

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-THIRD DAY — THURSDAY, APRIL 2, 2009

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

The roll of the house was called and a quorum was announced present (Record 90).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Gattis.

Absent — Eiland; England; King, S.; Martinez Fischer; Pierson.

The invocation was offered by Rabbi Andrew Marc Paley, senior rabbi, Temple Shalom, Dallas, as follows:

It is an often chaotic and tempestuous world in which we live; uncertainty, fear, doubt, and despair abound. Hope, encouragement, and blessing seem distant and difficult to feel, and yet we know that the Almighty desires exactly that from each of us, each and every day. We know that the struggles to unlock the chains of wickedness and untie the cords of lawlessness are our charge—to be a part of the struggle to let the oppressed go free and to break off every yoke. We know that it is our struggle to banish from our midst the menacing hand and evil speech. We know it is our struggle to offer compassion to the hungry, the needy, the stranger. And when we do, then shall the light of the Holy One shine amid the darkness.

Therefore, O guardian of life and liberty, may these brave men and women of the Texas House of Representatives, these fine examples of courage and compassion from every corner of the great State of Texas, always merit your guidance and protection. Teach them to give thanks for what they have by sharing it with those who are in need. Keep their eyes open to the wonders of creation and alert to the care of the Earth. May they never be lazy in the work of peace and may we, together, honor those who have died in defense of our ideals. Grant these incredible leaders wisdom and forbearance. May they govern with justice and compassion. Help all of us to appreciate one another and to respect the many ways that we may be of service to Texas and to the Almighty. May our homes be safe from affliction and strife and our state be sound in body and spirit. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Weber who presented Dr. Jennifer Raley of Pearland as the "Doctor for the Day."

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

(Deshotel in the chair)

(Martinez Fischer now present)

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 14).

### **HR 841 - ADOPTED (by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 841**.

The motion prevailed.

The following resolution was laid before the house:

**HR 841**, In memory of Dr. James Earl Williams of Katy.

**HR 841** was read and was unanimously adopted by a rising vote.

On motion of Representatives Bohac and S. Miller, the names of all the members of the house were added to **HR 841** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Callegari who introduced family members of Dr. James Earl Williams.

(S. King now present)

**LEAVE OF ABSENCE GRANTED**

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

Gattis on motion of Sheffield.

**HR 1142 - ADOPTED  
(by Cohen)**

Representative Cohen moved to suspend all necessary rules to take up and consider at this time **HR 1142**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1142**, Commending Charles L. Sowell III for his service to the Texas Racing Commission.

**HR 1142** was adopted.

**HR 993 - ADOPTED  
(by Bolton)**

Representative Bolton moved to suspend all necessary rules to take up and consider at this time **HR 993**.

The motion prevailed.

The following resolution was laid before the house:

**HR 993**, Recognizing April 3, 2009, as Texas Auctioneers Day at the State Capitol.

(Shelton in the chair)

**HR 993** was adopted.

(Pierson now present)

**INTRODUCTION OF GUESTS**

The chair recognized Representative Bolton who introduced officials from the Texas Auctioneers Association.

**LEAVE OF ABSENCE GRANTED**

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

Alonzo on motion of Gonzalez Toureilles.

**HR 1151 - ADOPTED  
(by Truitt)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 1151**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1151**, Recognizing April 2009 as Child Safety Month in Texas.

**HR 1151** was adopted.

**HR 1042 - ADOPTED**  
**(by Hardcastle)**

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 1042**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1042**, Commending Wildcatter Ranch Resort and Spa in Graham for hosting the Project Odyssey retreat of the Wounded Warrior Project.

**HR 1042** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Hardcastle who introduced Anne Skipper, general manager of Wildcatter Ranch Resort and Spa and Jay Brewer, head wrangler at Wildcatter Ranch and winner of the most valuable player award of the 2008 Professional Bullfighters World Championship.

**LEAVE OF ABSENCE GRANTED**

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

T. King on motion of Heflin.

**HR 1190 - ADOPTED**  
**(by Harper-Brown)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1190**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1190**, Commemorating the grand opening of the new home of the Church of Scientology of Dallas in Irving.

**HR 1190** was adopted. (Allen, Alvarado, Anderson, Berman, Bohac, Bonnen, Burnam, Chisum, Cook, Crabb, Crownover, Darby, Deshotel, Driver, Eiland, Elkins, England, Farabee, Flynn, Frost, Gallego, Geren, Giddings, Gonzalez Toureilles, Hamilton, Hancock, Harless, Herrero, Hodge, Homer, Hopson, C. Howard, Hughes, Hunter, Keffer, Kent, S. King, Kuempel, Laubenberg, Legler, Leibowitz, Maldonado, Mallory Caraway, Martinez Fischer, McReynolds, Miklos, Moody, Morrison, Ortiz, Parker, Patrick, Paxton, Peña, Phillips, Pierson, Rodriguez, Rose, Sheffield, Shelton, T. Smith, W. Smith, Smithee, Solomons, Swinford, Taylor, Thibaut, Thompson, Truitt, C. Turner, Vaught, Veasey, Walle, and Weber recorded voting no.)

**HR 1143 - ADOPTED**  
**(by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 1143**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1143**, Commemorating the 119th annual Brenham Maifest and honoring the celebration's junior and senior royalty.

(Speaker in the chair)

**HR 1143** was adopted.

(Riddle in the chair)

On motion of Representative Geren, the names of all the members of the house were added to **HR 1143** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Kolkhorst who introduced Brenham Maifest royalty.

**HR 1162 - ADOPTED**  
**(by B. Brown)**

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 1162**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1162**, Honoring Brownsboro chief of police Ron Shields for his service to his country and community.

**HR 1162** was adopted.

**HR 1113 - ADOPTED**  
**(by Vaught)**

Representative Vaught moved to suspend all necessary rules to take up and consider at this time **HR 1113**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1113**, Honoring Dr. Mary Ellen Weber of The University of Texas Southwestern Medical Center in Dallas for her achievements.

(Speaker in the chair)

**HR 1113** was adopted.

On motion of Representative Hartnett, the names of all the members of the house were added to **HR 1113** as signers thereof.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Vaught who introduced Dr. Mary Ellen Weber.

**MESSAGES FROM THE SENATE**

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

(Eiland and England now present)

(McClendon in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**SCR 41** was withdrawn.

**HR 910** (by Hardcastle), Commending Rob Storey of Nocona Athletic Goods Company.

**HR 964** (by Riddle), Congratulating Sydney Drain of Spring on her selection as a 2009 Distinguished Finalist in the Prudential Spirit of Community Awards.

**HR 967** (by Craddick), Honoring Dudley and Zula Coleman of Ackerly on their 60th wedding anniversary.

**HR 968** (by Craddick), Congratulating Robert and Sallie Feavel of Midland on their 60th wedding anniversary.

**HR 969** (by Craddick), Honoring the Trinity School in Midland on the occasion of its 50th anniversary.

**HR 970** (by Craddick), Honoring U.S. Army Staff Sergeant Jeffery R. Brown.

**HR 971** (by Craddick), Congratulating Billy Jack and Jeannie Darden of Coahoma on their 50th wedding anniversary.

**HR 972** (by Craddick), Honoring Dolly and Rayford Calhoun of Midland on their 50th wedding anniversary.

**HR 973** (by Craddick), Honoring Gene and Virginia Carter of Midland on their 60th wedding anniversary.

**HR 974** (by Craddick), Congratulating B. Oliver and Mary Louise Wood on their 65th wedding anniversary.

**HR 976** (by Berman), Honoring James P. Wilhite for being elected chair of the Texas Nursery and Landscape Association state board of directors.

**HR 977** (by Merritt), Recognizing March 26, 2009, as Women in Longview Day.

**HR 979** (by Madden), Congratulating Brittney Herson of Dallas on being named a Distinguished Finalist by the 2009 Prudential Spirit of Community Awards program.

**HR 980** (by Madden), Honoring Serenity High in McKinney for its contributions to the lives of numerous young Texans.

**HR 982** (by Gonzales), Recognizing the Rio Grande Valley Chapter of the Hispanic Women's Network of Texas on the occasion of National Women's History Month.

**HR 983** (by Gonzales), Commending the Honorable Othal E. Brand, Sr., former mayor of McAllen, for his service to the city.

**HR 984** (by Gonzales), Commemorating the grand opening of the McAllen Heritage Center.

**HR 985** (by S. Miller), Honoring 92-year-old Stephenville cowboy Whit Keeney.

**HR 986** (by Marquez), Congratulating basketball players Stefon Jackson and Randy Culpepper of The University of Texas at El Paso on being named to the 2008-2009 Conference USA All-Conference Team.

**HR 987** (by Marquez), Honoring Nan Napier for her service to the YWCA in El Paso.

**HR 988** (by Sheffield), Congratulating Crystal Cox on being named a 2009 Texas Youth of the Year Finalist by the Texas Alliance of Boys & Girls Clubs.

**HR 994** (by Bolton), Honoring Dr. Meria Carstarphen on her selection to serve as superintendent of the Austin Independent School District.

**HR 996** (by W. Smith), Honoring the Texas Council of Child Welfare Boards.

**HR 1000** (by Marquez), Congratulating Peter F. Pacillas on his promotion to the rank of assistant police chief of the City of El Paso.

**HR 1002** (by Kent), Honoring Brentfield Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1003** (by Kent), Honoring Moss Haven Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1004** (by Kent), Honoring Skyview Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1005** (by Kent), Honoring Spring Valley Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1006** (by Kent), Honoring Northwood Hills Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1007** (by Kent), Honoring Prestonwood Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1008** (by Kent), Honoring Rowlett High School of the Garland Independent School District.

**HR 1009** (by Kent), Honoring Spring Creek Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1010** (by Kent), Honoring Bowie Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1011** (by Kent), Honoring Parkhill Junior High School in Dallas on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1012** (by Kent), Honoring Westwood Junior High School in Dallas on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1013** (by Kent), Honoring Forestridge Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1014** (by Kent), Recognizing Liberty Junior High School in Dallas on its contributions to the community.

**HR 1015** (by Kent), Honoring Hamilton Park Pacesetter Magnet School in Dallas on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1016** (by Kent), Honoring Thurgood Marshall Elementary School in Dallas on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1017** (by Kent), Honoring Forest Meadow Junior High School in Dallas on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1018** (by Kent), Honoring Carolyn G. Bukhair Elementary School in Dallas on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1019** (by Kent), Honoring RISD Academy in Dallas on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1020** (by Kent), Honoring Audelia Creek Elementary School in Dallas on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1021** (by Kent), Honoring Park Crest Elementary School in Garland on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1022** (by Kent), Honoring M. D. Williams Elementary School in Garland on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1023** (by Kent), Honoring Guy H. Bullock Elementary School in Garland on achieving a "Recognized" rating from the Texas Education Agency in 2008.

**HR 1024** (by Kent), Recognizing Bradfield Elementary School in Garland for its contributions to the community.

**HR 1025** (by Kent), Recognizing Sam Houston Middle School in Garland for its contributions to the community.



**HR 1026** (by Kent), Honoring A. M. Aikin Elementary School in Dallas on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

**HR 1027** was withdrawn.

**HR 1030** (by Kent), Congratulating Cecilia Guthrie Boone on her receipt of the 2009 Susan B. Anthony Award from the League of Women Voters of Dallas Education Fund.

**HR 1033** (by Cohen), Commemorating the dedication of a Historic Texas Cemetery marker at the Congregation Beth Israel Cemetery in Houston.

**HR 1035** (by Otto), Congratulating the Dayton High School Broncos football team on reaching the 2008 UIL Class 4A Division 2 state championship game.

**HR 1037** (by Kolkhorst), Congratulating Sally Van Dyke on being named 2008 Woman of the Year by the Washington County Chamber of Commerce/Economic Development Foundation.

**HR 1038** (by Kolkhorst), Congratulating Morris Johnson on his selection as the 2008 Citizen of the Year by the Huntsville-Walker County Chamber of Commerce.

**HR 1039** (by Kolkhorst), Congratulating Becky Bader on being named the 2008 Citizen of the Year by the Bellville Lions Club.

**HR 1040** (by Kolkhorst), Congratulating Mike Hopkins on being named 2008 Man of the Year by the Washington County Chamber of Commerce/Economic Development Foundation.

**HR 1042** was previously adopted.

**HR 1043** (by Gattis), Honoring Officer Erik Grasse of the Georgetown Police Department for his role in saving a woman from drowning.

**HR 1044** (by Gattis), Honoring Officer Jason Chaudoin of the Georgetown Police Department for his role in saving a woman from drowning.

**HR 1046** (by Gonzales), Honoring the Valley Alliance of Mentors for Opportunities and Scholarships for its work in behalf of deserving high school students in the Rio Grande Valley.

**HR 1047** (by Lucio), Honoring Chris Boswell for his service as mayor of Harlingen.

**HR 1048** (by Sheffield), Congratulating Matthew Westwick on attaining the rank of Eagle Scout.

**HR 1049** (by Marquez), Congratulating the sixth-grade class of Canyon Hills Middle School in El Paso on its receipt of a grant from the State Farm Youth Advisory Board.

**HCR 134** (by J. Davis), Honoring Roy Earl Reed, Sr., of Brownsville on his 80th birthday.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 965** (by Riddle), In memory of Lawrence Edward Fogarty of Bellville.

**HR 966** was withdrawn.

**HR 989** (by Sheffield), In memory of John Fullerton Sammons of Temple.

**HR 995** (by Edwards), In memory of Harold Benjamin Moore of Houston.

**HR 998** (by Geren), In memory of Billy Eugene "Sarge" Cook of Dallas.

**HR 1028** (by Morrison), In memory of Mary Katherine Welhausen Borchers of Victoria.

**HR 1034** (by Cohen and Hochberg), Honoring the life of Eleanor Whilden Tinsley of Houston.

**HCR 128** (by Homer), In memory of Mike Freewith of Paris.

**HCR 129** (by Homer), In memory of Clyde Helms of Paris.

**HCR 130** (by Homer), In memory of Elbert Patrick "Pat" Barbee of Paris, Texas.

**HCR 131** (by Homer), In memory of William C. "Dub" Hill, Jr.

**HCR 132** (by Homer), In memory of Mary Ammons Fisher of Paris.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

**HR 1193 - ADOPTED**  
**(by McReynolds)**

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 1193**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1193**, Congratulating the Honorable Delwin L. Jones on the occasion of his birthday.

**HR 1193** was read and was adopted.

On motion of Representative Kent, the names of all the members of the house were added to **HR 1193** as signers thereof.

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

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

**HB 670 ON THIRD READING**  
**(by Martinez Fischer, Pitts, Gallego, Berman, Lucio, et al.)**

**HB 670**, A bill to be entitled An Act relating to a qualified privilege of a journalist not to testify.

**Amendment No. 1**

Representative Martinez Fischer offered the following amendment to **HB 670**:

Amend **HB 670**, second reading engrossment, on page 10, by striking lines 13-23 and substituting the following:

(c) Notwithstanding Section 3(b), if the information, document, or item was disclosed or received in violation of a grand jury oath given to either a juror or a witness under Article 19.34 or 20.16, a journalist may be compelled to testify if the person seeking the testimony, production, or disclosure makes a clear and specific showing that the subpoenaing party has exhausted reasonable efforts to obtain from alternative sources the confidential source of any information, document, or item obtained. In this context, the court has the discretion to conduct an in camera hearing. The court may not order the production of the confidential source until a ruling has been made on the motion.

Amendment No. 1 was adopted.

**HB 670**, as amended, was passed by (Record 91): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hefflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 1161 ON THIRD READING**  
**(by Geren)**

**HB 1161**, A bill to be entitled An Act relating to local regulation of distance requirements for businesses selling alcoholic beverages near certain establishments.

**HB 1161** was passed by (Record 92): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

**HB 1162 ON THIRD READING**  
**(by Orr and Leibowitz)**

**HB 1162**, A bill to be entitled An Act relating to regulating the collection or solicitation of donated goods subsequently sold by for-profit entities or individuals; providing a civil penalty.

**HB 1162** was passed by (Record 93): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero;

Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

**HB 1595 ON THIRD READING**  
**(by T. King, Alonzo, and Leibowitz)**

**HB 1595**, A bill to be entitled An Act relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

**HB 1595** was passed by (Record 94): 143 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Corte; Hilderbran.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Castro.

## STATEMENT OF VOTE

I was shown voting yes on Record No. 94. I intended to vote no.

Kolkhorst

### HB 405 ON THIRD READING (by Harless)

**HB 405**, A bill to be entitled An Act relating to the authority of an animal control officer to carry a bite prevention stick in the performance of official duties.

**HB 405** was passed by (Record 95): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

### HB 25 ON THIRD READING (by Leibowitz, Coleman, Lucio, Veasey, and Orr)

**HB 25**, A bill to be entitled An Act relating to the regulation of solar energy devices by a property owners' association.

**HB 25** was passed by (Record 96): 129 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego;

Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Aycok; Berman; Brown, F.; Craddick; Harless; Harper-Brown; Kleinschmidt; Kolkhorst; Legler; Lewis; Patrick; Riddle; Sheffield.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Eissler; King, P.; King, S.; Parker.

#### STATEMENTS OF VOTE

When Record No. 96 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 96 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

#### HB 806 ON THIRD READING (by Gallego, et al.)

**HB 806**, A bill to be entitled An Act relating to health benefit plan coverage for certain prosthetic devices, orthotic devices, and related services.

**HB 806** was passed by (Record 97): 105 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Bohac; Bolton; Branch; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; England; Farabee; Farias; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hardcastle; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; Kolkhorst; Kuempel; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Zerwas.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Crabb; Craddick; Creighton; Darby; Eissler; Elkins; Fletcher; Flynn; Hancock; Harless; Hartnett; Howard, C.; Isett; Kleinschmidt; Laubenberg; Legler; Madden; Miller, D.; Miller, S.; Parker; Patrick; Riddle; Sheffield; Shelton; Smith, W.; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Eiland; Farrar; King, S.; McCall; Paxton; Walle.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 97. I intended to vote yes.

Callegari

I was shown voting yes on Record No. 97. I intended to vote no.

Cook

When Record No. 97 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

When Record No. 97 was taken, I was in the house but away from my desk. I would have voted no.

McCall

When Record No. 97 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

### HB 1023 ON THIRD READING (by Deshotel)

**HB 1023**, A bill to be entitled An Act relating to the use of certain state property transferred from the state to Spindletop MHMR Services.

**HB 1023** was passed by (Record 98): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds;



Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Eiland; Eissler; King, S.; Madden.

### STATEMENTS OF VOTE

When Record No. 98 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

When Record No. 98 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 98 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

### HB 1830 ON THIRD READING (by Corte and Edwards)

**HB 1830**, A bill to be entitled An Act relating to information technology security practices of state agencies.

**HB 1830** was passed by (Record 99): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.;

Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Callegari; King, S.

**HB 824 ON THIRD READING**  
**(by Hochberg, Marquez, and Naishtat)**

**HB 824**, A bill to be entitled An Act relating to the imposition of conditions on and access to case records regarding a child adjudicated of having engaged in conduct that constitutes the commission of a hate crime.

**HB 824** was passed by (Record 100): 83 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; Keffer; Kent; Kuempel; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hunter; Isett; Jackson; King, P.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Miller, D.; Miller, S.; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Branch; Hughes; King, S.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 100. I intended to vote no.

Chisum

I was shown voting yes on Record No. 100. I intended to vote no.

Christian

I was shown voting yes on Record No. 100. I intended to vote no.

Geren

When Record No. 100 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 1672 ON SECOND READING  
(by Crownover, Zerwas, Coleman, Dukes, et al.)**

**CSHB 1672**, A bill to be entitled An Act relating to newborn screening information.

**Amendment No. 1**

Representative Laubenberg offered the following amendment to **CSHB 1672**:

Amend **CSHB 1672** (House Committee Report) as follows:

(1) Strike page 1, line 7, through page 2, line 10, and substitute the following:

Sec. 33.0111. AUTHORIZATION. (a) The department shall develop an authorization statement that allows the parent, managing conservator, or guardian of a newborn child subjected to screening tests under Section 33.011 to authorize the department or a laboratory established or approved by the department under Section 33.016 to retain for use by the department or laboratory genetic material used to conduct the newborn screening tests.

(b) At the time a newborn child is subjected to screening tests under Section 33.011, the physician attending a newborn child or the person attending the delivery of a newborn child that is not attended by a physician shall provide the parent, managing conservator, or guardian of a newborn child a copy of the written authorization statement developed by the department under this section.

Sec. 33.0112. STATEMENT AUTHORIZING RETENTION OF GENETIC MATERIAL. (a) A parent, managing conservator, or guardian of a newborn child may file with the department a written statement authorizing the department or a laboratory established or approved by the department to retain any genetic material related to the newborn screening tests conducted under this subchapter.

(b) Not later than the 60th day after the date an analysis of a specimen submitted under Section 33.011 is complete, the department or laboratory shall destroy the genetic material used in the screening tests unless the department receives a written statement authorizing the department or laboratory to retain the material.

(2) On page 4, line 14, strike "disclosure" and substitute "authorization".

Representative Crossover moved to postpone consideration of **CSHB 1672** until 12:35 p.m. today.

The motion prevailed.

**HB 982 ON SECOND READING**  
**(by Thompson, Hamilton, et al.)**

**HB 982**, A bill to be entitled An Act relating to the imposition of a tax on the gross receipts from admissions fees charged by sexually oriented businesses.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Geren offered the following committee amendment to **HB 982**:

Amend **HB 982**, on page 3, line 14 by striking "first \$25 million of".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Thompson offered the following amendment to **HB 982**:

Amend **HB 982** (House Committee Printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. To the extent of any conflict, this Act prevails over another Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes.

Amendment No. 2 was adopted.

**HB 982**, as amended, was passed to engrossment. (Anderson, Flynn, Laubenberg, and S. Miller recorded voting no.)

**HB 748 ON SECOND READING**  
**(by Darby and Herrero)**

**HB 748**, A bill to be entitled An Act relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.

**HB 748** was passed to engrossment.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Solomons requested permission for the Committee on State Affairs to meet while the house is in session, at 12:30 p.m. today, in 3W.9, for a formal meeting, to consider **SB 769**.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs, 12:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 769**.

**HB 703 ON SECOND READING**  
**(by Rose and Naishtat)**

**HB 703**, A bill to be entitled An Act relating to fall prevention awareness.

**HB 703** was passed to engrossment. (Flynn recorded voting no.)

**HB 761 ON SECOND READING**  
**(by Creighton, Eiland, Ortiz, et al.)**

**HB 761**, A bill to be entitled An Act relating to the penalty for certain property offenses committed during certain declared states of disaster.

**Amendment No. 1**

Representative Phillips offered the following amendment to **HB 761**:

Amend **HB 761** (House Committee Printing) as follows:

(1) On page 1, line 13, between "area" and the underlined colon, insert "that".

(2) On page 1, strike lines 16-18 and substitute the following:

(2) under Section 418.108, Government Code, by order or proclamation was declared, continued, or renewed to be under a local state of disaster.

Amendment No. 1 was adopted.

(T. Smith in the chair)

**HB 761**, as amended, was passed to engrossment.

**HB 1081 ON SECOND READING**  
**(by Herrero and Flores)**

**HB 1081**, A bill to be entitled An Act relating to requiring posting of certain information regarding nursing homes and related institutions on the Department of Aging and Disability Services website.

**HB 1081** was passed to engrossment.

**HB 874 ON SECOND READING**  
**(by Callegari)**

**HB 874**, A bill to be entitled An Act relating to the abolition of the Texas Incentive and Productivity Commission and the state employee incentive program.

**HB 874** was passed to engrossment.

**HB 1332 ON SECOND READING**  
**(by Maldonado and Strama)**

**HB 1332**, A bill to be entitled An Act relating to responsibility for public school textbooks and technological equipment and to failure by students to return textbooks or technological equipment.

**Amendment No. 1**

Representatives Marquez and Homer offered the following amendment to **HB 1332**:

Amend **HB 1332** as follows:

(1) On page 1, line 10, between "returned" and "by", insert "in an acceptable condition".

(2) On page 1, line 11, between "return" and "all", insert "in an acceptable condition".

(3) On page 1, line 15, after "returned" add "in an acceptable condition".

(4) On page 1, line 23, between "returned" and "or", insert "in an acceptable condition".

(5) On page 2, line 3, after the period, insert the following:

The commissioner by rule shall adopt criteria for determining whether a textbook, including an electronic textbook, and technological equipment is returned in an acceptable condition.

Amendment No. 1 was adopted.

**HB 1332**, as amended, was passed to engrossment.

### **HB 2558 ON SECOND READING**

**(by S. Turner)**

**HB 2558**, A bill to be entitled An Act relating to registration for evacuation and disaster preparedness for clients of home and community support services agencies.

**HB 2558** was passed to engrossment.

### **POSTPONED BUSINESS**

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

#### **CSHB 1672 ON SECOND READING**

**(by Crownover, Zerwas, Coleman, Dukes, et al.)**

**CSHB 1672**, A bill to be entitled An Act relating to newborn screening information.

**CSHB 1672** was read second time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Representative Crownover moved to postpone consideration of **CSHB 1672** until 10 a.m. Monday, April 6.

The motion prevailed.

### **CONSTITUTIONAL RULE SUSPENDED**

Representative McCall moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 982**, **HB 748**, **HB 703**, **HB 761**, **HB 1081**, **HB 874**, **HB 1332**, and **HB 2558** on third reading and final passage.

The motion prevailed by (Record 101): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb;

Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.(C); Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker; Hartnett.

Absent, Excused — Alonzo; Gattis; King, T.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 101. I intended to vote no.

Hochberg

### HB 982 ON THIRD READING (by Thompson, Hamilton, et al.)

**HB 982**, A bill to be entitled An Act relating to the imposition of a tax on the gross receipts from admissions fees charged by sexually oriented businesses.

**HB 982** was read third time and was passed by (Record 102): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton;

Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Creighton.

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

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Alvarado; Edwards; Hodge.

### STATEMENTS OF VOTE

When Record No. 102 was taken, my vote failed to register. I would have voted yes.

Alvarado

I was shown voting no on Record No. 102. I intended to vote yes.

Creighton

When Record No. 102 was taken, I was in the house but away from my desk. I would have voted yes.

Hodge

(Speaker in the chair)

### HB 748 ON THIRD READING (by Darby and Herrero)

**HB 748**, A bill to be entitled An Act relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.

**HB 748** was read third time and was passed by (Record 103): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.;



Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Edwards.

**HB 703 ON THIRD READING**  
**(by Rose and Naishtat)**

**HB 703**, A bill to be entitled An Act relating to fall prevention awareness.

**HB 703** was read third time and was passed by (Record 104): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Edwards.

**HB 761 ON THIRD READING**  
**(by Creighton, Eiland, Ortiz, et al.)**

**HB 761**, A bill to be entitled An Act relating to the penalty for certain property offenses committed during certain declared states of disaster.

**HB 761** was read third time and was passed by (Record 105): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

**HB 1081 ON THIRD READING**  
**(by Herrero, Flores, and Ortiz)**

**HB 1081**, A bill to be entitled An Act relating to requiring posting of certain information regarding nursing homes and related institutions on the Department of Aging and Disability Services website.

**HB 1081** was read third time and was passed by (Record 106): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.;

Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Kolkhorst.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Moody.

### STATEMENT OF VOTE

When Record No. 106 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

### HB 874 ON THIRD READING (by Callegari)

**HB 874**, A bill to be entitled An Act relating to the abolition of the Texas Incentive and Productivity Commission and the state employee incentive program.

**HB 874** was read third time and was passed by (Record 107): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — McClendon; Miller, S.

**HB 1332 ON THIRD READING**  
**(by Maldonado and Strama)**

**HB 1332**, A bill to be entitled An Act relating to responsibility for public school textbooks and technological equipment and to failure by students to return textbooks or technological equipment.

**HB 1332** was read third time and was passed by (Record 108): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — McReynolds.

**HB 2558 ON THIRD READING**  
**(by S. Turner)**

**HB 2558**, A bill to be entitled An Act relating to registration for evacuation and disaster preparedness for clients of home and community support services agencies.

**HB 2558** was read third time and was passed by (Record 109): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock;

Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Rodriguez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Gattis; King, T.

Absent — Marquez; McReynolds.

#### STATEMENTS OF VOTE

When Record No. 109 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

I was shown voting no on Record No. 109. I intended to vote yes.

Rodriguez

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Energy Resources, Subcommittee on Energy Efficiency and Renewables, will reconvene 30 minutes after adjournment today, E2.014.

#### FIVE-DAY POSTING RULE SUSPENDED

Representative Deshotel moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Business and Industry to consider **HB 2394**, **HB 2395**, and **HB 4545**.

The motion prevailed.

#### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, 9 a.m. Monday, April 6, E2.026, for a public hearing, to consider **HB 2394**, **HB 2395**, **HB 4545**, and previously posted bills.

Calendars, 2 p.m. or upon adjournment today, 3W.9, for a formal meeting, to consider a calendar.

Public Education, upon adjournment today, E2.1002, for a formal meeting, to consider pending business.

Public Safety, upon adjournment today, Desk 17, for a formal meeting, to consider pending business.

Ways and Means, upon adjournment today, Desk 71, for a formal meeting, to consider pending business.

Environmental Regulation, upon adjournment today, Desk 26, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon adjournment today, Desk 28, for a formal meeting, to consider pending business.

Natural Resources, upon adjournment today, 1W.14, for a formal meeting, to consider pending business.

Agriculture and Livestock, upon adjournment today, Desk 83, for a formal meeting, to consider pending business.

Judiciary and Civil Jurisprudence, upon adjournment today, Desk 46, for a formal meeting, to consider pending legislation.

(Deshotel in the chair)

### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### **ADJOURNMENT**

Representative Callegari moved that the house adjourn until 10 a.m. Monday, April 6 in memory of Dr. James Earl Williams of Katy.

The motion prevailed.

The house accordingly, at 1:17 p.m., adjourned until 10 a.m. Monday, April 6.

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### **ADDENDUM**

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### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### **List No. 1**

**SB 1** to Appropriations.

**SIGNED BY THE SPEAKER**

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

**House List No. 14**

**HCR 92**

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 2, 2009

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 135** Merritt SPONSOR: Eltife  
Designating March 31 and April 1, 2009, as Gregg County Days at the State Capitol.

**SB 1** Ogden  
General Appropriations Bill.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 2, 2009 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

## LOCAL AND UNCONTESTED CALENDAR

- SB 43** Zaffirini  
Relating to tuition and fee exemptions at public institutions of higher education for students who have been in foster care or certain other residential care.
- SB 80** Nelson  
Relating to employer contributions under small employer health benefit plans.
- SB 83** Nelson  
Relating to a right to vacate and avoid residential lease liability following the occurrence of certain sex offenses or domestic violence; providing a penalty.
- SB 87** Nelson  
Relating to adverse licensing, listing, or registration decisions by certain health and human services agencies.
- SB 111** Ellis  
Relating to suspension of the unemployment compensation waiting period requirement during a disaster subject to a federal disaster declaration.
- SB 194** Shapleigh  
Relating to a prohibition against certain activities by a person employed in the financial aid office of a public institution of higher education.
- SB 252** Estes  
Relating to the authority of a municipality with a population of less than 10,000 to enter into an agreement with an owner of real property in or adjacent to an area in the municipality that has been approved for funding under certain revitalization or redevelopment programs to prohibit ad valorem tax increases on the owner's property for a limited period.
- SB 269** Harris  
Relating to use of electronically readable information on a driver's license or personal identification certificate in connection with the over-the-counter sale of ephedrine, pseudoephedrine, or norpseudoephedrine; providing a criminal penalty.
- SB 277** Nelson  
Relating to the Department of Family and Protective Services, including protective services and investigations of alleged abuse, neglect, or exploitation for certain adults who are elderly or disabled; providing a criminal penalty.
- SB 305** Shapleigh  
Relating to an online list of work-study employment opportunities available to students at a public institution of higher education.
- SB 313** Wentworth  
Relating to the term of a reinvestment zone and to the assessment and payment of tax increments under the Tax Increment Financing Act.
- SB 345** Nelson  
Relating to screening health care personnel of home and community support services agencies for tuberculosis.
- SB 346** Nelson



Relating to information submitted to and maintained in the immunization registry after an individual becomes an adult.

**SB 368** Carona

Relating to the denial, suspension, or revocation of a motor vehicle inspection station certificate or an inspector certificate.

**SB 384** Carona

Relating to the promotion of toll projects by the Texas Department of Transportation.

**SB 408** Carona

Relating to the jurisdiction of and appeals from certain courts.

**SB 417** Carona

Relating to the purchase of a retired firearm from the Parks and Wildlife Department by a game warden.

**SB 431** Wentworth

Relating to the enforcement of unpaid child support.

**SB 432** Wentworth

Relating to liability for failure to comply with a child support lien, court order, or notice of levy.

**SB 448** Carona

Relating to the authority of the Texas Department of Transportation to mitigate adverse environmental impacts resulting from the construction, improvement, or maintenance of state highways or state highway facilities.

**SB 461** Gallegos

Relating to eligibility to take the entrance examination for a beginning position in the fire department.

**SB 478** Carona

Relating to personal information contained in certain decrees and orders in family law proceedings.

**SB 480** Carona

Relating to the authority of the Texas Transportation Commission to enter into a covenant for environmental remediation of real property owned by the Texas Department of Transportation.

**SB 491** West

Relating to consideration of family violence in the risk assessment for international parental abduction of a child.

**SB 500** Shapiro

Relating to the powers, duties, and financing of cultural education facilities finance corporations.

**SB 502** Carona

Relating to the authority of the Texas Department of Transportation, counties, and certain toll project entities and regional mobility authorities to enter into funding agreements to expedite the entity's environmental review duties related to certain transportation projects.

**SB 518** Harris

Relating to providing access to certain information relating to the discretionary transfer of a child from a juvenile court to a criminal court.

**SB 519** Harris

Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

**SB 520** Harris

Relating to the requirement that certain applicants for a vehicle dealer general distinguishing number complete a dealer education course.

**SB 529** Nelson

Relating to the sale and use of certain alcoholic beverages manufactured by holders of a winery permit.

**SB 543** Carona

Relating to certain possessory liens.

**SB 547** Eltife

Relating to transition to competition in the Southwestern Electric Power Company service area.

**SB 554** Whitmire

Relating to conduct constituting the offense of dog fighting and to the criminal and civil consequences of committing that offense.

**SB 596** Nichols

Relating to the name of Stephen F. Austin State University.

**SB 617** Shapleigh

Relating to requiring a retail seller of motor vehicle tires to render certain tires unusable; providing a civil penalty.

**SB 635** Seliger

Relating to certain requirements for school bus emergency evacuation training.

**SB 637** Hegar

Relating to the creation of the Wharton County Drainage District.

**SB 658** Eltife

Relating to the creation of an appellate judicial system for the Sixth Court of Appeals District.

**SB 659** Eltife

Relating to the creation of an appellate judicial system for the Twelfth Court of Appeals District.

**SB 663** Averitt

Relating to the dissolution of the Tablerock Groundwater Conservation District.

**SB 698** Ellis

Relating to the establishment of a registry at the Texas Department of Insurance of certain legal entities determined to have sold race-based insurance coverage.

**SB 702** Carona

Relating to the regulation of the towing and storage of vehicles.

**SB 705** Nelson

Relating to the Medicaid consolidated waiver program and other Medicaid long-term care waiver programs.

**SB 711** Nelson

Relating to creating a winery festival permit.

**SB 713** Carona

Relating to a prohibition on the disclosure and use of certain information recorded or collected by a transponder used to electronically assess or collect a toll.

**SB 715** Shapiro

Relating to the North Texas Municipal Water District.

**SB 741** Nichols

Relating to jurisdiction over a wage claim filed after the deadline.

**SB 742** Wentworth

Relating to the qualifications to serve as an associate judge or visiting associate judge in certain family law proceedings.

**SB 764** Watson

Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

**SB 776** Averitt

Relating to regulating the collection or solicitation of donated goods subsequently sold by for-profit entities or individuals; providing a civil penalty.

**SB 786** Nelson

Relating to the protection of children from abuse and neglect.

**SB 788** Nelson

Relating to reporting child abuse or neglect.

**SB 799** Williams

Relating to the powers and duties of the Plum Creek Fresh Water Supply District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 803** Lucio

Relating to meetings of the Coastal Coordination Council.

**SB 806** Nelson

Relating to the imposition of a disciplinary action on a licensed nursing facility administrator; providing a penalty.

**SB 811** Duncan

Relating to authorizing the board of regents of the Texas Tech University System to transfer the San Angelo Museum of Fine Arts to a nonprofit organization to operate the museum.

**SB 812** Hegar

Relating to reimbursement of expenses incurred by court reporters for the 506th Judicial District.

**SB 828** Whitmire

Relating to a determination of value for purposes of punishment of the offense of abuse of official capacity.

**SB 833** Carona

Relating to the accrual of vacation and sick leave for certain state employees on a military leave of absence.

**SB 843** Uresti

Relating to protective orders issued against a third party to prevent family or dating violence.

**SB 848** Nichols

Relating to the election, and validation of acts, of members of the board of directors of Anderson County Underground Water Conservation District.

**SB 859** Seliger

Relating to initial claims under the unemployment compensation system.

**SB 870** Lucio

Relating to the duties of the interagency obesity council and the Department of Agriculture relating to health, wellness, and prevention of obesity.

**SB 914** Williams

Relating to the powers and duties of the Liberty Lakes Fresh Water Supply District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 927** Huffman

Relating to tampering with a direct recording electronic voting machine.

**SB 941** Wentworth

Relating to contracts by governmental entities for professional services relating to geoscience.

**SB 948** Estes

Relating to the definition of an agricultural business for the purposes of the Texas Agricultural Finance Authority.

**SB 1001** Deuell

Relating to the continuation and operation of the office of public insurance counsel.

**SB 1005** Hinojosa

Relating to the regulation of polygraph examiners by the Texas Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board.

**SB 1033** Fraser

Relating to the purposes and powers of the Temple Health and Bioscience Economic Development District.

**SB 1047** Lucio

Relating to the procurement methods authorized for public projects by a combined municipally owned electric, water, and wastewater utility situated in an economically distressed area within 30 miles of the Lower Texas Gulf Coast.

**SB 1081** Huffman

Relating to access to criminal history record information by the office of the attorney general.

**SB 1140** Shapiro

Relating to the eligibility of certain teachers to serve on the board of directors of a regional education service center.

**SB 1142** Carona

Relating to the authority with whom campaign finance reports must be filed in connection with a judicial district office filled by the voters of only one county.

**SB 1143** Carona

Relating to requirements regarding employer liability for certain group health benefit plan premiums.

**SB 1149** Hegar

Relating to authorizing the Texas Board of Criminal Justice to sell certain real property for municipal airport expansion.

**SB 1247** Harris

Relating to the definition of eligible central municipality for purposes of the municipal hotel occupancy tax.

**SB 1332** Nelson

Relating to the placement of certain children who are in the managing conservatorship of the state.

**SB 1526** Shapleigh

Relating to financial and status reporting requirements for the Border Health Institute.

Respectfully,

Patsy Spaw

Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 1**

Agriculture and Livestock - **HB 2914**

Border and Intergovernmental Affairs - **HB 1656**

Elections - **HB 401, HB 559, HB 719, HB 1265, HB 2101**

Insurance - **HB 652**

Judiciary and Civil Jurisprudence - **HB 1012, HB 1809**

**ENGROSSED**

**April 1 - HJR 29**