

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SEVENTH DAY — TUESDAY, APRIL 17, 2007

The house met at 10 a.m. and, at the request of the speaker, was called to order by Representative Geren.

The roll of the house was called and a quorum was announced present (Record 510).

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

Absent, Excused — Pitts.

The invocation was offered by Rick Owen, pastor, St. Matthew's Cumberland Presbyterian Church, Burleson, as follows:

Almighty and merciful God, we assemble before you in this moment not as women and men of influence or power but we gather as a broken-hearted people grieving with the citizens of Virginia and the Virginia Tech family. We assemble as sons and daughters, mothers and fathers with expressions of gratitude for the gift of family and their sacrifice which allows us to serve you, the great State of Texas, the United States of America, and all those who inhabit planet Earth. We are not good enough, smart enough, or strong enough to sort out all of the complex issues that lay before us. So we come seeking your goodness, your wisdom, and your strength so that decisions made and legislation passed might honor you and bless the citizens whom we represent.

Bless these, your servants, with the courage of David so they might slay the giants that create chaos, danger, and hinder the growth of our children and youth. Bless them with the wisdom of Solomon so they might find solutions to issues that inhibit quality of life. Bless them with the patience of Job when answers come slowly and the decisiveness of Naomi when the solution is clear. Even when they disagree, bless them with the unity enjoyed by you, the son, and the Holy Spirit. Most of all, grant them the same creative vision that allowed you to bring forth life into the universe so that they might enable Texas to be all it can be for the people who call her home. In the name of the one who is the way, the truth, and the life, Jesus Christ, the risen Lord. Amen.

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

CAPITOL PHYSICIAN

The chair recognized Representative Corte who presented Dr. David Schneider of San Antonio as the "Doctor for the Day."

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

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).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of a death in the family:

Pitts on motion of Goolsby.

(Speaker in the chair)

HR 1490 - ADOPTED (by Pierson)

Representative T. Smith 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, Honoring The Class in The Parks marketing students from Arlington ISD for their efforts to promote entrepreneurship.

HR 1490 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative T. Smith who introduced The Class in The Parks marketing students from Arlington ISD.

(Chisum in the chair)

HCR 195 - ADOPTED**(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HCR 195**.

The motion prevailed.

The following resolution was laid before the house:

HCR 195, In memory of Dr. Luis M. Rios, Sr., of Edinburg.

HCR 195 was unanimously adopted by a rising vote.

(Speaker in the chair)

HR 1504 - ADOPTED**(by McClendon, McReynolds, Coleman, Truitt, Delisi, et al.)**

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 1504**.

The motion prevailed.

The following resolution was laid before the house:

HR 1504, Recognizing April as National Donate Life Month and commending organ donors and all those involved in the efforts to encourage organ donation.

HR 1504 was read and was adopted.

On motion of Representative O'Day, the names of all the members of the house were added to **HR 1504** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Laubenberg who introduced members of the Texas Organ Sharing Alliance.

(Zerwas in the chair)

HR 1445 - ADOPTED**(by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1445**.

The motion prevailed.

The following resolution was laid before the house:

HR 1445, Congratulating the Katy Taylor High School girls' varsity soccer team on winning the 2006 UIL Class 5A State Championship.

HR 1445 was adopted.

HR 1468 - ADOPTED
(by Gonzales)

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 1468**.

The motion prevailed.

The following resolution was laid before the house:

HR 1468, Honoring Dr. Mario E. Ramirez on his service as a physician in South Texas.

HR 1468 was adopted.

HR 1486 - ADOPTED
(by Krusee)

Representative Krusee moved to suspend all necessary rules to take up and consider at this time **HR 1486**.

The motion prevailed.

The following resolution was laid before the house:

HR 1486, Honoring Deerpark Middle School in Round Rock for its many achievements during the 2006-2007 school year.

HR 1486 was adopted.

LEAVES OF ABSENCE GRANTED

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

Bailey on motion of Guillen.

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

Peña on motion of Guillen.

HR 1500 - ADOPTED
(by McCall)

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 1500**.

The motion prevailed.

The following resolution was laid before the house:

HR 1500, Honoring Mary Alice Skaggs of Collin County on her 99th birthday.

HR 1500 was adopted.

HR 1495 - ADOPTED
(by Noriega)

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HR 1495**.

The motion prevailed.

The following resolution was laid before the house:

HR 1495, Honoring Graciela G. Saenz of Houston for being named one of the 2007 Sor Juana Women of Achievement.

HR 1495 was adopted.

**HR 1474 - ADOPTED
(by Morrison)**

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 1474**.

The motion prevailed.

The following resolution was laid before the house:

HR 1474, Recognizing the first week of February 2008 as Operation Stop Decay Week in the Texas public school systems.

HR 1474 was adopted.

**SCR 53 - ADOPTED
(Naishtat - House Sponsor)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **SCR 53**.

The motion prevailed.

The following resolution was laid before the house:

SCR 53, Proclaiming April 15 through 22, 2007, as Days of Remembrance in memory of the victims of the Holocaust.

SCR 53 was adopted.

**HR 1485 - ADOPTED
(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 1485**.

The motion prevailed.

The following resolution was laid before the house:

HR 1485, Designating April 2007 as Car Care Month in Texas.

HR 1485 was read and was adopted.

(Speaker in the chair)

**HB 1 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS**

Representative Chisum called up with senate amendments for consideration at this time,

HB 1, General Appropriations Bill.

Representative Chisum moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1**.

A record vote was requested.

The motion prevailed by (Record 511): 134 Yeas, 5 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Burnam; Davis, Y.; Hernandez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pitts.

Absent — Escobar; Garcia; King, S.; Mallory Caraway; Moreno; Pierson; Thompson.

STATEMENTS OF VOTE

When Record No. 511 was taken, I was temporarily out of the house chamber. I would have voted yes.

Escobar

When Record No. 511 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

I was shown voting no on Record No. 511. I intended to vote yes.

Hernandez

When Record No. 511 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 511 was taken, I was in the house but away from my desk. I would have voted yes.

Mallory Caraway

When Record No. 511 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

HB 1 - MOTIONS TO INSTRUCT CONFEREES

Representative Herrero moved to instruct the conference committee on **HB 1** as follows:

To insist on provisions from **HB 109** relating to the Children's Health Insurance Program (CHIP).

Representative Chisum moved to table the motion to instruct conferees.

A record vote was requested.

The motion to table prevailed by (Record 512): 89 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Creighton; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; England; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Str aus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Eiland; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pitts.

Absent — Anchia; Crabb; Crownover; Dukes; Dutton; Escobar; Jackson; Moreno; Pierson; Quintanilla.

STATEMENTS OF VOTE

When Record No. 512 was taken, my vote failed to register. I would have voted yes.

Crownover

When Record No. 512 was taken, I was temporarily out of the house chamber. I would have voted no.

Escobar

When Record No. 512 was taken, I was temporarily out of the house chamber. I would have voted no.

Quintanilla

Representative Heflin moved to instruct the conference committee on **HB 1** as follows:

To insist on the provisions of the house bill relating to vouchers as inserted by the Heflin amendment.

Representative Chisum moved to table the motion to instruct conferees.

A record vote was requested.

The motion to table prevailed by (Record 513): 83 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; Flores; Flynn; Gattis; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; McCall; McClendon; Menendez; Miller; Morrison; Mowery; Murphy; O'Day; Otto; Patrick; Paxton; Phillips; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Dutton; Eiland; England; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Martinez; Martinez Fischer; McReynolds; Merritt; Miles; Naishtat; Oliveira; Olivo; Ortiz; Pickett; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pitts.

Absent — Creighton; Dukes; Escobar; Giddings; Moreno; Noriega; Orr; Parker; Pierson; Quintanilla; Vo.

STATEMENTS OF VOTE

When Record No. 513 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 513 was taken, I was temporarily out of the house chamber. I would have voted no.

Escobar

When Record No. 513 was taken, I was in the house but away from my desk. I would have voted no.

Noriega

When Record No. 513 was taken, my vote failed to register. I would have voted yes.

Parker

When Record No. 513 was taken, I was temporarily out of the house chamber. I would have voted no.

Quintanilla

Representative Noriega moved to instruct the conference committee on **HB 1** as follows:

To include in the text of any conference committee report the substance of House Engrossed Riders No. 31 and No. 32 (house Floor Amendments No. 63 and No. 64 by Noriega) without change to the substance of those riders.

Representative Chisum moved to table the motion to instruct conferees.

A record vote was requested.

The motion to table prevailed by (Record 514): 84 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; Flores; Flynn; Gattis; Goolsby; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Eiland; England; Farabee; Farias; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Haggerty; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Raymond; Rodriguez; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pitts.

Absent — Crabb; Dukes; Dutton; Escobar; Farrar; Giddings; Moreno; Pierson; Quintanilla; Strama; Thompson.

STATEMENTS OF VOTE

When Record No. 514 was taken, my vote failed to register. I would have voted no.

Crabb

When Record No. 514 was taken, I was temporarily out of the house chamber. I would have voted no.

Escobar

I was shown voting yes on Record No. 514. I intended to vote no.

Merritt

When Record No. 514 was taken, I was temporarily out of the house chamber. I would have voted no.

Quintanilla

When Record No. 514 was taken, I was in the house but away from my desk. I would have voted no.

Strama

When Record No. 514 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

Representative Burnam moved to instruct to the conference committee on **HB 1** as follows:

To the maximum extent possible within the scope of the conference, the house conferees at the conference on **HB 1** be instructed to include in the conference report full funding for state and local parks, as outlined in the August 2006 recommendations of the State Park Advisory Committee in resolving the disagreement between the two houses on this matter.

Representative Chisum moved to table the motion to instruct conferees.

A record vote was requested.

The motion to table prevailed by (Record 515): 89 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Gattis; Giddings; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; O'Day;

Orr; Otto; Parker; Patrick; Paxton; Phillips; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Coleman; Davis, Y.; Dunnam; Eiland; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Miles; Naishtat; Oliveira; Olivo; Ortiz; Raymond; Rodriguez; Strama; Straus; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pitts.

Absent — Cohen; Deshotel; Dukes; Dutton; Escobar; Farias; Farrar; Flores; Moreno; Noriega; Pickett; Pierson; Quintanilla.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 515. I intended to vote no.

R. Cook

When Record No. 515 was taken, I was temporarily out of the house chamber. I would have voted no.

Escobar

When Record No. 515 was taken, I was temporarily out of the house chamber. I would have voted no.

Quintanilla

HB 1 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1**: Chisum, chair; Gattis, Guillen, Kolkhorst, and Turner.

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).

POSTPONED BUSINESS

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

SB 507 ON SECOND READING (Naishtat - House Sponsor)

SB 507, A bill to be entitled An Act relating to reimbursement of members of the Guardianship Certification Board for certain expenses.

SB 507 was considered in lieu of **HB 1485**.

SB 507 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1485 - LAID ON THE TABLE SUBJECT TO CALL

Representative Naishtat moved to lay **HB 1485** on the table subject to call.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Pierson on motion of S. King.

HB 1837 ON SECOND READING

(by Taylor, Bonnen, Flynn, Gattis, England, et al.)

HB 1837, A bill to be entitled An Act relating to exempting from ad valorem taxation property used by certain nonprofit community business organizations to provide services to aid in the economic development of local communities.

HB 1837 was read second time on April 12 and was postponed until 8 a.m. today.

Representative Taylor moved to postpone consideration of **HB 1837** until the end of today's calendar.

The motion prevailed.

HB 1556 ON SECOND READING

(by Pickett)

HB 1556, A bill to be entitled An Act relating to the management of certain public land.

HB 1556 was read second time on March 20, postponed until March 26, and was again postponed until 10 a.m. today.

Representative Pickett moved to postpone consideration of **HB 1556** until 10 a.m. Tuesday, April 24.

The motion prevailed.

CSHB 974 ON SECOND READING

(by Eissler)

CSHB 974, A bill to be entitled An Act relating to a school district employee's immunity from liability and responsibility for certain materials.

CSHB 974 was read second time on April 11 and was postponed until 10 a.m. today.

Representative Eissler moved to postpone consideration of **CSHB 974** until 10 a.m. Tuesday, April 24.

The motion prevailed.

HB 1973 ON SECOND READING
(by Delisi)

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

HB 1973 was read second time on April 16, amendments were offered and disposed of, and **HB 1973** was postponed until 10 a.m. today.

Amendment No. 3

Representative F. Brown offered the following amendment to **HB 1973**:

Amend **HB 1973** as follows:

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

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

(k) Not later than August 31, 2008, the board shall ensure that the average time to process license applications under this chapter does not exceed 51 days. The board shall include the board's progress toward this performance measure target in the report required under Subsection (h)(3).

Amendment No. 3 was adopted.

Amendment No. 4

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

Amend **HB 1973** in Section 1 of the bill, in amended Section 155.007, Occupations Code, by inserting the following appropriately numbered subsection and amending the recital to Section 1 of the bill accordingly:

() The board shall make an effort to give priority to an application submitted by an applicant who informs the board that the applicant intends to practice in a medically underserved area of this state.

Amendment No. 4 was adopted.

HB 1973, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING

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

(Speaker pro tempore in the chair)

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

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

(Speaker in the chair)

A record vote was requested.

HB 11 was passed by (Record 516): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — England; Escobar; Moreno.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

(Speaker pro tempore in the chair)

HB 95 ON THIRD READING**(by Martinez)**

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

A record vote was requested.

HB 95 was passed by (Record 517): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Deshotel; Escobar; Moreno.

HB 1922 ON THIRD READING

(by Kolkhorst, Heflin, Menendez, Aycock, Darby, et al.)

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

A record vote was requested.

HB 1922 was passed by (Record 518): 141 Yeas, 0 Nays, 2 Present, not voting.

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

Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Deshotel; Escobar; Moreno.

(Speaker in the chair)

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

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

A record vote was requested.

HB 2198 was passed by (Record 519): 131 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Crabb; Riddle.

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

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Cohen; Coleman; Crownover; England; Escobar; Moreno; Naishtat; Quintanilla; Smithee; Taylor; Zerwas.

STATEMENTS OF VOTE

When Record No. 519 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 519 was taken, I was in the house but away from my desk. I would have voted yes.

England

When Record No. 519 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

When Record No. 519 was taken, I was temporarily out of the house chamber. I would have voted yes.

Quintanilla

HB 460 ON THIRD READING

(by Miller, et al.)

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

A record vote was requested.

HB 460 was passed by (Record 520): 137 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Hodge; Mallory Caraway.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Escobar; Kolkhorst; McClendon; Menendez; Moreno; Ritter.

STATEMENT OF VOTE

When Record No. 520 was taken, my vote failed to register. I would have voted yes.

Menendez

HB 347 ON THIRD READING
(by Hamilton, Leibowitz, and Aycock)

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

A record vote was requested.

HB 347 was passed by (Record 521): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Corte; Escobar; Garcia; Hochberg; Miles; Moreno; Strama.

STATEMENT OF VOTE

When Record No. 521 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

HB 1610 ON THIRD READING
(by Madden)

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

A record vote was requested.

HB 1610 was passed by (Record 522): 138 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Chisum; Latham; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Escobar; Jackson; Moreno; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 522. I intended to vote no.

Delisi

I was shown voting yes on Record No. 522. I intended to vote no.

Harper-Brown

HB 954 ON THIRD READING (by Farabee and Guillen)

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

A record vote was requested.

HB 954 was passed by (Record 523): 142 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Escobar; Moreno; Mowery.

HB 685 ON THIRD READING
(by Orr, Otto, Peña, R. Cook, et al.)

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

A record vote was requested.

HB 685 was passed by (Record 524): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Chavez; Escobar; Moreno.

STATEMENT OF VOTE

When Record No. 524 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

HB 1265 ON THIRD READING

(by Peña)

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

A record vote was requested.

HB 1265 was passed by (Record 525): 137 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Alonzo; Davis, Y.; Eiland; Escobar; Giddings; Gonzalez Toureilles; Homer; Moreno.

HB 1270 ON THIRD READING

(by Eissler)

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

Amendment No. 1

Representative Kolkhorst offered the following amendment to **HB 1270**:

Amend **HB 1270** on third reading as follows:

- (1) On page 1, line 7, strike "AND" and substitute "OR [~~AND~~]".
- (2) On page 1, lines 9, 12, and 24, strike "and" each place that it appears and substitute "or [~~and~~]".
- (3) On page 2, line 2, before "interventions" insert "scientifically-based reading".
- (4) On page 2, line 3, strike "learning, cognitive ability, and language proficiency" and substitute "language acquisition or reading proficiency for struggling readers [~~learning, cognitive ability, and language proficiency~~]".
- (5) On page 2, line 10, between "program" and the period, insert "based on assessment data".
- (6) On page 2, lines 10-13, strike "A participating campus shall assess each selected student before the student enters and after the student transfers out of the pilot program to measure the student's progress" and substitute "Benchmark measures shall be administered at the beginning and end of the program [~~A participating campus shall assess each selected student before the student enters and after the student transfers out of the pilot program to measure the student's progress~~]".

Amendment No. 1 was adopted.

A record vote was requested.

HB 1270, as amended, was passed by (Record 526): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Escobar; Moreno.

HB 1764 ON THIRD READING
(by Kuempel)

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

A record vote was requested.

HB 1764 was passed by (Record 527): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Escobar; Garcia; Merritt; Moreno; Oliveira.

HB 1178 ON THIRD READING
(by Escobar and McClendon)

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

A record vote was requested.

HB 1178 was passed by (Record 528): 98 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Corte; Crabb; Creighton; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam;

Eiland; Eissler; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jones; Keffer; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Ortiz; Paxton; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Straus; Swinford; Thompson; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Zedler; Zerwas.

Nays — Anderson; Aycock; Callegari; Chisum; Christian; Cook, B.; Crownover; Darby; Delisi; Elkins; England; Hancock; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Jackson; King, P.; Kolkhorst; Macias; Miller; Orr; Otto; Parker; Patrick; Phillips; Smith, T.; Smith, W.; Smithee; Talton; Taylor; Truitt; West; Woolley.

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

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Dutton; Escobar; Farrar; Hardcastle; Madden; McClendon; Moreno; Oliveira; Rose; Solomons; Turner.

STATEMENTS OF VOTE

I was shown voting no on Record No. 528. I intended to vote yes.

B. Cook

I was shown voting yes on Record No. 528. I intended to vote no.

Crabb

I was shown voting no on Record No. 528. I intended to vote yes.

England

I was shown voting yes on Record No. 528. I intended to vote no.

Flynn

When Record No. 528 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

I was shown voting yes on Record No. 528. I intended to vote no.

Zedler

HB 1105 ON THIRD READING

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

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

A record vote was requested.

HB 1105 was passed by (Record 529): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Bolton; Corte; Escobar; Flores; Moreno.

STATEMENT OF VOTE

When Record No. 529 was taken, my vote failed to register. I would have voted yes.

Flores

HB 216 ON THIRD READING

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

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

A record vote was requested.

HB 216 was passed by (Record 530): 103 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harless; Harper-Brown; Heflin; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Macias;

Madden; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Quintanilla; Raymond; Riddle; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Talton; Taylor; Truitt; Van Arsdale; Vaught; Vo; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Burnam; Coleman; Elkins; Farias; Garcia; Giddings; Gonzalez Toureilles; Hardcastle; Hartnett; Hernandez; Herrero; Hochberg; Howard, C.; Jackson; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Menendez; Naishtat; Oliveira; Olivo; Ortiz; Rodriguez; Smithee; Swinford; Thompson; Turner; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Castro; Davis, Y.; Escobar; Farrar; Jones; Martinez Fischer; McCall; Moreno; Puente; Ritter; Veasey.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 914 ON SECOND READING
(by Madden, McClendon, Peña, Dutton, Van Arsdale, et al.)**

CSHB 914, A bill to be entitled An Act relating to the establishment of an office of inspector general at the Texas Youth Commission.

(Bohac in the chair)

Amendment No. 1

Representative Madden offered the following amendment to **CSHB 914**:

Amend **CSHB 914** on page 6, between lines 11 and 12, by inserting the following:

(h) If the commission is governed by a commissioner or other official in the place of a board of directors, the commissioner or other official shall appoint the chief inspector general as provided by Subsection (e) and receive the reports required under Subsections (b) and (f).

Amendment No. 1 was adopted.

CSHB 914, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 198 ON SECOND READING
(by Madden)**

HB 198, A bill to be entitled An Act relating to the capacity of certain correctional facilities operated under contracts between the Texas Board of Criminal Justice and a private vendor or county commissioners court.

HB 198 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Kolkhorst recorded voting no.)

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

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

**CSHJR 19 ON SECOND READING
(by Branch, Solomons, McCall, Goolsby, and Garcia)**

CSHJR 19, A joint resolution proposing a constitutional amendment to require each house of the legislature to take a record vote on final passage of a bill other than certain local bills, of a resolution proposing or ratifying a constitutional amendment, or of any other nonceremonial resolution, and to publish the record vote on the Internet.

CSHJR 19 - DEBATE

REPRESENTATIVE BRANCH: All right members, this is your open record vote, open government vote, for the session. **HJR 19** proposes a constitutional amendment to allow the voters to decide that they can have each house of the legislature take a record vote on final passage of a bill other than certain local bills and a resolution proposing or ratifying a constitutional amendment, or any other non-ceremonial resolution, and to publish the record vote on the Internet. I move passage.

REPRESENTATIVE VEASEY: Mr. Branch, usually when we debate a bill, most of the dealings we have, most of the debates that occur, and the amendment process, all that happens on second reading. Wouldn't you agree with that?

BRANCH: Well, I know that you've been paying attention, but there's been a lot of—

VEASEY: We've had some debates on the third reading bills. I'm not going to disagree with you on that, but what I'm asking you today is most of the amendments that we have, and most of the debates that occur on bills happen during second reading.

BRANCH: Well, I would disagree, Mr. Veasey.

VEASEY: You do?

BRANCH: I would say most of the debate happens in the committees and before the bill gets filed and the substitute legislation. Once we come to the floor there's obviously a lot of activity on second reading. Could you hear me?

VEASEY: Yes. I can hear you.

BRANCH: So, I see your point. I see a growing amount of activity on third readings. I think most of the activity takes place when somebody is thinking about filing a bill and when they file it in committee and often have substitutes or committee amendments.

VEASEY: But currently when we debate bills, most of the activity, most of the amendments, when we stay here until eleven o'clock at night like we did when we were on the electric bill the other day, most of the debate happens on second reading. So my question to you is—and I'm going to vote for this bill—but my question to you is, do we really want to ask the voters to approve something and have an election process which is going to cost money when most of the real debate doesn't even happen on third reading? It just seems a little ceremonial, what you're doing.

BRANCH: Well, I would disagree. I would say what we finally pass out of this chamber is what really matters, and that's what our voters and our constituents want to know about, Mr. Veasey. I would think most of our citizens don't really know or care about first or second or third reading, they just want to know what passes out of this chamber and what will become a law or what could become a law.

VEASEY: But if you want to amend a bill on third reading how many votes does it take?

BRANCH: One hundred votes.

VEASEY: It takes a hundred votes, so when we're just talking about debates that happen within a razor thin margin, we're talking about—

BRANCH: I understand the point.

VEASEY:—the real meat and potatoes of any debate that we have. We're talking about how they occur on second reading. My question to you is that, why we do want to have record votes when we spend most of our time here debating the bill?

BRANCH: I guess—

VEASEY: Look how fast we just went through—

BRANCH: Can I answer your question?

VEASEY:—third readings a second ago.

BRANCH: Can I answer your question?

VEASEY: Yes, you can answer my question. Why you didn't include both second and third readings?

BRANCH: Because I think that there's a lot of process down here that—you've been down here for a while—we get used to and we kind of lose our focus on what our constituents really care about like what finally passes out of the chamber. They don't really care about the parts, and the pieces, and the process. That's why I think this is the right balance. Some people want to leave it the way it was, some people want to go to second reading, or amendments, and I think that this is the right balance.

VEASEY: Let me ask you a question. When your newspaper, *The Dallas Morning News*, covered our vote on the TXU bill just the other day, they put the story on the website that same day. Right after the second vote. They didn't do the big major news story and I don't think any of the major newspapers did the

big story on the Internet or on the newspaper after we did third reading. So I'm asking you, why aren't they following the same logic as you that it really counts after third reading?

BRANCH: The newspaper association is supporting this legislation.

VEASEY: I'm on State Affairs. I know that they're supporting the legislation, but I'm asking if all action occurs during third reading like you're saying, then why doesn't *The Star Telegram*, and *The Morning News*, and *The Chronicle*, and everyone else, wait until after third reading occurs and then do their story on the Internet?

BRANCH: Most of those stories will talk about how it edged toward passage. We have bills that don't pass on third reading. Witness last week. So my point to you is that there's a lot of insider baseball down here, there's a lot of process, and I understand it and I appreciate it as we all do, but at the end of the day what constituents and citizens want to know is, what passes this chamber which may become law, or what passes this chamber that will become law that effects and changes my life. That's what I really want to know about. And I think this fits that balance, and I know we disagree.

VEASEY: Well, I'm going to vote for this bill, and I'm always for more transparency, but to me it just seems like showboating. I'm just not understanding what you're doing by—

BRANCH: Excuse me? What is showboating?

VEASEY:—just by doing third readings only. Don't you think everything we do here should have transparency?

BRANCH: When we were in school, did you have your paper graded on your drafts or your final?

VEASEY: I don't want to deal with any of your hypothetical questions. I'm just saying that everything we do here—

BRANCH: That's not a hypothetical, it's an analogy.

VEASEY:—needs to be recorded, and I'm asking you when the major debates occur, why didn't you want to include that in your bill?

BRANCH: Because I told you that I think the right balance, Mr. Veasey, is the final passage from this chamber.

REPRESENTATIVE BURNAM: Representative Branch, I am generally philosophically opposed to constitutional amendments because I think we have the most junked-up constitution of the states. Would you explain to me again why you think we need a constitutional—I agree with you on the issue—but why I should violate my philosophical perspective and vote for this constitutional amendment?

BRANCH: That's a good question and I'm glad you asked it. To me, why should we change our constitution? We've done it 439 times since 1876, why do we need to do it—

BURNAM: That's not a good answer.

BRANCH: No, no. That's not my answer, can I finish?

BURNAM: Sure.

BRANCH: And so why should we do it again? Because I don't think there's anything more basic, or organic—which is what constitutions are, basic, fundamental law—than having people know where you and I, the people they hire to come down and vote for them in a representative democracy, stand on a bill or a concurrent resolution that finally leaves this chamber. I don't think they care about ceremonial stuff, and I don't think they necessarily care about local stuff, but if someone wants to call for a record vote, as you know, under our rules they can, but the basic fundamental law, which is what constitutions are, should provide that no piece of legislation that will change people's lives leaves this chamber without someone knowing where their representative stood on the issue, and that's why I think it goes in our constitution.

BURNAM: So, you think it should be elevated from the status of a rule, which it is now, to a constitutional amendment?

BRANCH: Yes.

BURNAM: Are you aware that Representative Giddings and I met with representatives of *The Dallas Morning News* in late January, and we discussed all this open record stuff in the context of the irony of the first day of the session. I put out to them that I really have a problem with constitutional amendments. I like the idea of a record vote on second readings, amendments, even third readings, but I'm really having difficulty understanding why you think it should be raised to the level of a constitutional amendment. I have instructions from constituents who say that it's your job, Lon, to protect us from all of these constitutional amendments.

BRANCH: Well, you heard my answer. I can repeat it.

BURNAM: No, I wasn't happy with it. I was going to give you another chance.

BRANCH: It's foundational, Lon. I think it's fundamental open government. It's basic stuff that ought to be in the constitution.

BURNAM: So explain this to me. Why is it foundational to have a record vote on the third reading, but it's not foundational to have a record vote on the second reading?

BRANCH: I think most constituents, most citizens, really don't care about first, second, or third reading. I think what they care about is when we pass legislation that leaves our chamber. Let's talk about the House of Representatives. That they know where their voices—their representatives—stood on the bill that leaves their house, that is of major consequence.

BURNAM: Mr. Branch, are you suggesting that most of our constituents are not sophisticated enough to recognize what we all recognize? That ninety percent of the time the fate of a bill is determined on second reading as opposed to third reading?

BRANCH: No. I think that they're really smart, and I think that they get it. I understand that they understand that there's all kinds of process down here, so I think they're very intelligent, and they get that there's all kinds of ways to do process and to game process, and make things look and appear the way they are, but what they really care about is the final paper. They want to grade our final paper. That's what my view is.

BURNAM: So if that position holds, let's use, for example, the appropriations bill where today, earlier, we had four different record votes on issues of substance, and they were the last time members were going to be able to act on that. Are you suggesting to me that from the general citizenship perspective it doesn't matter what we did seventeen days ago, what really matters is what we did today?

BRANCH: No, I think they get procedural votes, and they get whether you want to tie the hands of your conferees or not. There's all kinds of process that they get, but they've got lives, they've got jobs. That's why it's a representative democracy. They want us to work the process out, but at the end of the day, I want to know where you stood on a piece of legislation. That's my view.

BURNAM: So at the end of the day, those teachers are going to want to know where you stood on their pay raise, and a majority of our colleagues stood against that teacher pay raise.

BRANCH: And that will be decided in the conference committee between the two chambers. And there will be a final vote on the substance of that issue called a budget vote.

BURNAM: So, there's another level. If you begin the process, it's pretty easy to get a first reading, even I could get a first reading under the worst of times and conditions, right?

BRANCH: I don't understand your question.

BURNAM: It's pretty easy to file a bill.

BRANCH: Is there a question?

BURNAM: It's pretty easy to file a bill and we don't need a record vote on the first reading, right? It just gets referred to committee. Almost automatically. We don't need a record vote there, right?

BRANCH: I think referral gets it sent in a certain direction.

BURNAM: And then it gets sent to—

BRANCH: But someone in this chamber might think that we need, that we ought to take a record vote on the first reading. Some may say we ought to disclose when you thought of it, when you put it on a napkin. I mean, you can always out-sunshine someone else.

BURNAM: And so your point is you're not going to be willing to accept the amendment for second reading because you think that's out-sunshining a third reading?

BRANCH: I just don't think it's the right balance. It's not what—

BURNAM: Well, I disagree with you, and the people I've visited with *The Dallas Morning News* disagree with you, and Ms. Giddings can confirm, when we discussed this, I said, you know, third reading is relatively meaningless. It's all about the second reading.

BRANCH: Well Lon, I appreciate it.

BURNAM: Thank you.

BRANCH: They support the bill; investigative reporters always want more.

REPRESENTATIVE JACKSON: Representative Branch, how long have you been in the legislature?

BRANCH: This is my third session, and seven special sessions. Not very long.

JACKSON: Over that period of time, how many people have asked you how you voted on second reading?

BRANCH: Not once.

JACKSON: So we're making all this deal over second reading and no one has ever asked you how you voted on second reading?

BRANCH: That would be correct. I don't know if you've ever been asked about that.

JACKSON: I've never been asked.

BRANCH: And the concept of multiple readings was to make sure their representatives had a chance to hear the bill, and make sure they heard the bill.

JACKSON: Yes. Well you've been appearing at town hall meetings and you've talked to clubs, and you've never had anyone ask you how you voted on second reading?

BRANCH: I never have, but they do say, "well, you mean a bill could get out of this chamber without knowing how you stood on the final passage of a bill," and when the answer is yes, they're not happy with that. I have had that happen a lot.

JACKSON: Well, then can you figure out what this debate might be about?

BRANCH: Well, you can always out—I think a lot of these are—some people want it a certain way and some people want it another way, and we're trying to find the right balance. I call this the Goldilocks approach. Try to be just right, you know?

JACKSON: It might be what I call a good deal, you know what a good deal is, Mr. Branch?

BRANCH: Excuse me?

JACKSON: It may be what I call a good deal. You know what a good deal is?

BRANCH: A good deal?

JACKSON: A good deal is when everyone leaves the table smiling and no one is laughing.

BRANCH: There you go. I certainly understand that one can always out-motherhood or out-apple pie someone on one of these issues, that can happen.

JACKSON: Yes, sir.

BRANCH: I'm ready to vote, Ms. Hodge.

JACKSON: Thank you, Mr. Branch.

Representative Y. Davis moved to extend speaking time on **CSHJR 19**.

A record vote was requested.

The motion to extend time prevailed by (Record 531): 92 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bolton; Bonnen; Brown, F.; Burnam; Castro; Chavez; Christian; Cohen; Coleman; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, P.; King, T.; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Otto; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Van Arsdale; Veasey; Villarreal; Vo; Woolley.

Nays — Aycock; Berman; Bohac; Brown, B.; Callegari; Delisi; Driver; Eissler; Flynn; Hancock; Hardcastle; Howard, C.; Isett; Jackson; Krusee; Latham; Laubenberg; Madden; Miller; Morrison; Murphy; O'Day; Parker; Patrick; Paxton; Riddle; Smith, W.; Smithee; Vaught; West; Zedler; Zerwas.

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

Absent, Excused — Bailey; Peña; Pierson; Pitts.

Absent — Branch; Chisum; Cook, B.; Crownover; Gattis; Geren; Hamilton; Harless; Harper-Brown; Hill; Hughes; Jones; Keffer; King, S.; Kolkhorst; Kuempel; Moreno; Phillips; Taylor; Turner.

STATEMENTS OF VOTE

When Record No. 531 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 531 was taken, I was in the house but away from my desk. I would have voted yes.

Kuempel

BRANCH: Yes, ma'am.

REPRESENTATIVE Y. DAVIS: Listening to the discussion as it relates to—no one talked to you about possibly looking at having the votes being available at second reading. In fact, we were at a hearing and that kind of came up, because isn't it true that we shape policy more when we're looking at the bill in second reading than we do at third reading? Isn't that correct?

BRANCH: Well, I think you can make that argument, but I would make the argument that a bill gets, a lot of the policy gets, shaped as people are thinking about it, as they're working with Lege Council, as they file it in their committee, that the committee helps them shape it, when they may do substitutes.

Y. DAVIS: But in the context of when we actually are voting on legislation, isn't it, in fact that's the time when we really start looking at shaping public policy based on the various amendments that are offered at second reading, and therefore, and even in the committee process, when we talk about it being on the house floor, isn't second reading when that exchange goes on? Looking at the pros and cons of a bill in a broader perspective?

BRANCH: No question about on the floor. There's a lot, and I think there's a little bit of a cultural shift beginning now, and you're seeing more and more activity on third readings. I think third readings got devalued under some of the former rules, because people maybe weren't even here when we were taking third readings.

Y. DAVIS: But wouldn't you also agree that when people are wanting to know the votes or how legislation is shaped and developed, wouldn't you think that they would want to know how amendments to amendments came about? When legislation changed as it relates to the various components of the legislation, which in most cases that's second reading. Wouldn't you think that that's what their interest is, not just knowing that we passed a final bill?

BRANCH: Well, on some bills I would say yes, and others I would say more of the work gets done in committee.

Y. DAVIS: Okay, and at the committee—

BRANCH: And now we're seeing on some of the bills, more of the work's getting done on third reading.

Y. DAVIS: And to the extent that we're talking about the committee process, I would certainly think that you ought to put that in your bill, if you're going to really have open government, the process at the committee level, in my judgment, should be open, and your vote should be open there as well. Given that this is not what you're talking about, you're talking about the floor process, wouldn't you think that we're misleading people when we pretend that a third reading vote gives you a clear definition of where people stood on the various issues of the legislation that was before the house?

BRANCH: Absolutely not. Can I answer?

Y. DAVIS: Okay.

BRANCH: Absolutely not, because again I think it's, again, it's fundamental what finally passes this chamber is what really, really, really matters. Obviously, as you know, if you want to object and call for a record vote on second reading, the rules allow that.

Y. DAVIS: Let's use an example. Based on legislation yesterday, when there was legislation and discussion, that may have had a split vote and today had a unanimous vote, don't you think that suggests there—

REPRESENTATIVE SWINFORD: Mr. Branch, let me ask you, we were, this bill came to our committee. Do you recall the night the people from *The Dallas Morning News*, Texas Press Association, and everybody was in the meeting, and we asked them what they really needed for their use, and they said they needed your bill, and I asked them if this would satisfy them, and they said it would. Now, then we also that night had a demonstration from Legislative Council as to what all is available and that all of our records are recorded. Every vote we make is a recorded vote. The thing that we found out that night is that even though they're all recorded, the citizens want to know what happened on final passage. Now that does not mean that they cannot find out, they're readily available, any one person, if you're living in China, you can pull up and see how you voted on everything. Every amendment, every bill, every resolution, even the memorial resolutions, and everything else, because we have a system here that if that bill passed, you voted yes unless you record voting no. So we have an absolute 100 percent record vote. And after they viewed that, they understood why they didn't want, nor did they need all this other stuff, because if they're going to publish, they want to know what the citizens will be dealing with at the end of this time. And so that's the reason that we brought your bill to the floor. It gave them what they needed as far as citizens knowing how we voted. Is that a true summary of what happened?

BRANCH: Yes, Mr. Chairman. And to me, this is, we're trying to find the right balance, and obviously reasonable people can differ, some can want to go a little hotter, and some can go a little more cold, some can say "well, let's leave it the way it is," and some can say "let's go to second readings or amendments." Some could then come along and say, "well, we need to go figure out where the first draft was and where it was conceived, and who was in the room, what was the motivation behind it." I just think at some point you have to strike the right balance, particularly for the constitution. This seems like the right balance, when you're changing fundamental law and you're telling the citizens, hey, when something leaves this chamber, you will know where your representative voted on the bill. That's pretty basic.

SWINFORD: Now then. Anybody that wants a record vote, all it has to take is one person to get it.

BRANCH: Our rule allows one person.

SWINFORD: One person on anything.

BRANCH: Less stringent than even our constitution.

SWINFORD: So what this will be will be a manageable record for the press to have, and they won't have to try to decipher what all the amendments were about. This is just what they need, and what they wanted was to know how we finally voted. Is that true?

BRANCH: That's right. In fact, some of them have asked, it's hard, the journal's a little technical and so give us something that's fairly basic, easy to communicate, and as conclusory. So to me, again, it's like the final paper, grade me on my final paper.

SWINFORD: I think that we all, it was in the meeting that night, and I understood what they wanted, and this was our response to them. We had some other bills we could have voted out, but that was not what happened, because after we took all the testimony, we decided that your bill was the one that we wanted to support, because we felt it was the one that would be most accurately portrayed, and it's not any denying how you vote on the final passage of a bill. So anyway, that's the reason we did that, and thank you, Mr. Branch.

BRANCH: Well, Mr. Chairman, I think you also had some concerns about the push by some of the media, but then we don't always get those votes published, and I would sympathize with that in many cases. I hope they will, with this, if we make it easier for them, if they will, in fact, publish more of the votes and inform citizens more. I know sometimes it may not be sizzling stuff, but that's what people want to know and that's what they've pushed for.

Amendment No. 1

Representative Merritt offered the following amendment to **CSHJR 19**:

Amend **CSHJR 19** on page 2, between lines 8 and 9, by inserting the following:

(e) This section does not require a record vote on a resolution establishing the procedures governing the election of an officer of either house.

LEAVE OF ABSENCE GRANTED

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

Chavez on motion of Noriega.

CSHJR 19 - (consideration continued)

Amendment No. 1 was withdrawn.

(Peña now present)

A record vote was requested.

CSHJR 19 was adopted by (Record 532): 142 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Chavez; Pierson; Pitts.

Absent — Crownover; Hill; Moreno.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 83 ON SECOND READING
(by Branch, Dutton, Goolsby, Rose, et al.)**

CSHB 83, A bill to be entitled An Act relating to requiring a record vote by each house of the legislature on final passage of a bill, resolution to propose or ratify a constitutional amendment, or other nonceremonial resolution and to public notice of the record vote.

Representative Branch moved to postpone consideration of **CSHB 83** until 10 a.m. Monday, April 23.

The motion prevailed.

**HB 2684 ON SECOND READING
(by Chisum, Flynn, Zedler, J. Davis, B. Brown, et al.)**

HB 2684, A bill to be entitled An Act relating to marriage education courses for couples considering divorce and the waiting period for a divorce on the grounds of insupportability.

Amendment No. 1 (Committee Amendment No. 1)

Representative Flynn offered the following committee amendment to **HB 2684**:

Amend **HB 2684** on page 3 by striking lines 5-11 and substituting the following:

(2) the 60th day after the date the suit was filed, if:

(A) the parties submit to the court a certificate of completion of a crisis marriage education course under Section 6.412; or

(B) a party submits to the court evidence that the other party to the suit has committed family violence against the party, including:

(i) a copy of a protective order issued under Title 4 against the other party because of family violence;

(ii) a police record documenting family violence by the other party against the party submitting the evidence; or

(iii) a statement by a physician or other medical evidence that indicates that the party submitting the evidence was a victim of family violence.

Amendment No. 2

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

Amend Committee Amendment No. 1 by Flynn to **HB 2684** by striking the text of the amendment and substituting the following:

(2) the 60th day after the date the suit was filed, if:

(A) the parties submit to the court a certificate of completion of a crisis marriage education course under Section 6.412; or

(B) a party submits to the court evidence that the other party to the suit has committed family violence against the party or mentally, emotionally, verbally, or psychologically abused the party, including:

(i) a copy of a protective order issued under Title 4 against the other party because of family violence;

(ii) a police record documenting family violence by the other party against the party submitting the evidence;

(iii) a statement by a physician or other medical evidence that indicates that the party submitting the evidence was a victim of family violence;

or

(iv) a sworn statement by a counselor or advocate in a family violence program that indicates that the party submitting the evidence was a victim of family violence or mental, emotional, verbal, or psychological abuse.

Amendment No. 2 was adopted. (D. Howard recorded voting no.)

(Miller in the chair)

HB 2684 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **HB 2684** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order.

HB 2684 was returned to the Committee on State Affairs.

HB 3088 ON SECOND READING
(by Phillips)

HB 3088, A bill to be entitled An Act relating to the fee for a permit to operate an overweight motor vehicle.

Amendment No. 1

Representatives Isett and Hartnett offered the following amendment to **HB 3088**:

Amend **HB 3088** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 622.953(b), Transportation Code, is amended to read as follows:

(b) The overall gross weight of a single motor vehicle used to transport seed cotton or equipment used to transport or process seed cotton may not be heavier than 64,000 [~~59,400~~] pounds.

Amendment No. 1 was adopted.

A record vote was requested.

HB 3088, as amended, was passed to engrossment by (Record 533): 137 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Harper-Brown; McReynolds; Merritt.

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

Absent, Excused — Bailey; Chavez; Pierson; Pitts.

Absent — Creighton; Crownover; Mallory Caraway; Moreno.

STATEMENTS OF VOTE

When Record No. 533 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 533 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

(Speaker in the chair)

CSHB 273 ON SECOND READING

(by Truitt)

CSHB 273, A bill to be entitled An Act relating to certain purchasing procedures for school districts.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 273**:

Amend **CSHB 273** as follows:

- (1) On page 1, line 4, strike "Sections 44.031(b) and (c), Education Code, are" and substitute "Section 44.031(b), Education Code, is".
- (2) On page 1, strike lines 22-24.
- (3) On page 2, strike lines 1-8.

Amendment No. 1 was adopted.

CSHB 273, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 185 ON SECOND READING

(by Hochberg, Anchia, Menendez, et al.)

CSHB 185, A bill to be entitled An Act relating to gang-related activity in and around public schools; providing a criminal penalty.

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **CSHB 185**:

Amend **CSHB 185** on page 2, line 13, between "Penal Code" and the semicolon, by inserting ", or a stun gun, as defined by Section 38.14, Penal Code, including a stun gun manufactured by the Taser company".

Amendment No. 1 was adopted.

CSHB 185, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 681 ON SECOND READING
(by Hochberg, et al.)

CSHB 681, A bill to be entitled An Act relating to postconviction forensic testing.

CSHB 681 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1230 ON SECOND READING
(by Rodriguez, J. Davis, Naishtat, Rose, et al.)

HB 1230, A bill to be entitled An Act relating to services provided to youth with disabilities transitioning from school-oriented living to post-schooling activities, services for adults, and community living.

Amendment No. 1

Representative Rodriguez offered the following amendment to **HB 1230**:

Amend **HB 1230** (house committee printing) as follows:

- (1) On page 2, line 2, between "for" and "employees", insert "certain".
- (2) On page 2, line 21, strike "any".

Amendment No. 1 was adopted.

HB 1230, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3505 ON SECOND READING
(by Hartnett)

CSHB 3505, A bill to be entitled An Act relating to requirements for judicial training on issues regarding family violence, sexual assault, and child abuse and neglect.

CSHB 3505 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1787 ON SECOND READING
(by Hartnett)

HB 1787, A bill to be entitled An Act relating to the determination of title to real property through a declaratory judgment.

Representative Hartnett moved to postpone consideration of **HB 1787** until the end of today's calendar.

The motion prevailed.

HB 142 ON SECOND READING
(by Jackson)

HB 142, A bill to be entitled An Act relating to imposition of local sales and use taxes on items shipped or delivered from one transit authority to another transit authority by certain retailers.

HB 142 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1331 ON SECOND READING
(by Flores and Lucio)

HB 1331, A bill to be entitled An Act relating to the public posting or other display of Texas bar examination results.

HB 1331 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1422 ON SECOND READING
(by Driver, Latham, et al.)

CSHB 1422, A bill to be entitled An Act relating to personnel records of commissioned officers of the Department of Public Safety.

Representative Driver moved to postpone consideration of **CSHB 1422** until 9 a.m. Monday, April 23.

The motion prevailed.

(Patrick in the chair)

CSHB 472 ON SECOND READING
(by Solomons)

CSHB 472, A bill to be entitled An Act relating to the regulation of third-party administrators, including administrators with delegated duties in the workers' compensation system of this state; providing penalties.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 472**:

Amend **CSHB 472** as follows:

(1) On page 1, line 11, strike "life, health, and accident" and substitute "life benefits, health benefits, ~~and~~ accident".

(2) On page 1, line 14, between "includes" and "a workers' compensation", insert "a delegated entity under Chapter 1272 and".

(3) On page 1, line 15, between "network" and "under", insert "authorized".

(4) On page 1, line 16, strike "insurer other than the insurance carrier" and substitute "insurer, including an insurer".

(5) On page 1, line 17, strike "network." and substitute "network to provide health care services.".

(6) On page 1, line 20, strike "health, or accident insurance" and substitute "health, ~~or~~ accident, ~~insurance~~".

(7) On page 1, line 21, strike "The term" and substitute "For purposes of this chapter only, the term also".

(8) On page 2, line 13, between "an employer" and "administering", insert ", other than a certified workers' compensation self-insurer,".

(9) On page 4, strike lines 8-9 and substitute the following:
"connection with annuities or with life, health, ~~or~~ accident, pharmacy, or workers' compensation benefits~~, including pharmacy benefits~~;".

(10) On page 6, strike lines 7-9 and substitute the following:

(20) an affiliate, as described by Chapter 823.003, of a self-insurer certified under Chapter 407, Labor Code, and who:

(A) is performing the acts of an administrator on behalf of that certified self-insurer; and

(B) directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with that certified self-insurer, as the term "control" is described by Section 823.005.

(11) On page 6, strike lines 16-24 and substitute the following:

(b) A processing agent is not an administrator for purposes of this chapter if the processing agent is acting as an assignee of a pharmacy and if:

(1) the assignee has a written contract with the pharmacy to:

(A) act as the provider of licensed pharmacy services in lieu of the pharmacy; and

(B) purchase the pharmacy's claims at face value, or at a value expressly stated in the contract; and

(2) the contract specifically prohibits the assignee from performing any function of an administrator, as that term is defined in this chapter, unless the assignee holds a certificate of authority under this chapter.

(12) On page 7, line 6, between "Before" and "referring", insert "first".

(13) On page 7, line 14, after "Chapter 4101.", insert "The department shall keep an updated list of individuals who hold adjuster licenses.".

(14) On page 9, strike lines 3-10 and substitute the following:

(b) An applicant for a certificate of authority or a certificate holder under this chapter shall notify the department in the manner prescribed by commissioner rule of a change of control in the applicant's or certificate holder's ownership not later than the 30th day after the effective date of the change and shall notify the department of any other fact or circumstance affecting the applicant's or certificate holder's qualifications for a certificate of authority in this state as required by commissioner rule.

(15) On page 9, strike lines 18-20 and substitute the following:

(1) Subchapters B and C, Chapter 4005; ~~and~~

(2) Chapter 82; and

(3) Subchapter G.

(16) On page 10, lines 14-15, strike the recital to SECTION 1.10 and substitute the following:

Section 4151.103, Insurance Code, is amended by amending Subsection (a) and by adding Subsection (d) to read as follows:

(17) On page 10, between lines 21 and 22, insert the following:

(d) The commissioner shall adopt rules to address the transfer of records from one administrator to another.

(18) On page 10, strike line 27 and substitute the following:

"insured and injured employee [~~or plan participant~~] of the".

(19) On page 11, line 3, strike "insured, covered individual, or plan participant." and substitute "insured and injured employee [~~or plan participant~~]."

(20) On page 11, between lines 5 and 6, insert the following:

(b) An administrator administering workers' compensation claims may satisfy the requirements of Subsection (a) by including the notice as part of, or in conjunction with, the notice required under Section 406.005(c), Labor Code.

(21) On page 11, line 6, strike "(b)" and substitute "(c)".

(22) On page 11, line 14, strike "an individual or entity" and substitute "a person".

(23) On page 11, line 15, strike "individual or entity" and substitute "person".

(24) On page 11, strike lines 17-26 and substitute the following:

(b) Before first referring a claim or loss for administration, an insurer must ascertain from the commissioner whether the person performing the administration holds a certificate of authority under this chapter. Once the insurer has ascertained that the person holds a certificate of authority, the insurer may refer a claim to the person for administration and may continue to refer claims to the person until the insurer has knowledge or receives information from the commissioner that the person no longer holds a certificate of authority.

(25) On page 12, line 13, strike "subscribers, claimants," and substitute "injured employees, plan participants,".

(26) On page 12, line 16, strike "one of the reviews must include" and substitute "biennially, the insurer shall conduct".

(27) On page 12, line 27, strike "or subscriber" and substitute "or injured employee".

(28) On page 13, lines 13-15, strike "who enters into a written agreement with the insurer or plan sponsor under Section 4151.101".

(29) On page 13, line 27, strike "March 1," and substitute "June 30 [~~March 1~~],".

(30) On page 14, line 17, between "must include" and "the complete", insert "notes to the financial statement or attachments that reflect".

(31) On page 14, lines 18-19, strike "engaged in the business of workers' compensation".

(32) On page 14, line 26, between "annually" and "under written agreements", insert "as compensation for performing administrative services and operates".

(33) On page 15, line 20, strike "officer, director, or shareholder" and substitute "officer or a director or a shareholder with a controlling interest".

(34) On page 16, line 3, strike "An individual" and substitute "A person".

(35) On page 16, line 5, strike "individual" and substitute "person".

(36) On page 16, line 8, strike "individual" and substitute "person".

(37) On page 16, line 10, strike "individual" and substitute "person".

(38) On page 16, line 12, strike "individual" and substitute "person".

(39) On page 17, line 20, strike "individuals" and substitute "persons".

(40) On page 17, line 27, strike "does not disapprove" and substitute "has not proposed to deny".

(41) On page 18, line 4, between "prescribed" and "by Subchapter G", insert "by Section 4151.056 and".

(42) On page 18, strike lines 21-27.

(43) On page 19, strike lines 1-2.

(44) On page 19, line 3, strike "Sec. 4151.253" and substitute "Sec. 4151.252".

(45) On page 19, line 6, strike "for residents of this state".

(46) On page 19, line 8, strike "An administrator" and substitute "Except as provided by Section 4151.117, an administrator".

(47) On page 19, lines 9-10, strike "for residents of this state".

(48) On page 19, strike lines 12-27.

(49) On page 20, line 1, strike "Sec. 4151.254" and substitute "Sec. 4151.253".

(50) On page 20, line 1, between "POLICIES." and "An employer", insert "(a)".

(51) On page 20, line 9, strike "paying" and substitute "arranging for payment of".

(52) On page 20, between lines 10 and 11, insert the following:

(b) The commissioner shall adopt rules to implement Subsection (a)(2), including rules prescribing requirements for administrative cost payment arrangements.

(53) On page 21, line 6, between "enrollee," and "or beneficiary", insert "injured employee,".

(54) On page 26, line 13, strike "third party" and substitute "person".

(55) On page 27, strike lines 15-17 and substitute the following:

SECTION 2.04. Section 4101.001(a), Insurance Code, is amended to read as follows:

(a) In this chapter, "adjuster" means an individual who:

(1) investigates or adjusts losses on behalf of an insurer as an independent contractor or as an employee of:

(A) an adjustment bureau;

(B) an association;

(C) a general property and casualty agent;

(D) an independent contractor;
 (E) an insurer; or
 (F) a managing general agent; ~~or~~
 (2) supervises the handling of claims; or
 (3) investigates, adjusts, supervises the handling of, or settles workers' compensation claims, including claims arising from services provided through a certified workers' compensation health care network as authorized under Chapter 1305, on behalf of an administrator, as defined by Chapter 4151, or on behalf of an insurance carrier, as defined by Section 401.011, Labor Code.

(56) On page 27, strike lines 18-27.

(57) Strike page 28.

(58) On page 29, strike lines 1-4.

(59) On page 29, between lines 4 and 5, insert the following:

SECTION 2.05. Section 4101.002, Insurance Code, is amended by adding Subsection (c) to read as follows:

(60) On page 29, between lines 11 and 12, insert the following:

SECTION 3.01. Section 406.010(b), Labor Code, is amended to read as follows:

(b) Each insurance carrier shall designate persons to provide claims service in sufficient numbers and at appropriate locations to reasonably service policies written by the carrier. If an insurance carrier uses the services of a person required to hold a certificate of authority under Chapter 4151, Insurance Code, the carrier must comply with the requirements of that chapter.

(61) On page 29, line 12, strike "SECTION 3.01" and substitute "SECTION 3.02".

(62) On page 29, strike lines 14-24 and substitute the following:

(5) "Qualified claims servicing contractor" means a person who provides claims service for a certified self-insurer, who is a separate business entity from the affected certified self-insurer, and who holds a certificate of authority under Chapter 4151 ~~is:~~

~~[(A) an insurance company authorized by the Texas Department of Insurance to write workers' compensation insurance;~~

~~[(B) a subsidiary of an insurance company that provides claims service under contract; or~~

~~[(C) a third party administrator that has on its staff an individual licensed under Chapter 4101, Insurance Code].~~

(63) On page 29, strike lines 25-27 and substitute the following:

SECTION 3.03. Section 407.061(c), Labor Code, is amended to read as follows:

(c) The applicant must present a plan for claims administration that:

(1) is acceptable to the commissioner;

(2) ~~and that~~ designates a qualified claims servicing contractor; and

(3) complies with Chapter 4151, Insurance Code.

(64) On page 30, strike lines 1-8 and substitute the following:

SECTION 3.04. Section 407A.001(a), Labor Code, is amended by adding Subdivision (5-a) and by amending Subdivision (8) to read as follows:

(5-a) "Managing company" means an individual, partnership, or corporation engaged by the board of trustees of a group to implement the policies established by the board of trustees and to provide day-to-day management of the group.

(8) "Service company" means a person that provides services to the group other than services provided by the managing company ~~administrator~~, including:

- (A) claims adjustment;
- (B) safety engineering;
- (C) compilation of statistics and the preparation of premium, loss, and tax reports;
- (D) preparation of other required self-insurance reports;
- (E) development of members' assessments and fees; and
- (F) administration of a claim fund.

SECTION 3.05. Subchapter A, Chapter 407A, Labor Code, is amended by adding Section 407A.009 to read as follows:

Sec. 407A.009. CERTIFICATE OF AUTHORITY REQUIRED FOR CERTAIN SERVICE COMPANIES. A service company that adjusts or settles claims for the group must hold a certificate of authority as an administrator under Chapter 4151, Insurance Code.

SECTION 3.06. Section 407A.051(c), Labor Code, is amended to read as follows:

- (c) The application must be accompanied by:
 - (1) a nonrefundable \$1,000 filing fee;
 - (2) proof of compliance with the financial requirements under Section 407A.053;
 - (3) proof of compliance with the excess insurance requirements under Section 407A.054;
 - (4) a copy of the articles of association or declaration of trust of the group, if any;
 - (5) a copy of any agreements entered into with a managing company ~~an administrator~~ or a service company;
 - (6) a copy of the bylaws of the proposed group;
 - (7) a copy of the agreement between the group and each employer who is a member of the group that:
 - (A) secures the payment of workers' compensation benefits; and
 - (B) includes provisions for payment of assessments as provided by Section 407A.355;
 - (8) designation of the initial board of trustees and managing company ~~administrator~~ of the group;
 - (9) the address in this state where the books and records of the group will be maintained at all times;
 - (10) a pro forma financial statement, in a form acceptable to the commissioner, that shows the financial ability of the group to pay the workers' compensation obligations of the employers who are members of the group;
 - (11) proof of one of the following:

(A) payment to the group, or a bona fide promise to pay on approval of the group, by each employer who is a member of the group of not less than 25 percent of that member's first year estimated modified schedule rating premium on a date prescribed by the commissioner, which shall be considered part of the first year premium payment of each member; or

(B) if the group is formed from a trust existing on September 1, 2003, that the assets of the trust are sufficient to cover the workers' compensation obligations of the trust;

(12) a \$250,000 fidelity bond for the managing company [~~administrator~~] in the form prescribed by the commissioner;

(13) a \$250,000 fidelity bond for the service company in the form prescribed by the commissioner; and

(14) an indemnity agreement that meets the requirements of Section 407A.056.

SECTION 3.07. Subchapter B, Chapter 407A, Labor Code, is amended by adding Section 407A.0511 to read as follows:

Sec. 407A.0511. RESTRICTIONS ON PERFORMANCE OF CERTAIN FUNCTIONS BY MANAGING COMPANY. A managing company may not perform the functions of an administrator under Chapter 4151, Insurance Code.

SECTION 3.08. Section 407A.151(b), Labor Code, is amended to read as follows:

(b) A managing company [~~An administrator~~] or service company of the group, or owner, officer, employee of, or any other person affiliated with the managing company [~~administrator~~] or service company, may not serve on the board of trustees.

SECTION 3.09. Section 407A.152, Labor Code, is amended to read as follows:

Sec. 407A.152. BOARD GENERAL POWERS AND DUTIES. The board of trustees shall:

(1) maintain minutes of its meetings and make the minutes available to the commissioner;

(2) designate a managing company [~~an administrator~~] and delineate in the written minutes of its meetings the areas of authority it delegates to the managing company [~~administrator~~]; and

(3) retain an independent certified public accountant to audit the financial statements required by Section 407A.251.

SECTION 3.10. Section 407A.201(a), Labor Code, is amended to read as follows:

(a) An employer who joins an approved workers' compensation self-insurance group shall:

(1) submit an application for membership to the board of trustees or its managing company [~~administrator~~]; and

(2) enter into the indemnity agreement as required by Section 407A.056.

SECTION 3.11. Section 407A.352, Labor Code, is amended to read as follows:

Sec. 407A.352. AUDITS. Each member of a group shall be audited annually by the managing company ~~[administrator]~~ or by an auditor acceptable to the commissioner to verify proper classifications, experience rating, payroll, and rates. The group shall maintain a record of the audit as part of the group's records that are available to the commissioner during an examination conducted under Section 407A.252. The audit shall be performed at the expense of the group.

SECTION 3.12. Section 407A.404(b), Labor Code, is amended to read as follows:

(b) In addition, the commissioner may revoke a group's certificate of approval if, after notice and an opportunity for hearing, the commissioner determines that:

- (1) a certificate of approval issued to the group was obtained by fraud;
- (2) there was a material misrepresentation in the application for the certificate of approval; or
- (3) the group or its managing company ~~[administrator]~~ has misappropriated, converted, illegally withheld, or refused to pay on proper demand any money that belongs to a member, an employee of a member, or a person otherwise entitled to the money and that has been entrusted to the group or its managing company ~~[administrator]~~ in their fiduciary capacities.

SECTION 3.13. Section 407A.001(a)(1), Labor Code, is repealed.

Amendment No. 1 was adopted.

CSHB 472 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HARDCASTLE: You remember when we passed **HB 2095** by Robby Cook in 2003 under the Labor Code which allowed self insurance by a group of employers because traditional insurance was not available to certain employers?

REPRESENTATIVE SOLOMONS: I remember that **HB 2095** was originally requested by trade groups, which were extremely high-risk and could only receive an offer of workers' compensation coverage by the provider of last resort in Texas; but 407A, Labor Code, does not create self insurance group solely for high-risk groups which are unable to get insured. It may also be utilized as a tool for smaller employers to pool their resources for a more stable, more affordable coverage.

HARDCASTLE: Do you agree that group self insurance is not traditional insurance and a self-insurance group is distinguished from an insurer?

SOLOMONS: I'm not exactly sure what you mean by traditional insurance. If you mean that the group acts as a risk pool to insure their own members rather than purchasing a workers' compensation policy from a private carrier, then yes. However, the self insurance group then has the same responsibilities under the Labor Code as a private insurance carrier for complying with the regulations of the Workers' Compensation Act. Chapter 407A(407A.004) of the Labor Code that creates the option for a self insurance group does provide that a certified group is not an insurer and not subject to insurance laws and rules except as provided in Chapter 407A of the comp act.

HARDCASTLE: Would you agree that the Labor Code states that a self insurer is not an insurer?

SOLOMONS: Under the Labor Code there is no definition for an insurer; that term is unique to the Insurance Code. There is a definition for insurance carrier under the Workers' Compensation Act in the Labor Code and a self insurance group falls under that definition.

HARDCASTLE: Does the legislation result in increased costs to a self insurance group? What about the new requirement of a biannual audit? Is that the standard in other states?

SOLOMONS: The only requirements incumbent upon a carrier or a self-insured employer or group in **HB 472** is that if they hire a TPA: they have to check to ensure they have a certificate in good standing with TDI, their contract has to specify what responsibilities are being delegated to the TPA, the contract has to be kept for five years and once a year they must perform a performance audit and once biennially they must perform an on-site audit of the TPA to perform a claims audit. It is my understanding that of the eight self insurance groups, seven have TPAs, and although it may cost them some, claims auditing is a prudent business practice considering the self insurance group is liable for the actions of the TPA under the Workers' Compensation Act.

HARDCASTLE: If the definition of SIG as an insurer is retained, is it your intent that a SIG would not be subject to additional TDI rules and regulations?

SOLOMONS: It is my intent, and the floor amendment has clarified, that those included in the definition of insurer for the purposes of the TPA statute, including self insurance groups, are included in the definition of insurer solely for the purpose of the TPA act and not a reference to an insurer in any other Chapter of the Insurance Code.

REMARKS ORDERED PRINTED

Representative Hardcastle moved to print remarks between Representative Solomons and Representative Hardcastle.

The motion prevailed.

CSHB 472, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1033 ON SECOND READING (by Puente)

CSHB 1033, A bill to be entitled An Act relating to the threshold amount at which certain water districts are required to solicit competitive bids before awarding certain contracts.

Representative Puente moved to postpone consideration of **CSHB 1033** until 9 a.m. Monday, April 23.

The motion prevailed.

SB 844 ON SECOND READING
(Gattis - House Sponsor)

SB 844, A bill to be entitled An Act relating to longevity pay for assistant prosecutors.

SB 844 was considered in lieu of **HB 1356**.

SB 844 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1356 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gattis moved to lay **HB 1356** on the table subject to call.

The motion prevailed.

POSTPONED BUSINESS

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

HB 1837 ON SECOND READING
(by Taylor, Bonnen, Flynn, Gattis, England, et al.)

HB 1837, A bill to be entitled An Act relating to exempting from ad valorem taxation property used by certain nonprofit community business organizations to provide services to aid in the economic development of local communities.

HB 1837 was read second time on April 12, postponed until 8 a.m. today, and was again postponed until this time.

Amendment No. 1

Representative Dunnam offered the following amendment to **HB 1837**:

Amend **HB 1837** (House Committee Printing) on page 1 by striking lines 14 through 21 and substituting the following:

(2) the organization:

(A) is a nonprofit corporation organized under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) or a nonprofit corporation formed under the Texas Nonprofit Corporation Law, as described by Section 1.008, Business Organizations Code;

(B) is a nonprofit organization described by Section 501(c)(6), Internal Revenue Code of 1986; and

(C) is not a statewide organization;

Amendment No. 1 was adopted.

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **HB 1837**:

Amend **HB 1837** (House committee printing) as follows:

(1) On page 2, line 8, strike "and".

(2) On page 2, line 11, between "functions" and the underlined period, insert the following:
; and

(E) is not, has not formed, and does not financially support a political committee as defined by Section 251.001, Election Code

Amendment No. 2 was adopted.

HB 1837, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Burnam recorded voting no.)

(Speaker in the chair)

HB 1787 ON SECOND READING
(by Hartnett)

HB 1787, A bill to be entitled An Act relating to the determination of title to real property through a declaratory judgment.

HB 1787 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representatives Hartnett and Solomons offered the following amendment to **HB 1787**:

Amend **HB 1787** on page 1, line 9, by striking "of title to lands, tenements, or other real property" and substituting "when the sole issue concerning title to real property is the determination of the proper boundary line between adjoining properties".

Amendment No. 1 was adopted.

HB 1787 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE DUNNAM: Mr. Hartnett, I'd like to ask you a question or two in terms of your intent and the legislative intent on **HB 1787**. You're familiar with the significant proof elements that are currently required in regard to boundary disputes, are you not?

REPRESENTATIVE HARTNETT: Generally, yes.

DUNNAM: And basically, those rules, which are stated in *Land v. Turner*, which is a Southwest 2nd case, require that a plaintiff prevail on the superiority on their own title, and not on the weakness of the defendant's title, are you familiar with that?

HARTNETT: Yes.

DUNNAM: And it is not your intent that that be changed by allowing these actions to proceed under the declaratory judgement statute, is that right?

HARTNETT: It is not my intention to change the specific rule that you just mentioned.

DUNNAM: So the proof elements, it's your intent that those will remain the same?

HARTNETT: Correct.

REMARKS ORDERED PRINTED

Representative Dunnam moved to print remarks between Representative Hartnett and Representative Dunnam.

The motion prevailed.

HB 1787, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to House Rule 4, Section 9, Representative C. Howard requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

RULES SUSPENDED

Representative C. Howard moved to suspend all necessary rules for the Committee on Local and Consent Calendars to meet upon adjournment today at Desk 95 to set **HB 1768** on Thursday's local, consent, and resolutions calendar and to consider a committee amendment to **HB 3437**.

The motion prevailed.

RESOLUTIONS ADOPTED

Representative Isett moved to suspend all necessary rules in order to take up and consider at this time **HR 1410**, **HR 1451**, **HR 1502**, **HR 1513**, and **SCR 56**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1410 (by Latham), Congratulating the Mesquite High School Skeeters on reaching the 5A semifinals of the UIL 2007 Boys Basketball State Championships.

HR 1451 (by Taylor), Honoring the grand opening of the Historic Dickinson Railroad Center on April 27-29, 2007.

HR 1502 (by Dukes), Recognizing April 15-21, 2007, as National Library Week and April 17, 2007, as National Library Workers Day.

HR 1513 (by Hughes), Honoring Glenda Clements on her induction as governor of the Texas District of Pilot International in 2007.

SCR 56 (by Truitt - House Sponsor), Recognizing April 17, 2007, as Texas Retired Educators Day.

The resolutions were adopted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 2:30 p.m. today.

FIVE DAY POSTING RULE SUSPENDED

Representative Flores moved to suspend the five day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 2723** upon adjournment today in E2.030.

The motion prevailed.

Representative Flores moved to suspend the five day posting rule to allow the Committee on Culture, Recreation, and Tourism to consider **HB 2951** and **HB 3910** at 2 p.m. or upon adjournment today in E2.014.

The motion prevailed.

Representative P. King moved to suspend the five day posting rule to allow the Committee on Regulated Industries to consider **HB 551** and **HB 1386** upon adjournment today in JHR 140.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Regulated Industries, 2 p.m. or upon adjournment today, JHR 140, for a public hearing, to consider **HB 551** and **HB 1386**.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

Energy Resources, upon adjournment today, Desk 25, for a formal meeting.

Insurance, upon adjournment today, Desk 24, for a formal meeting, to consider pending business.

Judiciary, upon adjournment today, Desk 70, for a formal meeting.

FIVE DAY POSTING RULE SUSPENDED

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 1699** at 2 p.m. or upon adjournment tomorrow in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

Environmental Regulation will reconvene upon adjournment today.

FIVE DAY POSTING RULE SUSPENDED

Representative Branch moved to suspend the five day posting rule to allow the Committee on Appropriations, Subcommittee on Spending Limitations, to meet at 8 a.m. tomorrow in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, Subcommittee on Spending Limitations, 8 a.m. tomorrow, E1.030, for a public hearing.

PROVIDING FOR ADJOURNMENT

Representative Gonzalez Toureilles moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Catherine Rios Salazar of Dallas.

The motion prevailed.

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

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. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Phillips in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:54 p.m., adjourned 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 4106 (By C. Howard), Relating to the adoption of a residential building code in certain counties; providing a civil penalty.

To County Affairs.

HB 4109 (By Eissler), Relating to the administration, powers, including taxing powers and the authority to issue bonds, boundaries, operations, financing, and dissolution of the Town Center Improvement District of Montgomery County, Texas.

To Land and Resource Management.

HB 4110 (By Coleman), Relating to the creation of the Harris County Improvement District No. 9; providing authority to impose a tax and issue bonds.

To Urban Affairs.

HB 4111 (By Smithee), Relating to the creation of the Randall County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 4112 (By Eiland), Relating to the creation of the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 4113 (By Cohen), Relating to the Buffalo Bayou Management District.

To Urban Affairs.

HCR 193 (By Swinford), Expressing support for ongoing state-led border security operations to control the Texas-Mexico border and ensure the safety of the people of Texas.

To State Affairs.

HCR 194 (By Swinford), Expressing dissatisfaction with the federal government's failure to secure the border and enforce immigration laws.

To State Affairs.

HR 1402 (By Farrar), Recognizing May 27, 2007, as Rachel Carson Day.

To Environmental Regulation.

HR 1404 (By J. Davis), Encouraging the Texas Health and Human Services Commission to partner with private entities to provide education on Chronic Obstructive Pulmonary Disease.

To Public Health.

SB 74 to Juvenile Justice and Family Issues.

SB 965 to Transportation.

SCR 28 to Public Health.

SCR 51 to Rules and Resolutions.

SCR 52 to Rules and Resolutions.

SIGNED BY THE SPEAKER

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

Senate List No. 22**SB 462, SB 505, SB 506, SB 670, SCR 15, SCR 31****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 17, 2007

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 17 Hardcastle SPONSOR: Estes
Honoring the Texas Department of the American Volunteer Reserve Veterans Honor Guard.

HCR 190 Strama SPONSOR: Watson
Congratulating the Greater Austin Crime Commission on its 10th anniversary and recognizing the Longhorn Leaders.

SB 4 Shapiro
Relating to open-enrollment charter schools and the creation of public charter districts.

SB 43 Nelson
Relating to the modification of an order establishing the conservatorship of a child or providing for the possession of or access to a child based on military deployment.

SB 183 Estes
Relating to enhancing the penalty for the manufacture of certain controlled substances if a child is present on the premises where the offense is committed.

SB 322 Deuell
Relating to possession of firearms and ammunition in certain foster homes.

SB 409 Janek
Relating to restrictions on the interchange of anti-epileptic drugs and drugs used to treat or prevent seizures.

SB 445 Hinojosa
Relating to design, construction, and renovation standards for state buildings and facilities.

SB 561 Carona

Relating to the subrogation interests of certain political subdivisions or insurance carriers providing reinsurance for subdivisions.

SB 952 Watson

Relating to designation of certain areas as the premises of a mixed beverage permit holder.

SB 1161 Jackson, Mike

Relating to the filing of a complaint or referral to juvenile court by a school district against a student for failing to attend school.

SB 1325 West, Royce

Relating to the eligibility of relatives of public college and university board members to receive certain scholarships; providing a criminal penalty.

SB 1340 Estes

Relating to the requirements for a surveyor-in-training certificate.

SB 1535 Fraser

Relating to the issuance of bonds by a municipality for a defined area in an abolished municipal utility district.

SB 1655 Ellis

Relating to the establishment of the capital writs committee of the Texas Judicial Council and the creation of the office of capital writs.

SCR 55 Eltife

Recognizing Andrew C. Solomon who has been elected student government president of The University of Texas at Austin for the 2007-2008 school year.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 462 (30 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 17, 2007 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 180

Hilderbran

SPONSOR: Wentworth

Honoring the life of James Harold Doolittle and recognizing his military aviation achievements.

SCR 56 Duncan SPONSOR: Truitt
Recognizing April 17, 2007, as Texas Retired Educators Day.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 16

Border and International Affairs - **HB 3618**

Business and Industry - **HB 329, HB 2623, HB 2738, HB 3093**

Civil Practices - **HB 2010**

Corrections - **HB 1944**

County Affairs - **HB 831, HB 1355, HB 1383, SB 500**

Criminal Jurisprudence - **HB 401, HB 1804, HB 2720, HB 3010, HB 3021, HB 3060**

Defense Affairs and State-Federal Relations - **HB 2603, HB 3140**

Economic Development - **HB 2625, HB 2866, HB 3161, HB 3440, HB 3749, HB 4065**

Elections - **HB 938, HB 1031, HB 1921, HB 2194, HB 2195, HB 2250, HB 2491, HB 2735, HB 3066, HJR 39, HJR 91**

Financial Institutions - **HB 1555, HB 2754**

Government Reform - **HB 1886**

Higher Education - **HB 381, HB 1250, HB 2031, HB 2128, HB 2371, HB 2639, HB 3827, HB 3934**

Human Services - **HB 662, HB 1759**

Judiciary - **SB 507**

Law Enforcement - **HB 1423**

Licensing and Administrative Procedures - **HB 1460, HB 2060, HB 2605, HB 2710, HB 2739, HB 2820**

Local Government Ways and Means - **HB 2084, HB 2327, HB 3132, HB 3194, HB 3195, HB 3268, HB 3870**

Natural Resources - **HB 149, HB 2983, HB 2984, HB 3769**

Pensions and Investments - **HB 2341**

Public Education - **HB 2113, HB 2171, HB 2455, HB 2864, HB 3226, SB 158, SB 673**

Public Health - **HB 424, HB 1297, HB 2732, HB 3310**

Regulated Industries - **SB 483**

State Affairs - **HB 1039, HB 1517, HB 1557, SB 178**

Transportation - **HB 2992**

Urban Affairs - **HB 1473**

Ways and Means - **HB 1207, HB 1470, HB 2167, HB 2786, HB 2994**

ENGROSSED

April 16 - HB 41, HB 86, HB 413, HB 442, HB 463, HB 534, HB 630, HB 873, HB 1067, HB 1127, HB 1157, HB 1179, HB 1260, HB 1308, HB 1310, HB 1316, HB 1530, HB 1781, HB 1788, HB 1789, HB 2188, HB 2261, HB 2359, HB 2600, HB 2799, HCR 173

ENROLLED

April 16 - HCR 189

SENT TO THE GOVERNOR

April 16 - HB 674, HB 675, HCR 189