

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-THIRD DAY — TUESDAY, APRIL 21, 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 196).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; 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; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Vaught.

Absent — Bohac; Menendez.

The invocation was offered by Father James Loiacono, OMI, Our Lady of Refuge Church, Eagle Pass, as follows:

Lord of all creation, at the beginning of this day's legislative session, we ask for the elected representatives of the people of Texas your gift of wisdom as we decide policies, procedures, and laws for the common good and advancement of all the citizens of this state. We are most humbly aware of the trust that has been placed in us by our constituents. In these difficult times, we need to discern the opportunities within the challenges that face us. Give us the grace and light to see beyond all obstacles so as to ensure vitality, prosperity, security, and health for all our citizens—especially families and youth.

You, Lord, are the giver of laws. The dignity of every member of society must be respected, their rights and freedom equally and fairly protected, and justice owed to all. From the mighty to the powerless, you permit no one to be excluded from the common good, no one to be ignored, no one to be exploited. As Abraham Lincoln wrote in his great second inaugural, quoting Psalm 19, "The law of the Lord is perfect, converting the heart. The commandment of the Lord is pure, enlightening the eyes. The judgements of the Lord are true and righteous altogether."

Lord, guide us in the Holy Spirit. Along with our governor, grant us the gifts which come from wisdom: knowledge, understanding, right judgement. With your gift of fortitude, may we stand on those founding principles which have made our nation and our state outstanding among the peoples of the world. With your gift of piety, that is the respect and recognition owed every human being, do not allow us to be swayed by any person, power, or interest. With the gift of integrity of heart, may we make decisions that balance and preserve those rights belonging to the federal government with those belonging to the state, ceding none of these rights one to the other.

Lord, our Savior, Jesus Christ, said that all the law and the prophets are summed up in one word: love, to love you, to love our neighbor, to love and care for this wonderful creation. Help us to recognize that there is no justice without love and no love without justice. May we consider the great and the small as is written in your word: the widow, the orphan, the resident alien in our midst, all who are desperate and without recourse. May we work to preserve the God-given rights of all which no person or institution can bestow or withhold, except by perverse force of law and tyranny. May we ensure that our rights from the moment of conception beneath our mothers' hearts to our natural death never become twisted so that, like the right to life, these rights are reduced to merely a privilege of law.

May all enjoy the right to life, liberty, and the pursuit of happiness guaranteed by the constitution we have sworn to protect and uphold. God bless our great nation, the United States of America. God bless our great State of Texas.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Veasey who presented Dr. Rick Edwards and Dr. Barbara Estment of Fort Worth as the "Doctors for the Day."

The house welcomed Drs. Edwards and Estment and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Geren in the chair)

LEAVE OF ABSENCE GRANTED

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

Vaught on motion of Martinez.

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).

**HR 1034 - PREVIOUSLY ADOPTED
(by Cohen and Hochberg)**

The chair laid out the following previously adopted resolution:

HR 1034, Honoring the life of Eleanor Whilden Tinsley of Houston.

On motion of Representatives Thompson and Zerwas, the names of all the members of the house were added to **HR 1034** as signers thereof.

**HR 1391 - ADOPTED
(by Lewis)**

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 1391**.

The motion prevailed.

The following resolution was laid before the house:

HR 1391, Welcoming members of the Odessa Hispanic Chamber of Commerce to the State Capitol.

HR 1391 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Lewis who introduced representatives of the Odessa Hispanic Chamber of Commerce.

**HCR 184 - ADOPTED
(by Corte)**

Representative Corte moved to suspend all necessary rules to take up and consider at this time **HCR 184**.

The motion prevailed.

The following resolution was laid before the house:

HCR 184, Convening a joint memorial session to honor all Texans killed during the Global War on Terrorism.

HCR 184 was adopted.

HR 1490 - ADOPTED
(by Thompson)

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 1490**.

The motion prevailed.

The following resolution was laid before the house:

HR 1490, Recognizing the month of April as Autism Awareness Month.

HR 1490 was adopted.

HR 1469 - ADOPTED
(by Anderson)

Representative Anderson moved to suspend all necessary rules to take up and consider at this time **HR 1469**.

The motion prevailed.

The following resolution was laid before the house:

HR 1469, Recognizing April 21, 2009 as West Day at the State Capitol.

HR 1469 was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 1469** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Anderson who introduced a delegation from West.

(Bohac now present)

HB 4813 - PERMISSION TO INTRODUCE

Representative Kuempel requested permission to introduce and have placed on first reading **HB 4813**.

Permission to introduce was granted by (Record 197): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Miklos; Miller,

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

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

Absent, Excused — Vaught.

Absent — Crownover; Davis, Y.; Eiland; Howard, C.; McCall; Menendez; Morrison; Naishtat; Shelton.

STATEMENTS OF VOTE

When Record No. 197 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 197 was taken, I was in the house but away from my desk. I would have voted yes.

Shelton

HR 1491 - ADOPTED (by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1491**.

The motion prevailed.

The following resolution was laid before the house:

HR 1491, Recognizing April 26, 2009, as Elsie Pugh Day.

HR 1491 was adopted.

LEAVE OF ABSENCE GRANTED

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

S. Miller on motion of Callegari.

HR 719 - ADOPTED (by Gallego)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 719**.

The motion prevailed.

The following resolution was laid before the house:

HR 719, Congratulating the Honorable Thomas Lee on his retirement as judge of the 63rd State District Court.

HR 719 was adopted.

HR 1427 - ADOPTED
(by Peña, Guillen, Lucio, and Rios Ybarra)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 1427**.

The motion prevailed.

The following resolution was laid before the house:

HR 1427, Commemorating the military heroism of Pedro Cano and recognizing April 26, 2009, as Pedro Cano Day in Edinburg.

HR 1427 was adopted.

(Speaker in the chair)

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 483 ON THIRD READING
(by Pierson, et al.)

HB 483, A bill to be entitled An Act relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.

HB 483 was passed by (Record 198): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; 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; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miklos; Miller, D.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Miller, S.; Vaught.

Absent — Bonnen; Eiland; King, P.; Menendez; Morrison; Riddle; Ritter.

STATEMENT OF VOTE

When Record No. 198 was taken, I was taking my son to the doctor. I would have voted yes.

Menendez

HB 671 ON THIRD READING

(by Darby, Fletcher, et al.)

HB 671, A bill to be entitled An Act relating to the penalty for theft from a nonprofit organization.

HB 671 was passed by (Record 199): 140 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miklos; Miller, D.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Laubenberg.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Miller, S.; Vaught.

Absent — Bonnen; Crabb; Eiland; Menendez; Morrison; Patrick.

STATEMENT OF VOTE

When Record No. 199 was taken, I was taking my son to the doctor. I would have voted yes.

Menendez

HB 656 ON THIRD READING
(by Rios Ybarra and Gonzales)

HB 656, A bill to be entitled An Act relating to the use of municipal hotel occupancy taxes for ecological tourism events.

HB 656 was passed by (Record 200): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Miller, S.; Vaught.

Absent — Eiland; Madden; Menendez.

STATEMENT OF VOTE

When Record No. 200 was taken, I was taking my son to the doctor. I would have voted yes.

Menendez

HB 1445 ON THIRD READING
(by Bonnen)

HB 1445, A bill to be entitled An Act relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.

HB 1445 was passed by (Record 201): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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.; Driver;

Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miklos; Miller, D.; Moody; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Miller, S.; Vaught.

Absent — Deshotel; Eiland; Madden; Menendez; Morrison.

STATEMENTS OF VOTE

When Record No. 201 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 201 was taken, I was taking my son to the doctor. I would have voted yes.

Menendez

HB 1407 ON THIRD READING (by Geren)

HB 1407, A bill to be entitled An Act relating to the redemption of real property sold at an ad valorem tax sale.

HB 1407 was passed by (Record 202): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez

Fischer; McCall; McClendon; McReynolds; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Miller, S.; Vaught.

Absent — Heflin; Menendez.

STATEMENT OF VOTE

When Record No. 202 was taken, I was taking my son to the doctor. I would have voted yes.

Menendez

HB 1043 ON THIRD READING

(by Orr, Rodriguez, Parker, Strama, Shelton, et al.)

HB 1043, A bill to be entitled An Act relating to the creation of business opportunities for certain former foster children.

HB 1043 was passed by (Record 203): 139 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; 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; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Aycock; Christian; Flynn; Paxton; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Miller, S.; Vaught.

Absent — Callegari; Menendez; Solomons.

STATEMENTS OF VOTE

I was shown voting no on Record No. 203. I intended to vote yes.

Aycock

I was shown voting yes on Record No. 203. I intended to vote no.

Hilderbran

When Record No. 203 was taken, I was taking my son to the doctor. I would have voted yes.

Menendez

HB 1290 ON THIRD READING

(by Oliveira, Guillen, et al.)

HB 1290, A bill to be entitled An Act relating to health benefit plan coverage for certain tests for the early detection of cardiovascular disease.

Representative Ritter moved to postpone consideration of **HB 1290** until the end of today's calendar.

The motion prevailed.

(Taylor in the chair)

HB 825 ON THIRD READING

(by Hochberg, et al.)

HB 825, A bill to be entitled An Act relating to prohibiting deferred adjudication community supervision for certain defendants convicted of murder.

(Menendez now present)

HB 825 was passed by (Record 204): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter;

Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Riddle.

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

Absent, Excused — Miller, S.; Vaught.

Absent — Edwards; Maldonado; Marquez.

STATEMENT OF VOTE

When Record No. 204 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

HB 764 ON THIRD READING

(by Hartnett, et al.)

HB 764, A bill to be entitled An Act relating to eligibility for assignment as a visiting judge.

HB 764 was passed by (Record 205): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; 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; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Miller, S.; Vaught.

HB 681 ON THIRD READING

(by Farrar, Rios Ybarra, and Gonzalez Toureilles)

HB 681, A bill to be entitled An Act relating to requiring warning signs regarding mercury levels in certain fish.

HB 681 was passed by (Record 206): 95 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Bonnen; Branch; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Woolley.

Nays — Anderson; Aycock; Berman; Brown, B.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Miller, D.; Morrison; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Sheffield; Shelton; Smith, W.; Smithee; Weber; Zerwas.

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

Absent, Excused — Miller, S.; Vaught.

Absent — Hughes.

STATEMENTS OF VOTE

I was shown voting no on Record No. 206. I intended to vote yes.

Anderson

I was shown voting no on Record No. 206. I intended to vote yes.

Cook

I was shown voting no on Record No. 206. I intended to vote yes.

Eissler

When Record No. 206 was taken, I was temporarily out of the house chamber. I would have voted no.

Hughes

I was shown voting yes on Record No. 206. I intended to vote no.

Jackson

HB 1505 ON THIRD READING
(by Ortiz and Guillen)

HB 1505, A bill to be entitled An Act relating to the promotion or advertising of alcoholic beverages in relation to certain facilities owned by a municipality or county.

HB 1505 was passed by (Record 207): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddock; 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; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Miller, S.; Vaught.

Absent — Anderson; Hernandez; Jackson; Pickett.

STATEMENTS OF VOTE

When Record No. 207 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

I was shown voting yes on Record No. 207. I intended to vote no.

Flynn

HB 1590 ON THIRD READING
(by Rose and Moody)

HB 1590, A bill to be entitled An Act relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

HB 1590 was passed by (Record 208): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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.; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; 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; Thibaut; Thompson; Truitt; Turner, C.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Miller, S.; Vaught.

Absent — Deshotel; Turner, S.

STATEMENT OF VOTE

When Record No. 208 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

HB 1684 ON THIRD READING

(by B. Brown, Anderson, Aycock, Gonzalez Toureilles, Chisum, et al.)

HB 1684, A bill to be entitled An Act relating to the creation and administration of the rural veterinarian loan repayment program.

HB 1684 was passed by (Record 209): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — 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; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez

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

Nays — Riddle.

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

Absent, Excused — Miller, S.; Vaught.

Absent — Creighton.

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).

LEAVE OF ABSENCE GRANTED

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

Farrar on motion of Hernandez.

HB 1740 ON THIRD READING

(by D. Howard, et al.)

HB 1740, A bill to be entitled An Act relating to the authorization of physicians and therapeutic optometrists to dispense therapeutic contact lenses.

HB 1740 was passed by (Record 210): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Riddle.

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

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Hardcastle; McCall; Pierson; Turner, S.

(Speaker in the chair)

HB 1731 ON THIRD READING
(by Pitts, Guillen, and Branch)

HB 1731, A bill to be entitled An Act relating to money available for consumer incentive or rebate programs for alternatively fueled appliances or equipment.

HB 1731 was passed by (Record 211): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Aycock; 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; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Anchia; Berman.

HB 1783 ON THIRD READING
(by Solomons, Bohac, Maldonado, D. Miller, et al.)

HB 1783, A bill to be entitled An Act relating to the Internet broadcasting of Public Utility Commission of Texas and ERCOT public hearings and meetings.

HB 1783 was passed by (Record 212): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; 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; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Berman; Corte; Farabee; Mallory Caraway.

STATEMENT OF VOTE

When Record No. 212 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

HB 1813 ON THIRD READING (by Vo, et al.)

HB 1813, A bill to be entitled An Act relating to the punishment for tampering with certain governmental records concerning forensic analyses.

HB 1813 was passed by (Record 213): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez

Fischer; McCall; McClendon; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Driver.

HB 598 ON THIRD READING

(by Hughes, Paxton, Madden, Lewis, Eiland, et al.)

HB 598, A bill to be entitled An Act relating to the address displayed on the driver's licenses of certain federal and state judges and their spouses.

HB 598 was passed by (Record 214): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Kuempel.

HB 608 ON THIRD READING

(by Castro, Ortiz, Moody, and Herrero)

HB 608, A bill to be entitled An Act relating to posttrial psychological counseling for jurors in a criminal trial or juvenile adjudication hearing involving graphic evidence or testimony.

HB 608 was passed by (Record 215): 139 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Callegari; Fletcher; Legler; Riddle; Weber.

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

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Hancock.

HB 482 ON THIRD READING

(by Rodriguez, Lucio, Leibowitz, Martinez, Farias, et al.)

HB 482, A bill to be entitled An Act relating to programs to increase the availability of fresh produce to, and the purchase and consumption of fresh produce by, certain low-income individuals.

HB 482 was passed by (Record 216): 84 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Bolton; Bonnen; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jackson; Jones; Kent; Kolkhorst; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Gattis; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; Hughes; Hunter; Isett; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Laubenberg; Legler; Lewis; Madden; Miller, D.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — King, T.; Merritt.

STATEMENT OF VOTE

I was shown voting yes on Record No. 216. I intended to vote no.

Kolkhorst

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 948 ON THIRD READING (Aycock - House Sponsor)

SB 948, A bill to be entitled An Act relating to the definition of an agricultural business for the purposes of the Texas Agricultural Finance Authority.

SB 948 was passed by (Record 217): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Gallego; Hochberg.

STATEMENT OF VOTE

When Record No. 217 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 2546 ON SECOND READING (by Isett)

HB 2546, A bill to be entitled An Act relating to the continuation and functions of the Texas Military Preparedness Commission.

Amendment No. 1

Representative Frost offered the following amendment to **HB 2546**:

Amend **HB 2546** (house committee report) as follows:

(1) On page 13, line 8, renumber existing SECTION 19 of the bill as SECTION 20 and renumber subsequent sections of the bill accordingly.

(2) On page 13, line 8, add new SECTION 19 to the bill to read as follows:

SECTION 19. Section 486.003(a), Government Code, is amended to read as follows:

Sec. 486.003. **ELIGIBILITY FOR GRANT.** (a) A local governmental entity is eligible for a grant under this chapter if it is:

(1) a municipality or county that is a defense community;

(2) a regional planning commission that has a defense community within its boundaries;

(3) a public junior college district all or part of which is located in a defense community;

(4) a campus or extension center for education purposes of the Texas State Technical College System located in a defense community; ~~(5)~~

(5) a defense base development authority created under Chapter 379B, Local Government Code[-]; or

(6) a political subdivision having the power of a defense base development authority created under Chapter 379B, Local Government Code.

Amendment No. 1 was adopted.

HB 2546, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

CSHB 72 ON SECOND READING

(by Guillen)

CSHB 72, A bill to be entitled An Act relating to the waiting period for issuing a decree in certain suits for divorce.

Amendment No. 1

Representative Laubenberg offered the following amendment to **CSHB 72**:

Amend **CSHB 72** as follows:

On page 1, line 9, strike "~~60th~~" and insert "180th";

(Kolkhorst in the chair)

Amendment No. 1 - Point of Order

Representative Gonzales raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 1.

Amendment No. 2

Representative Phillips offered the following amendment to **CSHB 72**:

Amend **CSHB 72** on page 1, line 23, between "marriage" and the period, by inserting "and there has been a judicial determination that the respondent has violated that order".

Amendment No. 2 was adopted.

CSHB 72, as amended, was passed to engrossment.

HB 77 ON SECOND READING

(by Flynn, Heflin, and Hopson)

HB 77, A bill to be entitled An Act relating to the collateralization of certain public funds; providing administrative penalties.

HB 77 was passed to engrossment.

HB 232 ON SECOND READING

(by Rodriguez, Harless, and S. Turner)

HB 232, A bill to be entitled An Act relating to grants for community-based telephone voice-mail services for individuals in crisis or in transition.

Amendment No. 1

Representative P. King offered the following amendment to **HB 232**:

Amend **HB 232** as follows:

On page 2, line 10, strike the word "and";

On page 2, line 12, strike the "." and insert "; and";

On page 2, between lines 12 and 13, insert the following subsection:

"(11) maintain services for all consumers at reasonable costs by assessing a fee that is no more than 3.4% of taxable communications receipts."

Amendment No. 1 was adopted by (Record 218): 131 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycok; Bolton; Bonnen; Branch; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; 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; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Anderson; Berman; Brown, B.; Crabb; Howard, C.; Otto; Truitt; Weber.

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

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Bohac; Edwards; Flynn; Hardcastle; Madden; Merritt.

STATEMENTS OF VOTE

I was shown voting no on Record No. 218. I intended to vote yes.

Anderson

When Record No. 218 was taken, my vote failed to register. I would have voted yes.

Bohac

I was shown voting no on Record No. 218. I intended to vote yes.

B. Brown

I was shown voting no on Record No. 218. I intended to vote yes.

Crabb

I was shown voting no on Record No. 218. I intended to vote yes.

C. Howard

Amendment No. 2

Representative P. King offered the following amendment to **HB 232**:

Amend **HB 232** as follows:

On page 2, line 13, insert the following appropriately numbered section:

Section _____. Section 56.022, Utilities Code, is amended to read as follows:

Sec. 56.022. UNIFORM CHARGE. (a) The universal service fund is funded by a statewide uniform charge payable by each telecommunications provider that has access to the customer base.

(b) A telecommunications provider shall pay the charge in accordance with procedures approved by the commission.

(c) The uniform charge is on services and at rates the commission determines. In establishing the charge and the services to which the charge will apply, the commission may not:

(1) grant an unreasonable preference or advantage to a telecommunications provider;

(2) assess the charge on pay telephone service; ~~[or]~~

(3) subject a telecommunications provider to unreasonable prejudice or disadvantage[-]; or

(4) assess a fee for the purposes Section 56.021 or Subchapter I of this Chapter that is in excess of 3.4% of taxable communications receipts.

On page 3, line 4, strike the word "and";

On page 3, line 6, strike the "." and insert "; and";

On page 3, between lines 6 and 7, insert the following subsection:

"(3) limit the grant program in accordance with Section 56.022(c)(4) of this Chapter."

Amendment No. 2 was adopted by (Record 219): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; 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.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Madden.

Amendment No. 3

Representative Isett offered the following amendment to **HB 232**:

Amend **HB 232** (House Committee Printing) by adding the following appropriately numbered SECTION of the bill to read as follows and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 151.007, Tax Code, is amended by adding Subsection (f) to read as follows:

(f) The sales price of telecommunications services does not include the state universal service fund assessment imposed under Subchapter B, Chapter 56, Utilities Code, if the assessment is passed through to the purchaser of the service.

(b) The change in law made by this section does not affect taxes imposed before the effective date of this Act, and the law in effect before that date is continued in effect for purposes of the liability for and collection of those taxes.

Amendment No. 3 was withdrawn.

HB 232, as amended, was passed to engrossment. (Laubenberg, Paxton, and Phillips recorded voting no.)

(Hancock in the chair)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, upon lunch recess today, Desk 92, for a formal meeting, to consider pending business.

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

Rules and Resolutions, upon lunch recess today, 1W.14, for a formal meeting, to consider the calendar.

HR 1492 - ADOPTED

(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1492**.

The motion prevailed.

The following resolution was laid before the house:

HR 1492, Honoring the Reverend Byrd Lacey, Jr., and his wife, Marilyn, on their 25 years of service to the Greater Mount Olive Missionary Baptist Church.

HR 1492 was adopted.

RECESS

At 12:04 p.m., the chair announced that the house would stand recessed until 12:45 p.m. today.

AFTERNOON SESSION

The house met at 12:45 p.m. and was called to order by Representative Hancock.

CSHB 107 ON SECOND READING (by Phillips, Moody, and Herrero)

CSHB 107, A bill to be entitled An Act relating to the rendering of a judgment and sentence in the absence of certain defendants charged with felonies.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHB 107**:

Amend **CSHB 107** (house committee printing) as follows:

- (1) On page 1, line 12, strike "imprisoned" and substitute "confined".
- (2) On page 1, lines 19-20, strike ", as defined by Section 1.07, Penal Code,".
- (3) On page 2, line 2, strike "a district court" and substitute "the appropriate court".
- (4) On page 2, lines 3 and 4, strike "where the defendant is imprisoned" and substitute "in which the penal institution is located".
- (5) On page 2, line 13, strike "judge" and substitute "court".
- (6) On page 2, line 20, strike "penal institution has the meaning" and substitute "deadly weapon" and "penal institution" have the meanings".
- (7) On page 2, line 22, through page 3, line 2, strike SECTION 2 of the bill.
- (8) Add the following appropriately numbered SECTIONS to the bill:
SECTION _____. Chapter 27, Code of Criminal Procedure, is amended by adding Article 27.19 to read as follows:

Art. 27.19. PLEA BY CERTAIN DEFENDANTS. (a) Notwithstanding any other provision of this code, a court shall accept a plea of guilty or nolo contendere from a defendant who is confined in a penal institution if the plea is made:

- (1) in accordance with the procedure established by Article 27.18; or
- (2) in writing before the appropriate court having jurisdiction in the county in which the penal institution is located, provided that:

(A) in the writing, the defendant waives the right to be present at the taking of the plea or to have counsel present; and

(B) if the defendant is charged with a felony, judgment and sentence are rendered in accordance with the conditions and the procedure established by Article 42.14(b).

(b) In this article, "penal institution" has the meaning assigned by Section 1.07, Penal Code.

SECTION _____. Article 27.19, Code of Criminal Procedure, as added by this Act, and Article 42.14, Code of Criminal Procedure, as amended by this Act, apply to a plea entered or to a judgment and sentence rendered in a criminal case on or after the effective date of this Act, regardless of whether the offense for which the plea is entered or judgment and sentence are rendered is committed before, on, or after that date.

(9) Renumber the SECTIONS of the bill appropriately.

Amendment No. 1 was adopted.

CSHB 107, as amended, was passed to engrossment.

CSHB 270 ON SECOND READING
(by F. Brown and Ortiz)

CSHB 270, A bill to be entitled An Act relating to the definition of qualified employee for purposes of the enterprise zone program.

CSHB 270 was passed to engrossment. (Paxton recorded voting no.)

HB 432 ON SECOND READING
(by Lucio, Anchia, Strama, et al.)

HB 432, A bill to be entitled An Act relating to the low-emissions vehicles purchasing requirement for certain state agencies.

Amendment No. 1

Representative Villarreal offered the following amendment to **HB 432**:

Amend **HB 432** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2158.009(a), Government Code, is repealed.

Amendment No. 1 was adopted.

HB 432, as amended, was passed to engrossment.

HB 462 ON SECOND READING
(by Eissler and Guillen)

HB 462, A bill to be entitled An Act relating to the use of personal leave by a public school employee.

Representative Eissler moved to postpone consideration of **HB 462** until 10 a.m. Monday, April 27.

The motion prevailed.

CSHB 666 ON SECOND READING
(by Gutierrez, Moody, Hodge, and Leibowitz)

CSHB 666, A bill to be entitled An Act relating to certain court costs used to fund drug court programs.

Amendment No. 1

Representative Moody offered the following amendment to **CSHB 666**:

Amend **CSHB 666** (house committee report) as follows:

- (1) On page 1, line 11, strike "\$60 [~~\$50~~]" and substitute "\$50".
- (2) On page 4, line 21, strike "\$60" and substitute "\$50".

Amendment No. 1 was adopted.

CSHB 666, as amended, was passed to engrossment.

CSHB 783 ON SECOND READING
(by Pickett)

CSHB 783, A bill to be entitled An Act relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.

CSHB 783 was passed to engrossment.

HB 1148 ON SECOND READING
(by Thompson and Hodge)

HB 1148, A bill to be entitled An Act relating to the authority of the governor to grant one or more reprieves in a capital case.

HB 1148 was passed to engrossment. (Riddle recorded voting no.)

HB 1203 ON SECOND READING
(by Elkins and Peña)

HB 1203, A bill to be entitled An Act relating to the designation of a person to act as the agent of a property owner in a property tax matter.

Amendment No. 1

Representative Elkins offered the following amendment to **HB 1203**:

Amend **HB 1203** (House Committee Printing) as follows:

(1) On page 1, line 5, strike "Section 1.111(b), Tax Code, is amended" and substitute "Sections 1.111(b) and (i), Tax Code, are amended".

(2) On page 1, between lines 20 and 21, insert the following:

(i) An appraisal review board shall accept and consider a motion or protest filed by an agent of a property owner if an agency authorization is filed at or before the hearing on the motion or protest. If an appraisal review board designates a time and place for appearance before a hearing, an agency authorization is considered to be filed at or before the hearing if a copy of the authorization is filed at the time and place designated by the board.

Amendment No. 1 was adopted.

HB 1203, as amended, was passed to engrossment.

HB 1310 ON SECOND READING
(by Solomons, Shelton, et al.)

HB 1310, A bill to be entitled An Act relating to the use of a tanning facility device by a minor.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 1310**:

Amend **HB 1310** (House Committee Report) by striking all below the enacting clause and substituting the following:

SECTION 1. Sections 145.008(f), (g), and (i), Health and Safety Code, are amended to read as follows:

(f) To ensure the proper operation of the tanning equipment, a tanning facility may not allow:

(1) a person younger than 16.5 [13] years of age to use a tanning device; and

(2) a person younger than 18 years of age to use a tanning device unless[

(1) the facility receives written permission from the person's physician allowing the person to use the device; and

(2) the person's parent or legal guardian, in person at the facility, consents in writing for the person to use the device, which may be revoked at any time [remains at the tanning facility while the person uses the device].

(g) Before any person younger than 18 [16 or 17] years of age uses a tanning facility device for the first time, the person must give the operator a written informed consent statement signed and dated by the person and the person's parent or legal guardian stating that the person and the parent or legal guardian:

(1) have [has] read and understood the advisory statement issued by the Texas Medical Board, warning of the dangers of indoor and outdoor tanning and its association with skin cancer, eye damage, and other health risks, provided [warnings given] by the tanning facility; [consents to the minor's use of a tanning device,] and

(2) agree [agrees] that the minor will use protective eyewear at all times while using the tanning device. [In addition, a person 13, 14, or 15 years of age must be accompanied by a parent or legal guardian who must remain at the tanning facility while the person uses the tanning device.]

(i) A record of each customer using a tanning device shall be maintained at the tanning facility at least until the third anniversary of the date of the customer's last use of a tanning device. The executive commissioner of the Health and Human Services Commission [board] by rule shall prescribe the form and content of the records. The record shall include:

- (1) the date and time of the customer's use of a tanning device;
- (2) the length of time the tanning device was used;
- (3) any injury or illness resulting from the use of a tanning device;

(4) any parent or guardian consent required under Subsection (f) or any written informed consent statement required to be signed under Subsection (e) or (g);

(5) the customer's skin type, as determined by the customer by using the Fitzpatrick scale for classifying a skin type;

(6) whether the customer has a family history of skin cancer; and

(7) whether the customer has a past medical history of skin cancer.

SECTION 2. Not later than January 1, 2010:

(1) the Texas Medical Board shall adopt the advisory statement required under Section 145.008(g), Health and Safety Code, as amended by this Act, and post the advisory statement on the board's Internet website in a form that is easily downloaded and printed by a tanning facility owner or operator; and

(2) the executive commissioner of the Health and Human Services Commission shall modify as necessary the prescribed form and content for the records required under Section 145.008(i), Health and Safety Code, as amended by this Act.

SECTION 3. (a) Except as provided by Subsection (b), this Act takes effect September 1, 2009.

(b) Section 1 of this Act takes effect January 1, 2010.

Amendment No. 1 was adopted.

HB 1310, as amended, was passed to engrossment. (Harper-Brown, Jackson, Laubenberg, and Veasey recorded voting no.)

HB 1372 ON SECOND READING

(by **Shelton, Moody, Sheffield, Kent, Creighton, et al.**)

HB 1372, A bill to be entitled An Act relating to the definition of victim in relation to certain crime victims' rights.

HB 1372 was passed to engrossment.

HB 1468 ON SECOND READING

(by **Chisum**)

HB 1468, A bill to be entitled An Act relating to the regulation of funeral homes, cemeteries, and crematories; providing a criminal penalty.

Amendment No. 1

Representative Y. Davis offered the following amendment to **HB 1468**:

Amend **HB 1468** (house committee printing) by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter F, Chapter 154, Finance Code, is amended by adding Section 154.265 to read as follows:

Sec. 154.265. DEFAULT UNDER CERTAIN CONTRACTS. (a) Notwithstanding any other law, the purchaser of a trust-funded prepaid funeral benefits contract may not be considered in default under the contract if:

(a-1) the purchaser has paid at least 85 percent of the contract price and;

(a-2) the purchaser was unable to pay due to extenuating financial circumstances.

(b) A funeral provider is not required to provide funeral merchandise or services under a trust-funded prepaid funeral benefits contract unless any remaining balance, including any applicable finance charge, owed under the contract is paid before the funeral service or the funeral provider agrees in writing to another payment arrangement.

(c) This section does not affect a purchaser's right to cancel a trust-funded prepaid funeral benefits contract.

SECTION _____. Section 154.265, Finance Code, as added by this Act applies only to a contract that is entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect on the date the contract was entered into, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Coleman offered the following amendment to **HB 1468**:

Amend **HB 1468** (House Committee Printing) as follows:

(1) On page 1, line 7, between "may" and "adopt", insert "enforce Section 711.052 and may".

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

SECTION _____. Section 711.041, Health and Safety Code, is amended to read as follows:

Sec. 711.041. ACCESS TO CEMETERY. (a) Any person who wishes to visit a cemetery or private burial grounds for which no public ingress or egress is available shall have the right to reasonable ingress and egress for the purpose of visiting the cemetery or private burial grounds. This right of access extends only to visitation during the ~~reasonable~~ hours determined by the owner or owners of the lands under Subsection (b) or at a reasonable time as provided by Subsection (c) and only for purposes usually associated with cemetery visits.

(b) The owner or owners of the lands surrounding the cemetery or private burial grounds may designate the routes of reasonable ingress and egress and reasonable hours of availability.

(c) At a time other than the time provided by Subsection (b), the owner or owners of the lands surrounding a cemetery or private burial grounds must allow a person to enter and exit the owner's land for the purpose of visiting the cemetery or private burial grounds if:

(1) the person provides written notice to the owner or owners of the lands surrounding the cemetery or private burial grounds of the person's visit;

(2) the person provides the notice required by Subdivision (1) not later than the fourteenth day before the date the person wishes to visit the cemetery; and

(3) the time of the visit is reasonable.

SECTION _____. Subchapter D, Chapter 711, Health and Safety Code, is amended by adding Section 711.0515 to read as follows:

Sec. 711.0515. INJUNCTIVE RELIEF. In addition to bringing an action under Section 711.051, the attorney general at the request of the Texas Funeral Service Commission may bring an action for injunctive relief to enforce this chapter or a rule or order adopted by the commission under this chapter.

SECTION _____. Subchapter D, Chapter 711, Health and Safety Code, is amended by adding Section 711.0521 to read as follows:

Sec. 711.0521. ACCESS TO CEMETERIES CRIMINAL PENALTIES. (a) A person who is an individual, firm, association, corporation, or municipality, or an officer, agent, or employee of an individual, firm, association, corporation, or municipality, commits an offense if the person interferes with a person's reasonable right to ingress and egress under Section 711.041.

(b) An offense under this Section is a Class C misdemeanor.

SECTION _____. The change in law made by Section 711.0521, Health and Safety Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Lucio offered the following amendment to **HB 1468**:

Amend **HB 1468** (House Committee Report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 711.008(b), Health and Safety Code, is amended to read as follows:

(b) Subsection (a) does not apply to:

- (1) a cemetery heretofore established and operating;
- (2) the establishment and use of a columbarium by an organized religious society or sect that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code, as part of or attached to the principal church building owned by the society or sect;
- (3) the establishment and use of a columbarium:
 - (A) in a municipality with a population of at least 1.8 million; and
 - (B) by an organized religious society or sect, that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code, on land that:
 - (i) is owned by the society or sect; and
 - (ii) is part of the campus on which an existing principal church building is located; [✗]

(4) the establishment and use of a columbarium on the campus of a private or independent institution of higher education, as defined by Section 61.003, Education Code, that is wholly or substantially controlled, managed, owned, or supported by or otherwise affiliated with an organized religious society or sect that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code, if a place of worship is located on the campus; or

(5) the establishment and use of a mausoleum that is:

(A) constructed beneath the principal church building owned by an organized religious society or sect that:

(i) is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code; and

(ii) has recognized religious traditions and practices of interring the remains of ordained clergy in or below the principal church building; and

(B) used only for the interment of the remains of ordained clergy of that organized religious society or sect.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Villarreal offered the following amendment to **HB 1468**:

Amend **HB 1468** (House Committee Report) as follows:

(1) On page 8, lines 7 and 8, strike "Sections 651.351(d) and (f), Occupations Code, are amended" and substitute "Section 651.351, Occupations Code, is amended by amending Subsections (d) and (f) and adding Subsection (i)".

(2) On page 8, line 13, between "(2)" and "be located", insert "except as provided by Subsection (i),".

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

(i) Subsection (d)(2) does not apply to a funeral establishment located on tax-exempt property of an accredited postsecondary educational institution that is operated in connection with an accredited educational program for funeral services.

Amendment No. 4 was adopted.

HB 1468, as amended, was passed to engrossment.

HB 1485 ON SECOND READING (by Pitts and Edwards)

HB 1485, A bill to be entitled An Act relating to performance assessments of certain state agencies.

Amendment No. 1

Representative Christian offered the following amendment to **HB 1485**:

Amend **HB 1485** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2001.032, Government Code, is amended to read as follows:

Sec. 2001.032. CONSIDERATION OF LEGISLATIVE INTENT [REVIEW]. (a) In the process of developing a new rule and before a state agency gives notice of its intention to adopt a rule under Sections 2001.023 and 2001.024, the agency shall research the legislative history of and prepare a legislative history on the law under which the rule is to be adopted. To effectively research and prepare the legislative history, the state agency must:

(1) ascertain the names of the primary author and sponsor of the legislation that added or amended the law that authorizes the agency to adopt the rule by consulting with the chief clerk of the house of representatives, the secretary of the senate, an automated information system operated by the Texas Legislative Council, or another reliable source;

(2) identify any statement or discussion of legislative intent that occurred in the legislative process before enrollment in connection with the legislation that added or amended the law under which the rule would be adopted;

(3) review the final publicly available bill analysis prepared by a legislative office before enrollment;

(4) determine whether each legislative author or sponsor identified in Subdivision (1) is still a member of the legislature; and

(5) assemble the information gathered under Subdivisions (1), (2), (3), and (4) into a legislative history to be used by the agency during the deliberative process of developing new rules.

(b) In this section, a reference to the law under which a rule is or would be adopted includes the law that the rule would implement or enforce.

(c) Before a state agency gives notice of its intention to adopt a rule under Sections 2001.023 and 2001.024, the agency shall:

(1) ensure that the proposed rule is consistent with the legislature's intent in enacting or otherwise affecting the law under which the rule would be adopted; and

(2) notify the primary author and sponsor of the legislation that added or amended the law under which the rule would be adopted that the adoption of a rule related to the member's legislation is being considered.

(d) Concurrently with the state agency's filing of the notice with the secretary of state, the agency shall deliver a copy of the notice of the proposed rule required by Sections 2001.023 and 2001.024 to the primary author and sponsor as described in the legislative history.

(e) Not later than the 10th day before the date the state agency considers the proposed rule for final adoption, the agency shall deliver to the primary author and sponsor a copy of the proposed rule if the text of the rule differs from the text of the proposed rule published under Section 2001.024. The agency also shall

notify the primary author and sponsor in a timely manner of the time and place of a public hearing or informal conference held in connection with the contemplated rulemaking.

(f) The primary author or sponsor of legislation that added or amended the law under which the rule would be adopted may formally advise the governor in writing of the person's belief that the proposed rule is not consistent with the intent of the legislature.

(g) Before the state agency adopts the rule, the governor may issue a proclamation instructing the agency not to adopt the rule. After the state agency adopts the rule, the governor may, during the 90-day period following the date the agency finally adopts the rule, issue a proclamation vacating the rule. A proclamation under this subsection must describe how the rule is inconsistent with the intent of the legislature.

(h) The state agency may not adopt the proposed rule if the agency receives the proclamation instructing the agency not to adopt the rule before the agency meets to consider the rule for final adoption. A rule is vacated if the governor issues a proclamation vacating the rule within the period prescribed by Subsection (g). The agency also shall promptly deliver a copy of a proclamation received under Subsection (g) to the primary author and sponsor.

(i) A rule is vacated under this section as of the date of issuance of the governor's proclamation vacating the rule. A decision or act taken under the vacated rule on or after the date the rule took effect but before the date the rule is vacated is governed by the rule that was in effect when the decision or act was taken, and the vacated rule is continued in effect for that purpose.

(j) The state agency shall deliver a copy of an emergency rule adopted under Section 2001.034 and the written reasons for its adoption to the primary author and sponsor as determined by the legislative history with respect to the law under which the emergency rule was adopted concurrently with the agency's filing of the rule and the reasons for its adoption with the secretary of state. If the agency gives an abbreviated notice or conducts a hearing in connection with the adoption of the emergency rule, the agency shall also promptly deliver to the primary author and sponsor a copy of the notice and shall timely inform the primary author and sponsor of the time and place of the hearing.

(k) Failure to provide notice under this section does not invalidate an action taken or rule adopted. A requirement of this section that a notice or other item be delivered to a primary author or sponsor of legislation does not apply if the author or sponsor is no longer a member of the legislature.

(l) Each house of the legislature shall consider the adoption of a rule that allows:

(1) the primary author of a bill to enter a statement of legislative intent into the bill analysis before the bill is considered in a committee hearing in the originating house; and

(2) the author of each adopted amendment to a bill to enter a statement into the bill analysis that indicates how the amendment's author intends to change the purpose of the bill. [Each house of the legislature by rule shall establish a

~~process under which the presiding officer of each house refers each proposed state agency rule to the appropriate standing committee for review before the rule is adopted.~~

~~[(b) A state agency shall deliver to the lieutenant governor and the speaker of the house of representatives a copy of the notice of a proposed rule when the agency files notice with the secretary of state under Section 2001.023.~~

~~[(c) On the vote of a majority of its members, a standing committee may send to a state agency a statement supporting or opposing adoption of a proposed rule.]~~

SECTION _____. Section 2001.024(a), Government Code, is amended to read as follows:

(a) The notice of a proposed rule must include:

(1) a brief explanation of the proposed rule;

(2) the text of the proposed rule, except any portion omitted under Section 2002.014, prepared in a manner to indicate any words to be added or deleted from the current text;

(3) a statement of the statutory or other authority under which the rule is proposed to be adopted, including:

(A) a concise explanation of the particular statutory or other provisions under which the rule is proposed;

(B) the section or article of the code affected; ~~and~~

(C) a certification that the proposed rule has been reviewed by legal counsel and found to be:

(i) within the state agency's authority to adopt; and

(ii) consistent with the intent of the legislature in enacting or otherwise affecting the law under which the rule would be adopted, as described by Section 2001.032; and

(D) a copy of the legislative history developed for use by the agency during the deliberative process of developing the rule;

(4) a fiscal note showing the name and title of the officer or employee responsible for preparing or approving the note and stating for each year of the first five years that the rule will be in effect:

(A) the additional estimated cost to the state and to local governments expected as a result of enforcing or administering the rule;

(B) the estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule;

(C) the estimated loss or increase in revenue to the state or to local governments as a result of enforcing or administering the rule; and

(D) if applicable, that enforcing or administering the rule does not have foreseeable implications relating to cost or revenues of the state or local governments;

(5) a note about public benefits and costs showing the name and title of the officer or employee responsible for preparing or approving the note and stating for each year of the first five years that the rule will be in effect:

(A) the public benefits expected as a result of adoption of the proposed rule; and

(B) the probable economic cost to persons required to comply with the rule;

(6) the local employment impact statement prepared under Section 2001.022, if required;

(7) a request for comments on the proposed rule from any interested person; and

(8) any other statement required by law.

SECTION _____. Section 2001.033, Government Code, is amended to read as follows:

Sec. 2001.033. STATE AGENCY ORDER ADOPTING RULE. (a) A state agency order finally adopting a rule must include:

(1) a reasoned justification for the rule as adopted consisting solely of:

(A) any written comments received from members of the legislature and a summary of comments received from parties interested in the rule that shows the names of interested groups or associations offering comment on the rule and of members of the legislature offering written comment on the rule and whether they were for or against its adoption;

(B) a summary of the factual basis for the rule as adopted which demonstrates a rational connection between the factual basis for the rule and the rule as adopted; and

(C) the reasons why the agency disagrees with party submissions and proposals and with any written comments or proposals offered by a member of the legislature;

(2) a concise restatement of the particular statutory provisions under which the rule is adopted and of how the agency interprets the provisions as authorizing or requiring the rule; and

(3) a certification that the rule, as adopted, has been reviewed by legal counsel and found to be:

(A) a valid exercise of the agency's legal authority; and

(B) consistent with the intent of the legislature in enacting or otherwise affecting the law under which the rule is adopted, as described by Section 2001.032.

(b) Nothing in this section shall be construed to require additional analysis of alternatives not adopted by an agency beyond that required by Subsection (a)(1)(C) [Subdivision (1)(C)] or to require the reasoned justification to be stated separately from the statements required in Subsection (a)(1) [Subdivision (1)].

SECTION _____. The change in law made by this Act relating to the process of state agency rulemaking applies only in relation to:

(1) a state agency rule for which notice of the rule as proposed is first published in the Texas Register under Sections 2001.023 and 2001.024, Government Code, on or after October 1, 2009; or

(2) an emergency rule adopted on or after September 15, 2009.

Amendment No. 1 was adopted.

Amendment No. 2

On behalf of Representative Flynn, Representative Isett offered the following amendment to **HB 1485**:

Amend **HB 1485** (House committee printing) as follows:

(1) On page 3, lines 2 and 3, strike "lieutenant governor and the speaker of the house of representatives jointly" and substitute "legislature".

(2) On page 3, line 6, strike "lieutenant governor and speaker recommend" and substitute "legislature recommends".

Amendment No. 2 was adopted.

HB 1485, as amended, was passed to engrossment.

HB 1513 ON SECOND READING

(by W. Smith)

HB 1513, A bill to be entitled An Act relating to construction contract trust funds and the misapplication of those funds.

HB 1513 was passed to engrossment.

HB 1574 ON SECOND READING

(by Thompson, Pitts, Geren, Alonzo, Gonzales, et al.)

HB 1574, A bill to be entitled An Act relating to the creation of a statewide autism spectrum disorders resource center.

Amendment No. 1

Representative Guillen offered the following amendment to **HB 1574**:

Amend **HB 1574** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall conduct a study to determine the costs and benefits to this state of initiating a pilot program to provide services to adult persons with autism and other related disabilities with similar support needs.

(b) The study will determine the costs and benefits of a pilot program based on a program designed to:

(1) encourage sustainable employment and community integration through specialized supports coordination, case management, vocational assessment, training, and support to increase job skills and competitive employment opportunities;

(2) develop meaningful community-based activities for persons for whom competitive employment is not a goal;

(3) promote continued individual development and avoid regression;

(4) promote self-determination and independence;

(5) coordinate services and behavioral supports across all areas of need;

and

(6) allow for flexible funding and for a flexible array of services to meet individual needs.

(c) In conducting the study, the executive commissioner of the Health and Human Services Commission shall:

(1) define and describe a pilot program with a seamless system of supports to provide:

- (A) options for independent living, if appropriate;
- (B) community-based housing, if needed; and
- (C) individualized supports, including:
 - (i) prevocational training;
 - (ii) employment training; and
 - (iii) leisure and recreational activities;

(2) research and analyze best practices and programs from other states that may serve as pilot program models;

(3) consult with and solicit feedback from key stakeholders, including advocacy organizations, potential service recipients, and parents;

(4) address the barriers that may prevent adults with autism or other related disabilities with similar support needs from living in their local community including:

- (A) housing needs and living arrangements;
- (B) behavioral services;
- (C) social and communication services and supports;
- (D) transportation issues; and
- (E) health and medical care;

(5) identify the existence and cause of service gaps in this state;

(6) develop recommendations and determine costs associated with eliminating service gaps;

(7) identify the potential benefit to persons who would receive services from the pilot program; and

(8) identify potential federal sources of funding for a pilot program.

(d) Not later than September 1, 2010, the executive commissioner of the Health and Human Services Commission shall submit a report of the findings and conclusions of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives with primary jurisdiction over the provision of services to persons with disabilities.

(e) The report required under Subsection (d) of this section must include:

(1) a recommendation for the structure of a pilot program;

(2) a recommendation on the choice of an appropriate agency to design and administer a pilot program;

(3) an estimation of the number of persons who may benefit from a pilot program if a program similar to the pilot program were instituted statewide;

(4) an estimation of the potential costs of the pilot program and whether the pilot program may lead to savings;

(5) a method of determining which persons would be eligible to participate in the pilot program; and

(6) which Medicaid waiver programs are appropriate to the pilot program and whether new Medicaid waiver programs may be required.

Amendment No. 1 was adopted.

HB 1574, as amended, was passed to engrossment.

(Speaker in the chair)

HB 1688 ON SECOND READING

(by Castro)

HB 1688, A bill to be entitled An Act relating to the rules governing a motion for new trial in juvenile cases.

HB 1688 was passed to engrossment.

HB 1705 ON SECOND READING

(by Geren)

HB 1705, A bill to be entitled An Act relating to the Department of Information Resources, including the abolition of the telecommunications planning and oversight council, the electronic commerce network, and the electronic procurement marketplace.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 1705**:

Amend **HB 1705** by adding the following appropriately numbered SECTION to Article 2 of the bill and renumbering subsequent SECTIONS in Article 2 of the bill accordingly:

SECTION _____. Subchapter I, Chapter 39, Education Code, is amended by adding Section 39.205 to read as follows:

Sec. 39.205. SOFTWARE STANDARDS. (a) The Department of Information Resources, in cooperation with the commissioner, shall adopt performance and interoperability standards for software used by school districts for financial accounting or attendance reporting.

(b) Standards adopted under this section must ensure that the software will enable a school district to share and report information in a timely manner for purposes of financial management, operational decision-making, and transparency of district operations to the public.

(c) The Department of Information Resources:

(1) shall include compliance with standards adopted under this section as a requirement in any solicitation for software anticipated to be used for a purpose described by Subsection (a);

(2) shall require a vendor awarded a contract in response to a solicitation described by Subdivision (1) to certify that the software complies with the standards adopted under this section; and

(3) may negotiate state contract pricing for software that complies with the standards adopted under this section.

(Solomons in the chair)

Amendment No. 1 was adopted.

HB 1705, as amended, was passed to engrossment.

(Speaker in the chair)

HB 1983 ON SECOND READING
(by Martinez Fischer and Moody)

HB 1983, A bill to be entitled An Act relating to the punishment for certain intoxication related offenses; creating the offense of aggravated driving while intoxicated.

HB 1983 was passed to engrossment.

HB 1985 ON SECOND READING
(by Martinez Fischer, Moody, and Ortiz)

HB 1985, A bill to be entitled An Act relating to the requirement that certain defendants in a criminal case undergo testing for AIDS, HIV infection, or related conditions.

HB 1985 was passed to engrossment.

CSHB 2626 ON SECOND READING
(by Naishtat, Kent, Rios Ybarra, et al.)

CSHB 2626, A bill to be entitled An Act relating to the forensic medical examination of a sexual assault victim who has not reported the assault to a law enforcement agency.

CSHB 2626 was passed to engrossment.

GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING

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

SB 90 ON SECOND READING
(Geren, S. King, Sheffield, Aycock, Strama, et al. - House Sponsors)

SB 90, A bill to be entitled An Act relating to adoption of the Interstate Compact on Educational Opportunity for Military Children.

SB 90 was passed to third reading.

POSTPONED BUSINESS

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

HB 1290 ON THIRD READING
(by Oliveira, Guillen, et al.)

HB 1290, A bill to be entitled An Act relating to health benefit plan coverage for certain tests for the early detection of cardiovascular disease.

HB 1290 was read third time earlier today and was postponed until this time.

HB 1290 was passed by (Record 220): 87 Yeas, 57 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Miller, S.; Vaught.

Absent — Hardcastle; King, T.

STATEMENTS OF VOTE

When Record No. 220 was taken, I was in the house but away from my desk. I would have voted no.

Hardcastle

I was shown voting yes on Record No. 220. I intended to vote no.

Woolley

(Peña in the chair)

COMMITTEES GRANTED PERMISSION TO MEET

Representative Farabee requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, during bill referral today, in E1.010, for a public hearing, to consider previously posted items.

Permission to meet was granted.

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, during bill referral today, in E2.012, for a public hearing, to consider the previously posted agenda.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Kolkhorst moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **HB 4642** tomorrow in E2.036.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, during bill referral today, in E2.010, for a public hearing, to consider posted business.

Permission to meet was granted.

Representative Y. Davis requested permission for the Committee on Urban Affairs to meet while the house is in session, during bill referral today, in E1.026, to consider posted business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Pickett moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Transportation to consider **HB 1264** at 8 a.m. Thursday, April 23.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, 8 a.m. Thursday, April 23, E2.014, for a public hearing, to consider **HB 1264** and previously posted business.

Public Health, upon final adjournment/recess tomorrow, E2.036, for a public hearing, to consider **HB 4642** and previously posted business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Strama moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Technology, Economic Development, and Workforce to consider **HB 162** and **HB 1072**.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Rose requested permission for the Committee on Human Services to meet while the house is in session, during bill referral today, in 3W.9, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Rose moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Human Services to consider **HB 4806** and posted bills.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, during bill referral today, 3W.9, for a formal meeting, to consider pending legislation.

Technology, Economic Development, and Workforce, 8 a.m. tomorrow, E1.026, for a public hearing, to consider **HB 162** and **HB 1072**.

Human Services, 10:30 a.m. or upon final adjournment Thursday, April 23, E2.036, for a public hearing, to consider **HB 4806** and posted bills.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

PROVIDING FOR RECESS

Representative Cohen moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow in memory of Eleanor Whilden Tinsley of Houston.

The motion prevailed.

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

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

RECESS

Representative Peña moved that the house recess until 10 a.m. tomorrow in memory of World War II veteran Pedro Cano of Edinburg and Sam Houston, Juan Seguin, and the other heroes of the Battle of San Jacinto which occurred on this day 173 years ago.

The motion prevailed.

The house accordingly, at 2:30 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 4792 (By Callegari), Relating to the powers of the West Harris County Regional Water Authority.

To Natural Resources.

HB 4793 (By Gonzales), Relating to the creation of two additional county courts at law in Hidalgo County.

To Judiciary and Civil Jurisprudence.

HB 4795 (By Allen), Relating to territory included in, and the validation of acts of, the Harris County Improvement District No. 10 and the Harris County Improvement District No. 10B; changing the name of the Harris County Improvement District No. 10B.

To Urban Affairs.

HB 4796 (By Rose), Relating to a study of the availability and sustainability of groundwater in the Hays Trinity Groundwater Conservation District; providing funds for the study.

To Natural Resources.

HB 4797 (By Bolton), Relating to the creation of the Travis and Burnet Counties Improvement District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

To County Affairs.

HB 4798 (By Taylor), Relating to the creation of the League City Improvement District; providing authority to impose an assessment, impose a tax, and issue bonds.

To County Affairs.

HB 4799 (By Gattis), Relating to the creation of the Seven Oaks Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 4800 (By Gattis), Relating to the creation of the San Gabriel Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4801 (By Hernandez), Relating to the creation of the Harris County Improvement District No. 15; providing authority to impose an assessment, impose a tax, and issue bonds.

To County Affairs.

HB 4802 (By Otto), Relating to the creation of the Liberty County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4803 (By Maldonado), Relating to the creation of the South Fork Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4804 (By Eissler), Relating to the powers and duties of the San Jacinto River Authority; providing authority to issue bonds; imposing an administrative penalty.

To Natural Resources.

HB 4805 (By Craddick), Relating to the creation of the West Texas Water Supply District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 4807 (By Gallego), Relating to the board of directors of the Red Bluff Water Power Control District.

To Natural Resources.

HCR 5 (By Peña), Posthumously conferring the Texas Legislative Medal of Honor on Pedro Cano of Hidalgo County for his heroic actions in World War II.

To Defense and Veterans' Affairs.

HCR 119 (By Swinford), Designating the Panhandle Region of Texas as an official Natural Renewable Resource Area.

To State Affairs.

HCR 177 (By D. Howard), Directing state agencies to initiate emission reduction policies and programs in order to help Central and South Central Texas meet the 2008 National Ambient Air Quality Standard for ground-level ozone.

To Environmental Regulation.

HCR 178 (By Isett), Congratulating Louise Hopkins Underwood of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

To Rules and Resolutions.

HCR 179 (By Isett), Congratulating Margarita Olivarez of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

To Rules and Resolutions.

HCR 180 (By Isett), Expressing the intention of the Texas Legislature not to implement the federal REAL ID Act of 2005.

To State Affairs.

HCR 181 (By S. Miller), Designating the section of the Brazos River Basin and its contributing watershed in Somervell County as the Scenic Riverway of Somervell County.

To Culture, Recreation, and Tourism.

HCR 182 (By S. Miller), Designating March 29, 2010, as Vietnam Veterans Day in the State of Texas.

To Rules and Resolutions.

HCR 183 (By Farabee), Urging Congress to reject provisions of President Barack Obama's budget that would eliminate certain deductions presently available to the oil and natural gas exploration industry.

To Energy Resources.

HCR 185 (By Merritt), In memory of Cory James Galloway of Tyler.

To Rules and Resolutions.

HCR 186 (By Merritt), In memory of Kyle W. Perkins of Kilgore.

To Rules and Resolutions.

HR 1399 (By Paxton), Commemorating the Ride for Relief Nursery of Collin County on April 25, 2009.

To Rules and Resolutions.

HR 1401 (By S. Turner), Congratulating the Knights of Peter Claver, Inc., on its centennial, and recognizing August 3, 2009, as the Knights of Peter Claver Day.

To Rules and Resolutions.

HR 1408 (By Marquez), Commending the El Paso chapter of Project Linus.

To Rules and Resolutions.

HR 1412 (By Marquez), Congratulating Gregory Allen on his 2008 appointment as Chief of Police for the City of El Paso.

To Rules and Resolutions.

HR 1413 (By T. Smith), Honoring Bob Whistler for his community service in the city of Bedford.

To Rules and Resolutions.

HR 1416 (By Chavez), Honoring Paul J. Strelzin of El Paso for his work as an educator, civil rights activist, and broadcaster.

To Rules and Resolutions.

HR 1418 (By Hughes), Congratulating Paul and Gay Ingram of Big Sandy on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

HR 1420 (By Hughes), Congratulating Bobby Kenneth and Margaret Aldridge of Mineola on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1421 (By Hughes), In memory of Wilburn Carrol Maynard of Hawkins.
To Rules and Resolutions.

HR 1422 (By Parker), Recognizing April 23, 2009, as University of Dallas Day at the State Capitol.
To Rules and Resolutions.

HR 1423 (By T. Smith), Congratulating Paul and Connie McDonald of Bedford on their 50th wedding anniversary.
To Rules and Resolutions.

HR 1424 (By Solomons), Recognizing April 18, 2009, as Professional Achievers for Community Excellence Day in honor of the group's 25th anniversary.
To Rules and Resolutions.

HR 1425 (By Marquez), In memory of El Paso community activist Juanita McCray.
To Rules and Resolutions.

HR 1426 (By Marquez), Honoring county attorney of El Paso County Jose Rodriguez for his service to his fellow residents.
To Rules and Resolutions.

HR 1428 (By Crabb), Paying tribute to the life of Officer Timothy Abernathy of the Houston Police Department.
To Rules and Resolutions.

HR 1429 (By Crabb), Paying tribute to the life of Agent Julio Enrique Baray of the U.S. Department of Homeland Security.
To Rules and Resolutions.

HR 1430 (By Crabb), Paying tribute to the life of Officer Lisa Renee Beaulieu of the Beaumont Police Department.
To Rules and Resolutions.

HR 1431 (By Crabb), Paying tribute to the life of Trooper James Scott Burns of the Texas Department of Public Safety.
To Rules and Resolutions.

HR 1432 (By Crabb), Paying tribute to the life of Officer Susan Louise Canfield of the Texas Department of Criminal Justice.
To Rules and Resolutions.

HR 1433 (By Crabb), Paying tribute to the life of Officer Caran Rene Coward of the Livingston Police Department.
To Rules and Resolutions.

HR 1434 (By Crabb), Paying tribute to the life of Officer Robert Anthony Davis of the San Antonio Police Department.
To Rules and Resolutions.

HR 1435 (By Crabb), Paying tribute to the life of Officer Everett William Dennis of the Carthage Police Department.
To Rules and Resolutions.

HR 1436 (By Crabb), Paying tribute to the life of Officer Andrew Albert Esparza of the Irving Police Department.

To Rules and Resolutions.

HR 1437 (By Crabb), Paying tribute to the life of Corporal John Scott Gardner of the Odessa Police Department.

To Rules and Resolutions.

HR 1439 (By Crabb), Paying tribute to the life of Officer Gary Gryder of the Houston Police Department.

To Rules and Resolutions.

HR 1440 (By Crabb), Paying tribute to the life of Deputy Sheriff Paul Steven Habelt of the Henderson County Sheriff's Department.

To Rules and Resolutions.

HR 1441 (By Crabb), Paying tribute to the life of Officer Dayle Weston Hardy of the Plano Police Department.

To Rules and Resolutions.

HR 1442 (By Crabb), Paying tribute to the life of Trooper Todd Dylan Holmes of the Texas Department of Public Safety.

To Rules and Resolutions.

HR 1443 (By Crabb), Paying tribute to the life of Game Warden Justin Philip Hurst of the Texas Parks and Wildlife Department.

To Rules and Resolutions.

HR 1444 (By Crabb), Paying tribute to the life of Corporal Arlie Miller Jones of the Odessa Police Department.

To Rules and Resolutions.

HR 1445 (By Crabb), Paying tribute to the life of Detective Tommy L. Keen of the Harris County Sheriff's Department.

To Rules and Resolutions.

HR 1446 (By Crabb), Paying tribute to the life of Sheriff Steven Brent Lee of the Trinity County Sheriff's Department.

To Rules and Resolutions.

HR 1447 (By Crabb), Paying tribute to the life of Senior Corporal Victor Antonio Lozada, Sr., of the Dallas Police Department.

To Rules and Resolutions.

HR 1448 (By Crabb), Paying tribute to the life of Corporal Abel Renteria Marquez of the Odessa Police Department.

To Rules and Resolutions.

HR 1449 (By Crabb), Paying tribute to the life of Officer Jeffrey Howard McCoy of the Abilene Police Department.

To Rules and Resolutions.

HR 1450 (By Crabb), Paying tribute to the life of Detective Mario Moreno of the San Antonio Police Department.

To Rules and Resolutions.

HR 1451 (By Crabb), Paying tribute to the life of Senior Corporal Mark Timothy Nix of the Dallas Police Department.

To Rules and Resolutions.

HR 1452 (By Crabb), Paying tribute to the life of Deputy Constable Jason Patrick Norling of the Harris County Constable's Office.

To Rules and Resolutions.

HR 1453 (By Crabb), Paying tribute to the life of Deputy Sheriff Tony Price Ogburn of the Henderson County Sheriff's Department.

To Rules and Resolutions.

HR 1454 (By Crabb), Paying tribute to the life of Deputy Sheriff Michael Stephan Page of the Bowie County Sheriff's Department.

To Rules and Resolutions.

HR 1455 (By Crabb), Paying tribute to the life of Game Warden Teyran Micah Patterson of the Texas Parks and Wildlife Department.

To Rules and Resolutions.

HR 1456 (By Crabb), Paying tribute to the life of Officer James Arnold Saavedra of the Port of Corpus Christi Police Department.

To Rules and Resolutions.

HR 1457 (By Crabb), Paying tribute to the life of Investigator Dale Clint Sherrill of the Marion County Sheriff's Department.

To Rules and Resolutions.

HR 1458 (By Crabb), Paying tribute to the life of Sergeant Barbara Jean Shumate of the Texas Department of Criminal Justice.

To Rules and Resolutions.

HR 1459 (By Crabb), Paying tribute to the life of Officer Mark Simmons of the Amarillo Police Department.

To Rules and Resolutions.

HR 1460 (By Crabb), Paying tribute to the life of Agent Robert Fleck Smith of the U.S. Department of Homeland Security.

To Rules and Resolutions.

HR 1461 (By Crabb), Paying tribute to the life of Officer Matthew Barret Thebeau of the Corpus Christi Police Department.

To Rules and Resolutions.

HR 1462 (By Crabb), Paying tribute to the life of Corporal Harry Thielepape of the Harris County Constable's Office.

To Rules and Resolutions.

HR 1463 (By Crabb), Paying tribute to the life of Agent Clinton Brady Thrasher of the U.S. Department of Homeland Security.

To Rules and Resolutions.

HR 1464 (By Crabb), Paying tribute to the life of Game Warden George Harold Whatley of the Texas Parks and Wildlife Department.

To Rules and Resolutions.

HR 1465 (By Crabb), Paying tribute to the life of Deputy Sheriff Alfred Otto Fischer of the Comal County Sheriff's Department.

To Rules and Resolutions.

SB 53 to Corrections.

SB 117 to Criminal Jurisprudence.

SB 203 to Public Health.

SB 232 to Judiciary and Civil Jurisprudence.

SB 233 to Judiciary and Civil Jurisprudence.

SB 378 to Business and Industry.

SB 586 to Insurance.

SB 595 to Criminal Jurisprudence.

SB 598 to Energy Resources.

SB 616 to Public Health.

SB 654 to Pensions, Investments, and Financial Services.

SB 727 to Criminal Jurisprudence.

SB 755 to Public Health.

SB 836 to Transportation.

SB 842 to Insurance.

SB 876 to Environmental Regulation.

SB 917 to Judiciary and Civil Jurisprudence.

SB 918 to Judiciary and Civil Jurisprudence.

SB 1049 to State Affairs.

SB 1328 to Public Health.

SB 1436 to Judiciary and Civil Jurisprudence.

SB 1437 to Judiciary and Civil Jurisprudence.

SB 1439 to Judiciary and Civil Jurisprudence.

SB 1440 to Judiciary and Civil Jurisprudence.

SB 1441 to Judiciary and Civil Jurisprudence.

SB 1447 to Urban Affairs.

SB 1458 to Ways and Means.

SB 1463 to Defense and Veterans' Affairs.

SB 1472 to Environmental Regulation.

SB 1477 to Public Health.

SB 1478 to County Affairs.

SB 1485 to County Affairs.

SB 1514 to Judiciary and Civil Jurisprudence.
SB 1516 to Judiciary and Civil Jurisprudence.
SB 1544 to Natural Resources.
SB 1549 to Public Education.
SB 1592 to Business and Industry.
SB 1619 to Urban Affairs.
SB 1633 to Ways and Means.
SB 1655 to Defense and Veterans' Affairs.
SB 1681 to Criminal Jurisprudence.
SB 1684 to Ways and Means.
SB 1712 to County Affairs.
SB 1732 to State Affairs.
SB 1742 to Public Safety.
SB 1814 to Business and Industry.
SB 1815 to Business and Industry.
SB 1818 to Public Education.
SB 1916 to Criminal Jurisprudence.
SB 1920 to Licensing and Administrative Procedures.
SB 1940 to Defense and Veterans' Affairs.
SB 1959 to Ways and Means.
SB 1965 to Pensions, Investments, and Financial Services.
SB 1966 to Pensions, Investments, and Financial Services.
SB 1973 to Energy Resources.
SB 2043 to Land and Resource Management.
SB 2163 to Defense and Veterans' Affairs.
SB 2169 to Urban Affairs.
SCR 10 to Border and Intergovernmental Affairs.
SCR 58 to Rules and Resolutions.
SJR 18 to Transportation.

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

HB 842 (By Martinez), Relating to the authority of certain school districts to lay fiber optic cable in county rights-of-way.

To County Affairs.

SB 1398 to Border and Intergovernmental Affairs.

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

Tuesday, April 21, 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:**SB 54** Zaffirini

Relating to the supervision of certain juvenile case managers.

SB 394 Lucio

Relating to the appointment of an attorney for a workers' compensation claimant in certain proceedings initiated by a workers' compensation insurance carrier.

SB 546 Fraser

Relating to the state goal for energy efficiency.

SB 629 West

Relating to the operation of certain institutions of higher education as general academic teaching institutions and to the statutory limitation imposed on certain university systems to issue revenue bonds to fund facilities at certain institutions of higher education.

SB 652 Zaffirini

Relating to the maintenance of emergency contact and medical information databases by the Department of Public Safety of the State of Texas.

SB 785 Nelson

Relating to the employee misconduct registry and employee certification posting requirements for certain facilities.

SB 1007 Hegar

Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

SB 1011 Estes

Relating to the continuation and functions of the Texas Commission on Fire Protection.

SB 1123 Duncan

Relating to the standard of causation in claims involving mesothelioma caused by exposure to asbestos fibers.

SB 1127 Van de Putte

Relating to the confidentiality of test results of samples of compounded products.

SB 1168 Hinojosa

Relating to a rescission period for annuity contracts.

SB 1203 West

Relating to the regulation of metal recycling entities; providing penalties.

SB 1256 Carona

Relating to the prevention and prosecution of, and punishment prescribed for engaging in, organized criminal activity in a gang-free zone.

SB 1363 Shapiro

Relating to clarification of the essential knowledge and skills of the public school curriculum and the evaluation of conforming curriculum management systems.

SB 1431 Hinojosa

Relating to the licensing and regulation of towing companies and vehicle storage facilities; providing penalties.

SB 1569 Eltife

Relating to unemployment compensation modernization.

SB 1576 Shapiro

Relating to an algebra instruction grant program.

SB 1577 Shapiro

Relating to excused absences from public school attendance for a student diagnosed with autism spectrum disorder to attend a health care appointment.

SB 1759 Watson

Relating to the extended registration of a commercial fleet of motor vehicles.

SB 1810 Duncan

Relating to allowing the governor, and the lieutenant governor or another person when acting as governor, to retain executive authority while traveling within the contiguous 48 states of the continental United States so long as effective communication links with this state are maintained.

SB 1832 Patrick, Dan

Relating to the eligibility for judge-ordered community supervision or for release on parole or to mandatory supervision of a defendant convicted of criminal solicitation of capital murder.

SB 1846 Hegar

Relating to the powers and duties of the Texas Commission on Environmental Quality and related entities.

SB 1867 Ellis

Relating to procedures related to the placement of a voter on the suspense list.

SB 1877 Nelson

Relating to the creation of the Texas Medical Child Abuse Resources and Education System grant program.

SB 1976 Whitmire

Relating to procedures for applications for writs of habeas corpus based on relevant evidence discrediting scientific evidence presented at trial.

SB 2025 Watson

Relating to the establishment of a prepaid tuition unit reward and incentive program for certain economically disadvantaged students who achieve commended performance levels on standardized assessments.

SB 2033 Nelson

Relating to adoption of a school district grading policy.

SB 2197 Williams

Relating to service of civil process by constables.

SB 2329 Hegar

Relating to abolition of the Edwards Aquifer Legislative Oversight Committee.

SJR 9 Carona

Proposing a constitutional amendment prescribing the purposes for which revenue from motor vehicle registration fees and taxes on motor fuels and lubricants and certain revenues received from the federal government may be used.

SJR 36 Duncan

Proposing a constitutional amendment to provide that the governor, and the lieutenant governor when acting as governor, retain executive authority unless the person becomes unavailable as provided by law.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 21, 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:

HCR 40 Homer

SPONSOR: Eltife

In memory of Kenneth Helm of Sumner.

HCR 41	Homer	SPONSOR: Eltife
In memory of Garry Don Stuckey of Paris, Texas.		
HCR 43	Homer	SPONSOR: Eltife
In memory of Hoyle R. Barr of Paris.		
HCR 44	Homer	SPONSOR: Eltife
In memory of Frances Virginia Reeves Lowrey of Paris.		
HCR 45	Homer	SPONSOR: Eltife
In memory of Tyler Nicole Henderson of Detroit, Texas.		
HCR 68	Homer	SPONSOR: Eltife
In memory of Leslie Nix of Clarksville.		
HCR 69	Homer	SPONSOR: Eltife
In memory of Douglas Keith Parsons of Pattonville.		
HCR 82	Homer	SPONSOR: Eltife
In memory of Pamela Ann Blackburn Urbano of Paris, Texas.		
HCR 99	Homer	SPONSOR: Eltife
In memory of John H. Hanna of Paris.		
HCR 100	Homer	SPONSOR: Eltife
In memory of the Reverend James M. Elsom of Paris, Texas.		
HCR 101	Homer	SPONSOR: Eltife
In memory of Jeniavee "Jenny" Hatcher of Paris, Texas.		
HCR 102	Homer	SPONSOR: Eltife
In memory of Juanita Daughtrey of Powderly.		
HCR 103	Homer	SPONSOR: Eltife
In memory of Carl Walter Smith of Paris, Texas.		
HCR 104	Homer	SPONSOR: Eltife
In memory of Billy Joe Patterson of Brookston.		
HCR 105	Homer	SPONSOR: Eltife
In memory of Monroe Travis Hardin of Paris, Texas.		
HCR 106	Homer	SPONSOR: Eltife
In memory of Danise Blalock of Mount Pleasant.		
HCR 107	Homer	SPONSOR: Eltife
In memory of Roslyn Davis Sample of Powderly.		
HCR 108	Homer	SPONSOR: Eltife
In memory of Bishop Othoe Stegall of Lubbock.		
HCR 109	Homer	SPONSOR: Eltife
In memory of Joe Bob Stone of Paris, Texas.		
HCR 110	Homer	SPONSOR: Eltife
In memory of Mary Jo Floyd Hughes of Belk.		
HCR 111	Homer	SPONSOR: Eltife
In memory of Wayne Wilson Streety, Sr., of Paris.		
HCR 112	Homer	SPONSOR: Eltife
In memory of Cory Lee Ellis of Mount Pleasant.		
HCR 114	Homer	SPONSOR: Eltife

Congratulating Sammy Andrews of Addielou on his induction into the Texas Rodeo Cowboy Hall of Fame.

HCR 128 Homer SPONSOR: Eltife
In memory of Mike Freewith of Paris.

HCR 129 Homer SPONSOR: Eltife
In memory of Clyde Helms of Paris.

HCR 130 Homer SPONSOR: Eltife
In memory of Elbert Patrick "Pat" Barbee of Paris, Texas.

HCR 131 Homer SPONSOR: Eltife
In memory of William C. "Dub" Hill, Jr.

HCR 132 Homer SPONSOR: Eltife
In memory of Mary Ammons Fisher of Paris.

HCR 140 Homer SPONSOR: Eltife
In memory of Sarah Helen Stewart Coker of Paris, Texas.

HCR 154 Homer SPONSOR: Eltife
In memory of G. G. "Jelly" May of Blossom.

HCR 155 Homer SPONSOR: Eltife
Congratulating Duane and Martha Glover on the occasion of their 60th wedding anniversary.

HCR 156 Homer SPONSOR: Eltife
In memory of Thomas Shelby Justiss of Fort Worth.

HCR 157 Homer SPONSOR: Eltife
In memory of Charlie Summerlin of Mount Vernon.

HCR 158 Homer SPONSOR: Eltife
In memory of Joan Sims Vaughan of Clarksville.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 21, 2009 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1871 Smith, Wayne SPONSOR: Jackson, Mike

Relating to the use of Texas Department of Transportation facilities or property to serve a project aiding security in a ship channel security district.

HB 2594

Thompson

SPONSOR: Gallegos

Relating to the hours for the wholesale delivery or sale of alcoholic beverages.
(Committee Substitute)

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 20

Agriculture and Livestock - **HB 4593**

Business and Industry - **HB 1657**

Corrections - **HB 1914, HB 3226, HB 3228, HB 3689**

County Affairs - **HB 1115, HB 1507, HB 2301, HB 2833**

Criminal Jurisprudence - **HB 167, HB 2952, HB 4464**

Culture, Recreation, and Tourism - **HB 155, HB 1624, HB 2229, HB 3079, HB 3391, HB 3977, HB 4100, HB 4595**

Defense and Veterans' Affairs - **HB 1183, HB 1452, HB 3593, HB 3951**

Energy Resources - **HB 1420, HB 1526, HB 1533, HB 1537**

Environmental Regulation - **HB 1553**

Higher Education - **HB 3276**

Human Services - **HB 2191, HB 2224, HB 3232, HB 3737**

Insurance - **HB 586, HB 1294, HB 1342, HB 2250**

Judiciary and Civil Jurisprudence - **HB 966, HB 967, HB 1204, HB 1926, HB 3246, HB 3314, HB 3315, HB 3723, HB 4068**

Land and Resource Management - **HB 2685, HB 2692**

Natural Resources - **HB 1433, HB 3031, HB 3527, HB 3541, HB 3542, HB 3543, HB 3990, HB 4043, HB 4299, HB 4702, HB 4705, HB 4715, HB 4721**

Pensions, Investments, and Financial Services - **HB 80, HB 2829, HB 2840, HB 3607, HB 3608**

Public Education - **HB 171, HB 1263, HB 2803, HB 2823**

Public Health - **HB 456, HB 1422, HB 1948, HB 2205, HB 2927, HB 3336, HB 3694, HB 3717**

State Affairs - **HB 623, HB 957, HB 3406, HB 3838**

Technology, Economic Development, and Workforce - **HB 1277, HB 1935, HB 2531, HB 3343**

Transportation - **HB 537, HB 646, HB 1286, HB 2107, HB 3088, HB 3139, HB 3433, HB 3785, HB 4064, HB 4187, HB 4272, HB 4311**

Urban Affairs - **HB 1177, HB 2333, HB 2413, HB 2450, HB 2484, HB 2827, HB 3866**

Ways and Means - **HB 236, HB 2230**

ENROLLED

April 20 - HB 873

SENT TO THE GOVERNOR

April 20 - HB 873, HCR 172