

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-NINTH DAY — FRIDAY, MAY 4, 2007

The house met at 12:10 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 944).

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

Absent, Excused — Eiland; Martinez Fischer; Moreno.

### 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 945): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Eiland; Martinez Fischer; Moreno.

Absent — Giddings.

#### **STATEMENT OF VOTE**

When Record No. 945 was taken, my vote failed to register. I would have voted yes.

Giddings

**HB 343**

**HB 432**

**HB 497**

**HB 945**

**HB 1082**

**HB 1241**

**HB 1314**

**HB 1659**

**HB 1847**

**HB 1857**

**HB 1903**

**HB 2077**

**SB 1500**

**SB 1041**

**HB 2444**

**HB 2479**

**HB 2524**

**HB 2654**

**SB 123**

**HB 3017**

**HB 3114**

**HB 3438**

**HB 3453**

**HB 3518**

**HB 3558**

**HB 3581**

**HB 3635**

**HB 3674**

**HB 4048**

**HB 4107**

**HB 2271**

**SB 1236**

**SB 1077**

**SB 1089**

**HR 1838 - ADOPTED  
(by Taylor)**

Representative Taylor moved to suspend all necessary rules to take up and consider at this time **HR 1838**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1838**, Honoring Gregory Dick and the Friendswood High School Band on their receipt of the Sudler Flag of Honor award from the John Philip Sousa Foundation.

**HR 1838** was adopted.

**HR 1839 - ADOPTED  
(by Taylor)**

Representative Taylor moved to suspend all necessary rules to take up and consider at this time **HR 1839**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1839**, Congratulating the 2006-2007 Friendswood High School Academic Decathlon team on winning the 2007 State Academic Decathlon championship.

**HR 1839** was adopted.

**HR 1875 - ADOPTED  
(by Noriega)**

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HR 1875**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1875**, Honoring the members of B Company, 490 Civil Affairs Battalion, on their receipt of a Valorous Unit Award for their service in Iraq.

**HR 1875** was read and was adopted.

On motion of Representative Noriega, the names of all the members of the house were added to **HR 1875** as signers thereof.

**HR 1875 - ADDRESS BY REPRESENTATIVE VAUGHT**

Thank you, members. Thank you very much, members. I want to thank Colonel Noriega for doing this resolution for us. My intent was not for this resolution to be for me, but to be for my soldiers and my unit. In fact, we will be receiving this award this weekend in Abilene at Dyess Air Force Base. In fact, Representative King will be joining us. I wanted to take this resolution to those soldiers and present it to them for what they've done, and this means a lot to them and it means a lot to me, too. So thank you all very much.

**REMARKS ORDERED PRINTED**

Representative Noriega moved to print remarks by Representative Vaught.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

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

Isett on motion of F. Brown.

**HR 1805 - ADOPTED  
(by Talton)**

Representative Talton moved to suspend all necessary rules to take up and consider at this time **HR 1805**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1805**, Honoring Jessica Zenker and her sixth-grade class at YES Prep Southeast School in Houston for their efforts in behalf of Kemp's ridley sea turtles.

**HR 1805** was adopted.

(Speaker in the chair)

**POSTPONED BUSINESS**

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

**SB 1509 ON SECOND READING  
(Kolkhorst - House Sponsor)**

**SB 1509**, A bill to be entitled An Act relating to the authority of the asset management division of the General Land Office to sell real property to an economic development corporation.

**SB 1509** was considered in lieu of **HB 3486**.

**SB 1509** was read second time and 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 3486 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Kolkhorst moved to lay **HB 3486** on the table subject to call.

The motion prevailed.

**CSHB 3426 ON SECOND READING  
(by Flynn, B. Cook, Truitt, Kolkhorst, McClendon, et al.)**

**CSHB 3426**, A bill to be entitled An Act relating to the continuation and functions of the Texas Veterans Commission.

**CSHB 3426** was read second time on May 2 and was postponed until 7 a.m. today.

**Amendment No. 1**

Representative Vaught offered the following amendment to **CSHB 3426**:

Amend **CSHB 3426** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Section 434.007, Government Code, is amended to read as follows:

Sec. 434.007. DUTIES. The commission shall:

(1) compile federal, state, and local laws enacted to benefit members of the armed forces, veterans, and their families and dependents;

(2) collect information relating to:

(A) services and facilities available to veterans; and

(B) the status and quality of health care in veteran facilities, other than veterans homes, operated in this state by this state, the federal government, or a private entity;

(3) not later than December 1 of each even-numbered year:

(A) publish and make available to the public a report on the status and quality of health care in veteran facilities described by Subdivision (2)(B); and

(B) submit the report to both houses of the legislature and the governor;

(4) cooperate with veterans service agencies in the state;

(5) ~~(4)~~ inform members and veterans of the armed forces, their families and dependents, and military and civilian authorities about the existence or availability of:

(A) educational training and retraining facilities;

(B) health, medical, rehabilitation, and housing services and facilities;

(C) employment and reemployment services;

(D) provisions of federal, state, and local law affording rights, privileges, and benefits to members and veterans of the armed forces and their families and dependents; and

(E) other similar, related, or appropriate matters;

(6) ~~(5)~~ assist veterans and their families and dependents in presenting, proving, and establishing claims, privileges, rights, and benefits they may have under federal, state, or local law;

(7) ~~(6)~~ cooperate with all government and private agencies securing services or benefits to veterans and their families and dependents;

(8) ~~(7)~~ investigate, and if possible correct, abuses or exploitation of veterans or their families or dependents, and recommend necessary legislation for full correction;

(9) ~~(8)~~ coordinate the services and activities of state departments and divisions having services and resources affecting veterans or their families or dependents; and

(10) ~~(9)~~ provide training and certification of veterans county service officers and assistant veterans county service officers in accordance with Section 434.038.

SECTION \_\_\_\_\_. Chapter 164, Natural Resources Code, is amended by adding Section 164.0052 to read as follows:

Sec. 164.0052. COLLECTING INFORMATION; REPORT. (a) The board shall collect information relating to the status and quality of health care provided to veterans in this state through all veterans homes operated by the state or by a private entity under contract with the state to provide the care.

(b) Not later than December 1 of each even-numbered year, the board shall publish a report on the status and quality of health care provided through veterans homes to veterans in this state based on the information collected under Subsection (a). The board shall submit the report to both houses of the legislature and the governor.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Alonzo offered the following amendment to **CSHB 3426**:

Amend **CSHB 3426** by adding the following appropriately numbered section and renumbering the sections of the bill accordingly:

SECTION \_\_\_\_\_. The Texas Veteran's Commission shall conduct a study on male and female veterans who return from the war in Afghanistan or Iraq to determine what services are necessary to assist the veterans in their return from the war.

### **Amendment No. 3**

Representative Alonzo offered the following amendment to Amendment No. 2:

Amend the Alonzo amendment to **CSHB 3426** as follows:

- 1) On page 1, line 4, insert between the period and "The", the following: (a).
- 2) On page 1, line 7, after the period, insert the following
  - b) The commission is encouraged to ensure that the diversity and contributions of all veterans of Texas are well documented

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative Alonzo offered the following amendment to Amendment No. 2:

Amend the Alonzo Amendment to **CSHB 3426** as follows:

- 1) On page 1, line 4, of the Alonzo Amendment, strike "shall" and substitute "may"

Amendment No. 4 was adopted.

Amendment No. 2, as amended, was adopted.

### **Amendment No. 5**

Representative Dunnam offered the following amendment to **CSHB 3426**:

Amend **CSHB 3426** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Chapter 434, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TEXAS HOMEFRONT HEROES PROGRAM

Sec. 434.151. TEXAS HOMEFRONT HEROES PROGRAM. (a) The Texas Homefront Heroes program is a program of the commission and is established to provide temporary financial assistance and other services to the family members of personnel on active duty with the army, navy, air force, coast guard, or marine corps of the United States or an auxiliary service or reserve unit of one for those branches of the armed forces, or the state military forces, as defined by Section 431.001.

(b) The Texas Veterans Commission, in consultation with the advisory committee established under Section 434.153, shall adopt rules as necessary to implement the program.

Sec. 434.152. HOMEFRONT HEROES ACCOUNT. (a) The homefront heroes account is created in the general revenue fund.

(b) Money in the homefront heroes account may be appropriated only for the purposes of this subchapter.

(c) The Texas Veterans Commission may accept grants, gifts, or legislative appropriations from any public or private source for the purposes of the program and shall deposit any money received as a grant, gift, or appropriation to the credit of the homefront heroes account.

Sec. 434.153. ADVISORY COMMITTEE. (a) The Texas Veterans Commission shall establish a homefront heroes advisory committee to assist the commission in implementing the program created under this subchapter.

(b) The advisory committee is:

(1) composed of nine members who are family members of active duty military personnel; and

(2) appointed by the Texas Veterans Commission.

(c) Members of the advisory committee serve without compensation but may be reimbursed for actual and necessary expenses related to the performance of committee duties.

(d) Reimbursement of expenses under Subsection (c) is subject to approval by the Texas Veterans Commission.

(e) The members of the advisory committee shall elect a presiding officer from among the members and shall adopt rules governing the operation of the committee.

(f) The advisory committee shall meet at the call of the presiding officer at least once each year.

(g) The committee shall make recommendations to the Texas Veterans Commission regarding:

(1) eligibility criteria for the Texas Homefront Heroes program;

(2) the application process for the program; and

(3) the services that should be provided under the program, including:

(A) temporary financial assistance for recurring monthly expenses;

- (B) child care services;
- (C) health care;
- (D) education; and
- (E) employment and job training.

(h) Chapter 2110 does not apply to the advisory committee.

#### **Amendment No. 6**

Representative Flynn offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Dunnam to **CSHB 3426**, on page 2, line 8, between "duties" and the period, by inserting "as provided by the General Appropriations Act".

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

#### **Amendment No. 7**

Representative Merritt offered the following amendment to **CSHB 3426**:

Amend **CSHB 3426** (House Committee Printing), by striking SECTION 13 of the bill (page 12, line 27, through page 14, line 5) and substituting the following:

SECTION 13. Subchapter B, Chapter 434, Government Code, is amended by adding Section 434.039 to read as follows:

Sec. 434.039. COORDINATION WITH COUNTY SERVICE OFFICERS AND COMMISSIONERS COURTS. The commission shall develop and adopt procedures to coordinate with county service officers and county commissioners courts to:

(1) identify the shared objectives of the commission, county service officers, and counties with a county service office in serving veterans;

(2) develop a plan for encouraging service officers to become accredited by the United States Department of Veterans Affairs;

(3) develop a procedure for consulting with counties to evaluate the state's overall approach to service delivery by county service officers and commission claims staff as part of the state's veterans assistance network;

(4) define the commission's responsibilities in overseeing claims and appeals prepared by county service officers for instances when the commission has been designated as a veteran's agent under a power of attorney;

(5) develop a process for collecting information regarding claims filed by county service officers for instances when the commission has been designated as a veteran's agent under a power of attorney, for providing technical assistance to county service officers, and for providing evaluative information, on request, to county judges or other local officials who supervise county service officers;

(6) incorporate county service officers into United States Department of Veterans Affairs appeals hearings either to represent veterans or to appear as witnesses, as needed;

(7) explore opportunities for funding county service officer travel to participate in United States Department of Veterans Affairs appeals hearings; and  
(8) develop procedures to regularly update county service officers on changes in United States Department of Veterans Affairs policies and procedures, and other information.

Amendment No. 7 was adopted.

**CSHB 3426**, 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.)

**SB 823 ON SECOND READING**  
**(Riddle - House Sponsor)**

**SB 823**, A bill to be entitled An Act relating to the interception of or the collection of other information from certain communications in an investigation of criminal conduct.

**SB 823** was considered in lieu of **HB 357**.

**SB 823** was read second time.

**SB 823 - POINT OF ORDER**

Representative Thompson raised a point of order against further consideration of **SB 823** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Riddle moved to postpone consideration of **SB 823** until 1:15 p.m. today.

The motion prevailed.

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**THIRD READING**

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

**HB 3560 ON THIRD READING**  
**(by Swinford)**

**HB 3560**, A bill to be entitled An Act relating to transferring to the comptroller the duties of the Texas Building and Procurement Commission that do not primarily concern state facilities.

**Amendment No. 1**

Representative Talton offered the following amendment to **HB 3560**:

Amend **HB 3560** on third reading on page 5, between lines 1 and 2, by inserting the following:

(e) The comptroller must report to the Texas Ethics Commission a campaign contribution from a vendor that bids on or receives a contract under the comptroller's purchasing authority.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 3560**, as amended, was passed by (Record 946): 140 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; 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; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Hochberg; Merritt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — England; Oliveira; Pierson.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 946. I intended to vote no.

Rodriguez

### REASON FOR VOTE

Given TxDOT's funding priorities, particularly its public and private toll road policy, I do not support legislation that would allow TxDOT to set its own spending rules unabated. Increasingly, TxDOT is unaccountable to the legislature. This bill will only exacerbate this problem.

Rodriguez

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 3747 ON THIRD READING  
(by McClendon, Krusee, Chavez, and Menendez)**

**HB 3747**, A bill to be entitled An Act relating to the use of money from the Texas rail relocation and improvement fund for rail projects.

A record vote was requested.

**HB 3747** was passed by (Record 947): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Jackson; Pierson.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 947. I intended to vote no.

Laubenberg

**HB 2703 ON THIRD READING  
(by Woolley, et al.)**

**HB 2703**, A bill to be entitled An Act relating to interference with the duties of a public health professional; providing a criminal penalty.

A record vote was requested.

**HB 2703** was passed by (Record 948): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; 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; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Chavez.

### STATEMENT OF VOTE

When Record No. 948 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

### HB 2541 ON THIRD READING (by Leibowitz and Corte)

**HB 2541**, A bill to be entitled An Act relating to emergency response costs and certain other requirements concerning solid waste facilities, including recycling facilities.

A record vote was requested.

**HB 2541** was passed by (Record 949): 139 Yeas, 0 Nays, 2 Present, not voting.

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

Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Coleman; Farabee; Latham; Laubenberg; Paxton.

### STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 949. I intended to vote no.

Flynn

### HB 2405 ON THIRD READING (by Hardcastle)

**HB 2405**, A bill to be entitled An Act relating to paying the costs incurred by a state agency that is deployed by the governor to respond to a natural disaster or other emergency.

A record vote was requested.

**HB 2405** was passed by (Record 950): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; 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; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Burnam; Flynn; Paxton; Smith, W.

### STATEMENT OF VOTE

When Record No. 950 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

### HB 2754 ON THIRD READING

(by Anchia, Solomons, Orr, and McCall)

**HB 2754**, A bill to be entitled An Act relating to the regulation of state banks and state trust companies.

A record vote was requested.

**HB 2754** was passed by (Record 951): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycocock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Kuempel; Paxton; Riddle.

**HB 2783 ON THIRD READING**  
**(by Solomons and Anchia)**

**HB 2783**, A bill to be entitled An Act relating to the regulation of mortgage brokers.

**Amendment No. 1**

Representative Solomons offered the following amendment to **HB 2783**:

Amend **HB 2783**, Engrossed Printing, by adding the following new SECTION:

SECTION \_\_\_\_\_. Section 156.002 (10), Finance Code, is amended to read as follows:

(10) "Mortgage loan" means a debt against real estate secured by a ~~[first lien]~~ security interest against one-to-four family residential real estate created by a deed of trust, security deed, or other security instrument.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative F. Brown offered the following amendment to **HB 2783**:

Amend **HB 2783** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 156.203(c), Finance Code, is amended to read as follows:

(c) An application for a loan officer license must be accompanied by:

(1) an application fee in an amount determined by the commissioner not to exceed \$275 [~~\$175~~]; and

(2) a recovery fund fee as provided by Section 156.502.

Amendment No. 2 was adopted.

A record vote was requested.

**HB 2783**, as amended, was passed by (Record 952): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker;

Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Flynn; Howard, C.; Madden; Morrison; Riddle; Smith, W.; Woolley.

### STATEMENT OF VOTE

When Record No. 952 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

### HB 3385 ON THIRD READING (by Chisum)

**HB 3385**, A bill to be entitled An Act relating to the use of certain state money for costs related to the relocation to the city of Austin, Texas, of the Interstate Oil and Gas Compact Commission and for the support of that commission.

A record vote was requested.

**HB 3385** was passed by (Record 953): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Castro; Chavez; Merritt.

**HB 1742 ON THIRD READING**  
(by Giddings)

**HB 1742**, A bill to be entitled An Act relating to urban land bank demonstration programs.

A record vote was requested.

**HB 1742** was passed by (Record 954): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; 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; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; 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; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Bailey; Brown, B.; Harper-Brown; Hodge; Latham; Merritt; Paxton; Talton.

**HB 1238 ON THIRD READING**  
(by Noriega, J. Davis, Zerwas, Anchia, F. Brown, et al.)

**HB 1238**, A bill to be entitled An Act relating to the operation of a student health center at an institution of higher education.

A record vote was requested.

**HB 1238** was passed by (Record 955): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler;

Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Anchia; Burnam; Coleman; Darby; Farias; Hochberg; Madden; Talton; Van Arsdale.

### **HB 4065 ON THIRD READING (by Otto, Straus, and Strama)**

**HB 4065**, A bill to be entitled An Act relating to the establishment by the Texas Workforce Commission of a pilot program to provide grants for the construction of certain facilities for job training and employment services.

A record vote was requested.

**HB 4065** was passed by (Record 956): 142 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bolton; Bonnen; Branch; 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; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Bohac; Harper-Brown.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Burnam.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 956. I intended to vote no.

Laubenberg

### HB 1412 ON THIRD READING

(by McReynolds, et al.)

**HB 1412**, A bill to be entitled An Act relating to the regional emergency medical dispatch resource centers program.

A record vote was requested.

**HB 1412** was passed by (Record 957): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Dutton.

### HB 1146 ON THIRD READING

(by Bonnen)

**HB 1146**, A bill to be entitled An Act relating to the authority of small cities to conduct elections only by mail.

A record vote was requested.

**HB 1146** was passed by (Record 958): 139 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Giddings; Herrero; Leibowitz.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Laubenberg; Mowery; Truitt.

**HB 2106 ON THIRD READING**  
**(by Chisum, Deshotel, and Hopson)**

**HB 2106**, A bill to be entitled An Act relating to the regulation of barbering and cosmetology.

A record vote was requested.

**HB 2106** was passed by (Record 959): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto;

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

Nays — Harper-Brown.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Hughes.

### STATEMENT OF VOTE

I was shown voting no on Record No. 959. I intended to vote yes.

Harper-Brown

### HB 2117 ON THIRD READING

(by Parker, et al.)

**HB 2117**, A bill to be entitled An Act relating to the liability of certain persons who administer emergency care.

(Chisum in the chair)

A record vote was requested.

**HB 2117** was passed by (Record 960): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Gattis.

**HB 1617 ON THIRD READING**  
**(by Darby)**

**HB 1617**, A bill to be entitled An Act relating to the qualifications for appointment to the board of directors of certain economic development corporations.

A record vote was requested.

**HB 1617** was passed by (Record 961): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

**HB 1633 ON THIRD READING**  
**(by Geren, et al.)**

**HB 1633**, A bill to be entitled An Act relating to the determination of eligibility for Medicaid for certain persons in the armed forces and their family members.

A record vote was requested.

**HB 1633** was passed by (Record 962): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes;

Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Burnam; O'Day.

**HB 1995 ON THIRD READING**  
**(by Gonzalez Toureilles)**

**HB 1995**, A bill to be entitled An Act relating to the time in which to appeal a report by an associate judge in a suit affecting the parent-child relationship.

A record vote was requested.

**HB 1995** was passed by (Record 963): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Anchia.

**HB 2471 ON THIRD READING**  
**(by Homer and Aycock)**

**HB 2471**, A bill to be entitled An Act relating to the treatment and sale of certain bedding.

A record vote was requested.

**HB 2471** was passed by (Record 964): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Anchia.

**HB 2624 ON THIRD READING**  
**(by P. King)**

**HB 2624**, A bill to be entitled An Act relating to the authority to charge reasonable fees for certain emergency services performed by volunteer fire departments.

**Amendment No. 1**

Representative P. King offered the following amendment to **HB 2624**:

Amend **HB 2624** on 3rd reading by inserting the following SECTIONS, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 1271, Insurance Code, is amended by adding Section 1271.057 to read as follows:

Sec. 1271.057. CERTAIN TRANSPORTATION COSTS. An evidence of coverage that provides benefits for the cost of transporting an enrollee who is injured in an accident to a hospital or other facility for medical care must also provide benefits to reimburse a person, including a governmental entity, for the cost of transporting the body of an enrollee who dies in an accident to a morgue or other facility.

SECTION \_\_\_\_\_. Chapter 1701, Insurance Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. MINIMUM REQUIREMENTS

Sec. 1701.201. CERTAIN TRANSPORTATION COSTS. A document subject to this chapter that provides benefits for the cost of transporting a covered individual who is injured in an accident to a hospital or other facility for medical care must also provide benefits to reimburse a person, including a governmental entity, for the cost of transporting the body of a covered individual who dies in an accident to a morgue or other facility.

SECTION \_\_\_\_\_. Sections 1271.057 and 1701.201, Insurance Code, as added by this Act, apply only to an evidence of coverage, policy, contract, or certificate that is delivered, issued for delivery, or renewed on or after January 1, 2008. An evidence of coverage, policy, contract, or certificate that is delivered, issued for delivery, or renewed before January 1, 2008, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 2624**, as amended, was passed by (Record 965): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.;

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

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Burnam; Coleman.

### **HB 2664 ON THIRD READING**

**(by Truitt)**

**HB 2664**, A bill to be entitled An Act relating to audits of public retirement system actuarial valuations, studies, and reports.

A record vote was requested.

**HB 2664** was passed by (Record 966): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Farias.

### **HB 2118 ON THIRD READING**

**(by Pickett)**

**HB 2118**, A bill to be entitled An Act relating to licensing and regulation of residential fire alarm technicians and regulation of fire detection and alarm devices.

**Amendment No. 1**

Representative Eissler offered the following amendment to **HB 2118**:

Amend **HB 2118** on third reading, in the SECTION added by second reading floor amendment number 1 by Eissler amending the Health and Safety Code by adding Chapter 766, by adding Subsection (c) to added Section 766.003, Health and Safety Code to read as follows:

(c) A residential fire alarm technician as defined by Section 2, Article 5.43-2, Insurance Code, may install, service, inspect, or certify a smoke detector required under this section.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 2118**, as amended, was passed by (Record 967): 135 Yeas, 6 Nays, 2 Present, not voting.

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

Nays — Bonnen; Christian; Harper-Brown; Howard, C.; Macias; Phillips.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Branch; Farias; Turner.

**STATEMENTS OF VOTE**

When Record No. 967 was taken, my vote failed to register. I would have voted yes.

Branch

I was shown voting yes on Record No. 967. I intended to vote no.

Latham

**HB 2015 ON THIRD READING**  
**(by Smithee)**

**HB 2015**, A bill to be entitled An Act relating to the reporting of claim information under certain group health plans; providing administrative penalties.

A record vote was requested.

**HB 2015** was passed by (Record 968): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

**HB 2546 ON THIRD READING**  
**(by Noriega)**

**HB 2546**, A bill to be entitled An Act relating to the sale of ammonium nitrate; creating an offense.

A record vote was requested.

**HB 2546** was passed by (Record 969): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero;

Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Farias.

**HB 3066 ON THIRD READING**  
(by **Truitt and Menendez**)

**HB 3066**, A bill to be entitled An Act relating to the use of political contributions to make payments in connection with the rental of certain real property; providing a criminal penalty.

A record vote was requested.

**HB 3066** was passed by (Record 970): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Burnam; West.

**HB 2786 ON THIRD READING**  
**(by Paxton)**

**HB 2786**, A bill to be entitled An Act relating to the preparation by the Legislative Budget Board of a dynamic fiscal impact statement for certain bills and joint resolutions affecting taxes and fees.

A record vote was requested.

**HB 2786** was passed by (Record 971): 137 Yeas, 5 Nays, 2 Present, not voting.

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

Nays — Allen; Bolton; Herrero; Howard, D.; Leibowitz.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Escobar; Latham.

**STATEMENT OF VOTE**

When Record No. 971 was taken, I was in the house but away from my desk. I would have voted yes.

Escobar

**HB 3101 ON THIRD READING**  
**(by Anchia, Deshotel, Thompson, Dutton, Murphy, et al.)**

**HB 3101**, A bill to be entitled An Act relating to a residential tenant's rights and remedies.

A record vote was requested.

**HB 3101** was passed by (Record 972): 120 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Berman; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Creighton; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Anderson; Aycock; Bohac; Bonnen; Christian; Corte; Crabb; Darby; Eissler; Gattis; Geren; Harper-Brown; Hilderbran; Hughes; Jackson; Kolkhorst; Latham; Laubenberg; Orr; Paxton; Phillips; Riddle; Van Arsdale; Zedler.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 972. I intended to vote no.

Delisi

I was shown voting yes on Record No. 972. I intended to vote no.

Parker

I was shown voting yes on Record No. 972. I intended to vote no.

Woolley

### HB 3106 ON THIRD READING

(by Isett)

**HB 3106**, A bill to be entitled An Act relating to the implementation of enterprise resource planning by the comptroller.

A record vote was requested.

**HB 3106** was passed by (Record 973): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

### **HB 3143 ON THIRD READING**

**(by Flynn)**

**HB 3143**, A bill to be entitled An Act relating to electioneering near a polling place.

A record vote was requested.

**HB 3143** was passed by (Record 974): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Burnam; Heflin; Pierson.

**HB 3275 ON THIRD READING**  
(by Miller and O'Day)

**HB 3275**, A bill to be entitled An Act relating to the distribution of federal funds for highway projects.

A record vote was requested.

**HB 3275** was passed by (Record 975): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Anchia; Hartnett; Noriega; Pierson; Truitt.

**HB 3194 ON THIRD READING**  
(by Hill)

**HB 3194**, A bill to be entitled An Act relating to binding arbitration of certain appraisal review board orders.

A record vote was requested.

**HB 3194** was passed by (Record 976): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge;

Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Anchia; Creighton; Farias; Pierson; Riddle.

### STATEMENT OF VOTE

When Record No. 976 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

### HB 1864 ON THIRD READING (by Gonzales)

**HB 1864**, A bill to be entitled An Act relating to periods of possession of a child under a standard possession order.

A record vote was requested.

**HB 1864** was passed by (Record 977): 140 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Haggerty; King, S.; Pierson; Riddle.

**HB 3711 ON THIRD READING**  
(by Krusee)

**HB 3711**, A bill to be entitled An Act relating to the repeal of obsolete statutes regulating railroads.

A record vote was requested.

**HB 3711** was passed by (Record 978): 139 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Allen; Garcia; Keffer; Leibowitz; Pierson.

**HB 3960 ON THIRD READING**  
(by W. Smith)

**HB 3960**, A bill to be entitled An Act relating to the discontinuance of the Texas Commission on Environmental Quality's compliance history program.

A record vote was requested.

**HB 3960** was passed by (Record 979): 133 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins;

England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bolton; Davis, Y.; Herrero; Jones; Leibowitz; Thompson; Vaught.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Delisi; Pierson.

### **HB 2834 ON THIRD READING** (by F. Brown, et al.)

**HB 2834**, A bill to be entitled An Act relating to the use of land on the main campus of Texas A&M University in College Station.

A record vote was requested.

**HB 2834** was passed by (Record 980): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Pierson.

**HB 1775 ON THIRD READING**  
**(by Christian)**

**HB 1775**, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for the expansion of school of nursing facilities at Stephen F. Austin State University.

A record vote was requested.

**HB 1775** was passed by (Record 981): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Pierson.

**HB 2042 ON THIRD READING**  
**(by Dukes and Veasey)**

**HB 2042**, A bill to be entitled An Act relating to an electronic database of physicians, hospitals, and other health care providers participating in the state Medicaid program.

A record vote was requested.

**HB 2042** was passed by (Record 982): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Noriega; Pierson.

### **HB 1034 ON THIRD READING**

**(by Riddle, Berman, Flynn, Hilderbran, Branch, et al.)**

**HB 1034.** A bill to be entitled An Act relating to the pledge of allegiance to the state flag.

(Speaker in the chair)

### **HB 1034 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HOCHBERG: Thank you, Mr. Speaker, thank you, Ms. Riddle. I'm just trying to get clear in my own mind, because I'm going to have constituents ask me about my vote, of course, one way or another, and I voted with you last night.

REPRESENTATIVE RIDDLE: Thank you.

HOCHBERG: And I expect to vote with you today. Tell me why you picked out? You said last night that you were trying to essentially conform our pledge to the national pledge, and if I'm misstating what you said, please clarify that for me.

RIDDLE: No, that, I think, is what I made very clear, that in our national pledge, we say, "one nation under God." I felt like it was altogether right and appropriate for us to have in our state pledge, that we would say, "one state under God."

HOCHBERG: We also, in the national pledge, if I'm not mistaken, say, "with liberty and justice for all." You didn't include that in your bill, I don't believe. Was there some reason that you didn't include that but you did include the "under God" part?

RIDDLE: No.

HOCHBERG: No? Would you take a third reading amendment to add, "with liberty and justice for all?"

RIDDLE: No.

HOCHBERG: Because?

RIDDLE: I think that the way we have it now, it reads smoothly, it says what we wanted it to say, and I think that we voted on it yesterday, and I think that we have a consensus that basically says what we want it to say.

HOCHBERG: Okay, but you're basically trying to pick up the religious piece from the national pledge and just move it down to our state pledge. Is that fair?

RIDDLE: What I said yesterday is that it simply mirrors the national pledge in that area.

HOCHBERG: It mirrors the religious part of the pledge.

RIDDLE: This pledge is, in fact, unique to Texas, and we're not trying to replicate the entire pledge, but there are parts of the pledge that I thought we could put in it.

HOCHBERG: And why did you think that that particular part was appropriate to replicate rather than the other?

RIDDLE: That is the part that I thought of. I didn't even think about the other, sir.

HOCHBERG: And so why would you be opposed to the "with liberty and justice for all" part, isn't that important, too?

RIDDLE: We're in the third reading.

HOCHBERG: I just thought of it.

RIDDLE: You just now thought of it?

HOCHBERG: I did, ma'am.

RIDDLE: You just now thought of it?

HOCHBERG: I did, ma'am. I really did. It was a little late last night, ma'am, it really was. Had I thought of it then, I really would have brought it up to you then, but I didn't, and so I guess what I'm trying to understand, because I don't want to mess with the purpose of your bill, and I don't want to put a point of order on your bill, I don't want to do any of that stuff. If the purpose of your bill is you're just trying to do the religious part of it, I understand that. If the purpose of your bill was to mirror the federal pledge to the national flag to the star-spangled banner, then it's not getting that, because you're missing an important part. I want it to serve whatever purpose you said that you think it's supposed to serve.

RIDDLE: Well, I didn't think of the other. Our pledge is unique to Texas, and I think that we have it the way we want it, but next session, if you'd like to put that in it, then I welcome you to do that.

HOCHBERG: Okay, but why was this part a priority?

RIDDLE: I think I shared that last night.

HOCHBERG: Well, I'm sorry, it was late last night and it's hard to hear back here. You have a soft voice and sort of a smooth voice, and it's very hard for me to hear back here.

RIDDLE: I'm a horse woman, I live on 16 acres. I can holler from my house to the barn and have all the horses hear me. So I can raise my voice.

HOCHBERG: You should probably do this without microphones. I'd probably hear you better than with the sound echoing.

RIDDLE: It kind of tends to echo, does it not?

HOCHBERG: I'm sorry, okay.

RIDDLE: I think I made my point very clear last night, and I think I've made my point very clear today.

HOCHBERG: And your point is that the "under God" part is what you think is important to move over?

RIDDLE: That is what we put in there, sir. It mirrors the national pledge. It's a very simple concept and I feel like it's being redundant to have to say that over and over.

HOCHBERG: Thank you. I never mean to make anybody be redundant. Thank you, ma'am.

A record vote was requested.

**HB 1034** was passed by (Record 983): 124 Yeas, 12 Nays, 2 Present, not voting.

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

Nays — Allen; Bolton; Burnam; Castro; Chavez; Cohen; Davis, Y.; Hodge; Howard, D.; Miles; Naishtat; Thompson.

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

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Gonzalez Toureilles; Hernandez; Howard, C.; Lucio; McCall; Pierson; Straus; Veasey.

#### STATEMENTS OF VOTE

When Record No. 983 was taken, I was in the house but away from my desk. I would have voted yes.

C. Howard

When Record No. 983 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

I was shown voting no on Record No. 983. I intended to vote yes.

Thompson

When Record No. 983 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

#### REASON FOR VOTE

I am and have been a Baptist all my life, and the concepts of religious liberty and separation of church and state are firmly ingrained in me. Roger Williams who lived in the 1600s is widely viewed as the father of Baptist life in America. He gave up a very powerful position in England and came to the colonies, fleeing religious persecution. However, even in the colonies he faced persecution because he wouldn't worship as the leaders prescribed. In fact, late in his life he was banished to an uninhabited island and expected to die there. When, by God's grace, he prospered there, the leader of the colony sent him a scathing letter demanding to know why he hadn't just gone ahead and died as expected.

Roger Williams risked everything for what he believed. I have not been asked to risk as much, but my belief in religious liberty is that it is worth fighting for. It would be very easy to vote yes on this bill to avoid being seen as voting against God but I am very confident in my Christian faith and my relationship with God. I will be voting no and voting for religious liberty.

Bolton

#### MESSAGE FROM THE SENATE

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

#### REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Riddle and Representative Hochberg.

The motion prevailed.

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 1752 ON THIRD READING  
(Swinford - House Sponsor)**

**SB 1752**, A bill to be entitled An Act relating to the election, powers, and duties of the members of the board of directors of the Midland County Hospital District.

A record vote was requested.

**SB 1752** was passed by (Record 984): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Bailey; Gonzalez Tourelles; Howard, C.; Jackson; Pierson; Raymond; Smith, W.

**STATEMENT OF VOTE**

When Record No. 984 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

**SB 1694 ON THIRD READING  
(Jackson - House Sponsor)**

**SB 1694**, A bill to be entitled An Act relating to fraud investigations and criminal offenses involving the Medicaid program; providing criminal penalties.

A record vote was requested.

**SB 1694** was passed by (Record 985): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Harper-Brown; Hughes; Pierson; Zerwas.

**SB 1832 ON THIRD READING**  
**(Gattis - House Sponsor)**

**SB 1832**, A bill to be entitled An Act relating to the billing of anatomic pathology services; providing penalties.

**SB 1832 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ZERWAS: Thank you, Representative Gattis. I appreciate the work you've done on this and the opportunity that we have had to work together on that. As I look at the bill, there are potentially some opportunities for somebody other than physicians, advanced practice nurses, and so forth. Could you relate to me whether if anything in this bill has anything to do with changing the scope of practice of these individuals?

REPRESENTATIVE GATTIS: Nothing in this bill is intended to change the ability of advanced practice nurses to perform procedures necessary to collect specimens for examination by a pathologist or to order an anatomic pathologist service. This is currently within the scope of advance practice nurses, and this bill does nothing to change that.

ZERWAS: Thank you again, Mr. Gattis, and I appreciate your work on this.

**REMARKS ORDERED PRINTED**

Representative Zerwas moved to print remarks between Representative Gattis and Representative Zerwas.

The motion prevailed.

A record vote was requested.

**SB 1832** was passed by (Record 986): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — King, S.; Latham; Pierson; Smith, W.

**SB 1461 ON THIRD READING****(B. Cook, West, Dunnam, and Anderson - House Sponsors)**

**SB 1461**, A bill to be entitled An Act relating to certain matters regarding a clean coal project, including contracting authority and indemnification requirements, liability, representation of a state agency by the attorney general, and monitoring of sequestered carbon dioxide.

A record vote was requested.

**SB 1461** was passed by (Record 987): 139 Yeas, 0 Nays, 1 Present, not voting.

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

Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; 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; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Brown, F.; Deshotel; Geren; Miles; Pierson; Riddle.

**SB 1447 ON THIRD READING**  
**(Gattis - House Sponsor)**

**SB 1447**, A bill to be entitled An Act relating to the investment authority of the Teacher Retirement System of Texas.

A record vote was requested.

**SB 1447** was passed by (Record 988): 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; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Branch; Dunnam; McCall; Pierson.

**SB 1673 ON THIRD READING**  
**(Bonnen - House Sponsor)**

**SB 1673**, A bill to be entitled An Act relating to the period after which a preconstruction permit issued or renewed by the Texas Commission on Environmental Quality under the Texas Clean Air Act is subject to review.

A record vote was requested.

**SB 1673** was passed by (Record 989): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Allen; Aycock; Dukes; Giddings; Pierson.

**SB 1463 ON THIRD READING**  
**(Swinford - House Sponsor)**

**SB 1463**, A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

A record vote was requested.

**SB 1463** was passed by (Record 990): 137 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McClendon; McReynolds; Menendez; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Merritt; Miller; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Isett; Martinez Fischer; Moreno.

Absent — Howard, C.; King, S.; Latham; McCall; Pierson.

### LEAVES OF ABSENCE GRANTED

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

S. King on motion of Rodriguez.

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

Mallory Caraway on motion of Allen.

### HB 2859 ON SECOND READING

(by B. Brown, Madden, Flynn, Pitts, Hughes, et al.)

### RULES SUSPENDED

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HB 2859**.

The motion prevailed.

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

**HB 2859**, A bill to be entitled An Act Relating to a memorial sign program for victims of certain vehicle accidents.

**HB 2859** was read second time and was passed to engrossment.

### POSTPONED BUSINESS

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

### SB 823 ON SECOND READING

(Riddle - House Sponsor)

**SB 823**, A bill to be entitled An Act relating to the interception of or the collection of other information from certain communications in an investigation of criminal conduct.

**SB 823** was read second time earlier today and was postponed until this time.

### Amendment No. 1

Representative Riddle offered the following amendment to **SB 823**:

Amend **SB 823** (house committee printing) as follows:

(1) In SECTION 1 of the bill, strike the underlined language in proposed Paragraph (B), Subdivision (23), Section 1, Article 18.20, Code of Criminal Procedure (page 1, lines 15-18), and substitute the following:

(B) has received a minimum of 24 hours of training on kidnapping investigations and is:

(i) the sheriff of a county with a population of 3.3 million or more or the sheriff's designee; or

(ii) the police chief of a police department in a municipality with a population of 500,000 or more or the police chief's designee

(2) In SECTION 2 of the bill, strike proposed Subdivision (3-a), Section 1, Article 18.21, Code of Criminal Procedure (page 1, line 24, through page 2, line 1), and substitute the following:

(3-a) "Designated law enforcement agency" means:

(A) the sheriff's department of a county with a population of 3.3 million or more; or

(B) a police department in a municipality with a population of 500,000 or more.

(3) In SECTION 3 of the bill, strike "designated police agency" and substitute "designated law enforcement agency" in each of the following places:

(A) amended Subsection (b), Section 2, Article 18.21, Code of Criminal Procedure (page 2, lines 13 and 23-24);

(B) amended Subsection (d), Section 2, Article 18.21, Code of Criminal Procedure (page 3, lines 4-5, 10, and 14);

(C) proposed Subsection (i), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 15); and

(D) proposed Subsection (j), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 17).

(4) In SECTION 3 of the bill, in proposed Subsection (j), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 20), strike "the chief of the agency" and substitute "the sheriff or chief of the agency, as applicable".

(5) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), strike "chief of a designated police agency" and substitute "sheriff or chief of a designated law enforcement agency, as applicable".

(6) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 25), strike "by the chief".

(7) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 4, lines 21-22), strike "designated police agency" and substitute "designated law enforcement agency".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Riddle offered the following amendment to **SB 823**:

Amend **SB 823** (house committee printing) as follows:

(1) In the recital to SECTION 3 of the bill (page 2, line 4), strike "and (k)" and substitute "(k), and (l)".

(2) In SECTION 3 of the bill, in amended Section 2, Article 18.21, Code of Criminal Procedure, strike proposed Subsections (i) and (j) (page 3, lines 15-22) and substitute:

(i) A peace officer of a designated police agency is authorized to possess, install, operate, or monitor a pen register, ESN reader, or similar equipment if the officer's name is on the list submitted to the director of the Department of Public Safety under Subsection (k).

(j) Each designated police agency shall:

(1) adopt a written policy governing the application of this article to the agency; and

(2) submit the policy to the director of the Department of Public Safety, or the director's designee, for approval.

(3) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), strike "The" and substitute "If the director of the Department of Public Safety, or the director's designee, approves the policy submitted under Subsection (j), the".

(4) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), between "agency" and "shall", insert ", or the chief's designee,".

(5) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 24), strike "of the Department of Public Safety".

(6) In SECTION 3 of the bill, immediately following proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (between page 3, line 27, and page 4, line 1), insert the following:

(l) The Department of Public Safety may conduct an audit of a designated police agency to ensure compliance with this article.

(7) Strike SECTION 4 of the bill (page 4, lines 1-17).

(8) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 4, lines 21 and 22), strike "a designated police agency" and substitute "the chief of a designated police agency, or the chief's designee,".

(9) Renumber existing SECTIONS of the bill as appropriate.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Dutton offered the following amendment to **SB 823**:

Amend **SB 823** (house committee printing) as follows:

(1) In the recital to SECTION 3 of the bill (page 2, line 4), strike "and (k)" and substitute "(k), and (l)".

(2) In SECTION 3 of the bill, in amended Section 2, Article 18.21, Code of Criminal Procedure, strike proposed Subsections (i) and (j) (page 3, lines 15-22) and substitute:

(i) A peace officer of a designated police agency is authorized to possess, install, operate, or monitor a pen register, ESN reader, or similar equipment if the officer's name is on the list submitted to the director of the Department of Public Safety under Subsection (k).

(j) Each designated police agency shall:

(1) adopt a written policy governing the application of this article to the agency; and

(2) submit the policy to the director of the Department of Public Safety, or the director's designee, for approval.

(3) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), strike "The" and substitute "If the director of the Department of Public Safety, or the director's designee, approves the policy submitted under Subsection (j), the".

(4) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), between "agency" and "shall", insert ", or the chief's designee,".

(5) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 24), strike "of the Department of Public Safety".

(6) In SECTION 3 of the bill, immediately following proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (between page 3, line 27, and page 4, line 1), insert the following:

(l) The Department of Public Safety may conduct an audit of a designated police agency to ensure compliance with this article. If the department determines from the audit that the designated police agency is not in compliance with the policy adopted by the agency under Subsection (j), the department shall notify the agency in writing that it is not in compliance. If the department determines that the agency still is not in compliance with the policy 90 days after the date the agency receives written notice under this subsection, the agency loses the authority granted by this article until:

(1) the agency adopts a new written policy governing the application of this article to the agency; and

(2) the department approves the written policy.

(7) Strike SECTION 4 of the bill (page 4, lines 1-17).

(8) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 4, line 20), between the period and "The director", insert "(a)".

(9) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 4, lines 21 and 22), strike "a designated police agency" and substitute "the chief of a designated police agency, or the chief's designee,".

(10) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 5, between lines 2 and 3), insert the following:

(b) Not later than the 30th day after the date on which the administrative subpoena is issued under Subsection (a), the chief of a designated police agency shall report the issuance of the subpoena to the department.

(c) If, based on reports received under Subsection (b), the department determines that a designated police agency is not in compliance with the policy adopted by the agency under Section 2(j), the department shall notify the agency in writing that it is not in compliance. If the department determines that the agency still is not in compliance with the policy 90 days after the date the agency receives written notice under this subsection, the agency loses the authority granted by this article until:

(1) the agency adopts a new written policy governing the application of this article to the agency; and

(2) the department approves the written policy.

(11) Renumber existing SECTIONS of the bill as appropriate.

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representative Solomons offered the following amendment to **SB 823**:

Amend **SB 823** by adding subsection (1) between Page 3, line 27 and Page 4, line 1 as follows:

(1) The chief of a designated police agency shall submit to the director of the Department of Public Safety a written report of expenditures made by the designated police agency for the purchase and maintenance of a pen register, ESN reader, or similar equipment, authorized pursuant to subsection (i). The director of the Department of Public Safety shall report such expenditures publicly on an annual basis via the department's website, or other comparable means.

Amendment No. 4 was adopted.

**SB 823**, as amended, 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. Members registering votes are as follows: Herrero, Jones, and Leibowitz recorded voting no.)

#### **HB 357 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Riddle moved to lay **HB 357** on the table subject to call.

The motion prevailed.

### **MAJOR STATE CALENDAR HOUSE BILLS SECOND READING**

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

#### **CSHB 9 ON SECOND READING (by Crownover, P. King, Woolley, Hamilton, Escobar, et al.)**

**CSHB 9**, A bill to be entitled An Act relating to the elimination of smoking in all workplaces and public places; providing penalties.

**Amendment No. 1**

Representative Dutton offered the following amendment to **CSHB 9**:

Amend **CSHB 9** (committee printing) as follows:

(1) On page 1, line 23, strike "25" and substitute "15".

(2) On page 2, lines 5-6, strike "", originally issued before May 15, 2007".

(3) On page 3, lines 17-18, strike "a club described by Section 501(c)(7) of that code." and insert:

⋮

(i) a nonprofit corporation or other entity described by Section 501(c)(3) of that code;

(ii) a club described by Section 501(c)(7) of that code;

(iii) a fraternal beneficiary society, order, or association described by Section 501(c)(8) of that code; or

(iv) an organization of past or present members of the United States armed forces or other organization described by Section 501(c)(19) of that code.

(4) On page 3, line 23, strike "(ii) a bar;" and renumber subsequent subparagraphs accordingly.

(5) On page 4, line 18, following the semi-colon, insert "or".

(6) On page 4, line 22, strike "(xvii) a bingo hall; or".

(7) On page 6, line 3, between "EXCEPTIONS:" and "This", insert "(a)".

(8) On page 6, line 22, strike "or".

(9) On page 6, strike lines 23-27 and substitute:

(6) a private club; or

(7) a bar that is open only to persons who are at least 21 years of age and derives at least 75 percent of the bar's gross sales from the sale of alcoholic beverages.

(b) Subsection (a)(5) applies without regard to whether the alcoholic beverage permit or license under Chapter 25, 28, 32, or 69, Alcoholic Beverage Code, as described by Section 169.001(3)(C), also covers premises that include a bar or restaurant adjoining the cigar bar, provided that the bar or restaurant:

(1) has an entrance separate from the cigar bar;

(2) employs employees separate from the cigar bar; and

(3) unless exempted under Subsection (a)(7), does not permit smoking.

(10) On page 9, between lines 6 and 7, insert new Subsections (b) and (c) as follows and reletter subsequent subsections accordingly:

(b) This chapter preempts and supersedes a local ordinance, rule, or regulation that prohibits or restricts smoking to a greater degree than this chapter if the local ordinance, rule, or regulation:

(1) was adopted by a municipality before September 1, 2007; and

(2) is scheduled to take effect on or after September 1, 2007.

(c) Subsection (b) does not prohibit the adoption by a political subdivision, after September 1, 2007, of a local ordinance, rule, or regulation that prohibits or restricts smoking to a greater degree than this chapter.

(11) On page 9, lines 19-20, strike "", originally issued before May 15, 2007".

(12) On page 9, line 21, strike "25" and substitute "15".

(C. Howard in the chair)

### **Amendment No. 2**

Representative Kuempel offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Dutton by inserting the following appropriately numbered item and renumbering items of the amendment accordingly:

( ) Insert the following appropriately numbered SECTION and renumber existing SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Subchapter C, Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.34 to read as follows:

Sec. 109.34. REGULATION OF SMOKING. Notwithstanding any city ordinance or county regulation, a mixed beverage permit holder whose premises has at least two areas with separate ventilation systems may allow smoking in one or more of those areas if smoking is not allowed in at least one of those areas.

Amendment No. 2 was adopted.

### **CSHB 9 - POINT OF ORDER**

Representative Hodge raised a point of order against further consideration of **CSHB 9** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

### **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. 34).

### **CSHB 9 - (consideration continued)**

Representative Crownover moved to postpone consideration of **CSHB 9** until 3:15 p.m. today.

The motion prevailed.

### **CSHB 2542 ON SECOND READING (by Kolkhorst, Flynn, Truitt, McClendon, et al.)**

**CSHB 2542**, A bill to be entitled An Act relating to the continuation and functions of the Office of Rural Community Affairs.

**CSHB 2542** 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 2543 ON SECOND READING**  
**(by Kolkhorst)**

**CSHB 2543**, A bill to be entitled An Act relating to the continuation and operation of the Texas Animal Health Commission; providing penalties.

**CSHB 2543** 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.)

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

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

**HJR 44 ON SECOND READING**  
**(by Branch, Paxton, Anderson, Raymond, R. Cook, et al.)**

**HJR 44**, A joint resolution proposing a constitutional amendment requiring any increase in a franchise tax rate to be approved by three-fourths of all the members elected to each house of the legislature.

**Amendment No. 1**

Representative Keffer offered the following amendment to **HJR 44**:

Amend **HJR 44** as follows:

- (1) On page 1, line 9, strike "three-fourths" and substitute "two-thirds".
- (2) On page 1, line 21, strike "three-fourths" and substitute "two-thirds".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Leibowitz offered the following amendment to **HJR 44**:

Amend **HJR 44** as follows:

(1) On page 1, line 7, between "increasing" and "any" by inserting "or decreasing".

(2) On page 1, line 20, after "increase" insert "or decrease".

Amendment No. 2 was withdrawn.

A record vote was requested.

**HJR 44**, as amended, was passed to engrossment by (Record 991): 98 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Deshotel; Driver; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gattis; Geren; Giddings; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hill; Homer; Hopson; Hughes; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias;

Madden; Martinez; McCall; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Burnam; Coleman; Dukes; Dunnam; Dutton; Farrar; Flores; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Hartnett; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; McClendon; McReynolds; Miles; Naishtat; Olivo; Ortiz; Quintanilla; Rodriguez; Rose; Strama; Thompson; Veasey.

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

Absent, Excused — Eiland; Isett; King, S.; Mallory Caraway; Martinez Fischer; Moreno.

Absent — Bolton; Castro; Chavez; Davis, J.; Davis, Y.; England; Farias; Oliveira; Pierson; Villarreal.

#### STATEMENTS OF VOTE

When Record No. 991 was taken, I was in the house but away from my desk. I would have voted yes.

J. Davis

I was shown voting no on Record No. 991. I intended to vote yes.

Rose

### GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

#### CSHB 1819 ON SECOND READING (by Hamilton)

**CSHB 1819**, A bill to be entitled An Act relating to the election of board members in emergency services districts located wholly in certain less populous counties.

#### CSHB 1819 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 1819** under Article III, Section 56 of the Texas Constitution

The chair sustained the point of order, and submitted the following statement:

Representative Thompson raises a point of order against further consideration of **HB 1819** on the grounds that it contains an artificial classification scheme. The chair sustains the point of order on the grounds that

the provisions of the bill relating to the appointment or election of officers for emergency services districts bear no reasonable or rationale relationship to the location of the Sabine river and the population figures described in the bill.

Accordingly, the point of order is well-taken and sustained.

**CSHB 1819** was returned to the Committee on County Affairs.

### POSTPONED BUSINESS

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

#### CSHB 9 ON SECOND READING

(by **Crownover, P. King, Woolley, Hamilton, Escobar, et al.**)

**CSHB 9**, A bill to be entitled An Act relating to the elimination of smoking in all workplaces and public places; providing penalties.

**CSHB 9** was read second time earlier today, amendments were offered and disposed of, and **CSHB 9** was postponed until this time. Amendment No. 1, as amended, was pending at the time of postponement.

(Krusee in the chair)

#### CSHB 9 - POINT OF ORDER

Representative Hodge raised a point of order against further consideration of **CSHB 9** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order, and submitted the following statement:

Representative Hodge raised a point of order against further consideration of **CSHB 9** because of violations of Rule 4, Section 32(c)(4). The chair has reviewed the bill, the substitute, and the bill analysis and is of the opinion that the bill analysis complies with the rule. Accordingly, the point of order is overruled.

Representative Crownover moved to table Amendment No. 1, as amended.

A record vote was requested.

The motion to table was lost by (Record 992): 65 Yeas, 73 Nays, 2 Present, not voting.

Yeas — Anchia; Aycock; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Cohen; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Eissler; Farias; Farrar; Flynn; Frost; Garcia; Geren; Giddings; Goolsby; Hamilton; Harless; Heflin; Hernandez; Hilderbran; Hill; Hochberg; Howard, D.; Jackson; King, P.; Kolkhorst; Latham; Laubenberg; Leibowitz; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Ortiz; Otto; Parker; Patrick; Pierson; Pitts; Ritter; Rose; Smith, T.; Smithee; Strama; Swinford; Taylor; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anderson; Bailey; Bonnen; Castro; Chavez; Coleman; Cook, B.; Crabb; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Elkins; England; Escobar; Farabee; Flores; Gallego; Gattis; Gonzales; Gonzalez

Tourelles; Guillen; Haggerty; Hancock; Hardcastle; Hartnett; Herrero; Hodge; Homer; Hopson; Howard, C.; Hughes; Jones; King, T.; Kuempel; Lucio; Macias; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Oliveira; Olivo; Orr; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Smith, W.; Solomons; Straus; Talton; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Eiland; Isett; King, S.; Mallory Caraway; Martinez Fischer; Moreno.

Absent — Chisum; Christian; Harper-Brown; Keffer.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 992. I intended to vote no.

R. Cook

I was shown voting no on Record No. 992. I intended to vote yes.

Naishtat

I was shown voting yes on Record No. 992. I intended to vote no.

Parker

Amendment No. 1, as amended, was adopted. (The vote was later reconsidered on May 7, and Amendment No. 1, as amended, failed of adoption by Record No. 1016.)

### Amendment No. 3

Representative Bonnen offered the following amendment to **CSHB 9**:

Amend **CSHB 9** (committee printing) by striking page 9, lines 3 through 6, and substituting the following:

Sec. 169.011. APPLICABILITY; CONSTRUCTION. (a) This chapter does not preempt or supersede a local ordinance, rule, or regulation adopted prior to June 1, 2007, by any political subdivision that restricts or prohibits smoking. The local ordinance, rule, or regulation supersedes this chapter within the boundaries of the political subdivision that adopts it.

### HB 2535 - RECOMMITTED

Representative T. King moved to recommit **HB 2535** to the Committee on Border and International Affairs.

The motion prevailed.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative T. King requested permission for the Committee on Border and International Affairs to meet while the house is in session, 4 p.m. today, in 3W.9, for a formal meeting, to consider **HB 2535**.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Border and International Affairs, 4 p.m. today, 3W.9, for a formal meeting, to consider **HB 2535**.

**MESSAGE FROM THE SENATE**

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

**CSHB 9 - (consideration continued)****Amendment No. 4**

Representative Solomons offered the following amendment to Amendment No. 3:

Amend **CSHB 9** (committee printing) by striking page 9, lines 3 through 6, and substituting the following:

Sec. 169.011. APPLICABILITY; CONSTRUCTION. (a) This chapter does not preempt or supersede a local ordinance, rule, or regulation adopted by any political subdivision that regulates, restricts, or prohibits smoking. The local ordinance, rule, or regulation supersedes this chapter within the boundaries of the political subdivision that adopts it.

Amendment No. 4 was adopted.

(Speaker in the chair)

**LEAVE OF ABSENCE GRANTED**

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

Castro on motion of Chavez.

(Krusee in the chair)

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative C. Howard requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, 4:25 p.m. today, in 3W.9, to consider **HB 928**, **HB 2828**, and **HB 3696**.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Local and Consent Calendars, 4:25 p.m. today, 3W.9, for a formal meeting, to consider **HB 928**, **HB 2828**, and **HB 3696**.

**CSHB 9 - (consideration continued)****CSHB 9 - POINT OF ORDER**

Representative Hodge raised a point of order against further consideration of **CSHB 9** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Crownover moved to postpone consideration of **CSHB 9** until 4:45 p.m. today.

The motion prevailed.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider **SB 979** at 2 p.m. or upon adjournment Tuesday, May 8 in E2.026.

The motion prevailed.

**GENERAL STATE CALENDAR  
(consideration continued)****CSSB 796 ON SECOND READING  
(Taylor - House Sponsor)**

**CSSB 796**, A bill to be entitled An Act relating to split payments of ad valorem taxes.

**CSSB 796** was considered in lieu of **HB 1976**.

**Amendment No. 1**

Representative Taylor offered the following amendment to **CSSB 796**:

Amend **CSSB 796** (House committee printing), in SECTION 1 of the bill, proposed Section 31.03 (d), Tax Code (on page 1, line 9), between "(d)" and "The governing", by inserting "This subsection applies only to a taxing unit located in a county having a population of 250,000 or more that borders a county having a population of 3.3 million or more and the Gulf of Mexico."

Amendment No. 1 was adopted.

**CSSB 796**, as amended, 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 1976 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Taylor moved to lay **HB 1976** on the table subject to call.

The motion prevailed.

**HB 2248 ON SECOND READING**  
**(by Van Arsdale)**

**HB 2248**, A bill to be entitled An Act relating to the ability of a governmental body under the public information law to request a redetermination from the attorney general on dismissal of litigation relating to the same issue.

**HB 2248** 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: Herrero and Leibowitz recorded voting no.)

**HB 1977 ON SECOND READING**  
**(by Taylor)**

**HB 1977**, A bill to be entitled An Act relating to liability of the Texas Health Insurance Risk Pool for a state tax, regulatory fee, or surcharge.

**Amendment No. 1**

Representative Taylor offered the following amendment to **HB 1977**:

Amend **HB 1977** as follows:

(1) On page 1, between lines 9 and 10, insert the following:

SECTION 2. Section 1506.251, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) The regular assessment is the amount determined by the board under Section 1506.252 and recovered from health benefit plan issuers under Section 1506.253.

SECTION 3. Subchapter F, Chapter 1506, Insurance Code, is amended by adding Section 1506.2523 to read as follows:

Sec. 1506.2523. ANNUAL REPORT TO BOARD: GROSS PREMIUMS.

(a) Each health benefit plan issuer shall report to the board the gross premiums collected for the preceding calendar year for health benefit plans.

(b) For purposes of this section, gross health benefit plan premiums do not include premiums collected for:

(1) coverage under a Medicare supplement benefit plan subject to Chapter 1652;

(2) coverage under a small employer health benefit plan subject to Subchapters A-H, Chapter 1501; or

(3) coverage or insurance listed in Section 1506.002(b).

SECTION 4. Section 1506.253(b), Insurance Code, is amended to read as follows:

(b) The board shall use the total number of enrolled individuals reported by all health benefit plan issuers under Section 1506.2522 as of the preceding December 31 to ~~to~~ compute the amount of a health benefit plan issuer's assessment, if any, in accordance with this subsection. The ~~the~~ board shall allocate ~~±~~

~~[(1) divide]~~ the total amount to be assessed based on ~~[by]~~ the total number of enrolled individuals covered by excess loss, stop-loss, or reinsurance policies and on the total number of other enrolled individuals as determined ~~[reported by all health benefit plan issuers]~~ under Section 1506.2522. To compute the amount of a health benefit plan issuer's assessment:

(1) for the issuer's enrolled individuals covered by an excess loss, stop-loss, or reinsurance policy, the board shall:

(A) divide the allocated amount to be assessed by the total number of enrolled individuals covered by excess loss, stop-loss, or reinsurance policies, as determined under Section 1506.2522, ~~[as of the preceding December 31]~~ to determine the per capita amount; and

(B) multiply the number of a health benefit plan issuer's enrolled individuals covered by an excess loss, stop-loss, or reinsurance policy, as determined under Section 1506.2522, by the per capita amount to determine the amount assessed to that health benefit plan issuer; and

(2) for the issuer's enrolled individuals not covered by excess loss, stop-loss, or reinsurance policies, the board, using the gross health benefit plan premiums reported for the preceding calendar year by health benefit plan issuers under Section 1506.2523, shall:

(A) divide the gross premium collected by a health benefit plan issuer by the gross premium collected by all health benefit plan issuers; and

(B) multiply the allocated amount to be assessed by the fraction computed under Paragraph (A) ~~[number of enrolled individuals reported by the health benefit plan issuer under Section 1506.2522 as of the preceding December 31 by the per capita amount]~~ to determine the amount assessed to that health benefit plan issuer.

SECTION 5. Subchapter F, Chapter 1506, Insurance Code, is amended by adding Section 1506.259 to read as follows:

Sec. 1506.259. TAX CREDIT. (a) A health benefit plan issuer is entitled to a credit against its premium tax under Chapter 222 for the portion of the issuer's regular assessment, determined by the board during the preceding calendar year under Section 1506.253, for non-federally eligible individuals who qualify for pool coverage under Section 1506.152(a)(3), as determined by the pool as of December 31 of the preceding calendar year.

(b) The premium tax credit under this section applies to the premium tax due in the calendar year following the calendar year in which the regular assessment is determined by the pool.

(c) The premium tax credit under this section is limited to the premium tax liability due for the calendar year before the application of any available premium tax prepayments and guaranty association assessment credits. Any credit that exceeds the premium tax liability for a calendar year may not be carried forward to future years or applied to prior years.

(d) Available credit against premium tax allowed under this section may be transferred or assigned among health benefit plan issuers if:

(1) a merger, acquisition, or total assumption of reinsurance among the issuers occurs; or

(2) the commissioner by order approves the transfer or assignment.

(2) On page 1, line 10, strike "SECTION 2" and substitute "SECTION 6".

(3) On page 1, strike line 13 and substitute the following:

SECTION 7. The change in law made by this Act to Section 1506.253, Insurance Code, applies to an assessment under Subchapter F, Chapter 1506, Insurance Code, for a calendar year or portion of a calendar year beginning on the effective date of this Act. An assessment for any portion of a calendar year before the effective date of this Act is governed by the law in effect during the period for which the assessment is made, and the former law is continued in effect for that purpose.

SECTION 8. A health benefit plan issuer may apply a tax credit under Section 1506.259, Insurance Code, as added by this Act, beginning with the first premium tax payment that is due on or after January 1, 2008.

SECTION 9. This Act takes effect June 30, 2007, if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary to take effect on that date, this Act takes effect September 30, 2007.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Farabee offered the following amendment to **HB 1977**:

Amend **HB 1977** (committee printing) as follows:

(1) On page 1, line 6, strike "Section 1506.008" and substitute "Sections 1506.008 and 1506.009".

(2) On page 1, between lines 9 and 10, insert:

Sec. 1506.009. STUDY; REPORT. (a) The commissioner shall conduct a study concerning a program under which the pool would offer coverage to an individual who is also covered under a group health benefit plan that is provided or offered to the individual through an employer. Under the proposed program, pool coverage would be secondary to coverage provided under the group health benefit plan.

(b) The commissioner, using existing resources, may contract with actuaries and other experts as necessary to conduct the study.

(c) The commissioner shall report the results of the study in the biennial report under Section 32.022. The report must:

(1) include an analysis of the advantages and disadvantages of the proposed program and recommended minimum standards applicable to group health benefit plans that may be included in the program; and

(2) identify program components, requirements, or restrictions necessary for successful implementation of the program.

(d) This section expires September 1, 2009.

Amendment No. 2 was adopted.

**HB 1977**, 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.)

### LEAVE OF ABSENCE GRANTED

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

Deshotel on motion of R. Cook.

### CSHB 2504 ON SECOND READING (by Eissler, Woolley, Bohac, and Veasey)

**CSHB 2504**, A bill to be entitled An Act relating to an intensive mathematics and algebra intervention program in public schools.

#### Amendment No. 1

Representative Eissler offered the following amendment to **CSHB 2504**:

Amend **CSHB 2504** as follows:

(1) On page 1, line 8, insert "PILOT" between "INTERVENTION" and "PROGRAM".

(2) On page 1, line 9, insert "pilot" between "intervention" and "program".

(3) On page 1, beginning on line 10, strike existing (b) and insert:

"(b) The commissioner by rule shall establish an intervention pilot program in which a participating district will provide:"

(4) On page 1, beginning on line 17 strike existing (c) and (d) and insert:

"(c) Districts may implement the intensive mathematics and algebra intervention pilot program at a campus whose population of at risk students exceeds the state average proportion of at risk students.

(d) A participating campus shall identify a student who does not perform at grade level on an assessment instrument administered under Section 39.023(a)(1), or an equivalent assessment instrument administered under Section 39.023(l), as a student eligible for participation in the intervention program. During a student's placement in the intervention program, a campus shall use progress monitoring assessments to ensure that a student is making appropriate progress in the program."

(5) On page 2, beginning on line 9, strike existing (e) and insert:

"(e) The commissioner shall adopt a list of mathematics and algebra intervention programs that may be implemented by a school district and funded under this program. Programs placed on the Commissioner's List will be reviewed and recommended by a panel of recognized experts in mathematics education."

(6) On page 2, beginning on line 17 through page 3 line 6, strike existing (f) (1) through (6) and insert:

"(f) The commissioner shall adopt minimum criteria that a program must meet to be included on the list adopted by the commissioner. The criteria must:

(1) include comprehensive course plans and teacher guides that are organized around the essential knowledge and skills curriculum for mathematics;

(2) include technology-based supplementary instruction that can diagnose and address areas in which a student is identified to need improvement;

(3) include at least three cumulative days of training, professional development, and mentoring for teachers;

(4) provide students individual access to technology-based supplementary instruction at least 90 minutes each week;

(5) provide teachers daily access to required technology;

(6) demonstrate significant effectiveness in schools serving students identified as being at risk of dropping out of school, as described by Section 29.081(d); and

(7) be selected in consultation with the teachers at the affected campus from the list adopted pursuant to 29.095 (e)."

(7) On page 3 beginning on line 7 strike existing (g), (h) and (i) and insert:

"(g) The commissioner shall adopt rules necessary to implement this section.

(h) PROGRAM EVALUATION. The commissioner of education shall contract for the evaluation of the effectiveness of the intervention program established under Section 29.095. The commissioner may consider centers for education research to conduct this evaluation. The evaluation shall describe progress under the assessment instruments administered under Section 39.023 (a)(1) or equivalent assessment instruments administered under Section 39.023 (1) to students participating in the intervention program.

(i) REPORT TO THE LEGISLATURE. Not later than December 1 of each even-numbered year, the commissioner shall prepare and deliver a report to the legislature that recommends any statutory changes the commissioner considers appropriate to promote improved mathematics and algebra readiness in Texas school."

Amendment No. 1 was adopted.

**CSHB 2504**, 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.)

(Murphy in the chair)

### **HB 2724 ON SECOND READING** **(by Thompson)**

**HB 2724**, A bill to be entitled An Act relating to the hours for the wholesale delivery or sale of beer.

**HB 2724** 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: Aycock recorded voting no.)

**HB 2883 ON SECOND READING**  
**(by Guillen)**

**HB 2883**, A bill to be entitled An Act relating to a state policy of encouraging voluntary land stewardship to benefit the water in this state.

**HB 2883** 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 3259 ON SECOND READING**  
**(by Branch)**

**HB 3259**, A bill to be entitled An Act relating to the administration of international assessment instruments to certain public school students.

**HB 3259** 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 3464 ON SECOND READING**  
**(by Guillen)**

**HB 3464**, A bill to be entitled An Act relating to establishing an office of state statistician.

**HB 3464** 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: Aycock and Christian recorded voting no.)

**CSHB 3123 ON SECOND READING**  
**(by Miles)**

**CSHB 3123**, A bill to be entitled An Act relating to involvement in charitable events by holders of alcoholic beverage licenses and permits.

**CSHB 3123** 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: Aycock and Christian recorded voting no.)

**HR 1897 - ADOPTED**  
**(by Riddle)**

Representative Riddle moved to suspend all necessary rules to take up and consider at this time **HR 1897**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1897**, Congratulating Bryan Crail and Amy Sumner on their impending nuptials.

**HR 1897** was adopted.

**CSHB 1611 ON SECOND READING**  
**(by Madden)**

**CSHB 1611**, A bill to be entitled An Act relating to the punishment for the offense of forgery of a writing that is or purports to be a check.

Representative Madden moved to postpone consideration of **CSHB 1611** until 10 a.m. Friday, June 1.

The motion prevailed.

**CSHB 1737 ON SECOND READING**  
**(by Giddings)**

**CSHB 1737**, A bill to be entitled An Act relating to business entities and associations.

**CSHB 1737** 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 2694 ON SECOND READING**  
**(by Hamilton)**

**HB 2694**, A bill to be entitled An Act relating to the disaster contingency fund.

**HB 2694** 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: Laubenberg recorded voting no.)

**CSHB 2882 ON SECOND READING**  
**(by Hughes)**

**CSHB 2882**, A bill to be entitled An Act relating to the service retirement annuity of certain members of the Judicial Retirement System of Texas Plan One and the Judicial Retirement System of Texas Plan Two.

**Amendment No. 1**

Representative Hughes offered the following amendment to **CSHB 2882**:

Amend **CSHB 2882** as follows:

- (1) On page 1, line 11, strike "three" and substitute "2.3".
- (2) On page 1, line 22, strike "three" and substitute "2.3".
- (3) On page 2, line 7, strike "three" and substitute "2.3".

Amendment No. 1 was adopted.

**CSHB 2882 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE MCREYNOLDS: Let's talk a second or two about this because it's really important to Texas. I mean with the Panhandle aflame last year, and then the hurricanes hitting and so forth. The disaster contingency fund is an important thing, isn't it?

REPRESENTATIVE HAMILTON: Yes, sir.

MCREYNOLDS: And we really haven't ever as far as I know put dollars in it yet, have we?

HAMILTON: Not a whole lot of dollars.

MCREYNOLDS: I hope we do at some point in the future and it's certinally part of the debate we had in the appropriations meeting this time. I know you're schools in Mauriceville were closed a long time and that you went though a great deal of grief as did Orange, and Beaumont, and Port Arthur, and Jasper, and the other places with the hurricane. I represent Lufkin, and while the hurricane came through our area our injuries were as much as the fact that we're one of the designated shell hubs in the state and so much traffic from the golden triangle from the Houston area came up our way.

HAMILTON: I appreciate y'all opening up the doors for us and taking us in.

MCREYNOLDS: Absolutely. And I guess that's where I'm going here, I'd kind of like to get your intent here. A place that is sheltering, cause our population went from 35,000 to 135,000 virtually overnight and we had thousands and thousands of people show up there. I want to be sure that we all understand this disaster contingency fund could take care of problems like that.

HAMILTON: This would take care of your problem right there and help you out.

MCREYNOLDS: I really thank you for this bill. It's important, it's time we in Texas all need to be aware of what you're doing down there. It's a good piece of legislation, and I thank you very much.

**CSHB 2882**, 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.)

**REMARKS ORDERED PRINTED**

Representative McReynolds moved to print remarks between Representative Hamilton and Representative McReynolds.

The motion prevailed.

**CSHB 3173 ON SECOND READING  
(by Giddings)**

**CSHB 3173**, A bill to be entitled An Act relating to the transmission of an unsolicited commercial electronic mail message.

**CSHB 3173** 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 916 ON SECOND READING**  
**(by Menendez, et al.)**

**HB 916**, A bill to be entitled An Act relating to the prosecution and punishment of dog fighting.

**HB 916** 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 3930 ON SECOND READING**  
**(by Homer, R. Cook, Flynn, Anderson, and Geren)**

**CSHB 3930**, A bill to be entitled An Act relating to the appeals process in the disposition of cruelly treated animals.

Representative R. Cook moved to postpone consideration of **CSHB 3930** until 6:30 a.m. Monday, May 7.

The motion prevailed.

**CSHB 1117 ON SECOND READING**  
**(by B. Brown)**

**CSHB 1117**, A bill to be entitled An Act relating to the filing of birth certificates.

Representative B. Brown moved to postpone consideration of **CSHB 1117** until 5:30 p.m. today.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

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

Driver on motion of Krusee.

**CSHB 3232 ON SECOND READING**  
**(by Olivo, C. Howard, Turner, J. Davis, Zerwas, et al.)**

**CSHB 3232**, A bill to be entitled An Act relating to certain subdivision golf courses.

**CSHB 3232** 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.)

(Creighton in the chair)

**HB 2617 ON SECOND READING**  
**(by Guillen)**

**HB 2617**, A bill to be entitled An Act relating to the creation of municipal courts of record in the city of Laredo.

**HB 2617** 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 3692 ON SECOND READING**  
**(by Straus)**

**HB 3692**, A bill to be entitled An Act relating to the denial of bail to a person who violates certain court orders or conditions of bond related to victim or community safety.

**Amendment No. 1**

Representative Straus offered the following amendment to **HB 3692**:

Amend **HB 3692** as follows:

(1) Strike SECTION 1 of the bill on page 1, line 6 through page 1, line 12, and renumber subsequent SECTIONS of the bill accordingly.

(2) On page 1, line 18, strike "Section 25.07(a), Penal Code, is amended" and substitute "Sections 25.07(a) and (g), Penal Code, are amended".

(3) On page 2, lines 15-16, strike "if the order or condition of bond" and substitute "if the violation is of an order described by this subsection and the order".

(4) On page 2, between lines 26 and 27, insert the following:

(g) An offense under this section is a Class A misdemeanor unless it is shown on the trial of the offense that the defendant has previously been convicted under this section two or more times or has violated the [~~protective~~] order or condition of bond by committing an assault or the offense of stalking, in which event the offense is a third degree felony.

(5) On page 3, lines 6 and 19, strike "A person" and substitute "Except as otherwise provided by Subsection (d), a person".

(6) On page 3, lines 12-13 and 23-24, strike "on a determination by a judge or magistrate following a hearing that probable cause exists to believe" and substitute "if following a hearing a judge or magistrate determines by a preponderance of the evidence that".

(7) On page 3, between lines 25 and 26, insert the following:

(d) A person who commits an offense under Section 25.07(a)(3), Penal Code, may be held without bail under Subsection (b) or (c), as applicable, only if following a hearing the judge or magistrate determines by a preponderance of the evidence that the person went to or near the place described in the order or condition of bond with the intent to commit or threaten to commit:

(1) family violence; or

(2) an act in furtherance of an offense under Section 42.072, Penal

Code.

(8) On page 3, line 26, strike "(d)" and substitute "(e)".

(9) On page 4, line 10, strike "(e)" and substitute "(f)".

Amendment No. 1 was adopted.

**HB 3692**, 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 1269 ON SECOND READING**

**(by Crownover, Taylor, Eissler, Zerwas, et al.)**

**HB 1269**, A bill to be entitled An Act relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

### **HB 1269 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **HB 1269** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order.

**HB 1269** was returned to the Committee on Insurance.

### **POSTPONED BUSINESS**

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

(Speaker in the chair)

### **CSHB 9 ON SECOND READING**

**(by Crownover, P. King, Woolley, Hamilton, Escobar, et al.)**

**CSHB 9**, A bill to be entitled An Act relating to the elimination of smoking in all workplaces and public places; providing penalties.

**CSHB 9** was read second time earlier today, amendments were offered and disposed of, and **CSHB 9** was postponed until this time. Amendment No. 3, as amended, was pending at the time of postponement.

### **CSHB 9 - POINT OF ORDER**

Representative Hodge raised a point of order against further consideration of **CSHB 9** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order, and submitted the following statement:

Representative Hodge raises a point of order against further consideration of **CSHB 9**, arguing the comparison of the original to the substitute is deficient and inaccurate in describing Sections of **CSHB 9** related to injunctive relief and public education.

The chair has reviewed the introduced version of the bill, the committee substitute, and the bill analysis. The chair has reviewed the summary bill analysis describing the 10 page committee substitute and 11 page introduced version of the bill in two pages.

In the opinion of the chair, the portions of the bill analysis relating to injunctive relief and public education comply with the requirements of Rule 4, Section 32, and the point of order is respectfully overruled.

### **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR RULES SUSPENDED**

Representative C. Howard moved to suspend all necessary rules including the 48-hour layout rule for the local, consent, and resolutions calendar set for 9 a.m. Wednesday, May 9.

The motion prevailed.

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **SB 2016** during bill referral today in the Ag Museum.

The motion prevailed.

Representative Miller moved to suspend the five day posting rule to allow the Committee on Government Reform to consider **SB 1834** at 10:30 a.m. or upon final adjournment Monday, May 7 in E2.014.

The motion prevailed.

### **COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to House Rule 4, Section 9, Representative Hartnett requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Public Education, upon final adjournment today, Desk 31, for a formal meeting, to consider pending business.

Insurance, during bill referral today, 3W.9, for a formal meeting, to consider **HB 1269** and pending business.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

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

Local and Consent Calendars, during bill referral today, E2.024, for a formal meeting, to set a calendar for Tuesday, May 8.

Judiciary, during bill referral today, Ag Museum, for a formal meeting, to consider **SB 2016** and pending bills.

### **PROVIDING FOR ADJOURNMENT**

Representative P. King moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, May 7.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

(Corte in the chair)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 5:59 p.m., adjourned until 10 a.m. Monday, May 7.

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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. 2**

**HB 4137** (By T. King), Relating to the name, validation, administration, powers, duties, operation, financing, and conversion of the Medina County Fresh Water Supply District No. 1; providing authority to issue bonds.

To Natural Resources.

**HB 4138** (By Pierson), Relating to the creation of The Lakes Municipal Utility and Management District of Tarrant County; providing the authority to issue bonds and impose taxes.

To Natural Resources.

**HCR 223** (By Puente), Requesting the Texas Water Development Board to identify critical water communities that it projects may see their water demand exceed supply in future years.

To Natural Resources.

**HCR 224** (By Ritter), Granting Goss Building Incorporated permission to sue the State of Texas and the Texas Department of Transportation.

To Civil Practices.

**HCR 225** (By Flores), Requesting the Texas Supreme Court to rule on the pending mandamus appeal filed by Allied Chemical Corporation et al.

To Judiciary.

**HCR 227** (By Veasey), Requesting that the lieutenant governor and the speaker of the house of representatives establish an interim committee to study the implementation and effectiveness of the James Byrd, Jr. Hate Crimes Act.

To State Affairs.

**HR 1844** (By Flores), Requesting the Texas Supreme Court to rule on the pending mandamus appeal filed by Allied Chemical Corporation et al.

To Judiciary.

**SB 31** to Public Health.

**SB 297** to Government Reform.

**SB 365** to Higher Education.

**SB 442** to Criminal Jurisprudence.

**SB 463** to Criminal Jurisprudence.

**SB 503** to Law Enforcement.

**SB 666** to Ways and Means.

**SB 704** to Government Reform.

**SB 769** to State Affairs.

**SB 920** to State Affairs.

**SB 972** to Human Services.

**SB 1023** to Economic Development.

**SB 1056** to Insurance.

**SB 1061** to Law Enforcement.

**SB 1070** to Natural Resources.

**SB 1087** to Ways and Means.

**SB 1105** to Economic Development.

**SB 1116** to Criminal Jurisprudence.

**SB 1129** to Criminal Jurisprudence.

**SB 1185** to Urban Affairs.

**SB 1238** to Licensing and Administrative Procedures.

**SB 1245** to Natural Resources.

**SB 1255** to Insurance.

**SB 1280** to Environmental Regulation.

**SB 1313** to Public Health.

**SB 1361** to Law Enforcement.

**SB 1373** to Transportation.  
**SB 1436** to Insurance.  
**SB 1448** to Criminal Jurisprudence.  
**SB 1451** to Transportation.  
**SB 1520** to Financial Institutions.  
**SB 1524** to Natural Resources.  
**SB 1562** to Government Reform.  
**SB 1572** to Public Education.  
**SB 1582** to Public Health.  
**SB 1620** to Public Health.  
**SB 1716** to Law Enforcement.  
**SB 1729** to Licensing and Administrative Procedures.  
**SB 1812** to Judiciary.  
**SB 1846** to Pensions and Investments.  
**SB 1897** to Transportation.  
**SB 1908** to Urban Affairs.  
**SB 1969** to County Affairs.  
**SB 2000** to Environmental Regulation.  
**SB 2015** to Local Government Ways and Means.  
**SB 2020** to Natural Resources.  
**SB 2027** to Border and International Affairs.  
**SB 2029** to Natural Resources.  
**SB 2030** to Judiciary.  
**SB 2033** to Appropriations.  
**SB 2038** to Natural Resources.  
**SCR 70** to Rules and Resolutions.  
**SJR 29** to Ways and Means.  
**SJR 61** to Higher Education.  
**SJR 65** to Appropriations.

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

**SB 1317** to Environmental Regulation.

**SIGNED BY THE SPEAKER**

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

**Senate List No. 34**

**SB 44, SB 370, SB 671, SB 699, SB 1106, SB 1470**

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 4, 2007

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 66** Leibowitz SPONSOR: Watson  
Relating to power management software for state agencies.  
(Committee Substitute)

**SB 1023** West, Royce  
Relating to limiting use of money in the Texas Enterprise Fund to recipients that provide health benefit plans.

**SB 1087** Watson  
Relating to the exemption from ad valorem taxation of property used by a charitable organization operating certain radio stations.

**SB 1144** Deuell  
Relating to the reporting requirements for health plans participating in the medical assistance program.

**SB 1524** Wentworth  
Relating to the protection and preservation of caves in the State of Texas; providing penalties.

**SB 1562** Hinojosa  
Relating to animal control officer training.

**SB 2020** Seliger  
Relating to the creation of the Randall County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 2029** Zaffirini  
Relating to the election of directors of the San Patricio County Groundwater Conservation District and to the validation of certain acts of the district.

**SCR 72** Gallegos  
Recognizing May 4, 2007, as East End Chamber Day.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 4, 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:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**SB 130** West, Royce  
Relating to conduct that constitutes the offense of endangering a child.

**SB 407** Eltife  
Relating to the authority of the voters of a municipality or a county to adopt a one-quarter cent sales and use tax in the municipality or county to provide property tax relief.

**SB 1391** Uresti  
Relating to requirements in certain health benefit plans that certain health care services be obtained in a foreign country.

**SB 1733** Gallegos  
Relating to certain required provisions in lease agreements used for developments that are supported with a low income housing tax credit allocation.

**SB 1833** Duncan  
Relating to the administration and powers of the Canadian River Municipal Water Authority.

**SB 1901** Van de Putte  
Relating to the creation of the offense of organized retail theft.

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:

**May 3**

Business and Industry - **HB 3096**

Criminal Jurisprudence - **HB 1612, HB 2851, HJR 67, SB 528**

Culture, Recreation, and Tourism - **HB 3482, HCR 93**

Economic Development - **HB 1467**

Elections - **HB 2822, HB 3908**

Energy Resources - **SB 1461**

Environmental Regulation - **SB 1154**

Financial Institutions - **HB 3144**

Government Reform - **HB 2290, HB 3299**

Higher Education - **HB 2032, HB 2225, HB 2702**

House Administration - **HR 1671, SB 246, SB 1732**

Land and Resource Management - **HB 2006, SB 1867**

Licensing and Administrative Procedures - **HB 3186**

Natural Resources - **HB 1502, HB 3073, HB 3772, HB 3773, HB 3989, HB 3995, HB 4017, HB 4029, HB 4058, HB 4102, SB 1037, SB 1041, SB 1660**

Public Education - **HB 3868**

Public Health - **HB 1096, HB 1693, HB 2827, HB 3154, SB 1500**

Regulated Industries - **HB 1749, SB 711**

State Affairs - **HB 38**

Transportation - **HB 2306, HB 3650, HB 3849, SB 965, SB 1077**

Urban Affairs - **HB 2152, HB 4110, HB 4113**

Ways and Means - **HB 512, HB 1015, HB 1606, HB 1620, HB 2186, HB 2240, HB 2324, HB 2436, HB 2487, HB 2496, HB 2744, HB 2868, HB 3315, HB 3319, HB 3320, HB 3667, HJR 5, SB 242, SB 812, SB 1264**

#### ENGROSSED

May 3 - **HB 12, HB 42, HB 485, HB 616, HB 626, HB 922, HB 1158, HB 1213, HB 1352, HB 1411, HB 1423, HB 1495, HB 1498, HB 1545, HB 1561, HB 1585, HB 1587, HB 1733, HB 2173, HB 2621, HB 2714, HB 2718, HB 2833, HB 3057, HB 3129, HB 3601, HB 3725, HB 3731, HB 3768, HB 3928, HB 4037, HJR 30**

#### ENROLLED

May 3 - **HB 11, HB 189, HB 1840, HB 1892, HB 2105, HB 2252, HB 2296, HCR 9, HCR 10, HCR 123, HCR 160, HCR 168, HCR 171, HCR 174, HCR 175, HCR 178, HCR 179, HCR 182, HCR 183, HCR 185, HCR 188, HCR 230**

#### SENT TO THE GOVERNOR

May 3 - **HCR 139, HCR 173, HCR 226**