

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-FOURTH DAY — TUESDAY, MARCH 27, 2007

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

The roll of the house was called and a quorum was announced present (Record 184).

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

Absent — Chisum; Christian; Davis, J.; Dunnam; England; Farias; Hartnett; Keffer; McReynolds; Naishtat; Noriega; Oliveira; Van Arsdale; Woolley.

The invocation was offered by Evangelist Dennis Erwin, pastor, Ovilla Baptist Church, Edgewood.

(Dunnam and Farias now present)

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

### CAPITOL PHYSICIAN

The speaker recognized Representative B. Cook who presented Dr. Jeff Rettig of Grosbeck as the "Doctor for the Day."

The house welcomed Dr. Rettig 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).

(Corte in the chair)

**HR 922 - ADOPTED**

(by Orr)

Representative Orr moved to suspend all necessary rules to take up and consider at this time **HR 922**.

The motion prevailed.

The following resolution was laid before the house:

**HR 922**, Recognizing March 27, 2007, as REALTOR Appreciation Day at the State Capitol.

(J. Davis now present)

**HR 922** was read and was adopted.

On motion of Representative Patrick, the names of all the members of the house were added to **HR 922** as signers thereof.

(Speaker in the chair)

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Orr who introduced members of the Texas Association of REALTORS.

(McReynolds now present)

**HR 473 - READ**

(by Jones)

The chair laid out and had read the following previously adopted resolution:

**HR 473**, Recognizing March 27, 2007, as Parent Association for the Retarded of Texas Day at the State Capitol.

(Noriega and Woolley now present)

**HR 872 - ADOPTED**

(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 872**.

The motion prevailed.

The following resolution was laid before the house:

**HR 872**, Recognizing March 27, 2007, as Rains County Day at the State Capitol.

**HR 872** was read and was adopted.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Flynn who introduced a delegation from Rains County.

(Naishtat now present)

#### **HCR 161 - ADOPTED (by Craddick)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HCR 161**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 161**, Recognizing March 27, 2007, as West Texas Day at the State Capitol.

**HCR 161** was read and was adopted.

On motion of Representative S. King, the names of all the members of the house were added to **HCR 161** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Darby who introduced a group of West Texas mayors.

(Straus in the chair)

#### **HR 1269 - ADOPTED (by Garcia)**

Representative Garcia moved to suspend all necessary rules to take up and consider at this time **HR 1269**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1269**, Honoring the 2007 graduates of the College of Nursing and Health Sciences at Texas A&M University—Corpus Christi.

**HR 1269** was read and was adopted.

On motion of Representative Herrero, the names of all the members of the house were added to **HR 1269** as signers thereof.

(Keffer now present)

#### **HR 1256 - ADOPTED (by Anderson)**

Representative Anderson moved to suspend all necessary rules to take up and consider at this time **HR 1256**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1256**, Recognizing March 27, 2007, as Waco Day at the State Capitol.

**HR 1256** was adopted.

On motion of Representative Dunnam, the names of all the members of the house were added to **HR 1256** as signers thereof.

**HCR 169 - ADOPTED**  
**(by Morrison)**

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HCR 169**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 169**, Commemorating the 40th anniversary of the Governor's Commission for Women.

**HCR 169** was read and was adopted.

On motion of Representative Woolley, the names of all the members of the house were added to **HCR 169** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Morrison who introduced members of the Governor's Commission for Women.

**HR 788 - ADOPTED**  
**(by Flynn)**

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 788**.

The motion prevailed.

The following resolution was laid before the house:

**HR 788**, Honoring Patsy Jean Sparks Marshall of East Tawakoni on the occasion of her 65th birthday.

**HR 788** was adopted.

**HR 1043 - ADOPTED**  
**(by Flynn)**

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 1043**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1043**, Honoring Ivan Alexander, Jr., for his contributions to Rains County.

**HR 1043** was adopted.

(Christian now present)

**HR 254 - READ**  
**(by Castro)**

The chair laid out and had read the following previously adopted resolution:

**HR 254**, Honoring Robert Villarreal on his receipt of the San Antonio Police Department's first Citizen Hero Award.

**HR 254 - MOTION TO ADD NAMES**

On motion of Representative Villarreal, the names of all the members of the house were added to **HR 254** as signers thereof.

(Bonnen in the chair)

**LEAVE OF ABSENCE GRANTED**

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

Riddle on motion of Harless.

**POSTPONED BUSINESS**

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

**SB 90 ON SECOND READING**  
**(Corte and Naishtat - House Sponsors)**

**SB 90**, A bill to be entitled An Act relating to the establishment of a pilot program to provide a ballot by electronic mail to military personnel serving overseas.

**SB 90** was considered in lieu of **CSHB 17**.

**SB 90** 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.)

**CSHB 17 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Corte moved to lay **CSHB 17** on the table subject to call.

The motion prevailed.

**HB 1387 ON SECOND READING**  
**(by P. King and Flynn)**

**HB 1387**, A bill to be entitled An Act relating to requiring a school district to provide for a feasibility study before acquiring title to real property through eminent domain.

**HB 1387** was read second time on March 26 and was postponed until 10:30 a.m. today.

(Chisum, Hartnett, and Van Arsdale now present)

**Amendment No. 1**

Representative Patrick offered the following amendment to **HB 1387**:

Amend **HB 1387** as follows:

(1) On page 1, lines 8-9, strike "acquire title to real property under this section" and substitute "acquire title under this section to real property, other than real property that is less than one acre or that is adjacent to real property the district already owns,".

(2) On page 1, line 24, strike "performed" and substitute "approved".

(3) On page 2, line 1, strike "or".

(4) On page 2, strike lines 4-6 and substitute the following:

(1) an analysis of the specific site the school district intends to acquire and a comparative analysis of at least two suitable sites in the geographic area in which the school district intends to acquire real property, except that the study may include a comparative analysis of a single available site if the district shows that the site is the only suitable site in the geographic area in which the school district intends to acquire real property;

(5) On page 2, line 10, strike "third" and substitute "10th".

(6) On page 3, line 17, strike "third" and substitute "10th".

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Gallego offered the following amendment to **HB 1387**:

Amend **HB 1387** on page 1, line 11, after the period by inserting the following:

"The cost of a study required by this subsection shall be paid for by funds appropriated to the agency for that purpose. If the agency does not have sufficient funds available for purposes of this subsection, a school district is not required to provide for the study."

(England now present)

Representative P. King moved to table Amendment No. 2.

A record vote was requested.

The motion to table was lost by (Record 185): 61 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Chisum; Christian; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Guillen; Haggerty; Hardcastle; Harless; Hill; Howard, C.; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Laubenberg; Macias; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Pickett; Ritter; Rose; Smith, W.; Smithee; Swinford; Taylor; Truitt; Van Arsdale; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Cook, B.; Creighton; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Hamilton; Hancock; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Jones; King,

T.; Latham; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Moreno; Naishtat; Noriega; Olivo; Ortiz; Phillips; Pierson; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Smith, T.; Solomons; Strama; Straus; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; West.

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

Absent, Excused — Riddle.

Absent — Hilderbran; Oliveira.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 185. I intended to vote yes.

Creighton

When Record No. 185 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting yes on Record No. 185. I intended to vote no.

Miller

(Speaker in the chair)

A record vote was requested.

The vote of the house was taken on Amendment No. 2 and the vote was announced yeas 72, nays 71.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 186): 69 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Darby; Deshotel; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Olivo; Ortiz; Phillips; Pierson; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Solomons; Strama; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; West.

Nays — Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Davis, J.; Delisi; Driver; Eiland; Eissler; Elkins; Flynn; Gattis; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Merritt;

Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Pickett; Ritter; Rose; Smith, W.; Smithee; Straus; Swinford; Taylor; Truitt; Van Arsdale; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent — Anderson; Davis, Y.; Farrar; Giddings; Moreno; Oliveira; Smith, T.

The speaker stated that Amendment No. 2 failed of adoption by the above vote.

### **STATEMENTS OF VOTE**

When Record No. 186 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

I was shown voting no on Record No. 186. I intended to vote yes.

Miller

When Record No. 186 was taken, I was temporarily out of the house chamber. I would have voted yes.

T. Smith

### **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. 15).

### **LEAVES OF ABSENCE GRANTED**

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

Farrar on motion of Thompson.

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

Y. Davis on motion of Thompson.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

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

### **LEAVE OF ABSENCE GRANTED**

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

T. Smith on motion of Woolley.

**RECESS**

At 11:58 a.m., the speaker announced that the house would stand recessed until 1:30 p.m. today.

**AFTERNOON SESSION**

The house met at 1:30 p.m. and was called to order by the speaker.

**HB 1387 - (pending business)****Amendment No. 3**

Representative Alonzo offered the following amendment to **HB 1387**:

Amend **HB 1387** on page 4, between lines 3 and 4, by inserting the following:

(g) A school district that provides for a study under this section must attempt to contract with a historically underutilized business, as defined by Section 2161.001, Government Code, to perform the study.

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Castro offered the following amendment to **HB 1387**:

Amend **HB 1387** as follows:

- (1) On page 3, line 7, strike "and".
- (2) On page 3, line 9, between "cost" and "to the school", insert "and benefit".
- (3) On page 3, line 15, strike "." and substitute "2".
- (4) On page 3, between lines 15 and 16, insert the following:  
"(12) the identity of each of the property owners of each subject property;  
(13) the appraised value of each subject property, as assessed by the local appraisal district; and  
(14) any offers to sell, including the proposed sale price, of each subject property."

Amendment No. 4 was adopted.

**HB 1387**, 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: F. Brown, Farrar, Jones, McCall, Naishtat, Quintanilla, and Rodriguez recorded voting no.)

(T. Smith now present)

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

(P. King in the chair)

**HB 1967 ON THIRD READING**  
**(by Farabee, et al.)**

**HB 1967**, A bill to be entitled An Act relating to the regulation as common carriers of certain owners, operators, or managers of pipelines for the transportation of feedstock for carbon gasification, the products of carbon gasification, or the derivative products of carbon gasification.

A record vote was requested.

**HB 1967** was passed by (Record 187): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; 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; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Farrar; Riddle.

Absent — Bohac; Crownover; Harper-Brown; Hughes; Latham; Moreno; Mowery; Oliveira; Taylor.

**STATEMENTS OF VOTE**

When Record No. 187 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 187 was taken, I was in the house but away from my desk. I would have voted yes.

Mowery

When Record No. 187 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

**HB 733 ON THIRD READING****(by Krusee)**

**HB 733**, A bill to be entitled An Act relating to the sale of certain used trucks; providing penalties.

A record vote was requested.

**HB 733** was passed by (Record 188): 133 Yeas, 5 Nays, 3 Present, not voting.

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

Nays — Crabb; Elkins; Geren; Kolkhorst; Macias.

Present, not voting — Mr. Speaker; Harless; King, P.(C).

Absent, Excused — Davis, Y.; Farrar; Riddle.

Absent — Bohac; Hodge; Moreno; Morrison; Oliveira; Ortiz.

**STATEMENT OF VOTE**

When Record No. 188 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

**HB 389 ON THIRD READING****(by Callegari, et al.)**

**HB 389**, A bill to be entitled An Act relating to the eminent domain authority of Texas Woman's University.

A record vote was requested.

**HB 389** was passed by (Record 189): 138 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Davis, Y.; Farrar; Riddle.

Absent — Harper-Brown; Hughes; Laubenberg; Martinez Fischer; Moreno; Oliveira; Paxton.

### STATEMENT OF VOTE

When Record No. 189 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

### HB 48 ON THIRD READING (by Chavez, Guillen, Castro, and Peña)

**HB 48**, A bill to be entitled An Act relating to distributions from the employment and training investment holding fund.

A record vote was requested.

**HB 48** was passed by (Record 190): 141 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham;

Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Farrar; Riddle.

Absent — Moreno; Morrison; Oliveira.

**HB 566 ON THIRD READING**  
**(by Hamilton)**

**HB 566**, A bill to be entitled An Act relating to compulsory school attendance for students who are at least 18 years of age.

A record vote was requested.

**HB 566** was passed by (Record 191): 141 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Talton.

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

Absent, Excused — Davis, Y.; Farrar; Riddle.

Absent — Moreno; Oliveira; Paxton.

**HB 1212 ON THIRD READING**  
**(by Pierson, Peña, Truitt, Veasey, et al.)**

**HB 1212**, A bill to be entitled An Act relating to the penalties for intoxication assault and intoxication manslaughter and to the sentencing of defendants convicted of those offenses.

A record vote was requested.

**HB 1212** was passed by (Record 192): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Davis, Y.; Farrar; Riddle.

Absent — Moreno; Oliveira.

**HB 1295 ON THIRD READING**  
**(by Hartnett)**

**HB 1295**, A bill to be entitled An Act relating to filing fees for certain actions filed in a court with probate jurisdiction.

A record vote was requested.

**HB 1295** was passed by (Record 193): 139 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Davis, Y.; Farrar; Riddle.

Absent — Anchia; Flores; McClendon; Moreno; Oliveira; Pierson.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 815 ON SECOND READING  
(by Dutton)**

**CSHB 815**, A bill to be entitled An Act relating to the hours for selling alcoholic beverages in certain establishments.

Representative Flores moved to postpone consideration of **CSHB 815** until the end of today's calendar.

The motion prevailed.

(Farrar now present)

**HB 227 ON SECOND READING  
(by Ritter)**

**HB 227**, A bill to be entitled An Act relating to the operation of golf carts and side-by-side utility vehicles on municipal streets or county roads.

**Amendment No. 1**

Representative Ritter offered the following amendment to **HB 227**:

Amend **HB 227** on page 1, line 14, by striking "and" and substituting "or".

Amendment No. 1 was adopted.

A record vote was requested.

**HB 227**, as amended, was passed to engrossment by (Record 194): 133 Yeas, 7 Nays, 2 Present, not voting.

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

Nays — Aycock; Callegari; Crabb; Harless; Hilderbran; Miller; Talton.

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

Absent, Excused — Davis, Y.; Riddle.

Absent — Deshotel; Moreno; Mowery; Oliveira; Patrick; Peña.

(Oliveira now present)

### **CSHB 271 ON SECOND READING (by Gonzales)**

**CSHB 271**, A bill to be entitled An Act relating to disclosure by a home seller of previous use of the home for manufacture of methamphetamine.

**CSHB 271** 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 1010 ON SECOND READING (by D. Howard, Elkins, and Villarreal)**

**CSHB 1010**, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of property located in more than one appraisal district and to the boundaries of an appraisal district.

A record vote was requested.

**CSHB 1010** was passed to engrossment by (Record 195): 113 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Bolton; Bonnen; Branch; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, R.; Corte; Crabb; Creighton; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen;

Haggerty; Hamilton; Hancock; Harper-Brown; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Keffer; Kolkhorst; Krusee; Kuempel; Latham; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley.

Nays — Aycock; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Cook, B.; Crownover; Darby; Eiland; Gattis; Hardcastle; Harless; Hartnett; Hilderbran; Isett; Jackson; Jones; Laubenberg; Macias; Madden; Merritt; Phillips; Smith, W.; Talton; Taylor; Van Arsdale; Zedler; Zerwas.

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

Absent, Excused — Davis, Y.; Riddle.

Absent — Eissler; King, S.; King, T.; Moreno.

#### STATEMENT OF VOTE

When Record No. 195 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

#### CSHB 1060 ON SECOND READING (by Parker, McClendon, Zerwas, et al.)

**CSHB 1060**, A bill to be entitled An Act relating to the use of electronically readable information from a driver's license or personal identification certificate by certain health care providers and hospitals.

(Gattis in the chair)

#### Amendment No. 1

Representative C. Howard offered the following amendment to **CSHB 1060**:

Amend **CSHB 1060** as follows:

(1) On page 1, line 7, strike "Subsections (i) and (j)" and substitute "Subsection (i)".

(2) On page 1, line 10, strike "(i), and (j)" and substitute "and (i)".

(3) On page 2, strike lines 5-16.

Amendment No. 1 was adopted.

#### Amendment No. 2

Representative Kolkhorst offered the following amendment to **CSHB 1060**:

Amend **CSHB 1060** as follows:

(1) On page 1, line 7, strike "Subsections (i) and (j)" and substitute "Subsection (i)".

(2) On page 1, line 10, strike "(i), and (j)" and substitute "and (i)".

(3) Strike page 1, line 17 through page 2, line 16, and substitute the following:

(i) The prohibition provided by Subsection (b)(1) does not apply to a hospital that accesses or uses the information to complete a form that is required to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Dunnam offered the following amendment to **CSHB 1060**:

Amend **CSHB 1060** on page 1, line 19, between "information" and "to" by inserting "that is printed on the license or personal identification certificate".

Amendment No. 3 was adopted.

(Speaker in the chair)

A record vote was requested.

**CSHB 1060**, as amended, was passed to engrossment by (Record 196): 126 Yeas, 8 Nays, 3 Present, not voting.

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

Nays — Allen; Alonzo; Bailey; Callegari; Isett; Kolkhorst; Miller; Rodriguez.

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

Absent, Excused — Davis, Y.; Riddle.

Absent — Cohen; Creighton; Flores; Hamilton; Hill; Hughes; Jackson; Keffer; Moreno; Morrison; Van Arsdale.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 196. I intended to vote yes.

Allen

I was shown voting yes on Record No. 196. I intended to vote no.

Anderson

When Record No. 196 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

I was shown voting yes on Record No. 196. I intended to vote no.

C. Howard

When Record No. 196 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

When Record No. 196 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

When Record No. 196 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

**CSHB 391 ON SECOND READING**

(by Hartnett)

**CSHB 391**, A bill to be entitled An Act relating to the estates of decedents.

**CSHB 391** 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 684 ON SECOND READING**

(by Pickett)

**CSHB 684**, A bill to be entitled An Act relating to state assistance for housing developments located in certain disaster areas.

**Amendment No. 1**

Representative Coleman offered the following amendment to **CSHB 684**:

Amend **CSHB 684** as follows:

(1) On page 1, lines 17-18, by striking "due to widespread or severe flooding".

(2) On page 4, lines 14-15, by striking "due to widespread or severe flooding".

(3) On page 5, lines 15-16, by striking "due to widespread or severe flooding".

(4) On page 6, lines 10-11, by striking "due to widespread or severe flooding".

(5) On page 6, lines 22-23, by striking "due to widespread or severe flooding".

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Menendez offered the following amendment to **CSHB 684**:

Section 5 is amended and replaced in its entirety to read:

SECTION 5. Section 2306.6710(b), Government Code, is amended to read as follows:

(b) If an application satisfies the threshold criteria, the department shall score and rank the application using a point system that:

(1) prioritizes in descending order criteria regarding:

(A) financial feasibility of the development based on the supporting financial data required in the application that will include a project underwriting pro forma from the permanent or construction lender;

(B) quantifiable community participation with respect to the development, evaluated on the basis of written statements from any neighborhood organizations on record with the state or county in which the development is to be located and whose boundaries contain the proposed development site;

(C) the income levels of tenants of the development;

(D) the size and quality of the units;

(E) the commitment of development funding by local political subdivisions;

(F) the level of community support for the application, evaluated on the basis of written statements from state elected officials;

(G) the rent levels of the units;

(H) the cost of the development by square foot; and

(I) the services to be provided to tenants of the development

(J) whether, at the time the complete application is submitted or at any time within the two-year period preceding the date of submission, the proposed development site is located in an area declared to be a disaster under Section 418.014 due to widespread or severe flooding; and

(2) uses criteria imposing penalties on applicants or affiliates who have requested extensions of department deadlines relating to developments supported by housing tax credit allocations made in the application round preceding the current round or a developer or principal of the applicant that has been removed by the lender, equity provider, or limited partners for its failure to perform its obligations under the loan documents or limited partnership agreement.

(Phillips in the chair)

Representative Pickett moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 197): 84 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Crabb; Creighton; Crownover; Delisi; Deshotel; Eiland; Eissler; Elkins; England; Escobar; Flynn; Frost; Garcia; Geren; Gonzales; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hill; Homer; Hopson; Howard, D.; Jones; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McReynolds; Merritt; Miller; Mowery; Murphy; Noriega; Oliveira; Olivo; Orr; Otto; Patrick; Paxton; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; West; Woolley; Zedler; Zerwas.

Nays — Allen; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Corte; Darby; Davis, J.; Driver; Dukes; Dunnam; Dutton; Farabee; Farias; Farrar; Flores; Giddings; Gonzalez Toureilles; Guillen; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Howard, C.; Isett; King, T.; Krusee; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Puente; Rodriguez; Thompson; Turner; Vaught; Veasey; Villarreal.

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

Absent, Excused — Davis, Y.; Riddle.

Absent — Gallego; Gattis; Hartnett; Hughes; Jackson; Moreno; Morrison; O'Day; Ortiz; Parker; Peña; Van Arsdale; Vo.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 197. I intended to vote yes.

T. King

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

O'Day

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

Parker

### Amendment No. 3

Representative Bohac offered the following amendment to **CSHB 684**:

Amend **CSHB 684** by adding the following appropriately numbered section and renumbering the subsequent sections appropriately:

SECTION \_\_\_\_\_. Subchapter DD, Chapter 2306, Government Code, is amended by adding Section 2306.67171 to read as follows:

Sec. 2306.67171. ELECTRONIC MAIL NOTIFICATION SERVICE. (a) The department shall maintain an electronic mail notification service to which any person in this state may electronically subscribe to receive information concerning the status of preapplications and applications under this subchapter.

(b) The electronic mail notification service maintained under Subsection (a) must:

(1) allow a subscriber to request for a zip code notification of:

(A) the filing of any preapplication or application concerning a development that is or will be located in the zip code;

(B) any change in the status of an application or preapplication described by Paragraph (A); and

(C) any public hearing to be held concerning an application or preapplication described by Paragraph (A); and

(2) respond to a subscriber via electronic mail not later than the later of:

(A) the third business day after the date the department receives notice of an event described by Subdivision (1); or

(B) if applicable, the date or dates specified by Section 2306.6717(a).

(c) The department may include in an electronic mail notification sent to a subscriber any applicable information described by Section 2306.6717.

Amendment No. 3 was adopted.

### **CSHB 684 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE MENENDEZ: Is the intent of this bill that it does not affect allocation rounds already in progress?

REPRESENTATIVE PICKETT: That's correct.

MENENDEZ: So an applicant who has already submitted an application should not have the rules changed in midstream, right?

PICKETT: Again, that's correct.

MENENDEZ: Number two: is the intent that the changes made in this bill in Sections 2, 3, and 5 only apply to scoring and ranking applications within each uniform service region?

PICKETT: That is also correct, Mr. Menendez.

### **REMARKS ORDERED PRINTED**

Representative Menendez moved to print remarks between Representative Pickett and Representative Menendez.

The motion prevailed.

A record vote was requested.

**CSHB 684**, as amended, was passed to engrossment by (Record 198): 129 Yeas, 10 Nays, 2 Present, not voting.

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

Nays — Bonnen; Corte; Driver; Gattis; Hilderbran; Howard, C.; Hughes; Isett; Macias; Villarreal.

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

Absent, Excused — Davis, Y.; Riddle.

Absent — Chavez; Chisum; Christian; Eiland; Keffer; McCall; Moreno.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 198. I intended to vote no.

Callegari

When Record No. 198 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

I was shown voting yes on Record No. 198. I intended to vote no.

Darby

When Record No. 198 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

### CSHB 423 ON SECOND READING

(by Corte)

**CSHB 423**, A bill to be entitled An Act relating to requiring that medical examiners and justices of the peace report certain deaths that result from a motor vehicle accident to the Texas Department of Public Safety.

**CSHB 423** 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.)

(Macias in the chair)

**CSHB 34 ON SECOND READING**  
**(by Solomons)**

**CSHB 34**, A bill to be entitled An Act relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.

**CSHB 34** 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 473 ON SECOND READING**  
**(by Solomons)**

**HB 473**, A bill to be entitled An Act relating to the application of certain fee guidelines to health care provided under the workers' compensation system.

Representative Solomons moved to postpone consideration of **HB 473** until 11 a.m. Tuesday, April 3.

The motion prevailed.

**HB 694 ON SECOND READING**  
**(by Smithee)**

**HB 694**, A bill to be entitled An Act relating to the declination of compensation by a candidate for a county or precinct office.

**HB 694** 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: F. Brown, Gattis, and Zedler recorded voting no.)

**CSHB 396 ON SECOND READING**  
**(by B. Cook and Murphy)**

**CSHB 396**, A bill to be entitled An Act relating to the development of a standard method of computing a student's high school grade point average.

**CSHB 396** 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 314 ON SECOND READING**  
**(by Eissler, Eiland, et al.)**

**CSHB 314**, A bill to be entitled An Act relating to the classroom placement of multiple birth siblings in public schools.

**CSHB 314** 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 1206 ON SECOND READING**  
**(by Keffer)**

**CSHB 1206**, A bill to be entitled An Act relating to the effect of a school district's participation in tax increment financing in connection with certain reinvestment zones on the taxable value of property in the district for school finance purposes.

**CSHB 1206** 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.)

**POSTPONED BUSINESS**

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

**CSHB 815 ON SECOND READING**  
**(by Dutton)**

**CSHB 815**, A bill to be entitled An Act relating to the hours for selling alcoholic beverages in certain establishments.

**CSHB 815** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Dutton offered the following amendment to **CSHB 815**:

Amend **CSHB 815** as follows:

(1) On page 1, between lines 7 and 8, insert the following:  
Sec. 29A.01. APPLICATION OF CHAPTER. This chapter applies only to a premises located in a municipality with a population of 500,000 or more.

(2) On page 1, line 8, strike "29A.01" and substitute "29A.02".

(3) On page 1, line 13, strike "29A.02" and substitute "29A.03".

(4) On page 2, line 3, strike "29A.03" and substitute "29A.04".

(5) On page 2, line 5, strike "29A.04" and substitute "29A.05".

(6) On page 2, line 12, strike "to a registered guest of the hotel only" and substitute "only to a registered guest of the hotel".

(7) On page 2, lines 14-15, strike "to a registered guest of the hotel only" and substitute "only to a registered guest of the hotel".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Dutton offered the following amendment to **CSHB 815**:

Amend **CSHB 815** on page 2, between lines 8 and 9, by inserting the following:

Sec. 29A.05. PERMITTED PREMISES. Hotel bar, hotel lounge, or public room means those areas in a hotel that are not specifically excluded from:

(1) the permitted premises in accordance with Section 11.49; or

(2) a specific establishment within the hotel that holds a permit or license providing for the on-premises consumption of alcoholic beverages.

Amendment No. 2 was adopted.

(Speaker in the chair)

**Amendment No. 3**

Representative Geren offered the following amendment to **CSHB 815**:

Amend **CSHB 815** on page 2, between lines 8 and 9, by inserting the following:

Sec. 29A.05. LIMIT ON NUMBER OF ESTABLISHMENTS. The holder of an all-night hotel mixed beverage permit may only operate one establishment at the hotel that sells alcoholic beverages during the hours authorized by the permit.

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Martinez Fischer offered the following amendment to **CSHB 815**:

Amend **CSHB 815** on page 2, line 4, after the period, by inserting "The commission shall spend one-half of the permit fees collected under this chapter on programs that lower the incidence of driving while intoxicated and that increase enforcement activity with respect to driving while intoxicated."

Amendment No. 4 was adopted.

(Puente in the chair)

**Amendment No. 5**

Representative Martinez Fischer offered the following amendment to **CSHB 815**:

Amend **CSHB 815** on page 2, between lines 8 and 9, by inserting the following:

Sec. 29A.05. ALTERNATIVE TRANSPORTATION. A holder of an all-night hotel mixed beverage permit shall contract with a taxicab company or service to make transportation available 24 hours a day to any guest of the hotel. This section does not require the permit holder to pay for an individual guest's transportation.

Amendment No. 5 was adopted.

(Speaker in the chair)

### **CSHB 815 - REMARKS**

REPRESENTATIVE C. HOWARD: You know, it's amazing to me, it's amazing to me that this bill could be called an economic development bill. In the whole State of Texas, according to the research that we have here, there would be \$55,000 of income for the counties and the cities over that period. How much money are these same cities and counties going to have to spend for extra EMS, extra police, extra DPS? This bill, you know, it says these are for hotel guests and we just had an amendment that was accepted that said we're going to call a cab for the people that are drinking in the hotel. Why are we calling a cab for someone who had the hotel room? I mean, I'm a little bit confused. This bill does not say where this alcohol can be served. It says the hotel bar. That could be the pool deck, it could be the patio, it could be the balcony, it could even be a sports bar. So we could have drinking going on all over this hotel.

You know, we have, we've had certain communities that had the ability to extend their drinking laws from 1 a.m. to 2 a.m. on Sunday morning. And some communities enforce that, and said, "We want to extend the drinking hours." What this bill would do is say, "Well, we're wiping that out for everybody that did not want to extend that drinking law." This says, "Oh, it's 24 hours, whether you wanted extended drinking laws or not."

You are now—this is statewide. This is not one community, this is not for Houston, Texas. Let me tell you, Houston, Texas is a very favorable convention site already. We have a lot of conventions, and maybe Mr. Dutton has heard complaints about not being able to buy liquor after 2 a.m. And I will admit to you that I'm not normally up at 2 a.m., so I don't hear those complaints. But we are not in a situation where we're having to vie with someone else who provides alcohol 24 hours a day to get additional convention business.

So, I would like for y'all to seriously think about what this bill really does. It allows people to drink 24 hours a day and get on our highways and go out there on Sunday morning when most of us are going to church. These people can be coming out of the hotel bar, drunk as a coot, killing us and our kids. This is a bad bill. I hope y'all will seriously think about this, because this is a serious subject. There is no way that this can be considered an economic development bill. It is nothing other than a drink-all-night bill. The other thing I think you have to think about, and we kid about it a lot, some of these hotels, they say hotel guests, we have hotels that rent a room by the hour. So that means you can go in, rent a room for an hour and get drunk. I don't know. I ask you to think about this seriously. This is a serious matter, and I hope you'll consider it that, and I hope you will vote against this bill, because we don't need a bed and booze bill in Texas. Thank you.

### **REMARKS ORDERED PRINTED**

Representative Bohac moved to print remarks by Representative C. Howard.

The motion prevailed.

A record vote was requested.

**CSHB 815**, as amended, failed to pass to engrossment by (Record 199): 64 Yeas, 73 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Chavez; Cohen; Coleman; Cook, R.; Creighton; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Escobar; Farabee; Farrar; Flores; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hartnett; Hernandez; Hodge; Homer; Howard, D.; Jones; King, T.; Krusee; Kuempel; Lucio; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Morrison; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Strama; Straus; Truitt; Veasey; Villarreal.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Elkins; England; Farias; Flynn; Frost; Gallego; Gattis; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Herrero; Hilderbran; Hill; Hochberg; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; Latham; Laubenberg; Leibowitz; Macias; Madden; Martinez; Merritt; Miller; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Pitts; Ritter; Smith, W.; Smithee; Swinford; Talton; Taylor; Turner; Van Arsdale; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Riddle.

Absent — King, P.; King, S.; Kolkhorst; Moreno; Mowery; Phillips; Pierson; Solomons; Thompson; Vaught.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 199. I intended to vote no.

Giddings

When Record No. 199 was taken, my vote failed to register. I would have voted no.

S. King

When Record No. 199 was taken, my vote failed to register. I would have voted no.

Kolkhorst

I was shown voting yes on Record No. 199. I intended to vote no.

McClendon

I was shown voting yes on Record No. 199. I intended to vote no.

Noriega

When Record No. 199 was taken, my vote failed to register. I would have voted no.

Phillips

I was shown voting yes on Record No. 199. I intended to vote no.

T. Smith

When Record No. 199 was taken, my vote failed to register. I would have voted no.

Solomons

I was shown voting yes on Record No. 199. I intended to vote no.

Truitt

### **HB 4037 - PERMISSION TO INTRODUCE**

Representative Raymond requested permission to introduce and have placed on first reading **HB 4037**.

A record vote was requested.

Permission to introduce was granted by (Record 200): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; 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; Crossover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; 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; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Riddle.

Absent — Anderson; Delisi; Dutton; Hamilton; Moreno; O'Day; Thompson; Woolley.

### **STATEMENTS OF VOTE**

When Record No. 200 was taken, I was in the house but away from my desk. I would have voted yes.

Delisi

When Record No. 200 was taken, I was in the house but away from my desk. I would have voted yes.

Moreno

When Record No. 200 was taken, I was in the house but away from my desk. I would have voted yes.

Woolley

### **COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to House Rule 4, Section 9, Representative Truitt requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings, and that for purposes of this motion, those committees and subcommittees that are scheduled to meet upon adjournment today be considered to be scheduled to meet upon final recess today.

Permission to meet was granted.

### **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 1293** upon final recess today in E2.030.

The motion prevailed.

Representative Berman moved to suspend the five day posting rule to allow the Committee on Elections to consider **HB 1643** at 2 p.m. or upon recess today in E2.028.

The motion prevailed.

Representative Bailey moved to suspend the five day posting rule to allow the Committee on Urban Affairs to consider **HB 3352** upon final adjournment/recess tomorrow in E1.026.

The motion prevailed.

Representative Straus moved to suspend the five day posting rule to allow the Committee on Regulated Industries, Subcommittee on Energy Conservation and Efficiency, to consider **HB 467**, **HB 2178**, **HB 2567**, **HB 3241**, and **HB 3693** upon adjournment of the Committee on Regulated Industries meeting today in JHR 140.

The motion prevailed.

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Madden requested permission for the Committee on Corrections and the Joint Select Committee on the Operation and Management of the Texas Youth Commission to meet with the Senate Committee on Criminal Justice while the house is in session, at 1 p.m. tomorrow, in E1.030, for a public hearing, to consider issues relating to the Texas Youth Commission.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Border and International Affairs, upon final recess today, Desk 30, for a formal meeting, to consider **HB 2235**.

Pensions and Investments, 1:30 p.m. or final recess today, E1.026, for a public hearing, to consider **HB 2365** and invited testimony.

County Affairs, upon final recess today, Desk 105, for a formal meeting, to consider **HB 673**.

Land and Resource Management, Subcommittee on Eminent Domain, 3 p.m. or upon final recess today, E2.020, for a work session, to consider eminent domain issues.

Regulated Industries, Subcommittee on Energy Conservation and Efficiency, upon adjournment of the Committee on Regulated Industries meeting today, JHR 140, for a public hearing, to consider **HB 467**, **HB 2178**, **HB 2567**, **HB 3241**, and **HB 3693**.

Corrections, Senate Committee on Criminal Justice, and the Joint Select Committee on the Operation and Management of the Texas Youth Commission, 1 p.m. tomorrow, E1.030, for a public hearing, to consider issues relating to the Texas Youth Commission.

### RECESS

Representative Raymond moved that the house recess until 9 a.m. tomorrow in memory of J. C. "Pepe" Treviño, Jr., of Laredo.

The motion prevailed.

The house accordingly, at 3:32 p.m., recessed until 9 a.m. tomorrow.

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### ADDENDUM

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### SIGNED BY THE SPEAKER

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

**Senate List No. 15**

**SB 272**

### MESSAGES FROM THE SENATE

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



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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**March 26**

Agriculture and Livestock - **HB 2024**

Business and Industry - **HB 54, HB 177, HB 732**

Civil Practices - **HB 2005**

Criminal Jurisprudence - **HB 681, HB 1129, HB 1265**

Environmental Regulation - **HB 1251**

Land and Resource Management - **HB 1495, HB 1732, HB 1736, HB 2518**

Law Enforcement - **HB 320, HB 565, HB 638, HB 855, HB 964, HB 992, HB 1765, HCR 96**

Local Government Ways and Means - **HB 41, HB 1720, HB 1899, HB 2322**

Public Education - **HB 185, HB 209, HB 346, HB 500, HB 973, HB 974, HB 1059, HB 1622**

Urban Affairs - **HB 1390, HB 1784**

**SIGNED BY THE GOVERNOR**

**March 26 - HCR 2, HCR 39, HCR 54, HCR 56, HCR 63, HCR 73, HCR 75, HCR 79, HCR 100, HCR 133, HCR 135, HCR 147**

