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Veasey; Vo; Woolley.

Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Crownover; Darby; Eissler; Elkins; Farabee; Flynn; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett;

Hilderbran; Homer; Howard, C.; Hughes; Isett; Jackson; Jones; King, P.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; McReynolds; Menendez; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Pickett; Pitts; Smith, W.; Taylor; Villarreal; West; Zedler; Zerwas.

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

Absent, Excused — Branch; Heflin; Moreno; Oliveira; Pierson; Vaught.

Absent — Castro; Davis, Y.; Deshotel; Driver; Eiland; Gattis; Geren; Giddings; Goolsby; Krusee; Madden; Mowery; Peña; Puente; Raymond; Smithee; Turner; Van Arsdale.

(Speaker in the chair)

A record vote was requested.

The vote of the house was taken on the passage to engrossment of **HB 2136** and the vote was announced yeas 67, nays 66.

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 588): 62 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Hughes; Isett; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Merritt; Miller; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Pickett; Riddle; Smith, T.; Smith, W.; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Harless; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hopson; Howard, D.; King, S.; King, T.; Leibowitz; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Miles; Naishtat; Noriega; Olivo; Ortiz; Peña; Phillips; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Oliveira; Pierson; Vaught.

Absent — Berman; Crownover; Deshotel; Escobar; Garcia; Geren; Giddings; Goolsby; Haggerty; Homer; Jackson; Lucio; Mallory Caraway; Menendez; Mowery; O'Day; Ritter; Smithee.

The speaker stated that **HB 2136** failed to pass to engrossment by the above vote. (The vote was reconsidered later today, and **HB 2136** was postponed until 10 a.m. Monday, April 23.)

**HB 2136 - VOTE RECONSIDERED**

Representative Hilderbran moved to reconsider the vote by which **HB 2136** failed to pass to engrossment.

A record vote was requested.

The motion to reconsider prevailed by (Record 589): 73 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Gattis; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McReynolds; Merritt; Miller; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Riddle; Smith, T.; Smith, W.; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; King, T.; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Noriega; Olivo; Ortiz; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Heflin; Moreno; Oliveira; Pierson; Vaught.

Absent — Berman; Crownover; Deshotel; Escobar; Garcia; Geren; Giddings; Haggerty; Homer; Jackson; Lucio; Mallory Caraway; McCall; Mowery; O'Day; Ritter; Smithee.

Representative Hancock moved to postpone consideration of **HB 2136** until 10 a.m. Monday, April 23.

The motion prevailed.

**HB 1623 - VOTE RECONSIDERED**

Representative Talton moved to reconsider the vote by which **HB 1623** failed to pass.

The motion to reconsider prevailed.

Representative Phillips moved to postpone consideration of **HB 1623** until 10 a.m. Monday, April 23.

The motion prevailed.

**LEAVES OF ABSENCE GRANTED**

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

Jackson on motion of Hardcastle.

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

Berman on motion of Eissler.

Crownover on motion of Taylor.

Deshotel on motion of Hamilton.

Garcia on motion of Strama.

Geren on motion of Kolkhorst.

Haggerty on motion of Truitt.

Homer on motion of Farabee.

Mallory Caraway on motion of Leibowitz.

Ritter on motion of Hopson.

Smithee on motion of Hardcastle.

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

Escobar on motion of W. Smith.

Giddings on motion of Delisi.

Lucio on motion of Hernandez.

Menendez on motion of Guillen.

O'Day on motion of Macias.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Paxton moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HCR 193** and **HCR 194** upon final adjournment today in E2.010.

The motion prevailed.

Representative Driver moved to suspend the five day posting rule to allow the Committee on Law Enforcement to consider **HB 707** at 2 p.m. or upon adjournment Monday, April 23 in E1.014.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Defense Affairs and State-Federal Relations will reconvene upon adjournment today in E2.014.



Judiciary, upon final adjournment today, Desk 70, for a formal meeting, to consider pending bills.

Law Enforcement, upon final adjournment today, Desk 56, for a formal meeting, to consider **SB 534** and pending bills.

Culture, Recreation, and Tourism, upon final adjournment today, Desk 66, for a formal meeting, to consider pending business.

State Affairs will reconvene upon final adjournment today, E2.010, for a public hearing, to consider **HCR 193**, **HCR 194**, and posted business.

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

Higher Education, upon final adjournment today, Desk 86, for a formal meeting, to consider pending business.

### ADJOURNMENT

Representative Aycock moved that the house adjourn until 10 a.m. Monday, April 23.

The motion prevailed.

The house accordingly, at 2:22 p.m., adjourned until 10 a.m. Monday, April 23.

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### ADDENDUM

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#### 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 4114** (By O'Day), Relating to the powers and financing of the Brazoria County Groundwater Conservation District.  
To Natural Resources.

**HB 4115** (By Phillips), Relating to the creation of the Sangani Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To Natural Resources.

**HB 4116** (By Phillips), Relating to the creation of the Kimberlin Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To Natural Resources.

**HB 4117** (By Garcia), Relating to the creation of the Lamar Improvement District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 4118** (By Phillips), Relating to the creation of the Kimberlin Ranch Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 4119** (By Phillips), Relating to the creation of the Kimberlin Ranch Municipal Utility District No. 3 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 4120** (By Phillips), Relating to the creation of the Sangani Ranch Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 4121** (By Phillips), Relating to the creation of the Sangani Ranch Municipal Utility District No. 3 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 4122** (By Parker), Relating to the creation of East Denton County Water Control and Improvement District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 4123** (By Miles), Relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

To County Affairs.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**SB 502** to Insurance.

#### **SIGNED BY THE SPEAKER**

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

**Senate List No. 24**

**SCR 53, SCR 56**

#### **MESSAGES FROM THE SENATE**

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

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 19, 2007 - 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:

**LOCAL AND UNCONTESTED CALENDAR**

**HB 84** Branch SPONSOR: Carona  
Relating to issuance and renewal of a driver's license of an elderly person.  
(Committee Substitute)

**HB 1447** Bohac SPONSOR: Eltife  
Relating to the requirement that a railroad corporation submit articles of incorporation or an amendment to articles of incorporation to the attorney general.

**HB 1967** Farabee SPONSOR: Averitt  
Relating to the regulation as common carriers of certain owners, operators, or managers of pipelines for the transportation of feedstock for carbon gasification, the products of carbon gasification, or the derivative products of carbon gasification.

**SB 46** Nelson  
Relating to certain fees charged for the impoundment and storage of a recovered stolen vehicle.

**SB 51** Zaffirini  
Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

**SB 109** Deuell  
Relating to the punishment of certain assaults and aggravated assaults committed against employees of primary and secondary schools.

**SB 157** Seliger  
Relating to the definition of criminally injurious conduct for purposes of the Crime Victims' Compensation Act.

**SB 242** Shapiro  
Relating to the transfer to the State Office of Administrative Hearings of contested cases involving the collection, receipt, administration, and enforcement of state taxes and fees by the comptroller of public accounts.

**SB 323** Deuell

Relating to the creation of the Fairfield Municipal Utility District of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 363** Van de Putte

Relating to protecting certain members of the Texas National Guard from exposure to depleted uranium.

**SB 401** Deuell

Relating to the creation of the Moore Farm Water Control and Improvement District No. 1 of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 607** Ellis

Relating to the designation of certain areas as banking development districts to encourage the establishment of financial institution branches in those areas.

**SB 629** Deuell

Relating to the establishment of a peace officer employment opportunity Internet website by the Commission on Law Enforcement Officer Standards and Education.

**SB 645** Ellis

Relating to a study of residential foreclosures in certain counties.

**SB 649** Shapleigh

Relating to requiring the Texas Higher Education Coordinating Board to conduct a study concerning the effectiveness of joint partnerships between institutions of higher education.

**SB 658** Seliger

Relating to an energy-efficient building accreditation program.

**SB 671** Ellis

Relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

**SB 705** Lucio

Relating to an annual report by the Office of Court Administration of the Texas Judicial System about jury charges and sentences in capital cases.

**SB 706** Lucio

Relating to the appointment of attorneys ad litem.

**SB 709** West, Royce

Relating to requiring notice of certain rental eligibility requirements in residential rental application transactions.

**SB 781** Lucio

Relating to remedies available if a subdivider fails to provide water or sewer services in certain subdivisions near an international border.

**SB 796** Janek

Relating to the authority of a taxing unit to allow split payment of taxes.

**SB 811** Janek

Relating to requiring the Department of State Health Services to allow health care providers to use certain vaccines in the vaccines for children program.

**SB 847** Hinojosa

Relating to the conversion of certain water rights on subdivided land from irrigation to municipal use.

**SB 883** Deuell

Relating to the imposition of impact fees on the property of a school district.

**SB 885** Whitmire

Relating to access to criminal history record information by state appellate courts.

**SB 963** Shapleigh

Relating to the recreational facility fee at The University of Texas at El Paso.

**SB 968** West, Royce

Relating to financing tools for certain obligations for public improvements.

**SB 975** Hinojosa

Relating to the abolition of certain water control and improvement, water improvement, and irrigation districts.

**SB 976** Brimer

Relating to the public retirement system of certain municipalities.

**SB 1036** Ellis

Relating to information technology security practices of state agencies.

**SB 1039** Lucio

Relating to the payment of benefits to certain retirees of the Teacher Retirement System of Texas who return to work.

**SB 1046** Wentworth

Relating to the provision of notice to institutions of higher education of meetings of the Texas Higher Education Coordinating Board and to certain telephone conference meetings of the board and other boards of institutions of higher education.

**SB 1049** Zaffirini

Relating to the availability of online information relating to research-based programs and best practices regarding the instruction of students with autism and autism-related disorders in public schools.

**SB 1050** Zaffirini

Relating to the administration of the work-study student mentorship program by the Texas Higher Education Coordinating Board.

**SB 1053** Zaffirini

Relating to assessing the quality and effectiveness of academic advising services offered by public institutions of higher education.

**SB 1085** Carona

Relating to the suspension, revocation, or cancellation of a driver's license, instruction permit, or operating privilege by the Department of Public Safety of the State of Texas.

**SB 1089** Shapiro

Relating to the authority of certain development corporations to spend tax revenue on certain mass transit-related facilities.

**SB 1104** Watson

Relating to the conditions of employment for emergency medical services personnel employed by certain municipalities.

**SB 1133** Eltife

Relating to an exception under the public information law regarding the name of an applicant for superintendent of a public school district.

**SB 1165** Estes

Relating to the powers and duties of the Gainesville Hospital District.

**SB 1203** Seliger

Relating to the authority of the attorney general to obtain reimbursement to the compensation to victims of crime fund resulting from overpayments made to victims, claimants, and providers.

**SB 1231** Zaffirini

Relating to refunding tuition and mandatory fees at institutions of higher education for dropped courses and student withdrawals.

**SB 1232** Zaffirini

Relating to the manner of payment of higher education tuition and fees and to the repayment of emergency student loans.

**SB 1233** Zaffirini

Relating to the general property deposit paid by a student to a public institution of higher education.

**SB 1236** Zaffirini

Relating to the powers and duties of the Starr County Hospital District of Starr County, Texas.

**SB 1257** Averitt

Relating to the definition of hotel under the Alcoholic Beverage Code.

**SB 1271** West, Royce

Relating to county authority to acquire a water or sewer utility system and provide water and sewer services within a municipality.

**SB 1297** Wentworth

Relating to additional criminal law magistrates in Bexar County.

**SB 1306** Wentworth

Relating to the attendance by a quorum of a governmental body at certain events under the open meetings law.

**SB 1309** Wentworth

Relating to false claims against the state and actions by the state and private persons to prosecute those claims; providing a civil penalty.

**SB 1310** Wentworth

Relating to the reimbursement of travel expenses for state employees.

**SB 1315** Uresti

Relating to a silver alert for missing senior citizens.

- SB 1354** Carona  
Relating to use of electronically readable information from a driver's license or personal identification certificate by a commercial business.
- SB 1372** Carona  
Relating to the operation of motor vehicles and commercial motor vehicles.
- SB 1389** Van de Putte  
Relating to the processing of consumer rebates.
- SB 1390** Uresti  
Relating to rental of a vehicle to a member of the armed forces; providing a civil penalty.
- SB 1402** Lucio  
Relating to the refund of excess unearned premiums by insurance premium finance companies.
- SB 1412** Hinojosa  
Relating to certain fees collected by justice courts and small claims courts.
- SB 1413** Hinojosa  
Relating to the amount of a judgment that may be appealed or removed from justice court.
- SB 1416** Hinojosa  
Relating to the amount of a judgment that may be appealed from small claims court.
- SB 1418** Hinojosa  
Relating to the establishment and operation of a spatial reference center at Texas A&M University—Corpus Christi.
- SB 1424** Brimer  
Relating to the municipalities authorized to use the other events trust fund to attract certain sporting events.
- SB 1425** Brimer  
Relating to economic impact studies and other financial issues affecting municipalities and counties that attempt to recruit or retain special events.
- SB 1426** Averitt  
Relating to the issuance of a food and beverage certificate to the holder of a wine and beer retailer's permit or a retail dealer's on-premise license.
- SB 1433** Van de Putte  
Relating to the Employers for Education Excellence Award.
- SB 1470** Seliger  
Relating to certain notifications required for persons convicted of a misdemeanor involving family violence.
- SB 1490** Watson  
Relating to information that must be provided to the parent of a public school student enrolled in a special education program.
- SB 1499** Zaffirini

Relating to the meeting notice that a governmental body may post in certain emergency situations.

**SB 1501** Zaffirini

Relating to the removal of an emergency services district board member by a county commissioners court.

**SB 1502** Zaffirini

Relating to the duties of the board of an emergency services district in connection with a proposed tax rate increase.

**SB 1504** Van de Putte

Relating to a school district policy for responding to a train derailment near a district school.

**SB 1519** Wentworth

Relating to longevity pay for certain state judges and justices.

**SB 1526** Hegar

Relating to regulation by the Brookshire-Katy Drainage District of the construction of drainage facilities or improvements.

**SB 1533** Fraser

Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Burnet County.

**SB 1540** Fraser

Relating to financing statements and other records under the secured transactions law.

**SB 1541** Fraser

Relating to the Uniform Commercial Code provisions relating to negotiable instruments.

**SB 1542** Fraser

Relating to registration statements filed by an insurer that is a member of an insurance company holding system.

**SB 1548** Hinojosa

Relating to certain open meetings requirements applicable to a regional mobility authority.

**SB 1555** Hinojosa

Relating to compensation and payment of attorney's fees of attorneys serving as guardians of a ward.

**SB 1618** West, Royce

Relating to the award of a contract by an airport authority created by certain municipalities.

**SB 1624** Watson

Relating to genetic testing in proceedings to declare heirship; providing a criminal penalty.

**SB 1679** Janek

Relating to physical examination requirements for participation in extracurricular athletic activities.



**SB 1694**

Nelson

Relating to fraud investigations and criminal offenses involving the Medicaid program; providing criminal penalties.

**SB 1713**

Eltife

Relating to the authority of a parent to designate a child-care facility or grandparent's residence for purposes of transportation provided by a public school transportation system.

**SB 1722**

Ogden

Relating to physical fitness and appearance standards for certain state law enforcement officers.

**SB 1735**

Shapiro

Relating to the effect of a charter provision relating to the sale of alcoholic beverages for off-premise consumption on a subsequent local option election for the sale of alcoholic beverages in certain home-rule municipalities.

**SB 1752**

Seliger

Relating to the election, powers, and duties of the members of the board of directors of the Midland County Hospital District.

**SB 1780**

Whitmire

Relating to the use of proceeds from criminal asset forfeiture to fund the operation of drug court programs in certain counties.

**SB 1805**

Hinojosa

Relating to creating a recognition day in honor of Dr. Hector P. Garcia.

**SB 1809**

Brimer

Relating to the implementation of a project plan or financing plan for a reinvestment zone under the Tax Increment Financing Act and the granting of exemptions from ad valorem taxes imposed on real property in a reinvestment zone under that Act.

**SB 1828**

Whitmire

Relating to the use of certain electronically readable information on a driver's license to comply with certain alcohol-related laws.

**SB 1871**

Zaffirini

Relating to the compilation and reporting by the Texas Education Agency of certain student data disaggregated by the instruction method used.

**SB 1877**

Averitt

Relating to the determination of compensation under the Teacher Retirement System of Texas.

**SB 1913**

Shapleigh

Relating to employer contributions for certain retirees under the Teacher Retirement System of Texas who are employed by a school district affected by base realignment and closure.

**SB 1970**

Hinojosa

Relating to the destruction by the Department of Public Safety of the State of Texas of drugs and controlled substances seized by a state, local, or federal agency and the fee charged by the department for that service.

**SCR 17** Averitt

Designating the Texas Medal of Honor Memorial on the campus of Hill College in Hillsboro as the official State Memorial to Texas-Born Medal of Honor Recipients.

**SCR 46** Averitt

Requesting the United States Congress to authorize the Secretary of the United States Department of Veterans Affairs to convey the Thomas T. Connally Department of Veterans Affairs Medical Center in Marlin, Texas, to the State of Texas.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 18**

Agriculture and Livestock - **HB 2222, HB 2585**

Business and Industry - **HB 724, HB 1911, HB 2069, HB 2271**

Corrections - **HB 1875, HB 1888**

County Affairs - **HB 2378**

Culture, Recreation, and Tourism - **HB 1833, HB 2460, HB 2461, HB 3765, HCR 25**

Defense Affairs and State-Federal Relations - **HB 2405, HB 3698**

Economic Development - **HB 3694, SB 679**

Elections - **HB 2823, HB 3143**

Energy Resources - **HB 521, HB 3110, HB 3112, HB 3273, HB 3732**

Environmental Regulation - **HB 1695, HB 2482, HB 2541, HB 2713, HB 2910**

Financial Institutions - **HB 2138, HB 2534, HJR 72**

Government Reform - **HB 42, HB 2604, HB 3106**

Higher Education - **HB 3564**

House Administration - **HCR 111**

Insurance - **HB 522**

Judiciary - **HB 3210, SB 237, SB 580**

Land and Resource Management - **HB 3768, SB 1012**

Law Enforcement - **SB 534, SB 545**

Licensing and Administrative Procedures - **HB 1413, HB 1541, HB 1567, HB 1670, HB 2265, HB 2462, HB 2724, HB 3350, HB 3373**

Pensions and Investments - **HB 3731**

Public Health - **HB 755, HB 1579**

Regulated Industries - **HB 551, HB 1386**

State Affairs - **HB 3678**

**ENGROSSED**

**April 18 - HB 142, HB 185, HB 273, HB 472, HB 681, HB 914, HB 1230, HB 1331, HB 1787, HB 1837, HB 3088, HB 3505**

**ENROLLED**

**April 18 - HCR 17, HCR 180, HCR 190**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**April 18 - HB 3572, HB 3985, HB 3986, HB 3995, HB 4009, HB 4028, HB 4029, HB 4049, HB 4050, HB 4051, HB 4052**

