

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SEVENTH DAY — TUESDAY, MAY 7, 2013

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 581).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Giddings.

Absent — Toth.

The speaker recognized Representative White who introduced Brother Scott Moody, senior pastor, First Baptist Church, Silsbee, who offered the invocation as follows:

Our Heavenly Father, it is through your kind benevolence that you have opened our eyes to see the light of another day. The tasks of the day await us, and we are a needy people. Take us as tools in your hand to work righteousness in the land. Cleanse us as sinners in need of washing from the filth of our sin to evoke a clean civility and a pure peace in our dealings with each other. Fill us as empty, needy vessels with spiritual, emotional, and physical strength to conduct ourselves with wisdom and honor in order to show mercy to the oppressed, work justice for the downtrodden, and remember those without voice or choice in our

state. Use us as your chosen instruments to seek the eternal welfare of the state. Remind us, Almighty God, that you govern in the affairs of men, that unjust laws invite your judgment as much as just and righteous laws express your loving will.

Give the members of this house wisdom, grace, and resolve to legislate righteous laws in the land. May they be ever mindful that you require that they act justly, love mercy, and walk humbly before you. Help us to find favor in your sight, remembering that when our ways please you, you make even our enemies to be at peace with us.

Yours, O Lord, is an everlasting dominion. Bless our great state. Bless our national, state, county, and precinct leaders. Bless our towns and cities. Bless our families and marriages. Bless our people. Bless this 83rd Session of the Texas Legislature. May we stand for truth until "justice runs down like water, and righteousness like a mighty stream." May we love and labor until "the earth be filled with the knowledge of the glory of the Lord as the waters cover the sea." Hear our prayer in the name of our Lord Jesus Christ. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Giddings on motion of Allen.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Collier and by unanimous consent, the reading and referral of bills was postponed until just prior to final recess.

CAPITOL PHYSICIAN

The speaker recognized Representative Collier who presented Dr. Joane Baumer of Fort Worth as the "Doctor for the Day."

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

(Moody in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 25).

HCR 35 - PREVIOUSLY ADOPTED

(by S. Davis)

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

HCR 35, In memory of Sergeant Jimmie DeVeril Norman of the Bellaire Police Department.

On motion of Representative Pickett, the names of all the members of the house were added to **HCR 35** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative S. Davis who introduced family members of Sergeant Jimmie DeVeril Norman and representatives of the Bellaire Police Department.

(Toth now present)

HR 1902 - ADOPTED (by Miles)

Representative Ratliff moved to suspend all necessary rules to take up and consider at this time **HR 1902**.

The motion prevailed.

The following resolution was laid before the house:

HR 1902, Honoring DaNae Couch, Miss Texas 2012, for her accomplishments and for her service to others.

HR 1902 was adopted.

On motion of Representative Márquez, the names of all the members of the house were added to **HR 1902** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Ratliff who introduced DaNae Couch, Miss Texas 2012.

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative S. Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. tomorrow.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 10:45 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 10:45 a.m. today, 3W.15, for a formal meeting, to set a calendar.

HR 1605 - PREVIOUSLY ADOPTED (by Carter)

The chair laid out the following previously adopted resolution:

HR 1605, Congratulating Senior Corporal Thomas B. Popken on his retirement from the Dallas Police Department.

On motion of Representative Pickett, the names of all the members of the house were added to **HR 1605** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Carter who introduced Senior Corporal Thomas B. Popken and representatives of the Dallas Police Department.

(Márquez in the chair)

LEAVES OF ABSENCE GRANTED

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

Hilderbran on motion of J. Davis.

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Local and Consent Calendars:

Anderson on motion of Raymond.

Bohac on motion of Raymond.

Burkett on motion of Raymond.

Clardy on motion of Raymond.

Farney on motion of Raymond.

Gonzales on motion of Raymond.

Larson on motion of Raymond.

Martinez on motion of Raymond.

Moody on motion of Raymond.

Muñoz on motion of Raymond.

Sheets on motion of Raymond.

S. Thompson on motion of Raymond.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 2038 ON THIRD READING (by Dukes, Raymond, and Coleman)

HB 2038, A bill to be entitled An Act relating to addressing disproportionality and disparities in the education, juvenile justice, child welfare, health, and mental health systems, the continuation and operation of the Interagency Council for Addressing Disproportionality, and the duties of the Center for Elimination of Disproportionality and Disparities.

Amendment No. 1

Representative Collier offered the following amendment to **HB 2038**:

Amend **HB 2038**, on third reading, as follows:

(1) In SECTION 1 of the bill, strike the recital and substitute the following: Chapter 107A, Health and Safety Code, is amended by adding Sections 107A.0021, 107A.0022, 107A.0023, and 107A.004 and amending Section 107A.003 to read as follows:

(2) In SECTION 1 of the bill, between added Section 107A.0022, Health and Safety Code, and amended Section 107A.003, Health and Safety Code, insert the following:

Sec. 107A.0023. TASK FORCE TO STUDY REFERRAL AND EVALUATION OF STUDENTS TO SPECIAL EDUCATION SERVICES. (a) The center shall establish a task force to study the referral and evaluation methods by which students in public schools are determined to be eligible for special education services. The center and the Texas Education Agency shall provide assistance to the task force.

(b) The task force is composed of 17 members appointed by the commissioner of education as follows:

(1) one representative from the Interagency Council for Addressing Disproportionality;

(2) one representative from the Texas Educational Diagnosticians' Association;

(3) one representative from the Texas Association of School Psychologists;

(4) one representative from the Texas Council of Administrators of Special Education;

(5) one representative from a disability advocacy organization;

(6) three representatives from a parental advocacy organization that consists of parents of students who have been referred to special education programs;

(7) two academic professionals working at a public university in the state whose research is focused on:

(A) cultural lifestyle factors and referral to special education programs; or

(B) disproportionate representation of minority student groups in special education programs;

(8) five current school district faculty members or administrators who work with special education referral and evaluation and who represent a diverse cross-section regarding socioeconomic status and ethnicity and cultural, rural, and urban representation;

(9) one member of the senate; and

(10) one member of the house of representatives.

(c) The study must consider:

(1) the relationship between referring students to special education programs and funding;

(2) the relationship between referral and standardized test-based professional evaluation;

(3) the level of parental participation, notification, and involvement in the evaluation and referral process, including explanations of methods to be used in the full individual and initial evaluation and the review of existing evaluation data;

(4) the methods to effectively promote parental involvement and education in the referral and evaluation process;

(5) the use of each disability category as defined by state law in establishing eligibility for special education services and the incidence of removal from general education classrooms;

(6) the implementation of nondiscrimination policies stated in the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) in the referral and evaluation process, including the methods of evaluation used and the demographics of current enrollment;

(7) whether a disproportionate representation of children who are members of a racial or ethnic minority exists in the special education program;

(8) the best practices for response to intervention in the referral and evaluation process, including standards for professional development;

(9) if the need exists for statewide response to intervention standards and the implementation of the best practices for response to intervention across the state;

(10) whether a disproportionate representation of children who are economically disadvantaged exists in the special education program;

(11) the methods utilized by the admission, review, and dismissal committee to determine whether a student should be dismissed from special education; and

(12) whether a disproportionate representation of children who are members of a racial or ethnic minority exists in those children who are not dismissed from special education.

(d) Not later than September 1, 2015, the task force shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, the presiding officer of each standing committee of the legislature with primary responsibility over human services, and the presiding officer of each standing committee of the legislature with primary responsibility over public primary and secondary education that states:

(1) the findings and recommendations of the task force; and

(2) a description of the activities of the task force.

(e) This section expires and the task force is abolished January 1, 2016.

Amendment No. 1 was adopted.

HB 2038, as amended, failed to pass by (Record 582): 61 Yeas, 68 Nays, 1 Present, not voting. (The vote was reconsidered on May 8, amendments were offered and disposed of, and **HB 2038**, as amended, was passed by Record No. 689.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Burnam; Callegari; Canales; Coleman; Collier; Cortez; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Geren; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; King, T.; Kolkhorst; Longoria; Lozano; Lucio; Márquez(C); Martinez Fischer; McClendon; Menéndez; Miles; Nevárez; Oliveira; Otto; Perez; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Strama; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Ashby; Bell; Bonnen, D.; Bonnen, G.; Branch; Button; Capriglione; Carter; Cook; Creighton; Crownover; Dale; Davis, S.; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Harless; Harper-Brown; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Paddie; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Ritter; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Sheets; Thompson, S.

Absent — Craddick; Gooden; Hunter; Naishtat; Parker; White.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 582. I intended to vote no.

Aycock

When Record No. 582 was taken, I was excused for a committee meeting. I would have voted no.

Burkett

When Record No. 582 was taken, I was in the house but away from my desk. I would have voted no.

Craddick

I was shown voting yes on Record No. 582. I intended to vote no.

Darby

When Record No. 582 was taken, I was in the house but away from my desk. I would have voted no.

Gooden

When Record No. 582 was taken, I was temporarily out of the house chamber. I would have voted no.

Hunter

I was shown voting yes on Record No. 582. I intended to vote no.

Kolkhorst

When Record No. 582 was taken, I was temporarily out of the house chamber. I would have voted yes.

Naishtat

When Record No. 582 was taken, I was in the house but away from my desk. I would have voted no.

Parker

When Record No. 582 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

When Record No. 582 was taken, I was in the house but away from my desk. I would have voted no.

White

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Pitts on motion of Otto.

HB 2712 ON THIRD READING

(by Perez, Hernandez Luna, Strama, Walle, and Isaac)

HB 2712, A bill to be entitled An Act relating to the exemption from ad valorem taxation of energy storage systems used for the control of air pollution in a nonattainment area.

Amendment No. 1

Representative D. Bonnen offered the following amendment to **HB 2712**:

Amend **HB 2712** (second reading engrossment) on third reading by striking SECTIONS 4 and 5 of the bill (page 3, line 18, through page 4, line 20) and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

HB 2712, as amended, was passed by (Record 583): 89 Yeas, 38 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycoc; Bell; Burnam; Button; Callegari; Canales; Coleman; Collier; Cook; Cortez; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Geren; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Laubenberg; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto;

Paddie; Perez; Pickett; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Smith; Stephenson; Strama; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Ashby; Bonnen, D.; Bonnen, G.; Branch; Capriglione; Carter; Creighton; Dale; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Harless; Klick; Kolkhorst; Krause; Kuempel; Lavender; Leach; Lewis; Patrick; Perry; Phillips; Price; Ritter; Schaefer; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; White; Zedler.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Craddick; Hughes; Miles; Parker; Turner, E.S.

STATEMENTS OF VOTE

When Record No. 583 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 583 was taken, I was in the house but away from my desk. I would have voted yes.

Craddick

I was shown voting yes on Record No. 583. I intended to vote no.

Gooden

When Record No. 583 was taken, I was in the house but away from my desk. I would have voted no.

Parker

When Record No. 583 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

**HB 990 ON THIRD READING
(by S. Thompson)**

HB 990, A bill to be entitled An Act relating to the establishment of a sentencing policy, accountability, and review council to develop means to assess the effect of sentencing practices and policies on state correctional resources and improve the efficiency of the state criminal justice system.

HB 990 was passed by (Record 584): 100 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Branch; Burnam; Callegari; Canales; Carter; Coleman; Collier; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Geren; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Laubenberg; Leach; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, R.; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Simpson; Smith; Smithee; Strama; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Aycock; Bell; Bonnen, D.; Bonnen, G.; Button; Capriglione; Dale; Fallon; Frank; Goldman; Gooden; Kleinschmidt; Klick; Krause; Lavender; Miller, D.; Morrison; Perry; Phillips; Sanford; Sheffield, R.; Simmons; Springer; Stickland; Taylor; Thompson, E.; Zedler.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Cortez; Craddick; Keffer; Parker; Rodriguez, E.; Stephenson.

STATEMENTS OF VOTE

When Record No. 584 was taken, I was excused for a committee meeting. I would have voted no.

Burkett

When Record No. 584 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

When Record No. 584 was taken, I was in the house but away from my desk. I would have voted no.

Craddick

When Record No. 584 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

I was shown voting yes on Record No. 584. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 584. I intended to vote no.

Frullo

I was shown voting yes on Record No. 584. I intended to vote no.

Harless

I was shown voting yes on Record No. 584. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 584. I intended to vote no.

P. King

I was shown voting yes on Record No. 584. I intended to vote no.

Laubenberg

When Record No. 584 was taken, I was in the house but away from my desk. I would have voted no.

Parker

I was shown voting yes on Record No. 584. I intended to vote no.

Price

When Record No. 584 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

I was shown voting yes on Record No. 584. I intended to vote no.

E. S. Turner

**HB 1965 ON THIRD READING
(by Harper-Brown)**

HB 1965, A bill to be entitled An Act relating to the state contracting duties of the quality assurance team and Contract Advisory Team.

HB 1965 was passed by (Record 585): 125 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Creighton; Crownover; Dale; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons;

Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson; Stickland.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Craddick; Darby; Hughes; Keffer; Lewis; Parker.

STATEMENTS OF VOTE

When Record No. 585 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 585 was taken, I was in the house but away from my desk. I would have voted yes.

Craddick

When Record No. 585 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

When Record No. 585 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

When Record No. 585 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

HB 2447 ON THIRD READING (by Martinez)

HB 2447, A bill to be entitled An Act relating to the sale and advertisement of portable fire extinguishers.

HB 2447 was passed by (Record 586): 94 Yeas, 37 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bonnen, D.; Burnam; Callegari; Canales; Carter; Coleman; Collier; Cortez; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Geren; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Hughes; Hunter; Johnson; King, K.; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Laubenberg; Leach; Lewis; Longoria; Lozano; Lucio; Martinez

Fischer; McClendon; Menéndez; Miles; Miller, D.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Perry; Phillips; Pickett; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Strama; Thompson, E.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Bell; Bonnen, G.; Branch; Button; Capriglione; Cook; Craddick; Creighton; Dale; Fallon; Frank; Frullo; Goldman; Gooden; Huberty; Isaac; Kacal; Kleinschmidt; Klick; Krause; Lavender; Miller, R.; Paddie; Parker; Price; Ratliff; Sanford; Schaefer; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Toth; Turner, E.S.; White.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Keffer.

STATEMENTS OF VOTE

When Record No. 586 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

I was shown voting yes on Record No. 586. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 586. I intended to vote no.

Perry

When Record No. 586 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

HB 2446 ON THIRD READING

(by Crownover, Keffer, P. King, Morrison, Lewis, et al.)

HB 2446, A bill to be entitled An Act relating to the definitions of advanced clean energy projects and clean energy projects and to franchise tax credits for certain of those projects.

HB 2446 was passed by (Record 587): 120 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty;

Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Capriglione; Fallon; Goldman; Klick; Krause; Perry; Schaefer; Simpson; Springer; Stephenson; Stickland.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Davis, Y.; Dukes.

STATEMENTS OF VOTE

When Record No. 587 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 587 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

When Record No. 587 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

I was shown voting yes on Record No. 587. I intended to vote no.

E. S. Turner

HB 3671 ON THIRD READING (by Cook, Carter, and Burnam)

HB 3671, A bill to be entitled An Act relating to the right of certain young crime victims to a speedy trial and to be considered with respect to a defendant's motion for continuance.

HB 3671 was passed by (Record 588): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins;

Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

STATEMENTS OF VOTE

When Record No. 588 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 588 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

When Record No. 588 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

HB 3459 ON THIRD READING (by Eiland)

HB 3459, A bill to be entitled An Act relating to the determination of the boundaries of, and the enforcement of the law governing access to, public beaches.

HB 3459 was passed by (Record 589): 91 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bonnen, D.; Bonnen, G.; Burnam; Callegari; Canales; Coleman; Collier; Cook; Cortez; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Fletcher; Frank; Geren; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kuempel; Lavender; Lewis;

Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Patrick; Perez; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Smith; Smithee; Stephenson; Strama; Taylor; Toth; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Ashby; Aycock; Bell; Branch; Button; Capriglione; Carter; Craddick; Creighton; Dale; Elkins; Fallon; Flynn; Frullo; Goldman; Gooden; Hughes; Isaac; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Laubenberg; Leach; Miller, R.; Orr; Parker; Perry; Ratliff; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Springer; Stickland; Thompson, E.; Turner, E.S.; Villalba; White; Zedler.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

STATEMENTS OF VOTE

When Record No. 589 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

I was shown voting yes on Record No. 589. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 589. I intended to vote no.

Harper-Brown

When Record No. 589 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

HB 1133 ON THIRD READING (by Otto, Harless, Toth, Hilderbran, et al.)

HB 1133, A bill to be entitled An Act relating to a sales and use tax refund for tangible personal property used to provide cable television service, Internet access service, or telecommunications services and to the exclusion of that property in certain economic development agreements.

HB 1133 was passed by (Record 590): 130 Yeas, 0 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon;

Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez(C); Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Burnam; Gutierrez; Kolkhorst.

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Strama.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 590. I intended to vote no.

Branch

When Record No. 590 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 590 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

When Record No. 590 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

HB 1736 ON THIRD READING

(by Anchia, Rose, Keffer, Hughes, Bohac, et al.)

HB 1736, A bill to be entitled An Act relating to a temporary exemption from ad valorem taxation of property used to collect, process, and deliver landfill-generated gas.

HB 1736 was passed by (Record 591): 107 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Craddick; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton;

Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Hunter; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Leach; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.; Smith; Strama; Taylor; Thompson, E.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Bonnen, D.; Capriglione; Creighton; Fallon; Frank; Isaac; Kacal; Klick; Krause; Lavender; Schaefer; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Toth; Turner, E.S.; Zedler.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Crossover; Dukes; Frullo; Huberty; Hughes; McClendon.

STATEMENTS OF VOTE

When Record No. 591 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 591 was taken, I was in the house but away from my desk. I would have voted no.

Crossover

When Record No. 591 was taken, I was in the house but away from my desk. I would have voted no.

Frullo

I was shown voting yes on Record No. 591. I intended to vote no.

Gooden

I was shown voting yes on Record No. 591. I intended to vote no.

Harless

When Record No. 591 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 591. I intended to vote no.

Perry

When Record No. 591 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

HB 1748 ON THIRD READING
(by Branch, Herrero, Fletcher, Carter, et al.)

HB 1748, A bill to be entitled An Act relating to the punishment for defendants who commit certain aggravated sexual assaults.

HB 1748 was passed by (Record 592): 130 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez(C); Martinez Fischer; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Allen.

Present, not voting — Mr. Speaker.

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Dukes; McClendon; Rodriguez, E.

STATEMENTS OF VOTE

I was shown voting no on Record No. 592. I intended to vote yes.

Allen

When Record No. 592 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 592 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

When Record No. 592 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

HB 1772 ON THIRD READING
(by C. Turner, Anchia, and S. Turner)

HB 1772, A bill to be entitled An Act relating to the disconnection of electric or gas utility service.

Amendment No. 1

Representative C. Turner offered the following amendment to **HB 1772**:

Amend **HB 1772** on third reading by striking the effective date of the Act and substituting the following:

SECTION 5. This Act takes effect January 1, 2014.

Amendment No. 1 was adopted.

HB 1772, as amended, was passed by (Record 593): 132 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Martinez Fischer.

STATEMENTS OF VOTE

When Record No. 593 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 593 was taken, I was temporarily out of the house chamber. I would have voted yes.

Martinez Fischer

When Record No. 593 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

HB 26 ON THIRD READING
(by Martínez Fischer)

HB 26, A bill to be entitled An Act relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.

HB 26 was passed by (Record 594): 121 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Capriglione; Dale; Fallon; Goldman; Klick; Krause; Schaefer; Simpson; Stickland; Thompson, E.; Toth; Zedler.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

STATEMENTS OF VOTE

When Record No. 594 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

I was shown voting yes on Record No. 594. I intended to vote no.

Gooden

I was shown voting no on Record No. 594. I intended to vote yes.

Krause

When Record No. 594 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

I was shown voting no on Record No. 594. I intended to vote yes.

Zedler

HB 3285 ON THIRD READING (by Y. Davis)

HB 3285, A bill to be entitled An Act relating to the reporting of health care associated infections.

HB 3285 was passed by (Record 595): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

STATEMENTS OF VOTE

When Record No. 595 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 595 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

When Record No. 595 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

HB 2268 ON THIRD READING (by Frullo, S. Thompson, and Fletcher)

HB 2268, A bill to be entitled An Act relating to search warrants issued in this state and other states for certain customer data, communications, and other related information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.

HB 2268 was passed by (Record 596): 129 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Moody; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Eiland; Nevárez; Workman.

STATEMENTS OF VOTE

When Record No. 596 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 596 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

(Moody now present)

HB 2887 ON THIRD READING

(by J. Davis, Burkett, S. Turner, Kolkhorst, Menéndez, et al.)

HB 2887, A bill to be entitled An Act relating to the establishment and expansion of community collaboratives by entities to provide services to and coordinate the care of persons who are homeless, persons with mental illness, and persons with substance abuse problems.

HB 2887 was passed by (Record 597): 111 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bonnen, G.; Burnam; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Perez; Perry; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Stephenson; Strama; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Bonnen, D.; Branch; Button; Creighton; Dale; Flynn; Laubenberg; Lavender; Leach; Orr; Phillips; Schaefer; Simmons; Springer; Stickland; Taylor; Thompson, E.; Turner, E.S.; Zedler.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Muñoz; Pitts; Sheets; Thompson, S.

Absent — Bell; Klick; Moody; Patrick.

STATEMENTS OF VOTE

When Record No. 597 was taken, my vote failed to register. I would have voted yes.

Bell

When Record No. 597 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

I was shown voting yes on Record No. 597. I intended to vote no.

Goldman

I was shown voting yes on Record No. 597. I intended to vote no.

Gooden

When Record No. 597 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

(Bohac, Sheets, and S. Thompson now present)

HB 3668 ON THIRD READING
(by Naishtat, Fletcher, and Wu)

HB 3668, A bill to be entitled An Act relating to an individual's responsibilities following an accident possibly resulting in injury to or death of a person; imposing criminal penalties.

HB 3668 was passed by (Record 598): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stickland.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Muñoz; Pitts.

STATEMENT OF VOTE

When Record No. 598 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

HB 3162 ON THIRD READING (by J. Davis and Button)

HB 3162, A bill to be entitled An Act relating to the Texas emerging technology fund.

HB 3162 was passed by (Record 599): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stickland.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Anderson; Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Muñoz; Pitts.

STATEMENTS OF VOTE

When Record No. 599 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 599 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

(Anderson now present)

HB 170 ON THIRD READING

(by Alonzo, Márquez, Alvarado, S. Davis, and Dukes)

HB 170, A bill to be entitled An Act relating to the coverage by certain health benefit plans of mammograms performed by certain health care providers.

(Harper-Brown in the chair)

Representative Alonzo moved to postpone consideration of **HB 170** until 1 p.m. today.

The motion prevailed.

HB 1908 ON THIRD READING

(by Eiland and Hilderbran)

HB 1908, A bill to be entitled An Act relating to sports and community venue projects.

HB 1908 was passed by (Record 600): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Collier; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Burkett; Clardy; Farney; Gonzales; Larson; Martinez; Muñoz; Pitts.

Absent — Coleman; Cook; Hughes.

STATEMENT OF VOTE

When Record No. 600 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

(Gonzales and Larson now present)

HB 3805 ON THIRD READING (by Gonzales)

HB 3805, A bill to be entitled An Act relating to the discharge of an officer or employee of the Department of Public Safety of the State of Texas.

HB 3805 was passed by (Record 601): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Burkett; Clardy; Farney; Martinez; Muñoz; Pitts.

Absent — Hughes.

STATEMENTS OF VOTE

When Record No. 601 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 601 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

(Clardy now present)

HB 2532 ON THIRD READING
(by Workman and Isaac)

HB 2532, A bill to be entitled An Act relating to the regulation of propane distribution system retailers; authorizing a fee.

HB 2532 was passed by (Record 602): 125 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Bonnen, D.; Fallon; Frank; Hughes; Krause; Laubenberg; Lavender; Parker; Phillips; Schaefer; Simmons; Simpson; Stickland; Thompson, E.; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Burkett; Farney; Martinez; Muñoz; Pitts.

STATEMENTS OF VOTE

When Record No. 602 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 602 was taken, I was excused for a committee meeting. I would have voted yes.

Farney

(Burkett and Farney now present)

HB 2694 ON THIRD READING
(by Villarreal and Ratliff)

HB 2694, A bill to be entitled An Act relating to the provision of credit by examination for public school students.

Representative Ratliff moved to postpone consideration of **HB 2694** until 1 p.m. today.

The motion prevailed.

HB 2330 ON THIRD READING
(by Gooden)

HB 2330, A bill to be entitled An Act relating to regulation of traffic in a conservation and reclamation district by a commissioners court.

HB 2330 was passed by (Record 603): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycocock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Rane; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Martinez; Muñoz; Pitts.

Absent — Anderson; Gonzales; Huberty; Hughes; King, S.; Workman.

STATEMENTS OF VOTE

When Record No. 603 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 603 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

(Martinez and Muñoz now present)

HB 3536 ON THIRD READING

(by Otto, Kolkhorst, S. Turner, Howard, Zerwas, et al.)

HB 3536, A bill to be entitled An Act relating to imposing a fee on the sale of cigarettes and cigarette tobacco products manufactured by certain companies; providing penalties; changing the rate of the tax on chewing tobacco.

HB 3536 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LEWIS: Representative Otto, I have some questions for you with regard to this as I mentioned to you before. Now, what this bill does is it imposes a fee on certain tobacco companies, but the same application is not on other tobacco companies, as you just laid out, is that correct?

REPRESENTATIVE OTTO: This imposes a fee on the tobacco companies who are currently paying nothing to the State of Texas for future health care costs related to tobacco illnesses.

LEWIS: Okay, and that's what I want to visit with you about, if I might, and ask you some questions about. Certain tobacco companies, being the major, the big players in the tobacco market, are paying a fee to the State of Texas, and certain other, mostly much smaller companies, are not. And that's what you're calling a loophole and a disparity, is that right?

OTTO: Well, you've left out another group—the group that is paying into the master settlement agreement, but is not paying to the State of Texas. I don't know how to classify all of those companies by size.

LEWIS: Okay, that's fine. Now, the major tobacco companies, basically they were subject to a lawsuit filed in 1996 by the State of Texas, correct?

OTTO: Yes, my recollection is in the 1990s.

LEWIS: Okay, and they were charged—those companies were charged—by the State of Texas with committing certain wrongs, correct?

OTTO: That's correct.

LEWIS: They were charged with racketeering, with fraud; they were charged with conspiracy and deceptive business practices. So, the state was claiming that these companies did wrong things, correct?

OTTO: That's correct, and they paid an up-front fee for those wrong things.

LEWIS: Okay, and among those, I guess, is Phillip Morris, R. J. Reynolds, Brown and Williamson, Lorillard, and I think U. S. Tobacco. Does that sound familiar?

OTTO: Yes.

LEWIS: And they agreed to pay \$17 billion to settle these charges over, I think, a 25 year period. The numbers may be a little bit wrong, but is that roughly correct?

OTTO: Roughly, that's correct.

LEWIS: And I really don't know this, that's why I'm trying to find out. And is that the fee that you're talking about, that those companies are paying, but some other companies are not paying, and you want those companies to pay that fee?

OTTO: The fee I'm talking about, Representative Lewis, is a fee that, to my understanding, goes on into perpetuity. It is not limited to 25 years. It is to cover the future health care costs to the State of Texas. And what my bill does, by putting everybody under the same fee structure, it also grants liability protection to those companies who currently do not have it.

LEWIS: Now, is this a fee that these companies agreed to pay as part of the settlement?

OTTO: Yes.

LEWIS: Okay. Now, did these other companies that you're seeking to get the fee from now agree to pay this money in a settlement?

OTTO: They were not part of the lawsuit, so they did not agree.

LEWIS: Has the State of Texas—has our state, our attorney general's office—filed any lawsuit against these other companies that you're now trying to get in on this fee? Have we filed against them, saying that they did anything wrong—that they defrauded anybody, they conspired against anybody, they were guilty of any deception? Has anybody charged them with any wrongdoing, that you're aware of?

OTTO: Not at this time.

LEWIS: But even though they're not charged with any wrongdoing, what your bill would be, it would make them pay the same amount that the big companies who were charged with wrongdoing by the state, are paying in the state. So they'd be the same, is that right?

OTTO: I'm going to object to the characterization that they're paying for wrongdoing. This part of the fee that's being paid to the State of Texas is for the health care costs that the State of Texas is going to incur as a result. They're all selling the same product—cigarettes.

LEWIS: Okay. And the reason—and I don't mean to be confrontational at all, John, I really don't—but I was just using the characterization that you said it was part of the settlement. And really, my whole question here is that, if the attorney general settles with people who are accused of wrongdoing all the time, and in every one of those we don't go out and say, "Okay, well all their competitors have to pay it too, so it'll close the loophole." But you agree with me, in this case, that people who are not being accused of wrongdoing are going to have to pay the same fee that was settled for by people that were accused of wrongdoing?

OTTO: You're equating the wrongdoing to the fee. I am equating the money that was paid up-front for the wrongdoing. The fee is specifically agreed-to to cover the future health care costs to this state.

REMARKS ORDERED PRINTED

Representative Stickland moved to print remarks between Representative Otto and Representative Lewis.

The motion prevailed.

HB 3536 was passed by (Record 604): 74 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Aycock; Burnam; Callegari; Canales; Coleman; Collier; Cook; Cortez; Crownover; Darby; Davis, J.; Davis, S.; Dukes; Eiland; Farias; Farrar; Geren; Gonzales; González, M.; Guerra; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Johnson; Keffer; King, K.; King, T.; Kolkhorst; Larson; Lavender; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Pickett; Price; Raney; Ratliff; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Sheffield, J.; Sheffield, R.; Smith; Stephenson; Strama; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Anchia; Anderson; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Button; Capriglione; Carter; Clardy; Craddick; Creighton; Dale; Davis, Y.; Deshotel; Dutton; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzalez, N.; Gooden; Hughes; Isaac; Kacal; King, P.; King, S.; Kleinschmidt; Klick; Krause; Kuempel; Laubenberg; Leach; Lewis; Márquez; Miles; Miller, R.; Morrison; Murphy; Parker; Perry; Phillips; Raymond; Reynolds; Rose; Sanford; Schaefer; Sheets; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Ashby; Branch; Guillen; Hunter; Paddie.

STATEMENTS OF VOTE

When Record No. 604 was taken, I was absent because of important business. I would have voted no.

Branch

When Record No. 604 was taken, I was temporarily out of the house chamber. I would have voted no.

Hunter

When Record No. 604 was taken, I was temporarily out of the house chamber. I would have voted no.

Paddie

HB 2851 ON THIRD READING

(by Callegari, et al.)

HB 2851, A bill to be entitled An Act relating to the adoption of rules by state agencies.

HB 2851 was passed by (Record 605): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Villarreal; Vo; Walle; White; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hunter; Moody; Paddie; Workman.

STATEMENTS OF VOTE

When Record No. 605 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 605 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

When Record No. 605 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paddie

HB 3233 ON THIRD READING

(by Ritter, Johnson, and Taylor)

HB 3233, A bill to be entitled An Act relating to interbasin transfers of state water.

HB 3233 was passed by (Record 606): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Frullo; Hunter; Paddie; Simmons; Thompson, S.; Workman.

STATEMENTS OF VOTE

When Record No. 606 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 606 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 606 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paddie

When Record No. 606 was taken, I was in the house but away from my desk. I would have voted yes.

Simmons

HB 3234 ON THIRD READING (by Ritter, Johnson, and Taylor)

HB 3234, A bill to be entitled An Act relating to the procedure for action by the Texas Commission on Environmental Quality on an application for a water right.

HB 3234 was passed by (Record 607): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hunter; Paddie; Thompson, S.

STATEMENTS OF VOTE

When Record No. 607 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 607 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paddie

HB 1813 ON THIRD READING

(by Lucio)

HB 1813, A bill to be entitled An Act relating to the authority of a municipality to confiscate packaged fireworks; providing an affirmative defense for possessing fireworks in certain circumstances.

HB 1813 was passed by (Record 608): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hunter.

STATEMENT OF VOTE

When Record No. 608 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

HB 555 ON THIRD READING

(by Callegari)

HB 555, A bill to be entitled An Act relating to certain criminal offenses for violations of the law regulating metal recycling entities.

HB 555 was passed by (Record 609): 133 Yeas, 8 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Stephenson; Strama; Taylor; Thompson, E.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Canales; Dale; Perry; Schaefer; Simpson; Springer; Stickland; Toth.

Present, not voting — Mr. Speaker; Capriglione; Harper-Brown(C).

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Elkins; Hunter; Thompson, S.

STATEMENTS OF VOTE

When Record No. 609 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

I was shown voting yes on Record No. 609. I intended to vote no.

White

(Geren in the chair)

HB 626 ON THIRD READING
(by Harper-Brown and Capriglione)

HB 626, A bill to be entitled An Act relating to the number of hours certain employees must work to be eligible to participate in the Texas Municipal Retirement System.

Amendment No. 1

Representative Harper-Brown offered the following amendment to **HB 626**:

Amend **HB 626**, on third reading, by striking page 2, line 25, through page 3, line 1.

Amendment No. 1 was adopted.

HB 626, as amended, was passed by (Record 610): 107 Yeas, 31 Nays, 3 Present, not voting.

Yeas — Alonzo; Anderson; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Herrero; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Turner, S.; Villalba; Vo; Walle; White; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Canales; Collier; Cortez; Farias; Farrar; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Howard; King, T.; Longoria; Márquez; Martinez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Villarreal; Wu.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bohac; Coleman; Hunter; Morrison; Stickland; Workman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 610. I intended to vote no.

Herrero

When Record No. 610 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

HB 1862 ON THIRD READING**(by Dutton)**

HB 1862, A bill to be entitled An Act relating to the criminal consequences of engaging in certain conduct with respect to a switchblade knife.

HB 1862 was passed by (Record 611): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Zedler; Zerwas.

Nays — Wu.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Huberty; Hunter; Rodriguez, J.

STATEMENTS OF VOTE

When Record No. 611 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 611 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

HB 462 ON THIRD READING**(by Huberty, Creighton, Pitts, Harless, White, et al.)**

HB 462, A bill to be entitled An Act relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.

HB 462 was passed by (Record 612): 140 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Anchia; Strama.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hunter; Martinez Fischer; Nevárez.

STATEMENTS OF VOTE

When Record No. 612 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 612 was taken, I was temporarily out of the house chamber. I would have voted yes.

Martinez Fischer

When Record No. 612 was taken, I was in the house but away from my desk. I would have voted yes.

Nevárez

HB 1428 ON THIRD READING (by S. Davis)

HB 1428, A bill to be entitled An Act relating to inappropriate actions by the early voting ballot board; creating an offense.

HB 1428 was passed by (Record 613): 125 Yeas, 17 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Capriglione; Carter; Clardy; Coleman; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; White; Workman; Zedler; Zerwas.

Nays — Anchia; Canales; Collier; Cortez; Farias; González, M.; Hernandez Luna; Miles; Nevárez; Oliveira; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Walle; Wu.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Anderson; Gonzales; Simmons.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 613. I intended to vote no.

Alvarado

When Record No. 613 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

I was shown voting no on Record No. 613. I intended to vote yes.

S. Thompson

HB 1897 ON THIRD READING (by Eiland)

HB 1897, A bill to be entitled An Act relating to the exemption from ad valorem taxation of pollution control property.

HB 1897 was passed by (Record 614): 101 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bell; Bohac; Bonnen, G.; Burnam; Callegari; Canales; Coleman; Collier; Cook; Cortez; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra;

Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Perry; Phillips; Pickett; Price; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodríguez, E.; Rodríguez, J.; Rose; Schaefer; Sheffield, J.; Simpson; Smith; Strama; Thompson, E.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Ashby; Aycock; Bonnen, D.; Branch; Burkett; Button; Capriglione; Carter; Clardy; Craddick; Creighton; Crossover; Dale; Darby; Fallon; Frank; Goldman; Harless; Harper-Brown; Hughes; King, P.; Klick; Krause; Laubenberg; Morrison; Parker; Raney; Sanford; Sheets; Sheffield, R.; Simmons; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, S.; Toth; Turner, E.S.; Vallalba; Zedler.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farney; King, S.; Paddie.

STATEMENTS OF VOTE

When Record No. 614 was taken, my vote failed to register. I would have voted yes.

Farney

I was shown voting yes on Record No. 614. I intended to vote no.

Flynn

I was shown voting yes on Record No. 614. I intended to vote no.

Gooden

I was shown voting yes on Record No. 614. I intended to vote no.

D. Miller

When Record No. 614 was taken, I was temporarily out of the house chamber. I would have voted no.

Paddie

I was shown voting yes on Record No. 614. I intended to vote no.

Price

I was shown voting yes on Record No. 614. I intended to vote no.

Schaefer

I was shown voting no on Record No. 614. I intended to vote yes.

Sheets

HB 2320 ON THIRD READING**(by Parker)**

HB 2320, A bill to be entitled An Act relating to establishing a pilot program for driver education schools to administer certain driver's license examinations; authorizing fees.

HB 2320 was passed by (Record 615): 142 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Kolkhorst; Phillips; Rose.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

HB 2859 ON THIRD READING**(by Harless)**

HB 2859, A bill to be entitled An Act relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.

HB 2859 was passed by (Record 616): 120 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Frullo; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.;

King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheets; Sheffield, J.; Smith; Springer; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Bonnen, G.; Capriglione; Clardy; Fallon; Flynn; Frank; Goldman; Klick; Krause; Laubenberg; Leach; Perry; Phillips; Sanford; Sheffield, R.; Simmons; Simpson; Smithee; Stephenson; Stickland; Taylor; Toth; Turner, E.S.; Zedler.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Creighton.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 616. I intended to vote no.

Anderson

I was shown voting yes on Record No. 616. I intended to vote no.

Gooden

I was shown voting yes on Record No. 616. I intended to vote no.

Schaefer

I was shown voting yes on Record No. 616. I intended to vote no.

Springer

HB 3101 ON THIRD READING (by Morrison)

HB 3101, A bill to be entitled An Act relating to filing deadlines to become a write-in candidate in elections.

HB 3101 was passed by (Record 617): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson;

Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

HB 3103 ON THIRD READING

(by Morrison, E. Rodriguez, Klick, Wu, and R. Miller)

HB 3103, A bill to be entitled An Act relating to the administration of primary elections.

Amendment No. 1

Representative Taylor offered the following amendment to **HB 3103**:

Amend **HB 3103** on third reading as follows:

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

SECTION _____. Section 101.007, Election Code, is amended by adding Subsection (d) to read as follows:

(d) The secretary of state shall make a checklist or similar guidelines available for optional use by early voting clerks in processing an application and providing balloting materials under this chapter.

SECTION _____. Section 101.107(b), Election Code, is amended to read as follows:

(b) A voter who receives a ballot under this subchapter must return the ballot in the same manner as required under Section 101.057 except that a voter who completes a signature sheet is not required to complete a carrier envelope. Except [and, except] as provided by Chapter 105, the voter may not return the ballot by electronic transmission.

SECTION _____. Sections 172.054(a) and (b), Election Code, are amended to read as follows:

(a) The deadline for filing an application for a place on the general primary election ballot is extended as provided by this section if a candidate who has made an application that complies with the applicable requirements:

(1) dies on or after the fifth day before the date of the regular filing deadline and on or before the first [7th] day after the date of the regular filing deadline [before general primary election day];

(2) holds the office for which the application was made and withdraws or is declared ineligible on ~~[or after]~~ the date of the regular filing deadline ~~[and on]~~ or ~~[before]~~ the first [79th] day after the date of the regular filing deadline [before general primary election day]; or

(3) withdraws or is declared ineligible during the period prescribed by Subdivision (2), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate.

(b) An application for an office sought by a withdrawn, deceased, or ineligible candidate must be filed not later than 6 p.m. of the fifth day after the date of the regular filing deadline [81st day before general primary election day]. An application filed by mail with the state chair is not timely if received later than 5 p.m. of the fifth day after the date of the regular filing deadline [81st day before general primary election day].

SECTION _____. Section 172.057, Election Code, is amended to read as follows:

Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A candidate's name shall be omitted from the general primary election ballot if the candidate withdraws, dies, or is declared ineligible on or before the first [79th] day after the date of the regular filing deadline [before general primary election day].

SECTION _____. Section 172.058(a), Election Code, is amended to read as follows:

(a) If a candidate who has made an application for a place on the general primary election ballot that complies with the applicable requirements dies or is declared ineligible after the first [79th] day after the date of the regular filing deadline [before general primary election day], the candidate's name shall be placed on the ballot and the votes cast for the candidate shall be counted and entered on the official election returns in the same manner as for the other candidates.

SECTION _____. Sections 202.004(a) and (c), Election Code, are amended to read as follows:

(a) A political party's nominee for an unexpired term must be nominated by primary election if:

(1) the political party is making nominations by primary election for the general election in which the vacancy is to be filled; and

(2) the vacancy occurs on or before the fifth [62nd] day before the date of the regular deadline for candidates to file applications for a place on the general primary ballot [general primary election day].

(c) If the vacancy occurs after the 10th day before the date of the regular filing deadline, an application for the unexpired term must be filed not later than 6 ~~5~~ p.m. of the fifth day after the date of the regular filing deadline [15th day after the date the vacancy occurs or 5 p.m. of the 60th day before general primary election day, whichever is earlier].

SECTION _____. (a) Section 50, Chapter 1318 (**SB 100**), Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

(b) The secretary of state may not adjust or modify affected election dates, deadlines, or procedures to implement the federal Military and Overseas Voter Empowerment Act under Section 50, Chapter 1318 (**SB 100**), Acts of the 82nd Legislature, Regular Session, 2011.

(c) This section takes effect December 31, 2016.

(2) In the SECTION of the bill providing the effective date of the bill, strike "This Act takes effect" and substitute "Except as otherwise provided by this Act, this Act takes effect".

Amendment No. 1 was adopted.

HB 3103, as amended, was passed by (Record 618): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Naishtat; Orr.

HB 3121 ON THIRD READING **(by Harper-Brown, Ratliff, and Hilderbran)**

HB 3121, A bill to be entitled An Act relating to the qualifications for the exemption from ad valorem taxation for aircraft parts located in this state for a limited time.

HB 3121 was passed by (Record 619): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Orr.

HB 3152 ON THIRD READING (by Giddings)

HB 3152, A bill to be entitled An Act relating to the payment of and contracts with health care providers by certain entities under contract with a certified workers' compensation network.

HB 3152 was passed by (Record 620): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford;

Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Anchia; Harper-Brown.

HB 3196 ON THIRD READING

(by Price)

HB 3196, A bill to be entitled An Act relating to licensing and certification requirements for certain health facilities and to the allocation of Medicaid beds in certain of those facilities; increasing fees.

HB 3196 was passed by (Record 621): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stickland.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Alonzo.

HB 3327 ON THIRD READING**(by Coleman, Márquez, Rose, Burkett, and J. Davis)**

HB 3327, A bill to be entitled An Act relating to a list of mental health, substance abuse, and suicide prevention programs that may be selected for implementation by public schools.

HB 3327 was passed by (Record 622): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Fletcher.

HB 3370 ON THIRD READING**(by Craddick)**

HB 3370, A bill to be entitled An Act relating to the authority of certain retired peace officers to carry certain firearms.

HB 3370 was passed by (Record 623): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard;

Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodríguez, E.; Rodríguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

RECESS

At 12:01 p.m., the chair 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 Representative Sheets.

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).

HB 928 ON THIRD READING

(by Krause, Sanford, Fletcher, Lavender, Sheets, et al.)

HB 928, A bill to be entitled An Act relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

HB 928 was passed by (Record 624): 101 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Dukes; Dutton; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; McClendon; Miles; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheffield, J.; Sheffield, R.;

Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Turner, S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Canales; Coleman; Cortez; Davis, Y.; Deshotel; Farrar; Gonzalez, N.; Guerra; Hernandez Luna; Howard; Lucio; Márquez; Martinez; Menéndez; Muñoz; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rose; Strama; Turner, C.; Villarreal; Vo; Wu.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Anderson; Bonnen, G.; Collier; Eiland; Farias; González, M.; Gutierrez; Herrero; Martinez Fischer; Naishtat; Nevárez; Rodriguez, J.; Walle.

STATEMENTS OF VOTE

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted yes.

G. Bonnen

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted no.

Collier

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted no.

M. González

When Record No. 624 was taken, I was temporarily out of the house chamber. I would have voted no.

Herrero

I was shown voting no on Record No. 624. I intended to vote yes.

Lucio

When Record No. 624 was taken, I was temporarily out of the house chamber. I would have voted no.

Martinez Fischer

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted no.

Nevárez

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

HB 3566 ON THIRD READING
(by Kleinschmidt)

HB 3566, A bill to be entitled An Act relating to the regulation of advertising by structural pest control businesses.

HB 3566 was passed by (Record 625): 113 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Geren; Gonzales; González, M.; Gonzalez, N.; Guillen; Harless; Hernandez Luna; Herrero; Howard; Hughes; Hunter; Isaac; Johnson; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rose; Sheffield, J.; Sheffield, R.; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Anderson; Capriglione; Fallon; Frank; Goldman; Harper-Brown; Klick; Krause; Lavender; Morrison; Sanford; Schaefer; Simmons; Simpson; Stickland.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Branch; Burkett; Collier; Gooden; Guerra; Gutierrez; Huberty; Kacal; Keffer; Lewis; Martinez Fischer; Miles; Naishtat; Rodriguez, J.; Smith; Turner, S.; Vo.

STATEMENTS OF VOTE

When Record No. 625 was taken, my vote failed to register. I would have voted no.

Branch

When Record No. 625 was taken, I was in the house but away from my desk. I would have voted yes.

Collier

When Record No. 625 was taken, I was temporarily out of the house chamber. I would have voted no.

Gooden

When Record No. 625 was taken, I was temporarily out of the house chamber. I would have voted yes.

Huberty

When Record No. 625 was taken, I was temporarily out of the house chamber. I would have voted yes.

Martinez Fischer

When Record No. 625 was taken, I was in the house but away from my desk. I would have voted yes.

J. Rodriguez

HB 167 ON THIRD READING
(by McClendon, Craddick, Perry, et al.)

HB 167, A bill to be entitled An Act relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing a fee.

HB 167 was passed by (Record 626): 140 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Carter; Taylor.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Huberty; Laubenberg.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 626. I intended to vote no.

Button

When Record No. 626 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 626. I intended to vote no.

D. Miller

HB 899 ON THIRD READING

(by Perry, P. King, et al.)

HB 899, A bill to be entitled An Act relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.

HB 899 was passed by (Record 627): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Pitts.

Absent — Gooden; Johnson; Naishtat; Rodriguez, J.; Toth.

STATEMENT OF VOTE

When Record No. 627 was taken, I was in the house but away from my desk. I would have voted yes.

J. Rodriguez

(Pitts now present)

HB 1050 ON THIRD READING
(by Callegari)

HB 1050, A bill to be entitled An Act relating to construction-related and purchasing contracts by certain governmental entities.

Representative Geren moved to postpone consideration of **HB 1050** until 2 p.m. today.

The motion prevailed.

HB 1129 ON THIRD READING
(by White, Menéndez, Schaefer, Sanford, et al.)

HB 1129, A bill to be entitled An Act relating to a program allowing certain military voters on active duty overseas to cast a ballot electronically.

HB 1129 was passed by (Record 628): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Burnam; Gooden; Gutierrez; Johnson; Pitts.

HB 1228 ON THIRD READING
(by Dukes, S. Thompson, Raymond, Harless, Zerwas, et al.)

HB 1228, A bill to be entitled An Act relating to consideration by the court of sexual abuse and conduct that constitutes sexual assault in certain suits affecting the parent-child relationship.

HB 1228 was passed by (Record 629): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Burnam; Gooden; Johnson; Naishtat; Sheffield, R.; Toth.

STATEMENTS OF VOTE

When Record No. 629 was taken, my vote failed to register. I would have voted yes.

R. Sheffield

When Record No. 629 was taken, I was in the house but away from my desk. I would have voted yes.

Toth

HB 1302 ON THIRD READING

(by Clardy, Springer, Paddie, K. King, Toth, et al.)

HB 1302, A bill to be entitled An Act relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders.

Amendment No. 1

Representative Clardy offered the following amendment to **HB 1302**:

Amend **HB 1302** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. This Act shall be known as Justin's Law.

Amendment No. 1 was adopted.

HB 1302, as amended, was passed by (Record 630): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Davis, S.; Johnson.

HB 1392 ON THIRD READING
(by S. King, E. Rodriguez, et al.)

HB 1392, A bill to be entitled An Act relating to information provided by the Department of State Health Services on food regulation.

HB 1392 was passed by (Record 631): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford;

Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Gonzalez, N.; Johnson; White.

POSTPONED BUSINESS

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

HB 2694 ON THIRD READING **(by Villarreal and Ratliff)**

HB 2694, A bill to be entitled An Act relating to the provision of credit by examination for public school students.

HB 2694 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 2694**:

Amend **HB 2694** on third reading as follows:

(1) In SECTION 2 of the bill, after added Section 28.023(c-1), Education Code, insert the following:

(c-2) Each school district that offers the Texas State Seal of Bilingualism and Biliterycy described by Section 28.0256 shall award the seal to a student who has scored:

(1) a three or higher on a board-approved advanced placement examination that tests a language other than English administered by the College Board and Educational Testing Service; or

(2) a scaled score of 60 or higher on a board-approved examination that tests a language other than English administered through the College-Level Examination Program.

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

SECTION _____. (a) Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0256 to read as follows:

Sec. 28.0256. TEXAS STATE SEAL OF BILINGUALISM AND BILITERACY. (a) In this section, "seal" means the Texas State Seal of Bilingualism and Biliterycy established under Subsection (b).

(b) The agency shall establish a seal to recognize high school graduates who have attained a high level of proficiency in comprehending, speaking, reading, and writing in both English and a language other than English.

(c) A student earns the seal if the student:

(1) completes the curriculum requirements for English language arts under Section 28.025(b-1)(1) with a grade point average in those courses of at least 3.0 on a four-point scale;

(2) demonstrates proficiency in a language other than English by:

(A) earning a passing score on an advanced placement or international baccalaureate test for a language other than English; or

(B) completing four credits in the same language in a language other than English under Section 28.002(a)(2)(A) with a grade point average in those courses of at least 3.0 on a four-point scale; and

(3) if the student is enrolled in a school district that has implemented a dual language immersion program under Section 28.0051, completes at least six credits in the dual language immersion program after entering the sixth grade, including three credits that satisfy foundation curriculum requirements under Section 28.002(a)(1).

(d) The agency shall prepare and deliver to a participating school district an insignia that can be affixed or stamped on the diploma or transcript of a student who has satisfied requirements for earning the seal.

(e) The board of trustees of a school district may choose whether to offer the seal to students who satisfy the requirements for earning the seal.

(f) Each school district that offers the seal to an eligible student shall:

(1) maintain appropriate records to identify students who have earned the seal; and

(2) affix the seal's insignia to the diploma or transcript of each student who has satisfied requirements for earning the seal.

Amendment No. 1 was withdrawn.

HB 2694 was passed by (Record 632): 141 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Simpson; Stephenson; Stickland; Toth.

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

Absent, Excused — Giddings; Hilderbran.

STATEMENTS OF VOTE

I was shown voting no on Record No. 632. I intended to vote yes.

Toth

I was shown voting yes on Record No. 632. I intended to vote no.

E. S. Turner

GENERAL STATE CALENDAR

(consideration continued)

HB 1597 ON THIRD READING

(by N. Gonzalez, Kacal, Nevárez, Cortez, Menéndez, et al.)

HB 1597, A bill to be entitled An Act relating to installment payments of ad valorem taxes.

HB 1597 was passed by (Record 633): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stephenson.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Hunter; Turner, S.

STATEMENT OF VOTE

When Record No. 633 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

**HB 1360 ON THIRD READING
(by Ritter)**

HB 1360, A bill to be entitled An Act relating to the exemption from ad valorem taxation of real property leased to and used by certain schools.

HB 1360 was passed by (Record 634): 126 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Ashby; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Capriglione; Carter; Coleman; Collier; Cook; Craddick; Creighton; Crownover; Dale; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; White; Workman; Wu; Zedler; Zerwas.

Nays — Allen; Aycock; Bell; Canales; Clardy; Cortez; Darby; Farias; Farrar; Moody; Phillips; Raymond; Rodriguez, E.; Sheffield, J.; Turner, C.; Walle.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Davis, J.; Hernandez Luna; Lewis; Lucio.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 634. I intended to vote no.

Burnam

I was shown voting no on Record No. 634. I intended to vote yes.

Clardy

I was shown voting yes on Record No. 634. I intended to vote no.

M. González

I was shown voting yes on Record No. 634. I intended to vote no.

Muñoz

I was shown voting yes on Record No. 634. I intended to vote no.

Nevárez

I was shown voting yes on Record No. 634. I intended to vote no.

Patrick

HB 1931 ON THIRD READING
(by Guillen, Flynn, Lozano, et al.)

HB 1931, A bill to be entitled An Act relating to compensation of property owners whose property is damaged as a result of a pursuit involving a law enforcement agency.

HB 1931 was passed by (Record 635): 143 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Perry; Smithee.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Clardy.

STATEMENT OF VOTE

I was shown voting no on Record No. 635. I intended to vote yes.

Perry

HB 1992 ON THIRD READING
(by Smith, et al.)

HB 1992, A bill to be entitled An Act relating to the transfer of certain inmates to the Texas Department of Criminal Justice following pronouncement of the inmate's sentence.

HB 1992 was passed by (Record 636): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Clardy.

STATEMENT OF VOTE

When Record No. 636 was taken, I was in the house but away from my desk. I would have voted yes.

Clardy

HB 2280 ON THIRD READING
(by Phillips)

HB 2280, A bill to be entitled An Act relating to prohibited employment by a bail bond surety.

HB 2280 was passed by (Record 637): 144 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel;

Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Bohac; Schaefer.

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

Absent, Excused — Giddings; Hilderbran.

STATEMENT OF VOTE

I was shown voting yes on Record No. 637. I intended to vote no.

Stickland

HB 2668 ON THIRD READING (by Vo)

HB 2668, A bill to be entitled An Act relating to requirements applicable to meetings of the governing board of certain junior college districts.

HB 2668 was passed by (Record 638): 126 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Bonnen, G.; Branch; Burkett; Burnam; Button; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cortez; Craddick; Crownover; Dale; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; White; Workman; Wu; Zedler.

Nays — Aycock; Bell; Bohac; Bonnen, D.; Callegari; Cook; Creighton; Darby; Fletcher; Geren; Gooden; Harless; Huberty; King, K.; Paddie; Sheffield, R.; Thompson, E.; Walle; Zerwas.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Thompson, S.

STATEMENT OF VOTE

I was shown voting no on Record No. 638. I intended to vote yes.

Gooden

**HB 2691 ON THIRD READING
(by Elkins)**

HB 2691, A bill to be entitled An Act relating to the permissible noise level of a sound emitted from a motor vehicle audible warning device.

HB 2691 was passed by (Record 639): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Perez; Perry; Phillips; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer.

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

Absent, Excused — Giddings; Hilderbran.

Absent — Patrick; Pickett; White.

STATEMENTS OF VOTE

I was shown voting no on Record No. 639. I intended to vote yes.

Schaefer

I was shown voting yes on Record No. 639. I intended to vote no.

Stickland

HB 2733 ON THIRD READING
(by White)

HB 2733, A bill to be entitled An Act relating to the administration and operation of the Texas Juvenile Justice Department.

Representative White moved to postpone consideration of **HB 2733** until 3 p.m. today.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a committee meeting:

Hunter on motion of Perry.

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).

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 1251 ON THIRD READING
(Villarreal - House Sponsor)

SB 1251, A bill to be entitled An Act relating to authorized charges and terms for certain consumer loans.

SB 1251 was passed by (Record 640): 140 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.;

Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Carter; Laubenberg; Schaefer; Stickland.

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

Absent, Excused — Giddings; Hilderbran.

Absent, Excused, Committee Meeting — Hunter.

Absent — Johnson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 640. I intended to vote yes.

Stickland

I was shown voting yes on Record No. 640. I intended to vote no.

E. S. Turner

(Hilderbran now present)

SB 354 ON THIRD READING

(Giddings - House Sponsor)

SB 354. A bill to be entitled An Act relating to permitting electronic delivery of certain documents in a criminal case.

SB 354 was passed by (Record 641): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Johnson; White; Workman.

POSTPONED BUSINESS

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

HB 1050 ON THIRD READING (by Callegari)

HB 1050, A bill to be entitled An Act relating to construction-related and purchasing contracts by certain governmental entities.

HB 1050 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Pickett offered the following amendment to **HB 1050**:

Amend **HB 1050** (house committee printing) by adding the following appropriately number SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 2252.002, Government Code, is amended to read as follows:

Sec. 2252.002. AWARD OF CONTRACT TO NONRESIDENT BIDDER. A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in:

(1) the state in which the nonresident's principal place of business is located; or

(2) a state in which the nonresident is a resident manufacturer.

Amendment No. 1 was adopted.

HB 1050, as amended, was passed by (Record 642): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Ratliff;

Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Gooden; Raney.

GENERAL STATE CALENDAR
(consideration continued)
SB 348 ON THIRD READING
(Kolkhorst - House Sponsor)

SB 348, A bill to be entitled An Act relating to a utilization review process for managed care organizations participating in the STAR + PLUS Medicaid managed care program.

SB 348 was passed by (Record 643): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Burnam; Hilderbran; Raney.

STATEMENT OF VOTE

When Record No. 643 was taken, I was in the house but away from my desk. I would have voted yes.

Raney

SB 743 ON THIRD READING (Lucio - House Sponsor)

SB 743, A bill to be entitled An Act relating to the penalties prescribed for repeated violations of certain court orders or conditions of bond in a family violence case.

SB 743 was passed by (Record 644): 132 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Callegari; Canales; Carter; Clardy; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Howard; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Bonnen, D.; Button; Capriglione; Fletcher; Harless; Miller, D.; Stickland.

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

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Coleman; Dukes; Hilderbran; Huberty; Kleinschmidt; Stephenson; Turner, E.S.

STATEMENTS OF VOTE

I was shown voting no on Record No. 644. I intended to vote yes.

D. Bonnen

I was shown voting no on Record No. 644. I intended to vote yes.

Button

I was shown voting no on Record No. 644. I intended to vote yes.

Fletcher

I was shown voting no on Record No. 644. I intended to vote yes.

Harless

When Record No. 644 was taken, I was temporarily out of the house chamber. I would have voted yes.

Huberty

I was shown voting no on Record No. 644. I intended to vote yes.

D. Miller

I was shown voting no on Record No. 644. I intended to vote yes.

Stickland

POSTPONED BUSINESS

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

HB 3463 ON SECOND READING

(by Bohac)

HB 3463, A bill to be entitled An Act relating to information provided to recipients of certain assistance programs.

HB 3463 was read second time on May 6 and was postponed until 4:50 p.m. May 6.

Representative Bohac moved to postpone consideration of **HB 3463** until 10 a.m. Saturday, June 1.

The motion prevailed.

SB 1889 ON SECOND READING

(Lavender - House Sponsor)

SB 1889, A bill to be entitled An Act relating to the transport of a mental health patient who is not a resident of this state.

SB 1889 was considered in lieu of **CSHB 3427**.

SB 1889 was read second time and was passed to third reading.

CSHB 3427 - LAID ON THE TABLE SUBJECT TO CALL

Representative Lavender moved to lay **CSHB 3427** on the table subject to call.

The motion prevailed.

SB 1538 ON SECOND READING

(Farney, Geren, Patrick, Alonzo, et al. - House Sponsors)

SB 1538, A bill to be entitled An Act relating to evaluating the performance, including computing dropout and completion rates, of public schools designated as dropout recovery schools.

SB 1538 was considered in lieu of **CSHB 3808**.

SB 1538 was read second time and was passed to third reading.

CSHB 3808 - LAID ON THE TABLE SUBJECT TO CALL

Representative Farney moved to lay **CSHB 3808** on the table subject to call.

The motion prevailed.

CSHB 613 ON SECOND READING

(by Orr and Larson)

CSHB 613, A bill to be entitled An Act relating to the regulation of foundation repair contractors; providing penalties; authorizing fees.

CSHB 613 was read second time on May 6 and was postponed until 8 a.m. today.

Representative Orr moved to postpone consideration of **CSHB 613** until 10 a.m. tomorrow.

The motion prevailed.

HB 953 ON SECOND READING

(by Button, J. Davis, E. Rodriguez, Branch, Vo, et al.)

HB 953, A bill to be entitled An Act relating to a franchise tax credit for research and development activities performed in conjunction with institutions of higher education; authorizing a tax credit.

HB 953 was read second time on May 6 and was postponed until 8 a.m. today.

Amendment No. 1

Representative S. Turner offered the following amendment to **HB 953**:

Amend **HB 953** (house committee printing) on page 3, between lines 9 and 10, by inserting the following:

Sec. 171.709. REPORT. Not later than December 1, 2016, and each fourth year thereafter, the comptroller shall conduct a study of the credit under this subchapter and submit a report on the results of the study to the governor and the legislature. The purpose of the study is to determine:

- (1) if the credit accomplishes the credit's intended purpose;
- (2) if the credit complies with the intent of the legislature in enacting this subchapter;
- (3) if the economic benefit of the credit to the state exceeds the amount of tax revenue lost as a result of the credit; and
- (4) if legislative action is needed to increase the efficiency or effectiveness of any part of this subchapter.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Villarreal offered the following amendment to **HB 953**:

Amend **HB 953** (house committee printing) as follows:

(1) On page 2, line 4, strike "The credit" and substitute "Subject to Section 171.704, the credit".

(2) On page 2, line 16, strike "The total" and substitute "(a) Subject to Subsection (b), the total".

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

(b) For each state fiscal year, the total amount of tax credits, including credit carryforwards, that may be claimed by all taxable entities under this subchapter may not exceed \$15 million. The comptroller by rule shall prescribe procedures by which the comptroller will allocate credits under this subchapter on a pro rata basis.

(c) The comptroller may require a taxable entity to notify the comptroller of the amount the taxable entity intends or expects to claim under this subchapter before the beginning of a state fiscal year or at any other time required by the comptroller.

Amendment No. 2 was adopted.

HB 953, as amended, was passed to engrossment.

CSHB 887 ON SECOND READING
(by Lucio, G. Bonnen, and Villarreal)

CSHB 887, A bill to be entitled An Act relating to full-contact drills by students who are members of a high school or middle school football team that participates in activities sponsored or sanctioned by the University Interscholastic League.

CSHB 887 was read second time on May 6 and was postponed until 8 a.m. today.

Amendment No. 1

Representative Lucio offered the following amendment to **CSHB 887**:

Amend **CSHB 887** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 38, Education Code, is amended by adding Section 38.161 to read as follows:

Sec. 38.161. SPORTS INJURY PILOT PROGRAM. (a) The agency shall establish a sports injury pilot program for students participating in a University Interscholastic League athletic program to evaluate concussion prevention methods used for full-contact athletic drills or live game simulations or athletic competitions in which there is full contact among students. The commissioner shall select the school districts to participate in the program.

(b) The program must include:

(1) a preseason physical examination of a student athlete performed by a physician or another appropriate licensed health care professional acting under physician delegation;

(2) preseason neurocognitive baseline testing of a student athlete;

(3) a return-to-play protocol as described by this subchapter;

(4) post-injury neurocognitive testing of a student athlete;

(5) access to a physician, or another appropriate licensed health care professional acting under physician delegation, trained in the diagnosis and management of a concussion; and

(6) an excess accident insurance policy that is designed to cover the expenses related to the identification and treatment of a concussion.

(c) Not later than December 31, 2014, the commissioner shall review the pilot program established under this section and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board a written report regarding the progress made under the pilot program in the identification and treatment of concussions.

(d) Using funds appropriated or available for the purpose, the agency may contract with a school of public health or medicine in this state to scientifically evaluate the effectiveness of various methods of improving access to and quality of medical care for athletes who have sustained a concussion.

(e) This section expires September 1, 2017.

SECTION 2. This Act takes effect September 1, 2013.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Harless requested permission for the Committee on Environmental Regulation to meet while the house is in session, at 2:45 p.m. today, in 3W.15, to consider **SB 819**, **SB 1156**, and **SB 1756**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Environmental Regulation, 2:45 p.m. today, 3W.15, for a formal meeting, to consider **SB 819**, **SB 1156**, and **SB 1756**.

CSHB 887 - (consideration continued)

Representative Lucio moved to postpone consideration of **CSHB 887** until 2:45 p.m. today.

The motion prevailed.

SB 822 ON SECOND READING (Eiland - House Sponsor)

SB 822, A bill to be entitled An Act relating to the regulation of certain health care provider network contract arrangements; providing an administrative penalty; authorizing a fee.

SB 822 was considered in lieu of **CSHB 620**.

SB 822 was read second time.

Amendment No. 1

Representative Eiland offered the following amendment to **SB 822**:

Amend **SB 822** (house committee printing) as follows:

(1) On page 2, between lines 11 and 12, insert the following subparagraph, appropriately numbered, and renumber subsequent subparagraphs accordingly:

() a physician assistant;

(2) On page 8, line 18, strike "of" and substitute "to".

(3) On page 8, line 18, after the period, add:

The prior adequate notification may be provided in the written format specified by a provider network contract subject to this chapter.

(4) On page 8, between lines 18 and 19, insert the following subsection, appropriately lettered, and reletter subsequent subsections and cross-references to those subsections accordingly:

() A contracting entity may not provide a person access to health care services or contractual discounts under a provider network contract unless the provider network contract specifically states that the contracting entity may contract with a person to provide access to the contracting entity's rights and responsibilities under the provider network contract.

(5) On page 8, line 26, between "specify" and "a separate", insert "reference".

(6) On page 9, lines 16-17, strike "to the provider".

Amendment No. 1 was adopted.

SB 822 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TAYLOR: I think what you've laid out makes a lot of sense, but my concern is what you really haven't laid out, and that is, specifically, the idea that a PPO has a contract with a provider, and that the provider has a right to know how that's being traded on the back end. I understand that. I think a lot of people agree with you on that, including myself, but the issue I have is—is it your intent that the provider can then go after the employer behind the PPO and be able to have legal cause—they can sue the person who had nothing to do with the contract, they just enter—is that your intent? For the provider to go after the employer?

REPRESENTATIVE EILAND: If you will look at both my bill and Dr. Schwertner's bill, as substituted, on page 9, line 21, under "enforcement," you will see that that is taken care of in that "the commissioner may impose a sanction under Chapter 82 of the Insurance Code or assess an administrative penalty under Chapter 84 on a contracting entity that violates this chapter or rule adopted to implement this chapter." There is no private cause of action created by this bill.

TAYLOR: I'm sorry, I was reading the original bill for a second—could you just repeat what the substitute—what that was?

EILAND: Yes, it's in the original. It's page 9, line 21, which is Section 1458.103, Enforcement. Only TDI can enforce the violation of this bill.

TAYLOR: Can you just say that again?

EILAND: Only TDI can enforce a violation by a contracting entity of this bill.

TAYLOR: Okay, so the providers—as I understand what you just said—the providers cannot sue the, in this bill, the word "person," or the employers?

EILAND: Correct.

TAYLOR: Okay, so the legal liability that the "person" in your bill, which is the employers—there is not a legal liability?

EILAND: "Person" under my bill is defined by referencing Insurance Code 823, and that is not an employer.

TAYLOR: Right.

EILAND: We don't talk about the employer at all in this bill.

TAYLOR: Right, you use—

EILAND: That's why the Texas Association of Business is neutral.

TAYLOR: Okay, so—and that's a very—that's extremely important—and I'll ask for this to be reduced in writing later for legislative intent. But the other thing I wanted to be very clear on—is it your intent that this bill would preempt ERISA?

EILAND: A state law cannot preempt ERISA. ERISA preempts state law—and I want to make sure that the terminology we use in that is correct. A state law may implicate ERISA. A state law may cause ERISA to preempt it, but a state law does not preempt ERISA.

TAYLOR: And, so given the fact that this bill—I think you've just said this—does not preempt ERISA. ERISA, as the federal law, is still senior to the state law; would you be okay with an amendment that says that this bill is subordinate to ERISA? I could read the language, but I know you read it earlier—

EILAND: No, and as soon as you offer it, I'll tell you why.

TAYLOR: Sure.

EILAND: Oh, you want me to tell you why now?

TAYLOR: Yes.

EILAND: Okay, members, here's the deal about ERISA and ERISA preemption. If we want to pass a law that applies to all contracts in this state—if this bill is preempted by ERISA, this bill would apply to about 20 percent of the contracts in this state. The people that want to kill this bill, or make it ineffectual, want it to be preempted by ERISA. So, let me make sure I say that again so we're all on the same page. The people that do not like this bill they'll have to come out and register with TDI—want ERISA to preempt this bill so that it would only apply to 20 percent of the physician-discounted contracts in this state. If—and whoever brought Mr. Taylor this amendment knows exactly what they're doing. I think that Mr. Taylor's motives are pure, but there is federal court case law, specifically, that says, if you state in your statute that "this law does not preempt ERISA," guess what, you just preempted your state law by ERISA, by saying it's not preempted. And that is a federal district court case out of Arkansas that—the seven circuits have been referenced on numerous occasions, and I can read it if you need it.

TAYLOR: I'm familiar with that case law, but I think the difference between what the State of Arkansas did and what you're trying to do is that the State of Arkansas had many, many references to ERISA all throughout the statute that was struck down. I'm just asking—you're saying, "Hey, my law doesn't preempt

ERISA," and I'm asking for, "Hey, can I have an amendment that just puts into writing what you're saying?" And you're saying, "I can't put that in writing." So I'm a little concerned when I've got a very sharp attorney at the other end of the mic saying, you know, "Hey, what I'm telling you is good, but I won't put it in writing."

EILAND: We won't put it in writing, Mr. Taylor, because the sponsors of your amendment want it to go in the bill so it would then become preempted by ERISA. When, as it is right now, in its pure, virgin state, it does not invoke ERISA, doesn't talk about ERISA, is trying to stay away from ERISA. What the federal courts have said is that we can regulate the contract between the provider, which is the physician, and the network, and that's what we're doing. I'm not getting to ERISA, I'm not talking about ERISA. And I do not think that we should accept your amendment because that would do the exact opposite of what we want to do.

TAYLOR: Okay, you're telling me this bill does not deal with ERISA. It doesn't touch it. And I'm saying, "Hey, can I have an amendment that says it doesn't deal with ERISA?" The other thing that I wanted to bring out is that you said, "Hey, this would exempt a bunch of things," but the bill as it's originally written already exempts about 80 percent of the health care plans in this state, does it not?

EILAND: No.

TAYLOR: Well, isn't Blue Cross Blue Shield included in your bill?

EILAND: Yes.

TAYLOR: But, isn't there an exemption for them that's very substantial?

EILAND: No. Members, and this is based on the NCOIL national model—when he's talking about the Blue Cross Blue Shield "exemption," all it does is says Blue Cross Blue Shield of Texas must register—which they are with TDI already—and then notify and file with TDI the other Blue Cross Blue Shields that are part of their contract, and then those don't have to individually register. That's all it does, and there's a letter about that and that's a red herring, but this bill applies to Blue Cross Blue Shield, and their contracts, and their network. It applies to United, and their contracts, and their network, and—

TAYLOR: But, right here, I'm reading from the bill, it says, "Exemptions: this chapter does not apply to under the circumstances in which access to a provider network is granted to an entity that operates under the same brand licensed program as a contracting entity or to a contract between a contracting entity"—discount health care, I mean, I read this—to me it says you're exempting the big health care plans. You're telling me you're not trying to do that. Help me out here.

EILAND: Correct. And so, then—

TAYLOR: By the way, I'm on page 5, line 7.

EILAND: If you look over on page 7, Section 1458.005, "The commissioner shall grant an exemption for affiliates of a contracting entity if the contracting entity holds a certificate of authority," i.e., Blue Cross Blue Shield is an insurance company in the State of Texas, which they are, and they have "a certificate of authority issued by the department to engage in insurance in the state or as an HMO and the commissioner determines that the affiliate is not subject to a disclaimer, and the relationship between Blue Cross Blue Shield or the person who holds a certificate of authority in all affiliates of the person, including city networks, are disclosed and clearly defined." So what that means is, Blue Cross of Oklahoma, Blue Cross of California, Blue Cross of Illinois, have to simply be identified by Blue Cross Blue Shield Texas, and they don't all have to come in individually because they're all part of the provider contracts already. And that is a nationwide provision, but Blue Cross Blue Shield is subject to this bill, period.

TAYLOR: Okay. I'm going to file my amendment.

Amendment No. 2

Representative Taylor offered the following amendment to **SB 822**:

Amend **SB 822** (house committee printing) on page 5, between lines 13 and 14, by inserting the following section and renumbering subsequent sections and any cross-references to those sections accordingly:

Sec. 1458.004. CONSTRUCTION WITH OTHER LAW. This chapter may not be construed in a manner that exceeds the powers of the state to act consistent with the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.).

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Environmental Regulation:

Harless on motion of Raymond.

Isaac on motion of Raymond.

Kacal on motion of Raymond.

Lewis on motion of Raymond.

Márquez on motion of Raymond.

Reynolds on motion of Raymond.

E. Thompson on motion of Raymond.

C. Turner on motion of Raymond.

Villalba on motion of Raymond.

HB 2038 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 2:49 p.m., Representative Keffer announced his intention to make the motion to reconsider the vote by which **HB 2038**, as amended, failed to pass third reading by Record No. 582.

SB 822 - (consideration continued)

(Isaac, Márquez, and Villalba now present)

Representative Eiland moved to table Amendment No. 2.

The motion to table prevailed by (Record 645): 91 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bonnen, D.; Bonnen, G.; Burnam; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Geren; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Johnson; Keffer; King, K.; King, S.; King, T.; Kuempel; Larson; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Patrick; Perez; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.; Simpson; Smithee; Stephenson; Strama; Thompson, S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Ashby; Aycock; Bell; Bohac; Branch; Burkett; Button; Capriglione; Carter; Craddick; Creighton; Crownover; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Hilderbran; Isaac; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Laubenberg; Lavender; Leach; Lozano; Miller, R.; Morrison; Orr; Parker; Perry; Pitts; Riddle; Schaefer; Simmons; Smith; Springer; Stickland; Taylor; Turner, E.S.; White; Zedler.

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

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Harless; Hunter; Kacal; Lewis; Reynolds; Thompson, E.; Turner, C.

Absent — Hughes; Toth.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 645. I intended to vote no.

Harper-Brown

When Record No. 645 was taken, I was excused for a committee meeting. I would have voted yes.

C. Turner

SB 822 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE KOLKHORST: Craig, just a couple of follow-up questions. Listening to all the debate, I want to make sure that there is some clarity in that if I'm a business out there, and I don't know that when an insurance

company comes to me—maybe a silent PPO—and contracts with me, nothing in your bill allows a doctor, or any provider, or anyone in what I call the "triangle" to sue that business when they didn't know it was a silent PPO?

REPRESENTATIVE EILAND: Correct. The only enforcement action for a violation of this bill is by TDI, the commissioner of insurance.

KOLKHORST: And what is that enforcement action?

EILAND: It is—they can take away their license, they can issue cease and desist—

KOLKHORST: The license of?

EILAND: The contracting entity.

KOLKHORST: Being the insurance company?

EILAND: Insurance company, third-party administrator, PPO—not an employer.

KOLKHORST: Great. And, so there's no cause of action that we're creating with your bill?

EILAND: Correct. Only enforcement action by the Texas Department of Insurance for a violation of this statute.

KOLKHORST: To the insurance company—or the, as you say—

EILAND: Contracting entity.

KOLKHORST: Right.

(Harless, Kacal, Lewis, Reynolds, E. Thompson, and C. Turner now present)

REMARKS ORDERED PRINTED

Representative Kolkhorst moved to print remarks between Representative Eiland and Representative Kolkhorst.

The motion prevailed.

REPRESENTATIVE SCHAEFER: Representative Eiland, your bill refers to a "person", and the Insurance Code—and it uses the definition from the Insurance Code of a person.

REPRESENTATIVE EILAND: Correct.

SCHAEFER: So, I'm reading from the Insurance Code, and it says, a "person" means an individual, corporation, partnership, association, joint-stock company, trust, or unincorporated organization, or similar entity, or a combination of the list of entities. So, when it says a person is an individual, a corporation, or a partnership, that sure sounds like the business to me. It sounds just like the employer.

EILAND: That is not a reference to an employer. If you would look, covered individual talks about, is an individual who is covered under a health benefit plan. That's one of the defined terms, and it's kind of interesting that you bring this, because the third-party administrators, in the NCOIL bill, we use the term third-party for this purpose. But the third-party administrators in our negotiations

and discussions didn't want us to call a third-party, in this bill, a third-party. They wanted us to use a different term, so we used the Insurance Code definition of a person. And so—but if you go to what you're referring to, and put it in context instead of pulling it out—it's talking about a person who contracts with a network or a provider. Employers—businesses—don't do that. They hire insurance companies to contract and make up networks. They hire third-party administrators to develop networks and negotiate contracts with providers.

REMARKS ORDERED PRINTED

Representative Schaefer moved to print remarks between Representative Eiland and Representative Schaefer.

The motion prevailed.

SB 822, as amended, was passed to third reading by (Record 646): 107 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burnam; Button; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Fletcher; Frank; Frullo; Geren; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Isaac; Johnson; Kacal; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Laubenberg; Longoria; Lozano; Lucio; Márquez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Phillips; Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smithee; Stephenson; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Burkett; Capriglione; Carter; Craddick; Elkins; Fallon; Flynn; Goldman; Harper-Brown; Hughes; King, K.; King, P.; Kleinschmidt; Klick; Lavender; Leach; Lewis; Miller, R.; Parker; Perry; Raney; Riddle; Schaefer; Simmons; Simpson; Smith; Springer; Stickland; Taylor; Toth; Turner, E.S.; White; Zedler.

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

Absent, Excused — Giddings.

Absent — Branch; Farrar; Hunter; Krause; Martinez; Morrison; Sanford.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 646. I intended to vote no.

Anderson

I was shown voting yes on Record No. 646. I intended to vote no.

Bell

When Record No. 646 was taken, my vote failed to register. I would have voted yes.

Branch

I was shown voting yes on Record No. 646. I intended to vote no.

Creighton

I was shown voting yes on Record No. 646. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 646. I intended to vote no.

Frullo

I was shown voting yes on Record No. 646. I intended to vote no.

Gooden

I was shown voting yes on Record No. 646. I intended to vote no.

Isaac

When Record No. 646 was taken, I was in the house but away from my desk. I would have voted no.

Krause

I was shown voting yes on Record No. 646. I intended to vote no.

Laubenberg

When Record No. 646 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

I was shown voting no on Record No. 646. I intended to vote yes.

Raney

When Record No. 646 was taken, I was in the house but away from my desk. I would have voted yes.

Sanford

REMARKS ORDERED PRINTED

Representative Taylor moved to print remarks between Representative Eiland and Representative Taylor on **SB 822**.

The motion prevailed.

CSHB 620 - LAID ON THE TABLE SUBJECT TO CALL

Representative Eiland moved to lay **CSHB 620** on the table subject to call.

The motion prevailed.

HB 170 ON THIRD READING

(by Alonzo, Márquez, Alvarado, S. Davis, and Dukes)

HB 170, A bill to be entitled An Act relating to the coverage by certain health benefit plans of mammograms performed by certain health care providers.

HB 170 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Morrison offered the following amendment to **HB 170**:

Amend **HB 170** (house committee printing) on page 3, line 4, by striking "must" and substituting "may".

Amendment No. 1 was adopted.

HB 170, as amended, was passed by (Record 647): 138 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Klick; Krause; Sanford; Stephenson; Stickland.

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

Absent, Excused — Giddings.

Absent — Farney; Hunter; Isaac; Keffer.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 647. I intended to vote no.

Branch

I was shown voting yes on Record No. 647. I intended to vote no.

Gooden

I was shown voting yes on Record No. 647. I intended to vote no.

Laubenberg

**CSHB 887 ON SECOND READING
(by Lucio, G. Bonnen, and Villarreal)**

CSHB 887, A bill to be entitled An Act relating to full-contact drills by students who are members of a high school or middle school football team that participates in activities sponsored or sanctioned by the University Interscholastic League.

CSHB 887 was read second time on May 6, postponed until 8 a.m. today, and was again postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 2

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

Amend Amendment No. 1 by Lucio to **CSHB 887** on page 1, lines 11 and 12, by striking "the school districts to participate in the program" and substituting "school districts of this state that are representative of all regions and sizes to participate in the program".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

CSHB 887, as amended, was passed to engrossment. (Anderson, Capriglione, Carter, Flynn, Laubenberg, Schaefer, Simpson, and Zedler recorded voting no.)

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 500 ON SECOND READING
(by Hilderbran, S. Thompson, Creighton, Button, E. S. Turner, et al.)**

CSHB 500, A bill to be entitled An Act relating to the computation of the franchise tax, including certain exclusions from the tax.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Land and Resource Management to meet while the house is in session, at 4 p.m. today, in 3W.15, to consider **SCR 30**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Land and Resource Management, 4 p.m. today, 3W.15, for a formal meeting, to consider **SCR 30**.

MESSAGE FROM THE SENATE

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

CSHB 500 - (consideration continued)**Amendment No. 1**

Representative Martinez Fischer offered the following amendment to **CSHB 500**:

Floor Packet Page No. 73

Amend **CSHB 500** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 171, Tax Code, is amended by adding Subchapters P-1 and Q-2 to read as follows:

SUBCHAPTER P-1. TAX CREDITS FOR CERTAIN
JOB CREATION ACTIVITIES

Sec. 171.771. DEFINITIONS. In this subchapter:

(1) "Agricultural processing" means an establishment primarily engaged in activities described in categories 0724, 2011-2099, 2211, 2231, 2824, 2833, 2834, 2835, 2836, 2841, 3111-3199, 3262, or 3952, in product classes 28692 or 28698 of category 2869, or in product classes 28992 or 28994 of category 2899 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(2) "Central administrative offices" means an establishment primarily engaged in performing management or support services for other establishments of the same enterprise. An enterprise consists of all establishments having more than 50 percent common direct or indirect ownership.

(3) "Data processing" means an establishment primarily engaged in activities described in categories 7371-7379 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(4) "Distribution" means an establishment primarily engaged in activities described in categories 5012-5199 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(5) "Group health benefit plan" means:

(A) a health plan provided by a health maintenance organization established under Chapter 843, Insurance Code;

(B) a health benefit plan approved by the commissioner of insurance; or

(C) a self-funded or self-insured employee welfare benefit plan that provides health benefits and is established in accordance with the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.).

(6) "Manufacturing" means an establishment primarily engaged in activities described in categories 2011-3999 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(7) "Qualified business" means an establishment primarily engaged in agricultural processing, central administrative offices, distribution, data processing, manufacturing, research and development, or warehousing.

(8) "Qualifying job" means a new permanent full-time job that:

(A) pays an annual wage of at least \$50,000, subject to Section 171.772;

(B) is covered by a group health benefit plan for which the business pays at least 80 percent of the premiums or other charges assessed under the plan for the employee; and

(C) is not created to replace a previous employee.

(9) "Research and development" means an establishment primarily engaged in activities described in category 8731 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(10) "Warehousing" means an establishment primarily engaged in activities described in categories 4221-4226 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

Sec. 171.772. BIENNIAL ADJUSTMENT OF WAGE FOR QUALIFYING JOB. (a) In this section, "consumer price index" means the average over a state fiscal biennium of the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics, or its successor in function.

(b) Beginning in 2016, on January 1 of each even-numbered year, the wage amount prescribed by Section 171.771(8) is increased or decreased by an amount equal to the amount prescribed by that section on December 31 of the preceding year multiplied by the percentage increase or decrease during the preceding state fiscal biennium in the consumer price index and rounded to the nearest dollar.

(c) The amount determined under Subsection (b) applies to a report originally due on or after the date the determination is made.

(d) The comptroller shall make the determination required by this section and may adopt rules related to making that determination.

(e) A determination by the comptroller under this section is final and may not be appealed.

Sec. 171.773. ELIGIBILITY. A taxable entity is eligible for a credit against the tax imposed under this chapter if the taxable entity:

(1) is a qualified business; and

(2) creates a minimum of 10 qualifying jobs.

Sec. 171.774. AMOUNT OF CREDIT. A taxable entity may establish a credit equal to 25 percent of the total wages paid by the taxable entity for each qualifying job during each of the first 12 months of employment of the person hired to perform the job that occur during the period on which the report is based.

Sec. 171.775. LENGTH OF CREDIT. The credit established shall be claimed in five equal installments of one-fifth the credit amount over the five consecutive reports beginning with the report based on the period during which the qualifying jobs were created.

Sec. 171.776. LIMITATIONS. (a) The total credit claimed under this subchapter for a report, including the amount of any carryforward credit under Section 171.777, may not exceed 50 percent of the amount of franchise tax due for the report before any other applicable tax credits.

(b) The total credit claimed under this subchapter and Subchapter Q-2 for a report, including the amount of any carryforward credits, may not exceed the amount of franchise tax due for the report after any other applicable credits.

Sec. 171.777. CARRYFORWARD. (a) If a taxable entity is eligible for a credit that exceeds the limitations under Section 171.776, the taxable entity may carry the unused credit forward for not more than five consecutive reports.

(b) A carryforward is considered the remaining portion of an installment that cannot be claimed in the current year because of a limitation under Section 171.776. A carryforward is added to the next year's installment of the credit in determining the limitation for that year. A credit carryforward from a previous report is considered to be used before the current year installment.

Sec. 171.778. CERTIFICATION OF ELIGIBILITY. (a) For the initial and each succeeding report on which a credit is claimed under this subchapter, the taxable entity shall file with its report, on a form provided by the comptroller, information that sufficiently demonstrates that the taxable entity is eligible for the credit.

(b) The burden of establishing entitlement to and the value of the credit is on the taxable entity.

(c) A credit expires under this subchapter and the taxable entity may not take any remaining installment of the credit if in one of the five years in which the installment of a credit accrues, the taxable entity fails to maintain the minimum number of qualifying jobs required to be created by Section 171.773.

(d) Notwithstanding Subsection (c), the taxable entity may take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under Section 171.777.

Sec. 171.779. ASSIGNMENT PROHIBITED. A taxable entity may not convey, assign, or transfer the credit allowed under this subchapter to another entity unless all of the assets of the taxable entity are conveyed, assigned, or transferred in the same transaction.

Sec. 171.780. BIENNIAL REPORT BY COMPTROLLER. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report that states:

(1) the total number of jobs created by taxable entities that claim a credit under this subchapter and the average and median annual wage of those jobs;

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits including:

(A) the total amount of franchise tax due by taxable entities claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by taxable entities claiming a credit under this subchapter; and

(C) the percentage of tax credits that were awarded to taxable entities with fewer than 100 employees;

(3) the two-digit standard industrial classification of businesses claiming a credit under this subchapter;

(4) the geographical distribution of the credits claimed under this subchapter; and

(5) the effect of the credit provided under this subchapter on employment, personal income, and capital investment in this state and on state tax revenues.

(b) The final report issued before the expiration of this subchapter must include historical information on the credit authorized under this subchapter.

(c) The comptroller may not include in the report information that is confidential by law.

(d) For purposes of this section, the comptroller may require a taxable entity that claims a credit under this subchapter to submit information, on a form provided by the comptroller, on the location of the taxable entity's job creation in this state and any other information necessary to complete the report required under this section.

(e) The comptroller shall provide notice to the members of the legislature that the report required under this section is available on request.

Sec. 171.781. COMPTROLLER POWERS AND DUTIES. The comptroller shall adopt rules and forms necessary to implement this subchapter.

Sec. 171.782. EXPIRATION. (a) This subchapter expires December 31, 2025.

(b) The expiration of this subchapter does not affect the carryforward of a credit under Section 171.777 or those credits for which a taxable entity is eligible before the date this subchapter expires.

SUBCHAPTER Q-2. TAX CREDITS FOR CERTAIN CAPITAL INVESTMENTS

Sec. 171.821. DEFINITIONS. In this subchapter:

(1) "Agricultural processing" and "qualified business" have the meanings assigned those terms by Section 171.771.

(2) "Qualified capital investment" means tangible personal property first placed in service in this state by a taxable entity primarily engaged in agricultural processing, and that is described in Section 1245(a), Internal Revenue Code, such as engines, machinery, tools, and implements used in a trade or business or held for investment and subject to an allowance for depreciation, cost recovery under the accelerated cost recovery system, or amortization. The term does not include real property or buildings and their structural components. Property that is leased under a capitalized lease is considered a "qualified capital

investment," but property that is leased under an operating lease is not considered a "qualified capital investment." Property expensed under Section 179, Internal Revenue Code, is not considered a "qualified capital investment."

Sec. 171.822. ELIGIBILITY. (a) A qualified business is eligible for a credit against the tax imposed under this chapter in the amount and under the conditions and limitations provided by this subchapter.

(b) To qualify for the credit authorized under this subchapter, a qualified business must:

(1) pay an annual wage of at least the amount required for a qualifying job as defined by Section 171.771 for the period on which the report is based;

(2) offer health benefits coverage to all full-time employees at the location with respect to which the credit is claimed through a group health benefit plan, as defined by Section 171.771, for which the business pays at least 80 percent of the premiums or other charges assessed under the plan for the employees; and

(3) make a minimum \$500,000 qualified capital investment.

Sec. 171.823. AMOUNT OF CREDIT. A taxable entity may establish a credit equal to 7.5 percent of the qualified capital investment during the period on which the report is based.

Sec. 171.824. LENGTH OF CREDIT. The credit established shall be claimed in five equal installments of one-fifth the credit amount over the five consecutive reports beginning with the report based on the period during which the qualified capital investment was made.

Sec. 171.825. LIMITATIONS. (a) The total credit claimed under this subchapter for a report, including the amount of any carryforward credit under Section 171.826, may not exceed 50 percent of the amount of franchise tax due for the report before any other applicable tax credits.

(b) The total credit claimed under this subchapter and Subchapter P-1 for a report, including the amount of any carryforward credits, may not exceed the amount of franchise tax due for the report after any other applicable tax credits.

Sec. 171.826. CARRYFORWARD. (a) If a taxable entity is eligible for a credit from an installment that exceeds the limitation under Section 171.825, the taxable entity may carry the unused credit forward for not more than five consecutive reports.

(b) A carryforward is considered the remaining portion of an installment that cannot be claimed in the current year because of a limitation under Section 171.825. A carryforward is added to the next year's installment of the credit in determining the limitation for that year. A credit carryforward from a previous report is considered to be used before the current year installment.

Sec. 171.827. CERTIFICATION OF ELIGIBILITY. (a) For the initial and each succeeding report on which a credit is claimed under this subchapter, the taxable entity shall file with its report, on a form provided by the comptroller, information that sufficiently demonstrates that the taxable entity is eligible for the credit.

(b) The burden of establishing entitlement to and the value of the credit is on the taxable entity.

(c) A credit expires under this subchapter and the taxable entity may not take any remaining installment of the credit if in one of the five years in which the installment of a credit accrues, the taxable entity:

- (1) disposes of the qualified capital investment;
- (2) takes the qualified capital investment out of service;
- (3) moves the qualified capital investment out of this state; or
- (4) fails to pay the annual wage required for a qualifying job under Section 171.771 for the period covered by the report on which the taxable entity would otherwise claim the credit.

(d) Notwithstanding Subsection (c), the taxable entity may take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under Section 171.826.

Sec. 171.828. ASSIGNMENT PROHIBITED. A taxable entity may not convey, assign, or transfer the credit allowed under this subchapter to another entity unless all of the assets of the taxable entity are conveyed, assigned, or transferred in the same transaction.

Sec. 171.829. BIENNIAL REPORT BY COMPTROLLER. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report that states:

(1) the total amount of qualified capital investments made by taxable entities that claim a credit under this subchapter and the average and median wages paid by those taxable entities;

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits, including:

(A) the total amount of franchise tax due by taxable entities claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by taxable entities claiming a credit under this subchapter;

(C) the percentage of tax credits that were awarded to taxable entities with fewer than 100 employees; and

(D) the two-digit standard industrial classification of taxable entities claiming a credit under this subchapter;

(3) the geographical distribution of the qualified capital investments on which tax credit claims are made under this subchapter; and

(4) the effect of the credit provided under this subchapter on employment, personal income, and capital investment in this state and on state tax revenues.

(b) The final report issued before the expiration of this subchapter must include historical information on the credit authorized under this subchapter.

(c) The comptroller may not include in the report information that is confidential by law.

(d) For purposes of this section, the comptroller may require a taxable entity that claims a credit under this subchapter to submit information, on a form provided by the comptroller, on the location of the taxable entity's capital investment in this state and any other information necessary to complete the report required under this section.

(e) The comptroller shall provide notice to the members of the legislature that the report required under this section is available on request.

Sec. 171.830. COMPTROLLER POWERS AND DUTIES. The comptroller shall adopt rules and forms necessary to implement this subchapter.

Sec. 171.831. EXPIRATION. (a) This subchapter expires December 31, 2025.

(b) The expiration of this subchapter does not affect the carryforward of a credit under Section 171.826 or those credits for which a taxable entity is eligible before the date this subchapter expires.

Amendment No. 1 was withdrawn.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Land and Resource Management:

Goldman on motion of Frullo.

Simpson on motion of Frullo.

CSHB 500 - (consideration continued)

Amendment No. 2

Representative Hilderbran offered the following amendment to **CSHB 500**:
Floor Packet Page No. 28

Amend **CSHB 500** (house committee printing) as follows:

(1) On page 1, line 17, strike "and".

(2) On page 1, line 19, between "Code" and the period, insert the following:

;

(E) activities involving the rental or leasing of tools, party and event supplies, and furniture that are classified as Industry 7359 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget; and

(F) heavy construction equipment rental or leasing activities classified as Industry 7353 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget

(Goldman now present)

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Hilderbran offered the following amendment to **CSHB 500**:

Floor Packet Page No. 29

Amend **CSHB 500** (house committee printing) as follows:

(1) On page 3, line 18, between "(g-11)," and "(u)", insert "(g-12),".

(2) On page 5, between lines 23 and 24, insert the following:

(g-12) A taxable entity that is primarily engaged in the business of manufacturing and delivering ready mix concrete shall exclude from its total revenue direct costs of transporting or delivering the material using a ready mix concrete vehicle that maintains the manufacturing of the concrete by use of an attached revolving drum.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Hilderbran offered the following amendment to **CSHB 500**:

Floor Packet Page No. 30

Amend **CSHB 500** (house committee printing) as follows:

(1) Strike SECTION 4 (page 2, line 12, through page 3, line 15).

(2) On page 8, lines 7-8, strike "65 percent" and substitute "the applicable percentage".

(3) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 171.101(a), Tax Code, is amended to read as follows:

(a) The taxable margin of a taxable entity is computed by:

(1) determining the taxable entity's margin, which is the lesser of:

(A) the applicable percentage [70 percent] of the taxable entity's total revenue from its entire business[~~as~~] determined under Section 171.1011, as follows:

(i) 40 percent, if the taxable entity's total revenue from its entire business is less than \$5 million;

(ii) 50 percent, if the taxable entity's total revenue from its entire business is at least \$5 million but less than \$10 million;

(iii) 60 percent, if the taxable entity's total revenue from its entire business is at least \$10 million but less than \$15 million; and

(iv) 70 percent, if the taxable entity's total revenue from its entire business is at least \$15 million; or

(B) an amount computed by:

(i) determining the taxable entity's total revenue from its entire business, under Section 171.1011;

(ii) subtracting, at the election of the taxable entity, either:

(a) cost of goods sold, as determined under Section 171.1012; or

(b) compensation, as determined under Section 171.1013; and

(iii) subtracting, in addition to any subtractions made under Subparagraph (ii)(a) or (b), compensation, as determined under Section 171.1013, paid to an individual during the period the individual is serving on active duty as

a member of the armed forces of the United States if the individual is a resident of this state at the time the individual is ordered to active duty and the cost of training a replacement for the individual;

(2) apportioning the taxable entity's margin to this state as provided by Section 171.106 to determine the taxable entity's apportioned margin; and

(3) subtracting from the amount computed under Subdivision (2) any other allowable deductions to determine the taxable entity's taxable margin.

(4) Renumber the existing SECTIONS of the bill accordingly.

Amendment No. 4 was withdrawn.

(Simpson now present)

Amendment No. 5

Representative Hilderbran offered the following amendment to **CSHB 500**:
Floor Packet Page No. 34

Amend **CSHB 500** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 171.1013, Tax Code, is amended by adding Subsection (i) to read as follows:

(i) Subject to Section 171.1014 and the limitation in Subsection (c), a taxable entity that elects to subtract compensation for the purpose of computing its taxable margin under Section 171.101 may include as wages and cash compensation any nonemployee compensation paid to an independent contractor as reported on Internal Revenue Service Form 1099 or any subsequent form with a different number or designation that substantially provides the same information.

Amendment No. 6

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

Amend Amendment No. 5 by Hilderbran to **CSHB 500** (prefiled amendment packet, page 34) on page 1 of the amendment as follows:

(1) On line 9, between "compensation" and "any", insert ", in addition to other amounts subtracted under Subsection (b)(1),".

(2) On line 10, strike "an independent contractor" and substitute "a natural person".

(3) On line 11, strike "reported on Internal Revenue Service Form 1099" and substitute "reported in Box 7 on Internal Revenue Service Form 1099-Misc".

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was withdrawn.

(S. Davis in the chair)

Amendment No. 7

Representative Hilderbran offered the following amendment to **CSHB 500**:

Floor Packet Page No. 35

Amend **CSHB 500** (house committee report) as follows:

SECTION _____. Section 171.1014, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) Notwithstanding any other provision of this section, a taxable entity that provides retail or wholesale electric utilities may not be included as a member of a combined group that includes one or more taxable entities that do not provide retail or wholesale electric utilities if that combined group in the absence of this subsection:

(1) would not meet the requirements of Section 171.002(c) solely because one or more members of the combined group provide retail or wholesale electric utilities; and

(2) would have less than five percent of the combined group's total revenue derived from providing retail or wholesale electric utilities.

SECTION _____. It is the intent of the legislature that certain taxable entities that are part of an affiliated group and that provide retail or wholesale electric utilities be disqualified as members of certain combined groups for purposes of the franchise tax.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Morrison offered the following amendment to **CSHB 500**:

Floor Packet Page No. 36

Amend **CSHB 500** as follows:

(1) On page 1, line 20, add the following appropriately numbered sections and renumber subsequent sections accordingly:

SECTION _____. (a) Effective January 1, 2014, Sections 171.002(a) and (b), Tax Code, are amended to read as follows:

(a) Subject to Sections 171.003 and 171.1016 and except as provided by Subsection (b), the rate of the franchise tax is 0.75 ~~one~~ percent of taxable margin.

(b) Subject to Sections 171.003 and 171.1016, the rate of the franchise tax is 0.38 ~~thirty-eight~~ percent of taxable margin for those taxable entities primarily engaged in retail or wholesale trade.

(b) This section applies only to a report originally due on or after January 1, 2014.

SECTION _____. (a) Effective January 1, 2015, Sections 171.002(a) and (b), Tax Code, are amended to read as follows:

(a) Subject to Sections 171.003 and 171.1016 and except as provided by Subsection (b), the rate of the franchise tax is 0.50 ~~one~~ percent of taxable margin.

(b) Subject to Sections 171.003 and 171.1016, the rate of the franchise tax is 0.25 ~~twenty-five~~ percent of taxable margin for those taxable entities primarily engaged in retail or wholesale trade.

(b) This section applies only to a report originally due on or after January 1, 2015.

SECTION _____. (a) Effective January 1, 2016, Sections 171.002(a) and (b), Tax Code, are amended to read as follows:

(a) Subject to Sections 171.003 and 171.1016 and except as provided by Subsection (b), the rate of the franchise tax is 0.25 [~~one~~] percent of taxable margin.

(b) Subject to Sections 171.003 and 171.1016, the rate of the franchise tax is 0.13 [~~0.5~~] percent of taxable margin for those taxable entities primarily engaged in retail or wholesale trade.

(b) This section applies only to a report originally due on or after January 1, 2016.

(2) On page 8, line 10 insert the following appropriately numbered sections and renumber subsequent sections accordingly:

SECTION _____. (a) Effective January 1, 2014, Section 171.1016(b), Tax Code, is amended to read as follows:

(b) The amount of the tax for which a taxable entity that elects to pay the tax as provided by this section is liable is computed by:

(1) determining the taxable entity's total revenue from its entire business, as determined under Section 171.1011;

(2) apportioning the amount computed under Subdivision (1) to this state, as provided by Section 171.106, to determine the taxable entity's apportioned total revenue; and

(3) multiplying the amount computed under Subdivision (2) by the rate of 0.43 [~~0.575~~] percent.

(b) This section applies only to a report originally due on or after January 1, 2014.

SECTION _____. (a) Effective January 1, 2015, Section 171.1016(b), Tax Code, is amended to read as follows:

(b) The amount of the tax for which a taxable entity that elects to pay the tax as provided by this section is liable is computed by:

(1) determining the taxable entity's total revenue from its entire business, as determined under Section 171.1011;

(2) apportioning the amount computed under Subdivision (1) to this state, as provided by Section 171.106, to determine the taxable entity's apportioned total revenue; and

(3) multiplying the amount computed under Subdivision (2) by the rate of 0.29 [~~0.575~~] percent.

(b) This section applies only to a report originally due on or after January 1, 2015.

SECTION _____. (a) Effective January 1, 2016, Section 171.1016(b), Tax Code, is amended to read as follows:

(b) The amount of the tax for which a taxable entity that elects to pay the tax as provided by this section is liable is computed by:

(1) determining the taxable entity's total revenue from its entire business, as determined under Section 171.1011;

(2) apportioning the amount computed under Subdivision (1) to this state, as provided by Section 171.106, to determine the taxable entity's apportioned total revenue; and

(3) multiplying the amount computed under Subdivision (2) by the rate of 0.14 [~~0.575~~] percent.

(b) This section applies only to a report originally due on or after January 1, 2016.

SECTION _____. Section 171.006(b), Tax Code, is amended to read as follows:

(b) Beginning in 2010, on January 1 of each even-numbered year, the amounts prescribed by Sections 171.002(d)(2) [~~171.0021~~] and 171.1013(c) are increased or decreased by an amount equal to the amount prescribed by those sections on December 31 of the preceding year multiplied by the percentage increase or decrease during the preceding state fiscal biennium in the consumer price index and rounded to the nearest \$10,000.

SECTION _____. Section 1(c), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, as amended by Section 37.01, Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, is repealed.

SECTION _____. Section 2, Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, as amended by Section 37.02, Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, and which amended former Subsection (d), Section 171.002, Tax Code, is repealed.

SECTION _____. Section 3, Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, as amended by Section 37.03, Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, and which amended former Subsection (a), Section 171.0021, Tax Code, is repealed.

SECTION _____. Sections 171.0021 and 171.1016(d), Tax Code, are repealed.

SECTION _____. (a) Chapter 171, Tax Code, is repealed.

(b) A taxable entity that is subject to the franchise tax imposed under Chapter 171, Tax Code, on December 31, 2016, shall file a final franchise tax return and pay a transitional tax as required by this subsection on or before May 15, 2017. The transitional tax is equal to the tax the taxable entity would have paid in 2017 under Chapter 171, Tax Code, if Chapter 171, Tax Code, had not been repealed. The provisions of Chapter 171, Tax Code, relating to the computation and payment of the franchise tax remain in effect after the repeal of Chapter 171, Tax Code, by this section for the purposes of computing and paying the transitional tax required by this subsection.

(c) Chapter 171, Tax Code, and Subtitle B, Title 2, Tax Code, continue to apply to audits, deficiencies, redeterminations, and refunds of any tax due or collected under Chapter 171, including the tax due as provided by Subsection (b) of this section, until barred by limitations.

(d) The repeal of Chapter 171, Tax Code, does not affect:

(1) the status of a taxable entity that has had its corporate privileges, certificate of authority, certificate of organization, certificate of limited partnership, corporate charter, or registration revoked, suit filed against it, or a receiver appointed under Subchapter F, G, or H of that chapter;

(2) the ability of the comptroller, secretary of state, or attorney general to take action against a taxable entity under Subchapter F, G, or H of that chapter for actions that took place before the repeal; or

(3) the right of a taxable entity to contest a forfeiture, revocation, lawsuit, or appointment of a receiver under Subchapter F, G, or H of that chapter.

(e) This section takes effect January 1, 2017.

(3) On page 9, line 4, strike "This" and insert "Except as otherwise provided by this Act, this".

On page 9, line 6, strike "This" and insert "Except as otherwise provided by this Act, this".

Amendment No. 8 was withdrawn.

CSHB 500 - POINT OF ORDER

Representative Miles raised a point of order against further consideration of **CSHB 500** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report is incorrect.

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

Representative Miles raised a point of order against further consideration of **CSHB 500** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report is incorrect. Specifically, Representative Miles asserts the bill analysis fails to show that rulemaking authority is delegated in Sections 3, 5, and 6 of **CSHB 500**. The point of order is respectfully overruled.

Sections 3, 5, and 6 of the bill amend sections of the Tax Code that currently contain subsections requiring or allowing the comptroller to adopt rules to implement the other subsections within those sections of the code. Representative Miles contends changing any subsections of sections of code for which the comptroller already possesses rulemaking authority constitutes a change in rulemaking authority such that it should be stated in the bill analysis. However, Sections 3, 5, and 6 of the bill do not involve the express delegation of any rulemaking authority. Instead, the delegation of rulemaking authority was enacted in a previous measure. Accordingly, Rule 4, Section 32(c)(3) of the House Rules does not apply because the sections referenced do not independently grant rulemaking authority. See Rule 8, Section 32(c)(3) of the House Rules (requiring the bill analysis to identify the sections of the measure in which rulemaking authority is delegated); 83 H.J. Reg. 874-75 (2013); 78 H.J. Reg. 1920 (2003).

Amendment No. 9

Representative Morrison offered the following amendment to **CSHB 500**:

Floor Packet Page No. 41

Amend **CSHB 500** as follows:

(1) On page 1, line 20, add the following appropriately numbered sections and renumber subsequent sections accordingly:

SECTION _____. (a) Effective January 1, 2014, Sections 171.002(a) and (b), Tax Code, are amended to read as follows:

(a) Subject to Sections 171.003 and 171.1016 and except as provided by Subsection (b), the rate of the franchise tax is 0.90 [~~one~~] percent of taxable margin.

(b) Subject to Sections 171.003 and 171.1016, the rate of the franchise tax is 0.45 [~~0.5~~] percent of taxable margin for those taxable entities primarily engaged in retail or wholesale trade.

(b) This section applies only to a report originally due on or after January 1, 2014.

(2) On page 8, line 10 insert the following appropriately numbered sections and renumber subsequent sections accordingly:

SECTION _____. (a) Effective January 1, 2014, Section 171.1016(b), Tax Code, is amended to read as follows:

(b) The amount of the tax for which a taxable entity that elects to pay the tax as provided by this section is liable is computed by:

(1) determining the taxable entity's total revenue from its entire business, as determined under Section 171.1011;

(2) apportioning the amount computed under Subdivision (1) to this state, as provided by Section 171.106, to determine the taxable entity's apportioned total revenue; and

(3) multiplying the amount computed under Subdivision (2) by the rate of 0.5175 [~~0.575~~] percent.

(b) This section applies only to a report originally due on or after January 1, 2014.

Amendment No. 10

Representative Morrison offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Morrison to **CSHB 500** (prefiled amendment packet, pages 41-42) by striking the text of the amendment and substituting the following:

Amend **CSHB 500** (house committee printing) as follows:

(1) On page 1, line 20, between "by" and "adding", insert "amending Subsection (a) and".

(2) On page 1, between lines 21 and 22, insert the following:

(a) Subject to Sections 171.003 and 171.1016 and except as provided by Subsection (b), the rate of the franchise tax is:

(1) one percent of taxable margin; or

(2) for a taxable entity that elects to subtract compensation under Section 171.1013 for the purpose of computing its taxable margin, 0.95 percent of taxable margin.

Amendment No. 10 was adopted.

Amendment No. 9, as amended, was adopted.

Amendment No. 11

Representatives Button and N. Gonzalez offered the following amendment to **CSHB 500**:

Floor Packet Page No. 43

Amend **CSHB 500** (house committee printing) as follows:

(1) On page 3, line 1, strike "and" and substitute "[~~and~~]".

(2) On page 3, line 2, between "(iii)" and "subtracting", insert the following: subtracting 50 percent of the costs not already subtracted under Subparagraph (ii)(a) or (b) that are properly allocable under the Federal Acquisition Regulation (48 C.F.R. Chapter 1, or a successor regulation), to contracts, or subcontracts supporting those contracts, for the sale of goods or services to the federal government; and

(iv)

Amendment No. 11 was adopted.

Amendment No. 12

Representative Murphy offered the following amendment to **CSHB 500**:

Floor Packet Page No. 44

Amend **CSHB 500** (house committee printing) as follows:

(1) On page 3, line 18, strike "(w-1), and (x)" and substitute "(w-1), (x), and (y)".

(2) On page 6, between lines 18 and 19, insert the following:

(y) A taxable entity shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3) but not subtracted as a cost of goods sold on the report or on a previous report, the depreciation used to calculate gain or loss on the disposition of real property held primarily for the production of rental income.

Amendment No. 13

Representative Hilderbran offered the following amendment to Amendment No. 12:

Amend Floor Amendment No. 12 by Murphy (page 44 of the pre-filed amendments packet) as follows:

(1) Add the following appropriately numbered item:

() Notwithstanding any other provision of this amendment, the changes in law made by this amendment take effect January 1, 2016.

(2) Make any appropriate changes to the bill necessary to implement this amendment to the amendment.

Amendment No. 13 was adopted by (Record 648): 94 Yeas, 51 Nays, 3 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Caprighione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker; Davis, S.(C); Strama.

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

AMENDMENT NO. 12 - REMARKS

REPRESENTATIVE EILAND: Mr. Speaker, members, we need to think about, this is the first amendment that we're doing this to. We should either have the gall or the guts to pass the amendments, starting right now; and to fix the Tax Code, right now; and wreck our budget, right now; instead of deferring these—wrecking the budget to the next budget. A lot of us—a lot of people in this chamber—campaign on not having smoke and mirrors and budget gimmicks in our budget. And basically, what we're doing right here, if we're going to do it on this bill, we should do it to every amendment that's up here. Because we set, and I know, I agree with what Chairman Hilderbran is doing, which is trying to fix some of the inequities in our Tax Code—and that's what this bill is all about. But there's a lot of inequities in our Tax Code, and as these bills came through committee, we couldn't afford to fix them all in this particular budget, because it would have been over \$1 billion, I bet. And so, what he came to the floor with was a package of amendments that had been through committee—a package of bills that had been through committee—that basically equalled \$4 million. And what we're going to do, if we start doing this—what we did to Mr. Murphy's bill, which says, this does not become effective until January 1st of 2016. So, what we're going to do is start robbing the next budget with all of these gimmicks, so if we vote for this one, I think we should vote for them all.

REPRESENTATIVE STRAMA: Representative Eiland, do you know how much revenue we have to deal with? Not in the coming biennium, but in the next biennium, so we can make an informed decision about whether our revenues and expenditures give us the luxury of enacting this amendment.

EILAND: We cannot—past history shows we cannot accurately predict what the current budget is going to be, much less the one that's going to happen in four years.

STRAMA: And we really don't know where exactly the money is coming from to pay for **CSHB 500** in its current form, much less after we amend it to have to pay for a lot more tax cuts, is that correct?

EILAND: Well, we would at least know that they're going to have to come out of this budget and not out of future budgets.

STRAMA: Right, and we don't know, frankly, what the consequences of a lot of these tax cuts are going to have on future budgets. If anything, wouldn't it make sense to do the opposite of what we're doing in this amendment—to enact it for the current biennium, if we determine during the appropriations process that we can afford to, and sunset it, and require it to be reenacted in the next biennium by the next legislature, if it wants to continue that tax cut, and if it has the financial capacity to responsibly do so?

EILAND: Correct. So, Mr. Speaker, members, before you vote on this, you need to think about the smoke and mirrors—the postponing of the impact of tax policy changes. If we're going to do them, we should do them now, not make these businesses wait two years to fix the inequities. We're going to fix the inequities? Fix them now, or don't fix them at all.

(Márquez in the chair)

REMARKS ORDERED PRINTED

Representative Canales moved to print remarks by Representative Eiland.

The motion prevailed.

Amendment No. 12, as amended, was adopted by (Record 649): 95 Yeas, 48 Nays, 5 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; González, M.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Longoria; Lucio; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker; Gonzalez, N.; Márquez(C); Orr; Strama.

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Amendment No. 14

Representative Orr offered the following amendment to **CSHB 500**:

Floor Packet Page No. 45

Amend **CSHB 500** (house committee report) as follows:

- (1) On page 5, line 24, strike "that is a physician practice".
- (2) On page 6, line 20, strike "amending Subdivision (4-a) and adding Subdivisions (4-b) and" and substitute "adding Subdivision".
- (3) Strike page 6, line 22, through page 7, line 4.

Amendment No. 14 was adopted.

Amendment No. 15

Representative Taylor offered the following amendment to **CSHB 500**:

Floor Packet Page No. 46

Amend **CSHB 500** (house committee printing) as follows:

- (1) On page 7, line 10, strike "Subsection (q)" and substitute "Subsections (q), (r), and (s)".

- (2) On page 8, between lines 1 and 2, insert the following:

(r) A taxable entity that elects to subtract cost of goods sold for the purpose of computing its taxable margin may elect to determine the amount of that cost of goods sold in accordance with this subsection. A taxable entity making the election authorized by this subsection is not subject to the provisions of this section relating to the computation of the amount of cost of goods sold other than this subsection and Subsection (s). The taxable entity shall determine the amount of cost of goods sold as follows:

(1) for a taxable entity treated for federal income tax purposes as a corporation, the cost of goods sold is the amount reportable as cost of goods sold on line 2, Internal Revenue Service Form 1120;

(2) for a taxable entity treated for federal income tax purposes as a partnership, the cost of goods sold is the amount reportable as cost of goods sold on line 2, Internal Revenue Service Form 1065;

(3) for a taxable entity treated for federal income tax purposes as an S corporation, the cost of goods sold is the amount reportable as cost of goods sold on line 2, Internal Revenue Service Form 1120S; or

(4) for any other taxable entity, the cost of goods sold is an amount determined in a manner substantially equivalent to the amount for Subdivision (1), (2), or (3) determined by rules the comptroller shall adopt.

(s) A combined group that elects to subtract cost of goods sold for the purpose of computing its taxable margin shall make the election to compute the amount of that cost of goods sold under Subsection (r), or to compute that amount under the other provisions of this section, for all of its members.

(3) On page 8, line 2, strike "Section 171.1014(d), Tax Code, is" and substitute "Sections 171.1014(d) and (d-1), Tax Code, are".

(4) On page 8, between lines 9 and 10, insert the following:

(d-1) A member of a combined group that does not elect to compute the amount of cost of goods sold as provided by Section 171.1012(r) may claim as cost of goods sold those costs that qualify under Section 171.1012 if the goods for which the costs are incurred are owned by another member of the combined group.

Amendment No. 15 was withdrawn.

Amendment No. 16

Representative Taylor offered the following amendment to **CSHB 500**:

Floor Packet Page No. 52

Amend **CSHB 500** (house committee printing) as follows:

(1) On page 7, line 10, strike "Subsection (q)" and substitute "Subsections (q), (r), and (s)".

(2) On page 8, between lines 1 and 2, insert the following:

(r) A taxable entity that has total revenue from its entire business of less than \$5 million and that elects to subtract cost of goods sold for the purpose of computing its taxable margin may elect to determine the amount of that cost of goods sold in accordance with this subsection. A taxable entity making the election authorized by this subsection is not subject to the provisions of this section relating to the computation of the amount of cost of goods sold other than this subsection and Subsection (s). The taxable entity shall determine the amount of cost of goods sold as follows:

(1) for a taxable entity treated for federal income tax purposes as a corporation, the cost of goods sold is the amount reportable as cost of goods sold on line 2, Internal Revenue Service Form 1120;

(2) for a taxable entity treated for federal income tax purposes as a partnership, the cost of goods sold is the amount reportable as cost of goods sold on line 2, Internal Revenue Service Form 1065;

(3) for a taxable entity treated for federal income tax purposes as an S corporation, the cost of goods sold is the amount reportable as cost of goods sold on line 2, Internal Revenue Service Form 1120S; or

(4) for any other taxable entity, the cost of goods sold is an amount determined in a manner substantially equivalent to the amount for Subdivision (1), (2), or (3) determined by rules the comptroller shall adopt.

(s) A combined group that has total revenue from its entire business of less than \$5 million and that elects to subtract cost of goods sold for the purpose of computing its taxable margin shall make the election to compute the amount of that cost of goods sold under Subsection (r), or to compute that amount under the other provisions of this section, for all of its members.

(3) On page 8, line 2, strike "Section 171.1014(d), Tax Code, is" and substitute "Sections 171.1014(d) and (d-1), Tax Code, are".

(4) On page 8, between lines 9 and 10, insert the following:

(d-1) A member of a combined group that does not elect to compute the amount of cost of goods sold as provided by Section 171.1012(r), if applicable, may claim as cost of goods sold those costs that qualify under Section 171.1012 if the goods for which the costs are incurred are owned by another member of the combined group.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representatives Button and Bohac offered the following amendment to **CSHB 500**:

Floor Packet Page No. 54

Amend **CSHB 500** (house committee report) as follows:

(1) On page 7, line 10, strike "Subsection (q)" and substitute "Subsections (p) and (q)".

(2) On page 7, between lines 10 and 11, insert the following:

(p) Notwithstanding Subsection (e)(2) or any other provision of this section, the cost of goods sold includes 20 percent of the costs attributable to the acceptance of credit cards and debit cards as a means of payment.

Amendment No. 17 was adopted by (Record 650): 137 Yeas, 3 Nays, 7 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Vo; Walle; White; Workman; Wu; Zedler.

Nays — Dutton; Márquez(C); Thompson, S.

Present, not voting — Mr. Speaker; Anchia; Gonzalez, N.; Howard; Kolkhorst; Strama; Villarreal.

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Zerwas.

STATEMENT OF VOTE

I was shown voting yes on Record No. 650. I intended to vote no.

Miles

Amendment No. 18

Representative Capriglione offered the following amendment to **CSHB 500**:
Floor Packet Page No. 55

Amend **CSHB 500** (house committee report) by striking page 8, lines 15 and 16, and substituting the following appropriately numbered SECTION:

SECTION _____. Sections 171.0021, 171.1016(d), and 171.103(c) and (d), Tax Code, are repealed.

CSHB 500 - POINT OF ORDER

Representative Miles raised a point of order against further consideration of **CSHB 500** under Rule 4, Section 9 of the House Rules on the grounds that the Committee on Ways and Means met while the house was in session without being given permission to meet.

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

Representative Miles raised a point of order against further consideration of **CSHB 500** under Rule 4, Section 9 of the House Rules, asserting that the Committee on Ways and Means, which considered **CSHB 500** in a formal meeting while the house was in session, did not have permission to meet while the house was in session. Representative Miles acknowledges that all committees that had posted for their meetings were permitted to meet during session, but asserts that the Committee on Ways and Means did not post its meeting. The point of order is respectfully overruled.

The house journal reflects that an announcement for the Committee on Ways and Means's formal meeting was filed with the journal clerk and read by the reading clerk while the house was in session, in compliance with Rule 4, Section 11(b)'s posting requirements for formal meetings. Therefore, the blanket permission for all committees to meet while the house was in session, pursuant to their committee postings, applied to the Committee on Ways and Means's formal meeting to consider **CSHB 500**.

CSHB 500 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 500** under Rule 8, Section 5(c) of the House Rules on the grounds that the names of all joint authors are not properly shown on all the official printings of the bill.

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

Representative Y. Davis raised a point of order under Rule 8, Section 5(c) and Rule 12, Section 1(A)(1) of the House Rules. Specifically, Representative Y. Davis argued that Representative Button "signed on" as a joint author on **CSHB 500** on April 19, 2013, and, as such, should have been reflected as a joint author on the first printing of the bill (the May 2, 2013, 8:03 a.m. recommitted printing) and on each of the four calendars on which **CSHB 500** appears (generated May 2, 7:00 p.m.; May 3, 5:20 p.m.; May 4, 12:33 p.m.; and May 5, 7:12 p.m.). The point of order is respectfully overruled.

Representative Y. Davis also states that the "actions of the Committee on Ways and Means are grossly and egregiously contrary and disrespectful to the rules of the house, 83rd Legislature." For the reasons set out below, the chair believes that the Committee on Ways and Means had no impact on the point of order raised.

A person becomes a co- or joint author if the person is designated as a co- or joint author by the primary author on the appropriate form (Rule 8, Section 5(c) of the House Rules). A copy of the forms are set out as attachment "A". The proposed co- or joint author must sign the form and, importantly, "the signatures of all the coauthors or joint authors shall appear in appropriate forms in the chief clerks office." See Rule 8, Section 5(a) of the House Rules. The reason for having the forms housed with the chief clerk is important because the chief clerk is responsible for "hav[ing] printed and distributed correct copies of all legislative documents." See Rule 2, Section 1(7) of the House Rules. The chief clerk enters the forms into a database, and the documents, including the official printings, the calendars, and the electronic legislative information system, all draw on the information in the clerks database.

The mystery of Representative Button's appearing to "sign on" to the bill on April 19, 2013, is explained by Representative Hilderbran's behavior in gathering joint and coauthors for this bill. The chief clerks office will provide members with sheets to gather names of joint and coauthors. There is no requirement in the rules that the signatures be reported immediately to the chief clerk. Any house member or member of the public watching from the gallery would recognize the curious behavior of members who circle the floor looking for a potential co- or joint author, who sidle up to a fellow member in idle conversation, and who pull from a folder a yellow or white sheet and a pen, presenting the member with the opportunity to sign onto a bill in the same manner as a penguin offers a pebble to a potential mate. Members may circle for hours or days until satisfied that they have collected an impressive number of signatures. Then they appear in the chief

clerks office to disgorge these names on the forms to the chief clerk for entry into the chief clerk's database, which allows the information to be added to the official printings, the calendars, and the electronic legislative information system.

Representative Hilderbran filed the original bill on April 8, 2013. He appeared in the chief clerk's office with forms designating eight coauthors over a period of time between April 29, 2013, at 5:32 p.m. and May 2, 2013, at 12:14 p.m. We know this statement is accurate because the chief clerk has a bill authors audit system built into his computer system. The bill authors audit system logs when the author of a bill returns a form and a co- or joint author is added to a bill (see attached audit report for **CSHB 500**). Further, we know most of the coauthors who signed Representative Hilderbran's bill (all but Representative Villalba) were added into the system before the recommitted house committee report was printed at 8:03 a.m. on May 2, 2013. We know this because the recommitted committee report and each of the four calendars distributed with the bill between May 2 and May 5 show Representative Hilderbran's name and the indication "et al.," which indicates the presence of coauthors on a bill. The audit log also indicates that Representative Hilderbran disgorged a large number of names of co- and joint authors back to the chief clerk's office on May 6, between 4:28 p.m. and 5:48 p.m., including the names of the four joint authors (Representatives Button, Creighton, E. S. Turner, and S. Thompson). The chief clerk also recorded faithfully (because the staff of the house does not modify the writings of a member) the date Representative Button indicated that she joined as a joint author. Because the item was not signed or witnessed by the clerk, the clerk can only faithfully reproduce the information on the sheet. However, Representative Button was not added to the legislative database as a joint author until May 6, 2013, at 4:28 p.m. After each of the four joint authors was added, each of their names appeared on the very next calendar printing at 8:16 p.m. that same evening.

Perhaps Representative Hilderbran should have been forced to present his co- or joint author names as he collected them or to collect signatures only under the watchful eye of the chief clerk or his staff, with the staff time-stamping and immediately entering each action. However, the members have not seen fit to shackle themselves to these types of rules. In fact, the members and the rules appear to have adopted the practice of allowing signatures to be harvested on the floor, be retained by the primary author, and be recorded later in the chief clerks office, with the knowledge that the records of the chief clerk—which solely govern the official printings, calendars, and electronic legislative data systems—cannot be updated until the forms are returned. In this case, the chief clerk complied with rules to the full extent that the members allowed him to do. The chief clerk accurately reported the information available to him, which was timely and correctly displayed on the recommitted committee report and the first four calendars. When the information changed, and the chief clerk received the information regarding Representative Button and the other joint authors, the clerk's reporting of the changed information produced an accurate revised calendar, listing all four joint authors. Because each of these printings is a

snapshot in time, each printing is correct if, at the time of the printing or other act, the information accurately reflected the information in the hands of the house official charged with the act.

Accordingly, no violation of Rule 8 or Rule 12 of the House Rules was involved. The clerk can only report and print the information members provide to him. However, in light of this issue the house may wish to consider a different method, including an electronic method, to allow faster, more timely, and a more controlled entry of information to the chief clerks office on co- and joint author matters. Members may wish to visit with the chief clerks office about such a system.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Y. Davis offered the following amendment to **CSHB 500**:
Floor Packet Page No. 56

Amend **CSHB 500** (house committee printing) by striking SECTION 15 of the bill (page 9, line 6) and substituting the following appropriately numbered SECTION:

SECTION _____. (a) Subject to Subsection (b) of this section, this Act takes effect January 1, 2014.

(b) This Act takes effect only if the comptroller of public accounts certifies in accordance with Section 49a(b), Article III, Texas Constitution, that the amounts of money proposed for appropriation by **SB 1**, Acts of the 83rd Legislature, Regular Session, 2013, as enacted by that legislature, are within the amounts estimated to be available in the funds from which the proposed appropriations would be made. If the comptroller does not make that certification, this Act has no effect.

Representative Hilderbran moved to table Amendment No. 19.

The motion to table prevailed by (Record 651): 91 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Collier; Cortez; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero;

Howard; Johnson; Longoria; Lucio; Márquez(C); Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker.

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Aycock; Coleman; Darby; Guillen.

STATEMENT OF VOTE

When Record No. 651 was taken, I was in the house but away from my desk. I would have voted yes.

Aycock

Amendment No. 20

Representative Bohac offered the following amendment to **CSHB 500**:
 Floor Packet Page No. 57

Amend **CSHB 500** by adding the following SECTION:

SECTION _____. Section 171.1011(n), Tax Code, is amended to read as follows:

(n) A [~~Except as provided by Subsection (e), a~~] taxable entity that is a health care provider shall exclude from its total revenue:

(1) to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), the total amount of payments the health care provider received:

(A) under the Medicaid program, Medicare program, Indigent Health Care and Treatment Act (Chapter 61, Health and Safety Code), and Children's Health Insurance Program (CHIP);

(B) for professional services provided in relation to a workers' compensation claim under Title 5, Labor Code; and

(C) for professional services provided to a beneficiary rendered under the TRICARE military health system; and

(2) the actual cost to the health care provider for any uncompensated care provided, but only if the provider maintains records of the uncompensated care for auditing purposes and, if the provider later receives payment for all or part of that care, the provider adjusts the amount excluded for the tax year in which the payment is received.

SECTION _____. Section 171.1011(o), Tax Code, is repealed.

SECTION 3. This Act applies only to a report originally due on or after the effective date of this Act.

SECTION 4. This Act takes effect January 1, 2015.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Bohac offered the following amendment to **CSHB 500**:

Floor Packet Page No. 59

Amend **CSHB 500** by adding the following SECTION:

SECTION _____. Section 171.1011(o), Tax Code, is amended to read as follows:

(o) A health care provider that is a health care institution shall exclude from its total revenue ~~50-75~~ percent of the amounts described by Subsection (n).

Amendment No. 21 was withdrawn.

Amendment No. 22

Representative Bohac offered the following amendment to **CSHB 500**:

Floor Packet Page No. 61

(1) Amend **CSHB 500** by adding the appropriately numbered SECTION as follows:

SECTION _____. Section 171.106, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) A taxable entity that is a broadcaster shall include in the numerator of the broadcaster's apportionment factor receipts arising from a broadcast or other distribution of film by any means only if the legal domicile of the broadcaster's customer is in this state. This subsection applies only to receipts that are licensing income from distributing film programming. In this subsection:

(1) "Broadcaster" means a taxable entity, not including a cable service provider or a direct broadcast satellite service, that is a:

(A) television or radio station licensed by the Federal Communications Commission;

(B) television or radio broadcast network;

(C) cable television network; or

(D) television distribution company.

(2) "Customer" means a person, including a licensee, that has a direct connection or contractual relationship with a broadcaster under which the broadcaster derives revenue.

(3) "Film programming" means all or part of a live or recorded performance, event, or production intended to be distributed for visual and auditory perception by an audience.

(4) "Programming" includes news, entertainment, sporting events, plays, stories, or other literary, commercial, educational, or artistic works.

(2) Amend **CSHB 500** by adding a new SECTION as follows:

SECTION _____. SECTION _____ of **CSHB 500** takes effect January 1, 2015.

Amendment No. 22 was adopted by (Record 652): 100 Yeas, 40 Nays, 5 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales;

Gooden; Guerra; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; Vo; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Dukes; Dutton; Farias; Farrar; González, M.; Gutierrez; Hernandez Luna; Herrero; Johnson; Longoria; Lucio; Márquez(C); Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Naishtat; Nevárez; Oliveira; Perez; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Walle; Wu.

Present, not voting — Mr. Speaker; Gonzalez, N.; Howard; Strama; Villarreal.

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Bonnen, G.; Geren; Kolkhorst.

STATEMENTS OF VOTE

When Record No. 652 was taken, I was in the house but away from my desk. I would have voted yes.

G. Bonnen

I was shown voting no on Record No. 652. I intended to vote yes.

Menéndez

I was shown voting yes on Record No. 652. I intended to vote no.

Muñoz

Amendment No. 23

Representative Taylor offered the following amendment to **CSHB 500**:
Floor Packet Page No. 63

Amend **CSHB 500** as follows:

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

SECTION _____. (a) Section 111.064, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) For a refund of an amount paid under Chapter 171 that is claimed after August 31, 2015, and granted for a report period due on or after January 1, 2000, the rate of interest is the rate set in Section 111.060.

(b) This section takes effect September 1, 2015.

(2) On page 9, line 6, strike "This" and substitute "Except as otherwise provided by this Act, this".

Amendment No. 24

Representative Taylor offered the following amendment to Amendment No. 23:

Amend Floor Amendment No. 23 by Taylor (page 63 of the prefiled amendments packet) as follows:

(1) Add the following appropriately numbered item:

() Notwithstanding any other provision of this amendment, the changes in law made by this amendment take effect January 1, 2016.

(2) Make any appropriate changes to the bill necessary to implement this amendment to the amendment.

Amendment No. 24 was adopted by (Record 653): 93 Yeas, 50 Nays, 3 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Button; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Callegari; Canales; Coleman; Collier; Cortez; Davis, Y.; Dukes; Dutton; Farias; Farrar; Geren; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Johnson; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Branch; Goldman.

Amendment No. 23, as amended, was adopted by (Record 654): 97 Yeas, 47 Nays, 3 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Eiland;

Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Collier; Cortez; Davis, Y.; Dukes; Dutton; Farias; Farrar; Geren; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Johnson; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Coleman.

Amendment No. 25

Representative Eiland offered the following amendment to **CSHB 500**:

Floor Packet Page No. 66

Amend **CSHB 500** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 171.052(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (c), an insurance organization, title insurance company, or title insurance agent authorized to engage in insurance business in this state that is ~~now~~ required to pay an annual tax ~~[under Chapter 4 or 9, Insurance Code,]~~ measured by its gross premium receipts is exempted from the franchise tax. A nonadmitted insurance organization that is required to pay a gross premium receipts tax during a tax year is exempted from the franchise tax for that same tax year. A nonadmitted insurance organization that is subject to an occupation tax or any other tax that is imposed for the privilege of doing business in another state or a foreign jurisdiction, including a tax on gross premium receipts, is exempted from the franchise tax.

Amendment No. 25 was adopted by (Record 655): 136 Yeas, 5 Nays, 5 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Huberty; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Paddie; Parker; Patrick; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Dukes; Klick; McClendon; Oliveira; Perez.

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

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Hughes; Phillips.

Amendment No. 26

Representative Leach offered the following amendment to **CSHB 500**:

Floor Packet Page No. 67

Amend **CSHB 500** as follows:

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

SECTION _____. (a) Subchapter C, Chapter 171, Tax Code, is amended by adding Section 171.109 to read as follows:

Sec. 171.109. DEDUCTION OF RELOCATION COSTS BY CERTAIN TAXABLE ENTITIES FROM MARGIN APPORTIONED TO THIS STATE. (a) In this section, "relocation costs" means the costs incurred by a taxable entity to relocate the taxable entity's main office or other principal place of business from one location to another. The term includes:

(1) costs of relocating computers and peripherals, other business supplies, furniture, and inventory; and

(2) any other costs related to the relocation that are allowable deductions for federal income tax purposes.

(b) Subject to Subsection (c), a taxable entity may deduct from its apportioned margin relocation costs incurred in relocating the taxable entity's main office or other principal place of business to this state from another state if the taxable entity:

(1) did not do business in this state before relocating the taxable entity's main office or other principal place of business to this state; and

(2) is not a member of an affiliated group engaged in a unitary business, another member of which is doing business in this state on the date the taxable entity relocates the taxable entity's main office or other principal place of business to this state.

(c) A taxable entity must take the deduction authorized by Subsection (b) on the report based on the taxable entity's initial period described by Section 171.151(1).

(d) On the comptroller's request, a taxable entity that takes a deduction authorized by this section shall file with the comptroller proof of the deducted relocation costs.

(b) The change in law made by this section applies only to a taxable entity that relocates the taxable entity's main office or other principal place of business to this state on or after the effective date of this section.

(c) This section takes effect September 1, 2013.

(2) On page 9, line 6, strike "This" and substitute "Except as otherwise provided by this Act, this".

Amendment No. 26 was adopted by (Record 656): 101 Yeas, 37 Nays, 5 Present, not voting.

Yeas — Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dutton; Eiland; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gonzalez, N.; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Martinez; McClendon; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Canales; Coleman; Collier; Cortez; Davis, Y.; Farias; González, M.; Guerra; Gutierrez; Hernandez Luna; Herrero; Johnson; Longoria; Lucio; Martinez Fischer; Menéndez; Miles; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

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

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Burnam; Dukes; Huberty; Klick; Toth.

STATEMENTS OF VOTE

When Record No. 656 was taken, I was temporarily out of the house chamber. I would have voted yes.

Huberty

I was shown voting no on Record No. 656. I intended to vote yes.

Menéndez

Amendment No. 27

Representatives N. Gonzalez and Button offered the following amendment to **CSHB 500**:

Floor Packet Page No. 69

Amend **CSHB 500** (house committee report) by striking page 7, lines 9 through 10, and substituting the following, appropriately numbered:

SECTION _____. Section 171.1012, Tax Code, is amended by amending Subsection (f) and adding Subsection (g) to read as follows:

(f) A taxable entity may subtract as a cost of goods sold indirect or administrative overhead costs, including all mixed service costs, such as security services, legal services, data processing services, accounting services, personnel operations, and general financial planning and financial management costs, that it can demonstrate are allocable to the acquisition or production of goods, except that the amount subtracted may not exceed 5.5 [~~four~~] percent of the taxable entity's total indirect or administrative overhead costs, including all mixed service costs. Any costs excluded under Subsection (e) may not be subtracted under this subsection.

(Speaker pro tempore in the chair)

Amendment No. 27 was adopted by (Record 657): 114 Yeas, 27 Nays, 5 Present, not voting.

Yeas — Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Herrero; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Villalba; Walle; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Burnam; Canales; Coleman; Collier; Davis, Y.; Dukes; Dutton; González, M.; Gutierrez; Hernandez Luna; Johnson; Márquez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Perez; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Turner, S.; Vo; Wu.

Present, not voting — Mr. Speaker; Bonnen, D.(C); Howard; Strama; Villarreal.

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Alvarado; Toth.

STATEMENT OF VOTE

When Record No. 657 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

Amendment No. 28

Representative Geren offered the following amendment to **CSHB 500**:

Floor Packet Page No. 70

Amend **CSHB 500** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 171.1012, Tax Code, is amended by adding Subsections (k-2) and (k-3) to read as follows:

(k-2) This subsection applies only to a pipeline entity: (1) that owns or leases and operates the pipeline by which the product is transported for others and only to that portion of the product to which the entity does not own title; and (2) that is primarily engaged in gathering, storing, transporting, or processing crude oil, including finished petroleum products, natural gas, condensate, and natural gas liquids, except for a refinery installation that manufactures finished petroleum products from crude oil. Notwithstanding Subsection (e)(3) or (i), a pipeline entity providing services for others related to the product that the pipeline does not own and to which this subsection applies may subtract as a cost of goods sold its depreciation, operations, and maintenance costs allowed by this section related to the services provided.

(k-3) For purposes of Subsection (k-2), "processing" means the physical or mechanical removal, separation, or treatment of crude oil, including finished petroleum products, natural gas, condensate, and natural gas liquids after those materials are produced from the earth. The term does not include the chemical or biological transformation of those materials.

Amendment No. 28 was adopted by (Record 658): 113 Yeas, 28 Nays, 5 Present, not voting.

Yeas — Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes;

Eiland; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Gonzales; Gonzalez, N.; Gooden; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Lucio; Martinez; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Vo; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Dutton; Farias; González, M.; Guerra; Gutierrez; Johnson; Longoria; Márquez; Martinez Fischer; Miles; Naishtat; Oliveira; Perez; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Turner, S.; Walle.

Present, not voting — Mr. Speaker; Bonnen, D.(C); Howard; Strama; Villarreal.

Absent, Excused — Giddings.

Absent, Excused, Committee Meeting — Hunter.

Absent — Goldman; Wu.

STATEMENT OF VOTE

I was shown voting yes on Record No. 658. I intended to vote no.

Alvarado

Amendment No. 29

Representative Eiland offered the following amendment to **CSHB 500**:

Floor Packet Page No. 71

Amend **CSHB 500** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the other SECTIONS of the bill accordingly:

SECTION _____. Section 171.1013(a), Tax Code, is amended to read as follows:

(a) Except as otherwise provided by this section, "wages and cash compensation" means the amount entered in the Medicare wages and tips box of Internal Revenue Service Form W-2 or any subsequent form with a different number or designation that substantially provides the same information. The term also includes, to the extent not included above:

(1) net distributive income from a taxable entity treated as a partnership for federal income tax purposes, but only if the person receiving the distribution is a natural person;

(2) net distributive income from limited liability companies and corporations treated as S corporations for federal income tax purposes, but only if the person receiving the distribution is a natural person;

(3) stock awards and stock options deducted for federal income tax purposes; ~~and~~

(4) net distributive income from a limited liability company treated as a sole proprietorship for federal income tax purposes, but only if the person receiving the distribution is a natural person; and

(5) salaries or other compensation deducted for federal income tax purposes of employees located outside the United States for which the employer is not required to issue an Internal Revenue Service Form W-2.

(Hunter now present)

Amendment No. 29 was adopted by (Record 659): 131 Yeas, 12 Nays, 4 Present, not voting.

Yeas — Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddock; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Villalba; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Allen; Alonzo; Burnam; Davis, Y.; Dukes; Dutton; Gutierrez; Johnson; McClendon; Miles; Rose; Turner, S.

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

Absent, Excused — Giddings.

Absent — Geren; Toth.

Amendment No. 30

Representative Y. Davis offered the following amendment to **CSHB 500**:
Floor Packet Page No. 85

Amend **CSHB 500** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Chapter 325, Government Code, is amended by adding Section 325.025 to read as follows:

Sec. 325.025. EVALUATION OF EXEMPTIONS FROM FRANCHISE TAX. (a) The commission shall periodically evaluate each exemption provided by Chapter 171, Tax Code, from the tax imposed under that chapter.

(b) The commission shall conduct the evaluation required by Subsection (a) according to a schedule that the commission adopts. The schedule must provide for the commission to evaluate each tax exemption at an interval not to exceed six years. The commission shall provide the schedule to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the senate finance committee and the house ways and means committee.

(c) The commission's evaluation of each tax exemption must:

(1) include an evaluation of the exemption's effect on:

(A) revenue received from the tax imposed under Chapter 171;

(B) the entities that receive the exemption;

(C) sales of property, goods, and services made in this state, where applicable; and

(D) economic investment and growth in this state;

(2) take into account any other factors the commission considers relevant in evaluating the exemption;

(3) consider whether retaining the exemption is in the public's best interest; and

(4) make recommendations for retaining or repealing the exemption, or for amending a provision related to the exemption.

(d) At each regular legislative session, the commission shall present to the legislature and the governor a report on the evaluation and recommendations it makes under Subsection (c). The report must include drafts of any legislation needed to carry out the commission's recommendations under that subsection.

(e) The evaluation described by this section does not apply to a tax exemption that is:

(1) explicitly provided by the constitution of this state; or

(2) related to an item or service that this state is unable to tax under the United States Constitution or federal law.

(b) Chapter 101, Tax Code, is amended by adding Section 101.010 to read as follows:

Sec. 101.010. SUNSET PROVISION FOR CERTAIN EXEMPTIONS FROM FRANCHISE TAX. (a) The exemptions provided by Chapter 171 from the tax imposed under that chapter are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.025, Government Code, according to a schedule that the commission adopts under that section.

(b) A tax exemption that is the subject of a Sunset Advisory Commission evaluation under Section 325.025, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(c) This section does not prohibit the legislature from repealing an exemption from the tax imposed under Chapter 171 at a date earlier than the date provided by this section.

(d) The evaluation described by Subsection (a) and the repeal described by Subsection (b) do not apply to a tax exemption relating to an item or service that this state is unable to tax under the United States Constitution or federal law.

(c) The Sunset Advisory Commission shall adopt a schedule for evaluating exemptions from the tax imposed under Chapter 171, Tax Code, as provided by Section 325.025, Government Code, as added by this section, on or before January 1, 2014.

Amendment No. 31

Representative Y. Davis offered the following amendment to Amendment No. 30:

Amend Floor Amendment No. 30 by Y. Davis to **CSHB 500** (page 85, prefiled amendments packet) by striking the text of the amendment and substituting the following:

SECTION _____. (a) Chapter 325, Government Code, is amended by adding Section 325.025 to read as follows:

Sec. 325.025. EVALUATION OF EXEMPTIONS FROM FRANCHISE TAX. (a) The commission shall periodically evaluate each exemption provided by Chapter 171, Tax Code, from the tax imposed under that chapter to consider whether retaining the exemption is in the public's best interest.

(b) At each regular legislative session, the commission shall present to the governor and the legislature a report on the evaluation and recommendations it makes under Subsection (a).

(c) The commission shall conduct the evaluation required by Subsection (a) according to a schedule that the commission adopts. The schedule must provide for the commission to evaluate each tax exemption at an interval not to exceed six years. The commission shall provide the schedule to the governor and the legislature.

(d) The evaluation described by this section does not apply to a tax exemption that is:

(1) explicitly provided by the constitution of this state; or

(2) related to an item or service that this state is unable to tax under the United States Constitution or federal law.

(e) The Sunset Advisory Commission shall adopt a schedule for evaluating exemptions from the tax imposed under Chapter 171, Tax Code, as provided by Section 325.025, Government Code, as added by this section, on or before January 1, 2014.

Amendment No. 31 was adopted.

Amendment No. 30, as amended, was adopted by (Record 660): 141 Yeas, 1 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo;

Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Phillips.

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

Absent, Excused — Giddings.

Absent — Callegari; Farney; Smith; Turner, S.

Amendment No. 32

On behalf of Representative Martinez Fischer, Representative Oliveira offered the following amendment to **CSHB 500**:

Floor Packet Page No. 73

Amend **CSHB 500** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 171, Tax Code, is amended by adding Subchapters P-1 and Q-2 to read as follows:

SUBCHAPTER P-1. TAX CREDITS FOR CERTAIN
JOB CREATION ACTIVITIES

Sec. 171.771. DEFINITIONS. In this subchapter:

(1) "Agricultural processing" means an establishment primarily engaged in activities described in categories 0724, 2011-2099, 2211, 2231, 2824, 2833, 2834, 2835, 2836, 2841, 3111-3199, 3262, or 3952, in product classes 28692 or 28698 of category 2869, or in product classes 28992 or 28994 of category 2899 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(2) "Central administrative offices" means an establishment primarily engaged in performing management or support services for other establishments of the same enterprise. An enterprise consists of all establishments having more than 50 percent common direct or indirect ownership.

(3) "Data processing" means an establishment primarily engaged in activities described in categories 7371-7379 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(4) "Distribution" means an establishment primarily engaged in activities described in categories 5012-5199 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(5) "Group health benefit plan" means:

(A) a health plan provided by a health maintenance organization established under Chapter 843, Insurance Code;

(B) a health benefit plan approved by the commissioner of insurance; or

(C) a self-funded or self-insured employee welfare benefit plan that provides health benefits and is established in accordance with the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.).

(6) "Manufacturing" means an establishment primarily engaged in activities described in categories 2011-3999 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(7) "Qualified business" means an establishment primarily engaged in agricultural processing, central administrative offices, distribution, data processing, manufacturing, research and development, or warehousing.

(8) "Qualifying job" means a new permanent full-time job that:

(A) pays an annual wage of at least \$50,000, subject to Section 171.772;

(B) is covered by a group health benefit plan for which the business pays at least 80 percent of the premiums or other charges assessed under the plan for the employee; and

(C) is not created to replace a previous employee.

(9) "Research and development" means an establishment primarily engaged in activities described in category 8731 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

(10) "Warehousing" means an establishment primarily engaged in activities described in categories 4221-4226 of the 1987 Standard Industrial Classification Manual published by the United States Department of Labor.

Sec. 171.772. BIENNIAL ADJUSTMENT OF WAGE FOR QUALIFYING JOB. (a) In this section, "consumer price index" means the average over a state fiscal biennium of the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics, or its successor in function.

(b) Beginning in 2016, on January 1 of each even-numbered year, the wage amount prescribed by Section 171.771(8) is increased or decreased by an amount equal to the amount prescribed by that section on December 31 of the preceding year multiplied by the percentage increase or decrease during the preceding state fiscal biennium in the consumer price index and rounded to the nearest dollar.

(c) The amount determined under Subsection (b) applies to a report originally due on or after the date the determination is made.

(d) The comptroller shall make the determination required by this section and may adopt rules related to making that determination.

(e) A determination by the comptroller under this section is final and may not be appealed.

Sec. 171.773. ELIGIBILITY. A taxable entity is eligible for a credit against the tax imposed under this chapter if the taxable entity:

- (1) is a qualified business; and
- (2) creates a minimum of 10 qualifying jobs.

Sec. 171.774. AMOUNT OF CREDIT. A taxable entity may establish a credit equal to 25 percent of the total wages paid by the taxable entity for each qualifying job during each of the first 12 months of employment of the person hired to perform the job that occur during the period on which the report is based.

Sec. 171.775. LENGTH OF CREDIT. The credit established shall be claimed in five equal installments of one-fifth the credit amount over the five consecutive reports beginning with the report based on the period during which the qualifying jobs were created.

Sec. 171.776. LIMITATIONS. (a) The total credit claimed under this subchapter for a report, including the amount of any carryforward credit under Section 171.777, may not exceed 50 percent of the amount of franchise tax due for the report before any other applicable tax credits.

(b) The total credit claimed under this subchapter and Subchapter Q-2 for a report, including the amount of any carryforward credits, may not exceed the amount of franchise tax due for the report after any other applicable credits.

Sec. 171.777. CARRYFORWARD. (a) If a taxable entity is eligible for a credit that exceeds the limitations under Section 171.776, the taxable entity may carry the unused credit forward for not more than five consecutive reports.

(b) A carryforward is considered the remaining portion of an installment that cannot be claimed in the current year because of a limitation under Section 171.776. A carryforward is added to the next year's installment of the credit in determining the limitation for that year. A credit carryforward from a previous report is considered to be used before the current year installment.

Sec. 171.778. CERTIFICATION OF ELIGIBILITY. (a) For the initial and each succeeding report on which a credit is claimed under this subchapter, the taxable entity shall file with its report, on a form provided by the comptroller, information that sufficiently demonstrates that the taxable entity is eligible for the credit.

(b) The burden of establishing entitlement to and the value of the credit is on the taxable entity.

(c) A credit expires under this subchapter and the taxable entity may not take any remaining installment of the credit if in one of the five years in which the installment of a credit accrues, the taxable entity fails to maintain the minimum number of qualifying jobs required to be created by Section 171.773.

(d) Notwithstanding Subsection (c), the taxable entity may take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under Section 171.777.

Sec. 171.779. ASSIGNMENT PROHIBITED. A taxable entity may not convey, assign, or transfer the credit allowed under this subchapter to another entity unless all of the assets of the taxable entity are conveyed, assigned, or transferred in the same transaction.

Sec. 171.780. BIENNIAL REPORT BY COMPTROLLER. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report that states:

(1) the total number of jobs created by taxable entities that claim a credit under this subchapter and the average and median annual wage of those jobs;

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits including:

(A) the total amount of franchise tax due by taxable entities claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by taxable entities claiming a credit under this subchapter; and

(C) the percentage of tax credits that were awarded to taxable entities with fewer than 100 employees;

(3) the two-digit standard industrial classification of businesses claiming a credit under this subchapter;

(4) the geographical distribution of the credits claimed under this subchapter; and

(5) the effect of the credit provided under this subchapter on employment, personal income, and capital investment in this state and on state tax revenues.

(b) The final report issued before the expiration of this subchapter must include historical information on the credit authorized under this subchapter.

(c) The comptroller may not include in the report information that is confidential by law.

(d) For purposes of this section, the comptroller may require a taxable entity that claims a credit under this subchapter to submit information, on a form provided by the comptroller, on the location of the taxable entity's job creation in this state and any other information necessary to complete the report required under this section.

(e) The comptroller shall provide notice to the members of the legislature that the report required under this section is available on request.

Sec. 171.781. COMPTROLLER POWERS AND DUTIES. The comptroller shall adopt rules and forms necessary to implement this subchapter.

Sec. 171.782. EXPIRATION. (a) This subchapter expires December 31, 2025.

(b) The expiration of this subchapter does not affect the carryforward of a credit under Section 171.777 or those credits for which a taxable entity is eligible before the date this subchapter expires.

SUBCHAPTER Q-2. TAX CREDITS FOR CERTAIN CAPITAL INVESTMENTS

Sec. 171.821. DEFINITIONS. In this subchapter:

(1) "Agricultural processing" and "qualified business" have the meanings assigned those terms by Section 171.771.

(2) "Qualified capital investment" means tangible personal property first placed in service in this state by a taxable entity primarily engaged in agricultural processing, and that is described in Section 1245(a), Internal Revenue Code, such as engines, machinery, tools, and implements used in a trade or business or held for investment and subject to an allowance for depreciation, cost recovery under the accelerated cost recovery system, or amortization. The term does not include real property or buildings and their structural components. Property that is leased under a capitalized lease is considered a "qualified capital investment," but property that is leased under an operating lease is not considered a "qualified capital investment." Property expensed under Section 179, Internal Revenue Code, is not considered a "qualified capital investment."

Sec. 171.822. ELIGIBILITY. (a) A qualified business is eligible for a credit against the tax imposed under this chapter in the amount and under the conditions and limitations provided by this subchapter.

(b) To qualify for the credit authorized under this subchapter, a qualified business must:

(1) pay an annual wage of at least the amount required for a qualifying job as defined by Section 171.771 for the period on which the report is based;

(2) offer health benefits coverage to all full-time employees at the location with respect to which the credit is claimed through a group health benefit plan, as defined by Section 171.771, for which the business pays at least 80 percent of the premiums or other charges assessed under the plan for the employees; and

(3) make a minimum \$500,000 qualified capital investment.

Sec. 171.823. AMOUNT OF CREDIT. A taxable entity may establish a credit equal to 7.5 percent of the qualified capital investment during the period on which the report is based.

Sec. 171.824. LENGTH OF CREDIT. The credit established shall be claimed in five equal installments of one-fifth the credit amount over the five consecutive reports beginning with the report based on the period during which the qualified capital investment was made.

Sec. 171.825. LIMITATIONS. (a) The total credit claimed under this subchapter for a report, including the amount of any carryforward credit under Section 171.826, may not exceed 50 percent of the amount of franchise tax due for the report before any other applicable tax credits.

(b) The total credit claimed under this subchapter and Subchapter P-1 for a report, including the amount of any carryforward credits, may not exceed the amount of franchise tax due for the report after any other applicable tax credits.

Sec. 171.826. CARRYFORWARD. (a) If a taxable entity is eligible for a credit from an installment that exceeds the limitation under Section 171.825, the taxable entity may carry the unused credit forward for not more than five consecutive reports.

(b) A carryforward is considered the remaining portion of an installment that cannot be claimed in the current year because of a limitation under Section 171.825. A carryforward is added to the next year's installment of the credit in determining the limitation for that year. A credit carryforward from a previous report is considered to be used before the current year installment.

Sec. 171.827. CERTIFICATION OF ELIGIBILITY. (a) For the initial and each succeeding report on which a credit is claimed under this subchapter, the taxable entity shall file with its report, on a form provided by the comptroller, information that sufficiently demonstrates that the taxable entity is eligible for the credit.

(b) The burden of establishing entitlement to and the value of the credit is on the taxable entity.

(c) A credit expires under this subchapter and the taxable entity may not take any remaining installment of the credit if in one of the five years in which the installment of a credit accrues, the taxable entity:

(1) disposes of the qualified capital investment;

(2) takes the qualified capital investment out of service;

(3) moves the qualified capital investment out of this state; or

(4) fails to pay the annual wage required for a qualifying job under Section 171.771 for the period covered by the report on which the taxable entity would otherwise claim the credit.

(d) Notwithstanding Subsection (c), the taxable entity may take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under Section 171.826.

Sec. 171.828. ASSIGNMENT PROHIBITED. A taxable entity may not convey, assign, or transfer the credit allowed under this subchapter to another entity unless all of the assets of the taxable entity are conveyed, assigned, or transferred in the same transaction.

Sec. 171.829. BIENNIAL REPORT BY COMPTROLLER. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report that states:

(1) the total amount of qualified capital investments made by taxable entities that claim a credit under this subchapter and the average and median wages paid by those taxable entities;

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits, including:

(A) the total amount of franchise tax due by taxable entities claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by taxable entities claiming a credit under this subchapter;

(C) the percentage of tax credits that were awarded to taxable entities with fewer than 100 employees; and

(D) the two-digit standard industrial classification of taxable entities claiming a credit under this subchapter;

(3) the geographical distribution of the qualified capital investments on which tax credit claims are made under this subchapter; and

(4) the effect of the credit provided under this subchapter on employment, personal income, and capital investment in this state and on state tax revenues.

(b) The final report issued before the expiration of this subchapter must include historical information on the credit authorized under this subchapter.

(c) The comptroller may not include in the report information that is confidential by law.

(d) For purposes of this section, the comptroller may require a taxable entity that claims a credit under this subchapter to submit information, on a form provided by the comptroller, on the location of the taxable entity's capital investment in this state and any other information necessary to complete the report required under this section.

(e) The comptroller shall provide notice to the members of the legislature that the report required under this section is available on request.

Sec. 171.830. COMPTROLLER POWERS AND DUTIES. The comptroller shall adopt rules and forms necessary to implement this subchapter.

Sec. 171.831. EXPIRATION. (a) This subchapter expires December 31, 2025.

(b) The expiration of this subchapter does not affect the carryforward of a credit under Section 171.826 or those credits for which a taxable entity is eligible before the date this subchapter expires.

Amendment No. 33

Representative Hilderbran offered the following amendment to Amendment No. 32:

Amend Floor Amendment No. 32 by Martinez Fischer (page 73 of the prefiled amendments packet) as follows:

(1) Add the following appropriately numbered item:

() Notwithstanding any other provision of this amendment, the changes in law made by this amendment take effect January 1, 2016.

(2) Make any appropriate changes to the bill necessary to implement this amendment to the amendment.

Amendment No. 33 was adopted.

Amendment No. 32, as amended, was adopted.

LEAVE OF ABSENCE GRANTED

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

Martinez Fischer on motion of Geren.

CSHB 500 - (consideration continued)

Amendment No. 34

Representative Taylor offered the following amendment to **CSHB 500**:

Floor Packet Page No. 52

Amend **CSHB 500** (house committee printing) as follows:

(1) On page 7, line 10, strike "Subsection (q)" and substitute "Subsections (q), (r), and (s)".

(2) On page 8, between lines 1 and 2, insert the following:

(r) A taxable entity that has total revenue from its entire business of less than \$5 million and that elects to subtract cost of goods sold for the purpose of computing its taxable margin may elect to determine the amount of that cost of goods sold in accordance with this subsection. A taxable entity making the election authorized by this subsection is not subject to the provisions of this section relating to the computation of the amount of cost of goods sold other than this subsection and Subsection (s). The taxable entity shall determine the amount of cost of goods sold as follows:

(1) for a taxable entity treated for federal income tax purposes as a corporation, the cost of goods sold is the amount reportable as cost of goods sold on line 2, Internal Revenue Service Form 1120;

(2) for a taxable entity treated for federal income tax purposes as a partnership, the cost of goods sold is the amount reportable as cost of goods sold on line 2, Internal Revenue Service Form 1065;

(3) for a taxable entity treated for federal income tax purposes as an S corporation, the cost of goods sold is the amount reportable as cost of goods sold on line 2, Internal Revenue Service Form 1120S; or

(4) for any other taxable entity, the cost of goods sold is an amount determined in a manner substantially equivalent to the amount for Subdivision (1), (2), or (3) determined by rules the comptroller shall adopt.

(s) A combined group that has total revenue from its entire business of less than \$5 million and that elects to subtract cost of goods sold for the purpose of computing its taxable margin shall make the election to compute the amount of that cost of goods sold under Subsection (r), or to compute that amount under the other provisions of this section, for all of its members.

(3) On page 8, line 2, strike "Section 171.1014(d), Tax Code, is" and substitute "Sections 171.1014(d) and (d-1), Tax Code, are".

(4) On page 8, between lines 9 and 10, insert the following:

(d-1) A member of a combined group that does not elect to compute the amount of cost of goods sold as provided by Section 171.1012(r), if applicable, may claim as cost of goods sold those costs that qualify under Section 171.1012 if the goods for which the costs are incurred are owned by another member of the combined group.

Amendment No. 34 was adopted by (Record 661): 102 Yeas, 40 Nays, 5 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Dukes; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Herrero; Hilderbran; Huberty; Hughes; Hunter; Isaac;

Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Villalba; Vo; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Farrar; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Johnson; Longoria; Lucio; Márquez; Martínez; Miles; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Turner, C.; Turner, S.; Walle; Wu.

Present, not voting — Mr. Speaker; Bonnen, D.(C); Howard; Strama; Villarreal.

Absent, Excused — Giddings; Martinez Fischer.

Absent — Capriglione.

STATEMENT OF VOTE

When Record No. 661 was taken, I was in the house but away from my desk. I would have voted yes.

Capriglione

Amendment No. 35

Representative Hilderbran offered the following amendment to **CSHB 500**:
Floor Packet Page No. 2

Amend **CSHB 500** (house committee report) as follows:

(1) Strike page 1, lines 5 through 6, and substitute the following, numbered appropriately:

SECTION _____. Sections 171.0001(4) and (12), Tax Code, are amended to read as follows:

(4) "Beginning date" means:

(A) for a taxable entity chartered or organized in this state, the date on which the taxable entity's charter or organization takes effect; and

(B) for any other taxable entity:

(i) [s] the date on which the taxable entity begins doing business in this state; or

(ii) if the taxable entity concurrently begins doing business in this state and relocates its main office or other principal place of business to this state from another state, the third anniversary of the date on which the taxable entity begins doing business in this state.

(2) Strike page 1, lines 20 through 21, and substitute the following, numbered appropriately:

SECTION _____. Section 171.002, Tax Code, is amended by adding Subsection (c-2) and amending Subsection (d) to read as follows:

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

(d) A taxable entity is not required to pay any tax and is not considered to owe any tax for a period if[-

~~(1)] the amount of tax computed for the taxable entity is less than \$1,000[~~5- or~~~~

~~(2) the amount of the taxable entity's total revenue from its entire business is less than or equal to \$1 million or the amount determined under Section 171.006 per 12-month period on which margin is based].~~

(4) On page 2, lines 6 through 7, strike "Sections 171.002(d)(2) [~~171.0021,~~] and 171.1013(c)" and substitute "Sections 171.1011(c)(1)(C), 171.1011(c)(2)(C), 171.1011(c)(3), [~~171.002(d)(2), 171.0021,~~] and 171.1013(c)".

(5) On page 3, line 17, strike "amending Subsection (g)" and substitute "amending Subsections (g) and (g-4)".

(6) On page 4, between lines 5 and 6, insert the following:

(g-4) A taxable entity that is a pharmacy cooperative shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), flow-through funds from rebates from pharmacy wholesalers that are distributed to the pharmacy cooperative's shareholders. A taxable entity that provides a pharmacy network shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), flow-through funds from rebates from pharmacy wholesalers that are distributed to pharmacies in the pharmacy network and flow-through funds from reimbursements for payments to pharmacies in the pharmacy network.

(7) Strike page 8, lines 2 through 9, and substitute the following appropriately numbered SECTION:

SECTION _____. Section 171.1014, Tax Code, is amended by amending Subsections (c) and (d) and adding Subsections (j) and (j-1) to read as follows:

(c) For purposes of Section 171.101, a combined group shall determine its total revenue by:

(1) determining the total revenue of each of its members as provided by Section 171.1011 as if the member were an individual taxable entity, except that only one member of the combined group may subtract \$1 million under Section 171.1011(c)(1)(C), (c)(2)(C), or (c)(3);

(2) adding the total revenues of the members determined under Subdivision (1) together; and

(3) subtracting, to the extent included under Section 171.1011(c)(1)(A), (c)(2)(A), or (c)(3), items of total revenue received from a member of the combined group.

(d) For purposes of Section 171.101, a combined group shall make an election to subtract either cost of goods sold or compensation that applies to all of its members. Regardless of the election, the taxable margin of the combined group may not exceed 70 percent of the combined group's total revenue from its entire business, as provided by Section 171.101(a)(1)(A) notwithstanding the percentage provided by Section 171.101(a)(1)(A).

(j) Notwithstanding any other provision of this chapter, a nonqualified affiliate that would, except as otherwise provided by this subsection, be included in a combined group with a qualified affiliate may not be included in that combined group if:

(1) greater than 50 percent of the threshold amount is from activities in retail or wholesale trade;

(2) less than 50 percent of the threshold amount is from the sale of products produced by any entity that is included in an affiliated group with that qualified affiliate; and

(3) less than five percent of the threshold amount is from providing retail or wholesale electric utilities.

(j-1) For purposes of Subsection (j):

(1) a nonqualified affiliate is an individual taxable entity that provides retail or wholesale electric utilities;

(2) a qualified affiliate is an individual taxable entity that does not provide retail or wholesale electric utilities; and

(3) the threshold amount is the total revenue that would be determined under Subsection (c), provided that Subsection (j) does not apply to the determination of total revenue for purposes of this subdivision.

(8) Strike page 8, lines 15 through 16, and substitute the following appropriately numbered SECTION:

SECTION _____. Sections 171.0021, 171.1016(d), 171.103(c) and (d), and 171.204(b), Tax Code, are repealed.

(9) Strike page 9, line 6, and substitute the following appropriately numbered SECTION:

SECTION _____. Except as otherwise provided by this Act, this Act takes effect January 1, 2014.

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

SECTION _____. Section 171.001, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (a), the tax imposed under this chapter is not imposed on a taxable entity that is chartered or organized under the laws of the United States or another state and that concurrently begins doing business in this state and relocates its main office or other principal place of business to this state from another state until the third anniversary of the date on which the taxable entity begins doing business in this state.

SECTION _____. Section 171.063(g), Tax Code, is amended to read as follows:

(g) If a corporation's federal tax exemption is withdrawn by the Internal Revenue Service for failure of the corporation to qualify or maintain its qualification for the exemption, the corporation's exemption under this section ends on the effective date of that withdrawal by the Internal Revenue Service. The effective date of the withdrawal is considered the corporation's beginning date for purposes of determining the corporation's privilege periods and for all other purposes of this chapter, except that if the corporation would have been

subject to Section 171.001(d) or exempted from the franchise tax under Section 171.089 in the absence of the federal tax exemption, and the effective date of the withdrawal is a date earlier than the date the corporation would have become subject to the franchise tax as provided by Section 171.001(d) or Section 171.089, as applicable, the date the corporation would have become subject to the franchise tax under the applicable provision is considered the corporation's beginning date for those purposes.

SECTION _____. Subchapter B, Chapter 171, Tax Code, is amended by adding Section 171.089 to read as follows:

Sec. 171.089. EXEMPTION FOR LIMITED PERIOD: CERTAIN ENTITIES RELOCATING TO TEXAS. (a) A taxable entity is exempted from the franchise tax for a period of three years if the taxable entity:

(1) is chartered or organized under the laws of the United States or another state;

(2) has been doing business in this state; and

(3) had its main office or principal place of business located in another state but relocates that main office or other principal place of business to this state.

(b) The three-year period during which a taxable entity is exempted from the franchise tax as provided by this section begins on January 1 of the year following the date the relocation of the main office or other principal place of business is completed, as defined by comptroller rules, and ends on the third anniversary of that date.

SECTION _____. (a) Effective January 1, 2014, Section 171.1011(c), Tax Code, is amended to read as follows:

(c) Except as provided by this section, and subject to Section 171.1014, for the purpose of computing its taxable margin under Section 171.101, the total revenue of a taxable entity is:

(1) for a taxable entity treated for federal income tax purposes as a corporation, an amount computed by:

(A) adding:

(i) the amount reportable as income on line 1c, Internal Revenue Service Form 1120;

(ii) the amounts reportable as income on lines 4 through 10, Internal Revenue Service Form 1120; and

(iii) any total revenue reported by a lower tier entity as includable in the taxable entity's total revenue under Section 171.1015(b); ~~and~~

(B) subtracting:

(i) bad debt expensed for federal income tax purposes that corresponds to items of gross receipts included in Subsection (c)(1)(A) for the current reporting period or a past reporting period;

(ii) to the extent included in Subsection (c)(1)(A), foreign royalties and foreign dividends, including amounts determined under Section 78 or Sections 951-964, Internal Revenue Code;

(iii) to the extent included in Subsection (c)(1)(A), net distributive income from a taxable entity treated as a partnership or as an S corporation for federal income tax purposes;

(iv) allowable deductions from Internal Revenue Service Form 1120, Schedule C, to the extent the relating dividend income is included in total revenue;

(v) to the extent included in Subsection (c)(1)(A), items of income attributable to an entity that is a disregarded entity for federal income tax purposes; and

(vi) to the extent included in Subsection (c)(1)(A), other amounts authorized by this section; and

(C) if the amount computed under Subsections (c)(1)(A) and (c)(1)(B) totals \$5 million or less, subtracting \$1 million;

(2) for a taxable entity treated for federal income tax purposes as a partnership, an amount computed by:

(A) adding:

(i) the amount reportable as income on line 1c, Internal Revenue Service Form 1065;

(ii) the amounts reportable as income on lines 4, 6, and 7, Internal Revenue Service Form 1065;

(iii) the amounts reportable as income on lines 3a and 5 through 11, Internal Revenue Service Form 1065, Schedule K;

(iv) the amounts reportable as income on line 17, Internal Revenue Service Form 8825;

(v) the amounts reportable as income on line 11, plus line 2 or line 45, Internal Revenue Service Form 1040, Schedule F; and

(vi) any total revenue reported by a lower tier entity as includable in the taxable entity's total revenue under Section 171.1015(b); ~~and~~

(B) subtracting:

(i) bad debt expensed for federal income tax purposes that corresponds to items of gross receipts included in Subsection (c)(2)(A) for the current reporting period or a past reporting period;

(ii) to the extent included in Subsection (c)(2)(A), foreign royalties and foreign dividends, including amounts determined under Section 78 or Sections 951-964, Internal Revenue Code;

(iii) to the extent included in Subsection (c)(2)(A), net distributive income from a taxable entity treated as a partnership or as an S corporation for federal income tax purposes;

(iv) to the extent included in Subsection (c)(2)(A), items of income attributable to an entity that is a disregarded entity for federal income tax purposes; and

(v) to the extent included in Subsection (c)(2)(A), other amounts authorized by this section; and

(C) if the amount computed under Subsections (c)(2)(A) and (c)(2)(B) totals \$5 million or less, subtracting \$1 million; or

(3) for a taxable entity other than a taxable entity treated for federal income tax purposes as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount for Subdivision (1) or (2), including the subtraction of \$1 million as provided by Subdivision (1)(C) or (2)(C), determined by rules that the comptroller shall adopt.

(b) Effective January 1, 2016, Section 171.1011(c), Tax Code, is amended to read as follows:

(c) Except as provided by this section, and subject to Section 171.1014, for the purpose of computing its taxable margin under Section 171.101, the total revenue of a taxable entity is:

(1) for a taxable entity treated for federal income tax purposes as a corporation, an amount computed by:

(A) adding:

(i) the amount reportable as income on line 1c, Internal Revenue Service Form 1120;

(ii) the amounts reportable as income on lines 4 through 10, Internal Revenue Service Form 1120; and

(iii) any total revenue reported by a lower tier entity as includable in the taxable entity's total revenue under Section 171.1015(b); ~~and~~

(B) subtracting:

(i) bad debt expensed for federal income tax purposes that corresponds to items of gross receipts included in Subsection (c)(1)(A) for the current reporting period or a past reporting period;

(ii) to the extent included in Subsection (c)(1)(A), foreign royalties and foreign dividends, including amounts determined under Section 78 or Sections 951-964, Internal Revenue Code;

(iii) to the extent included in Subsection (c)(1)(A), net distributive income from a taxable entity treated as a partnership or as an S corporation for federal income tax purposes;

(iv) allowable deductions from Internal Revenue Service Form 1120, Schedule C, to the extent the relating dividend income is included in total revenue;

(v) to the extent included in Subsection (c)(1)(A), items of income attributable to an entity that is a disregarded entity for federal income tax purposes; and

(vi) to the extent included in Subsection (c)(1)(A), other amounts authorized by this section; and

(C) if the amount computed under Subsections (c)(1)(A) and (c)(1)(B) totals \$10 million or less, subtracting \$1 million;

(2) for a taxable entity treated for federal income tax purposes as a partnership, an amount computed by:

(A) adding:

(i) the amount reportable as income on line 1c, Internal Revenue Service Form 1065;

(ii) the amounts reportable as income on lines 4, 6, and 7, Internal Revenue Service Form 1065;

(iii) the amounts reportable as income on lines 3a and 5 through 11, Internal Revenue Service Form 1065, Schedule K;

(iv) the amounts reportable as income on line 17, Internal Revenue Service Form 8825;

(v) the amounts reportable as income on line 11, plus line 2 or line 45, Internal Revenue Service Form 1040, Schedule F; and

(vi) any total revenue reported by a lower tier entity as includable in the taxable entity's total revenue under Section 171.1015(b); ~~and~~

(B) subtracting:

(i) bad debt expensed for federal income tax purposes that corresponds to items of gross receipts included in Subsection (c)(2)(A) for the current reporting period or a past reporting period;

(ii) to the extent included in Subsection (c)(2)(A), foreign royalties and foreign dividends, including amounts determined under Section 78 or Sections 951-964, Internal Revenue Code;

(iii) to the extent included in Subsection (c)(2)(A), net distributive income from a taxable entity treated as a partnership or as an S corporation for federal income tax purposes;

(iv) to the extent included in Subsection (c)(2)(A), items of income attributable to an entity that is a disregarded entity for federal income tax purposes; and

(v) to the extent included in Subsection (c)(2)(A), other amounts authorized by this section; and

(C) if the amount computed under Subsections (c)(2)(A) and (c)(2)(B) totals \$10 million or less, subtracting \$1 million; or

(3) for a taxable entity other than a taxable entity treated for federal income tax purposes as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount for Subdivision (1) or (2), including the subtraction of \$1 million as provided by Subdivision (1)(C) or (2)(C), determined by rules that the comptroller shall adopt.

(c) Effective January 1, 2018, Section 171.1011(c), Tax Code, is amended to read as follows:

(c) Except as provided by this section, and subject to Section 171.1014, for the purpose of computing its taxable margin under Section 171.101, the total revenue of a taxable entity is:

(1) for a taxable entity treated for federal income tax purposes as a corporation, an amount computed by:

(A) adding:

(i) the amount reportable as income on line 1c, Internal Revenue Service Form 1120;

(ii) the amounts reportable as income on lines 4 through 10, Internal Revenue Service Form 1120; and

(iii) any total revenue reported by a lower tier entity as includable in the taxable entity's total revenue under Section 171.1015(b); ~~and~~

(B) subtracting:

(i) bad debt expensed for federal income tax purposes that corresponds to items of gross receipts included in Subsection (c)(1)(A) for the current reporting period or a past reporting period;

(ii) to the extent included in Subsection (c)(1)(A), foreign royalties and foreign dividends, including amounts determined under Section 78 or Sections 951-964, Internal Revenue Code;

(iii) to the extent included in Subsection (c)(1)(A), net distributive income from a taxable entity treated as a partnership or as an S corporation for federal income tax purposes;

(iv) allowable deductions from Internal Revenue Service Form 1120, Schedule C, to the extent the relating dividend income is included in total revenue;

(v) to the extent included in Subsection (c)(1)(A), items of income attributable to an entity that is a disregarded entity for federal income tax purposes; and

(vi) to the extent included in Subsection (c)(1)(A), other amounts authorized by this section; and

(C) if the amount computed under Subsections (c)(1)(A) and (c)(1)(B) totals \$15 million or less, subtracting \$1 million;

(2) for a taxable entity treated for federal income tax purposes as a partnership, an amount computed by:

(A) adding:

(i) the amount reportable as income on line 1c, Internal Revenue Service Form 1065;

(ii) the amounts reportable as income on lines 4, 6, and 7, Internal Revenue Service Form 1065;

(iii) the amounts reportable as income on lines 3a and 5 through 11, Internal Revenue Service Form 1065, Schedule K;

(iv) the amounts reportable as income on line 17, Internal Revenue Service Form 8825;

(v) the amounts reportable as income on line 11, plus line 2 or line 45, Internal Revenue Service Form 1040, Schedule F; and

(vi) any total revenue reported by a lower tier entity as includable in the taxable entity's total revenue under Section 171.1015(b); ~~and~~

(B) subtracting:

(i) bad debt expensed for federal income tax purposes that corresponds to items of gross receipts included in Subsection (c)(2)(A) for the current reporting period or a past reporting period;

(ii) to the extent included in Subsection (c)(2)(A), foreign royalties and foreign dividends, including amounts determined under Section 78 or Sections 951-964, Internal Revenue Code;

(iii) to the extent included in Subsection (c)(2)(A), net distributive income from a taxable entity treated as a partnership or as an S corporation for federal income tax purposes;

(iv) to the extent included in Subsection (c)(2)(A), items of income attributable to an entity that is a disregarded entity for federal income tax purposes; and

(v) to the extent included in Subsection (c)(2)(A), other amounts authorized by this section; and

(C) if the amount computed under Subsections (c)(2)(A) and (c)(2)(B) totals \$15 million or less, subtracting \$1 million; or

(3) for a taxable entity other than a taxable entity treated for federal income tax purposes as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount for Subdivision (1) or (2), including the subtraction of \$1 million as provided by Subdivision (1)(C) or (2)(C), determined by rules that the comptroller shall adopt.

(d) Effective January 1, 2020, Section 171.1011(c), Tax Code, is amended to read as follows:

(c) Except as provided by this section, and subject to Section 171.1014, for the purpose of computing its taxable margin under Section 171.101, the total revenue of a taxable entity is:

(1) for a taxable entity treated for federal income tax purposes as a corporation, an amount computed by:

(A) adding:

(i) the amount reportable as income on line 1c, Internal Revenue Service Form 1120;

(ii) the amounts reportable as income on lines 4 through 10, Internal Revenue Service Form 1120; and

(iii) any total revenue reported by a lower tier entity as includable in the taxable entity's total revenue under Section 171.1015(b); ~~and~~

(B) subtracting:

(i) bad debt expensed for federal income tax purposes that corresponds to items of gross receipts included in Subsection (c)(1)(A) for the current reporting period or a past reporting period;

(ii) to the extent included in Subsection (c)(1)(A), foreign royalties and foreign dividends, including amounts determined under Section 78 or Sections 951-964, Internal Revenue Code;

(iii) to the extent included in Subsection (c)(1)(A), net distributive income from a taxable entity treated as a partnership or as an S corporation for federal income tax purposes;

(iv) allowable deductions from Internal Revenue Service Form 1120, Schedule C, to the extent the relating dividend income is included in total revenue;

(v) to the extent included in Subsection (c)(1)(A), items of income attributable to an entity that is a disregarded entity for federal income tax purposes; and

(vi) to the extent included in Subsection (c)(1)(A), other amounts authorized by this section; and

(C) if the amount computed under Subsections (c)(1)(A) and (c)(1)(B) totals \$20 million or less, subtracting \$1 million;

(2) for a taxable entity treated for federal income tax purposes as a partnership, an amount computed by:

(A) adding:

(i) the amount reportable as income on line 1c, Internal Revenue Service Form 1065;

(ii) the amounts reportable as income on lines 4, 6, and 7, Internal Revenue Service Form 1065;

(iii) the amounts reportable as income on lines 3a and 5 through 11, Internal Revenue Service Form 1065, Schedule K;

(iv) the amounts reportable as income on line 17, Internal Revenue Service Form 8825;

(v) the amounts reportable as income on line 11, plus line 2 or line 45, Internal Revenue Service Form 1040, Schedule F; and

(vi) any total revenue reported by a lower tier entity as includable in the taxable entity's total revenue under Section 171.1015(b); ~~and~~

(B) subtracting:

(i) bad debt expensed for federal income tax purposes that corresponds to items of gross receipts included in Subsection (c)(2)(A) for the current reporting period or a past reporting period;

(ii) to the extent included in Subsection (c)(2)(A), foreign royalties and foreign dividends, including amounts determined under Section 78 or Sections 951-964, Internal Revenue Code;

(iii) to the extent included in Subsection (c)(2)(A), net distributive income from a taxable entity treated as a partnership or as an S corporation for federal income tax purposes;

(iv) to the extent included in Subsection (c)(2)(A), items of income attributable to an entity that is a disregarded entity for federal income tax purposes; and

(v) to the extent included in Subsection (c)(2)(A), other amounts authorized by this section; and

(C) if the amount computed under Subsections (c)(2)(A) and (c)(2)(B) totals \$20 million or less, subtracting \$1 million; or

(3) for a taxable entity other than a taxable entity treated for federal income tax purposes as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount for Subdivision (1) or (2), including the subtraction of \$1 million as provided by Subdivision (1)(C) or (2)(C), determined by rules that the comptroller shall adopt.

SECTION _____. (a) Section 171.1012, Tax Code, is amended by adding Subsection (r) to read as follows:

(r) If a taxable entity that is a movie theater elects to subtract cost of goods sold, the cost of goods sold for the taxable entity shall be the costs described by this section in relation to the acquisition, production, exhibition, or use of a film or motion picture, including expenses for the right to use the film or motion picture.

(b) Section 171.1012(r), Tax Code, as added by this section, is a clarification of existing law and does not imply that existing law may be construed as inconsistent with the law as amended by this section.

(c) This section takes effect September 1, 2013.

SECTION _____. Section 171.1015(d), Tax Code, is amended to read as follows:

(d) Section 171.002(d) does not apply to an upper tier entity if, before the attribution of any total revenue by a lower tier entity to an upper tier entity under this section, the lower tier entity does not meet the criteria of Section 171.002(d)(1) ~~[or (d)(2)]~~.

SECTION _____. Section 171.204, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) The comptroller may require a taxable entity on which the tax imposed under this chapter is not imposed solely because of the application of Section 171.001(d) to file an information report stating the taxable entity's beginning date as determined under Section 171.0001(4)(B)(ii). The comptroller may require a taxable entity exempted from the franchise tax solely because of the application of Section 171.089 to file an information report stating the date the relocation of the taxable entity's main office or other principal place of business was completed, as defined by comptroller rules. The comptroller may require the report to include other information the comptroller determines necessary, except that the comptroller may not require the taxable entity to report or compute its margin.

SECTION _____. Chapter 171, Tax Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. TAX CREDIT FOR CERTIFIED REHABILITATION OF CERTIFIED HISTORIC STRUCTURES

Sec. 171.901. DEFINITIONS. In this subchapter:

(1) "Certified historic structure" means a property in this state that is:

(A) listed individually in the National Register of Historic Places;

(B) designated as a Recorded Texas Historic Landmark under

Section 442.006, Government Code, or as a state archeological landmark under Chapter 191, Natural Resources Code; or

(C) certified by the commission as contributing to the historic significance of:

(i) a historic district listed in the National Register of Historic Places; or

(ii) a local district certified by the United States Department of the Interior in accordance with 36 C.F.R. Section 67.9.

(2) "Certified rehabilitation" means the rehabilitation of a certified historic structure that the commission has certified as meeting the United States secretary of the interior's Standards for Rehabilitation as defined in 36 C.F.R. Section 67.7.

(3) "Commission" means the Texas Historical Commission.

(4) "Eligible costs and expenses" means qualified rehabilitation expenditures as defined by Section 47(c)(2), Internal Revenue Code.

Sec. 171.902. ELIGIBILITY FOR CREDIT. An entity is eligible to apply for a credit in the amount and under the conditions and limitations provided by this subchapter against the tax imposed under this chapter.

Sec. 171.903. QUALIFICATION. An entity is eligible for a credit for eligible costs and expenses incurred in the certified rehabilitation of a certified historic structure as provided by this subchapter if:

(1) the rehabilitated certified historic structure is placed in service on or after September 1, 2013;

(2) the entity has an ownership interest in the certified historic structure in the year during which the structure is placed in service after the rehabilitation; and

(3) the total amount of the eligible costs and expenses incurred exceeds \$5,000.

Sec. 171.904. CERTIFICATION OF ELIGIBILITY. (a) Before claiming, selling, or assigning a credit under this subchapter, the entity that incurred the eligible costs and expenses in the rehabilitation of a certified historic structure must request from the commission a certificate of eligibility on which the commission certifies that the work performed meets the definition of a certified rehabilitation. The entity must include with the entity's request:

(1) information on the property that is sufficient for the commission to determine whether the property meets the definition of a certified historic structure; and

(2) information on the rehabilitation, and photographs before and after work is performed, sufficient for the commission to determine whether the rehabilitation meets the United States secretary of the interior's Standards for Rehabilitation as defined in 36 C.F.R. Section 67.7.

(b) The commission shall issue a certificate of eligibility to an entity that has incurred eligible costs and expenses as provided by this subchapter. The certificate must:

(1) confirm that:

(A) the property to which the eligible costs and expenses relate is a certified historic structure; and

(B) the rehabilitation qualifies as a certified rehabilitation; and

(2) specify the date the certified historic structure was first placed in service after the rehabilitation.

(c) The entity must forward the certificate of eligibility and the following documentation to the comptroller to claim the tax credit:

(1) an audited cost report issued by a certified public accountant, as defined by Section 901.002, Occupations Code, that itemizes the eligible costs and expenses incurred in the certified rehabilitation of the certified historic structure by the entity;

(2) the date the certified historic structure was first placed in service after the rehabilitation and evidence of that placement in service; and

(3) an attestation of the total eligible costs and expenses incurred by the entity on the rehabilitation of the certified historic structure.

(d) For purposes of approving the tax credit under Subsection (c), the comptroller may rely on the audited cost report provided by the entity that requested the tax credit.

(e) An entity that sells or assigns a credit under this subchapter to another entity shall provide a copy of the certificate of eligibility, together with the audited cost report, to the purchaser or assignee.

Sec. 171.905. AMOUNT OF CREDIT; LIMITATIONS. (a) The total amount of the credit under this subchapter with respect to the rehabilitation of a single certified historic structure that may be claimed may not exceed 25 percent of the total eligible costs and expenses incurred in the certified rehabilitation of the certified historic structure.

(b) The total credit claimed for a report, including the amount of any carryforward under Section 171.906, may not exceed the amount of franchise tax due for the report after any other applicable tax credits.

(c) Eligible costs and expenses may only be counted once in determining the amount of the tax credit available, and more than one entity may not claim a credit for the same eligible costs and expenses.

Sec. 171.906. CARRYFORWARD. (a) If an entity is eligible for a credit that exceeds the limitation under Section 171.905(b), the entity may carry the unused credit forward for not more than five consecutive reports.

(b) A carryforward is considered the remaining portion of a credit that cannot be claimed in the current year because of the limitation under Section 171.905(b).

Sec. 171.907. APPLICATION FOR CREDIT. (a) An entity must apply for a credit under this subchapter on or with the report for the period for which the credit is claimed.

(b) An entity shall file with any report on which the credit is claimed a copy of the certificate of eligibility issued by the commission under Section 171.904 and any other information required by the comptroller to sufficiently demonstrate that the entity is eligible for the credit.

(c) The burden of establishing eligibility for and the value of the credit is on the entity.

Sec. 171.908. SALE OR ASSIGNMENT OF CREDIT. (a) An entity that incurs eligible costs and expenses may sell or assign all or part of the credit that may be claimed for those costs and expenses to one or more entities, and any entity to which all or part of the credit is sold or assigned may sell or assign all or part of the credit to another entity. There is no limit on the total number of transactions for the sale or assignment of all or part of the total credit authorized under this subchapter, however, collectively all transfers are subject to the maximum total limits provided by Section 171.905.

(b) An entity that sells or assigns a credit under this section and the entity to which the credit is sold or assigned shall jointly submit written notice of the sale or assignment to the comptroller on a form promulgated by the comptroller not later than the 30th day after the date of the sale or assignment. The notice must include:

- (1) the date of the sale or assignment;

(2) the amount of the credit sold or assigned;

(3) the names and federal tax identification numbers of the entity that sold or assigned the credit or part of the credit and the entity to which the credit or part of the credit was sold or assigned; and

(4) the amount of the credit owned by the selling or assigning entity before the sale or assignment, and the amount the selling or assigning entity retained, if any, after the sale or assignment.

(c) The sale or assignment of a credit in accordance with this section does not extend the period for which a credit may be carried forward and does not increase the total amount of the credit that may be claimed. After an entity claims a credit for eligible costs and expenses, another entity may not use the same costs and expenses as the basis for claiming a credit.

(d) Notwithstanding the requirements of this subchapter, a credit earned or purchased by, or assigned to, a partnership, limited liability company, S corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of that entity and claimed under this subchapter in accordance with the provisions of any agreement among the partners, members, or shareholders and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified historic structure, provided that the entity that claims the credit must be subject to the tax imposed under this chapter.

Sec. 171.909. RULES. The commission and the comptroller shall adopt rules necessary to implement this subchapter.

SECTION ____. (a) Section 18, Chapter 1 (**HB 3**), Acts of the 79th Legislature, 3rd Called Session, 2006, is amended by adding Subsections (h) and (i) to read as follows:

(h) In this subsection and Subsection (i) of this section, "transfer" includes a sale. Notwithstanding Subsections (e) and (f) of this section, a corporation that has unused, unexpired credits carried forward under former Subchapter P or Q, Chapter 171, Tax Code, may transfer the credits to another taxpayer of this state. To be eligible to transfer the credits, the corporation must obtain a certificate of transfer of credit from the comptroller of public accounts for the amount of the credits to be transferred. Not later than the 30th day after the date of the transfer, the corporation must submit to the comptroller a notice of the transfer in a form prescribed by the comptroller. The notice must be accompanied by a copy of the certificate of transfer issued by the comptroller and specify:

(1) the number on the certificate of transfer;

(2) the amount of the corporation's unused, unexpired credits preceding the transfer;

(3) the date of the transfer;

(4) the amount of credits transferred;

(5) the tax identification numbers of the corporation and the taxpayer to which the credits were transferred;

(6) the corporation's remaining amount of unused, unexpired credits after the transfer; and

(7) any other information the comptroller requires.

(i) The transfer of a credit under Subsection (h) of this section is limited to a credit that was first reported on a report originally due before January 1, 2008, and does not include credits authorized under former Subchapter Q-1, Chapter 171, Tax Code, or credits that were created under the terms of a written agreement between a taxpayer and the Texas Department of Economic Development or its successor that was entered into before June 1, 2006, and which credits continue to accrue under the terms provided by Section 19 of this Act. The transferee of a credit under this section obtains the credit subject to the same rights and privileges as the transferor. The transfer of a credit under Subsection (h) of this section does not extend or lessen the period during which the credit may be claimed. If a corporation transfers a credit that the corporation was not entitled to claim at the time of the transfer:

(1) the taxpayer to which the credit was transferred may pursue any remedy authorized by law against the corporation and may not pursue any remedy against the comptroller of public accounts or this state; and

(2) the comptroller:

(A) may not allow the taxpayer to which the credit was transferred to apply the credit on a report; or

(B) shall recover from the taxpayer the amount of the credit the taxpayer claims on a report using any means authorized by law.

(b) This section applies only to a credit transferred on or after the effective date of this section.

(c) This section takes effect September 1, 2013.

SECTION _____. (a) The changes in law made by this Act by the addition of Sections 171.001(d), 171.089, and 171.204(d), Tax Code, and the amendment of Sections 171.0001(4) and 171.063(g), Tax Code, apply to a taxable entity doing business in this state before, on, or after the effective date of this Act.

(b) A taxable entity on which the tax under Chapter 171, Tax Code, was imposed before the effective date of this Act, but on which the tax is not imposed on the effective date of this Act because of the application of Section 171.001(d) or 171.089, Tax Code, as added by this Act, is not entitled to a refund of or credit for taxes paid under Chapter 171, Tax Code, before the effective date of this Act.

Amendment No. 36

Representative S. Turner offered the following amendment to Amendment No. 35:

Amend Floor Amendment No. 35 by Hilderbran to **CSHB 500** by adding the following item to the amendment:

(____) Amend **CSHB 500** (house committee report) by striking page 9, lines 4 and 5, and substituting the following appropriately numbered SECTION of the bill:

SECTION _____. (a) Notwithstanding any other provision of the Act, the changes in law made by this Act expire December 1, 2025.

(b) Effective January 1, 2026, the provisions of law amended by this Act revert to the law in effect on May 7, 2013.

(c) This Act applies only to a report originally due on or after January 1, 2014, and on or before December 1, 2025.

Representative Hilderbran moved to table Amendment No. 36.

The motion to table prevailed by (Record 662): 95 Yeas, 49 Nays, 4 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Johnson; Longoria; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Giddings; Martinez Fischer.

Amendment No. 37

Representative Hilderbran offered the following amendment to Amendment No. 35:

Amend Amendment No. 35 by Hilderbran to **CSHB 500** (page 2 of the amendment packet) as follows:

(1) Add the following appropriately numbered item to the amendment to read as follows and renumber subsequent items accordingly:

(____) Strike SECTION 4 of the bill (page 2, line 12, through page 3, line 15) and substitute the following:

SECTION _____. Sections 171.101(a) and (b), Tax Code, are amended to read as follows:

(a) The taxable margin of a taxable entity is computed by:

(1) determining the taxable entity's margin, which is the lesser of:

(A) the amount provided by this paragraph, which is the lesser of:

(i) 70 percent of the taxable entity's total revenue from its entire business, as determined under Section 171.1011; or

(ii) an amount equal to the taxable entity's total revenue from its entire business as determined under Section 171.1011 minus \$1 million; or

(B) an amount computed by[~~±~~

~~[(±)]~~ determining the taxable entity's total revenue from its entire business[~~±~~] under Section 171.1011 and ~~[(±)]~~

~~[(±)]~~ subtracting the greater of:

(i) \$1 million; or

(ii) an amount equal to:

(a) [±] at the election of the taxable entity, either:

(1) [±] cost of goods sold, as determined under Section 171.1012; or

171.1013; and

(2) [±] compensation, as determined under Section

(b) any [±] subtracting, in addition to any subtractions made under Subparagraph (i)(a) or (b),] compensation, as determined under Section 171.1013, paid to an individual during the period the individual is serving on active duty as a member of the armed forces of the United States if the individual is a resident of this state at the time the individual is ordered to active duty and the cost of training a replacement for the individual;

(2) apportioning the taxable entity's margin to this state as provided by Section 171.106 to determine the taxable entity's apportioned margin; and

(3) subtracting from the amount computed under Subdivision (2) any other allowable deductions to determine the taxable entity's taxable margin.

(b) Notwithstanding Subsection (a)(1)(B)(ii)(a) [±](1)(B)(ii)], a staff leasing services company may subtract only the greater of \$1 million as provided by Subsection (a)(1)(B)(i) or compensation as determined under Section 171.1013.

(2) Strike items (1), (2), (3), and (4) of the amendment (page 1, line 2, through page 2, line 6) and renumber subsequent items accordingly.

(3) On page 2, lines 24 through 25, of the amendment, strike "Subsections (c) and (d) and adding Subsections (j) and (j-1)" and substitute "Subsection (d) and adding Subsection (j)".

(4) Strike page 2, line 26, through page 4, line 3, of the amendment and substitute the following:

(d) For purposes of Section 171.101, a combined group shall make an election to subtract either cost of goods sold or compensation that applies to all of its members, or \$1 million. Regardless of the election, the taxable margin of the combined group may not exceed the amount [70 percent of the combined group's total revenue from its entire business, as] provided by Section 171.101(a)(1)(A) for the combined group.

(j) Notwithstanding any other provision of this section, a taxable entity that provides retail or wholesale electric utilities may not be included as a member of a combined group that includes one or more taxable entities that do not provide retail or wholesale electric utilities if that combined group in the absence of this subsection:

(1) would not meet the requirements of Section 171.002(c) solely because one or more members of the combined group provide retail or wholesale electric utilities; and

(2) would have less than five percent of the combined group's total revenue derived from providing retail or wholesale electric utilities.

(5) On page 4, lines 6 and 7 of the amendment, strike "171.1016(d), 171.103(c) and (d), and 171.204(b)" and substitute "171.1016(d), and 171.103(c) and (d)".

(6) Strike page 4, line 14, through page 16, line 23, of the amendment.

(7) Strike page 17, lines 6-27 of the amendment.

(8) On page 25 of the amendment, strike lines 3-14.

(9) Add the following appropriately numbered item to the amendment to read as follows and renumber subsequent items accordingly:

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

SECTION _____. Subchapter E, Chapter 171, Tax Code, is amended by adding Section 171.216 to read as follows:

Sec. 171.216. BIENNIAL REPORT. Not later than January 1 of each odd-numbered year, the comptroller shall submit to the legislature and the governor a report prepared by an independent researcher from a research center established under Section 1.005, Education Code, or a tier one research university, on tax relief, including tax credits and exemptions, provided to taxable entities through changes to the tax imposed under this chapter enacted by the 83rd Legislature, Regular Session, 2013, for economic development purposes, as determined by the comptroller. The report must include:

(1) an estimate of:

(A) the total number of taxable entities that received tax relief during the preceding two calendar years as a result of those changes; and

(B) the total amount of the tax relief described by Paragraph (A);

and

(2) an evaluation of the effects of the tax relief on this state, including the effects on:

(A) employment in this state;

(B) other economic activity in this state; and

(C) state tax revenues.

(10) Add the following appropriately numbered item to the amendment to read as follows and renumber subsequent items accordingly:

() Add the following appropriately numbered SECTION to read as follows and renumber subsequent SECTIONS accordingly:

SECTION _____. Subchapter D, Chapter 171, Tax Code, is amended by adding Section 171.159 to read as follows:

Sec. 171.159. RETAILER RECEIPT SHOWING TAX. (a) A taxable entity that is a retailer subject to Chapter 151 shall include on any receipt for an item subject to taxation under Chapter 151 an additional notation showing the amount of taxes the customer is paying for the purpose of reimbursement of the tax under this chapter.

(b) For purposes of this section, the taxable entity may estimate the amount of tax the customer is paying under this chapter based on the tax rate to which the taxable entity is subject.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 7:45 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 7:45 p.m. today, 3W.15, for a formal meeting, to set a calendar.

FIVE-DAY POSTING RULE SUSPENDED

Representative Herrero moved to suspend the five-day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 967**, **SB 1173**, and the previously posted agenda upon final recess today in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, upon final recess today, E2.016, for a public hearing, to consider **SB 967**, **SB 1173**, and the previously posted agenda.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 8 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 8 p.m. today, 3W.15, for a formal meeting, to set a calendar.

CSHB 500 - (consideration continued)

Amendment No. 38

Representative Walle offered the following substitute amendment for Amendment No. 37:

Substitute the following for the amendment to Amendment No. 37 by Hilderbran to **CSHB 500** (page 2 of the amendment packet) as follows:

(1) Add the following appropriately numbered item to the amendment to read as follows and renumber subsequent items accordingly:

() Strike SECTION 4 of the bill (page 2, line 12, through page 3, line 15) and substitute the following:

SECTION _____. Sections 171.101(a) and (b), Tax Code, are amended to read as follows:

(a) The taxable margin of a taxable entity is computed by:

(1) determining the taxable entity's margin, which is the lesser of:

(A) the amount provided by this paragraph, which is the lesser of:

(i) 70 percent of the taxable entity's total revenue from its entire business, as determined under Section 171.1011; or

(ii) an amount equal to the taxable entity's total revenue from its entire business as determined under Section 171.1011 minus \$1 million; or

(B) an amount computed by[-

~~(+)] determining the taxable entity's total revenue from its entire business[+] under Section 171.1011 and [-~~

~~(+)] subtracting the greater of:~~

(i) \$1 million; or

(ii) an amount equal to:

(a) [-] at the election of the taxable entity, either:

(1) [~~(+)~~] cost of goods sold, as determined under Section 171.1012; or

171.1013; and

(2) [~~(+)~~] compensation, as determined under Section

(b) any [~~(iii)~~ subtracting, in addition to any subtractions made under Subparagraph (ii)(a) or (b),] compensation, as determined under Section 171.1013, paid to an individual during the period the individual is serving on active duty as a member of the armed forces of the United States if the individual is a resident of this state at the time the individual is ordered to active duty and the cost of training a replacement for the individual;

(2) apportioning the taxable entity's margin to this state as provided by Section 171.106 to determine the taxable entity's apportioned margin; and

(3) subtracting from the amount computed under Subdivision (2) any other allowable deductions to determine the taxable entity's taxable margin.

(b) Notwithstanding Subsection (a)(1)(B)(ii)(a) [~~(a)(1)(B)(ii)]~~, a staff leasing services company may subtract only the greater of \$1 million as provided by Subsection (a)(1)(B)(i) or compensation as determined under Section 171.1013.

(2) Strike items (1), (2), (3), and (4) of the amendment (page 1, line 2, through page 2, line 6) and renumber subsequent items accordingly.

(3) On page 2, lines 24 through 25, of the amendment, strike "Subsections (c) and (d) and adding Subsections (j) and (j-1)" and substitute "Subsection (d) and adding Subsection (j)".

(4) Strike page 2, line 26, through page 4, line 3, of the amendment and substitute the following:

(d) For purposes of Section 171.101, a combined group shall make an election to subtract either cost of goods sold or compensation that applies to all of its members, or \$1 million. Regardless of the election, the taxable margin of the

combined group may not exceed the amount [70 percent of the combined group's total revenue from its entire business, as] provided by Section 171.101(a)(1)(A) for the combined group.

(j) Notwithstanding any other provision of this section, a taxable entity that provides retail or wholesale electric utilities may not be included as a member of a combined group that includes one or more taxable entities that do not provide retail or wholesale electric utilities if that combined group in the absence of this subsection:

(1) would not meet the requirements of Section 171.002(c) solely because one or more members of the combined group provide retail or wholesale electric utilities; and

(2) would have less than five percent of the combined group's total revenue derived from providing retail or wholesale electric utilities.

(5) On page 4, lines 6 and 7 of the amendment, strike "171.1016(d), 171.103(c) and (d), and 171.204(b)" and substitute "171.1016(d), and 171.103(c) and (d)".

(6) Strike page 4, line 14, through page 16, line 23, of the amendment.

(7) Strike page 17, lines 6-27 of the amendment.

(8) On page 25 of the amendment, strike lines 3-14.

(9) Add the following appropriately numbered item to the amendment to read as follows and renumber subsequent items accordingly:

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

SECTION _____. Subchapter E, Chapter 171, Tax Code, is amended by adding Section 171.216 to read as follows:

Sec. 171.216. BIENNIAL REPORT. Not later than January 1 of each odd-numbered year, the comptroller shall submit to the legislature and the governor a report prepared by an independent researcher from a research center established under Section 1.005, Education Code, or a tier one research university, on tax relief, including tax credits and exemptions, provided to taxable entities through changes to the tax imposed under this chapter enacted by the 83rd Legislature, Regular Session, 2013, for economic development purposes, as determined by the comptroller. The report must include:

(1) an estimate of:

(A) the total number of taxable entities that received tax relief during the preceding two calendar years as a result of those changes; and

(B) the total amount of the tax relief described by Paragraph (A);
and

(2) an evaluation of the effects of the tax relief on this state, including the effects on:

(A) employment in this state;

(B) other economic activity in this state; and

(C) state tax revenues.

(10) Add the following appropriately numbered item to the amendment to read as follows and renumber subsequent items accordingly:

() Add the following appropriately numbered SECTION to read as follows and renumber subsequent SECTIONS accordingly:

SECTION _____. Subchapter D, Chapter 171, Tax Code, is amended by adding Section 171.159 to read as follows:

Sec. 171.159. RETAILER RECEIPT SHOWING TAX. (a) A taxable entity that is a retailer subject to Chapter 151 shall include on any receipt for an item subject to taxation under Chapter 151 an additional notation showing the amount of taxes the customer is paying for the purpose of reimbursement of the tax under this chapter.

(b) For purposes of this section, the taxable entity may estimate the amount of tax the customer is paying under this chapter based on the tax rate to which the taxable entity is subject.

() Add the following appropriately numbered SECTION to read as follows and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 171.002(d), Tax Code, is amended to read as follows:

(d) A taxable entity is not required to pay any tax and is not considered to owe any tax for a period if:

(1) the amount of tax computed for the taxable entity is less than \$1,000; or

(2) the amount of the taxable entity's total revenue from its entire business is less than or equal to \$20 [~~\$+~~] million or the amount determined under Section 171.006 per 12-month period on which margin is based.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Cook on motion of Simpson.

Crownover on motion of Simpson.

S. Davis on motion of Simpson.

Geren on motion of Simpson.

Hunter on motion of Simpson.

CSHB 500 - (consideration continued)

Representative Hilderbran moved to table Amendment No. 38.

The motion to table prevailed by (Record 663): 82 Yeas, 50 Nays, 7 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Craddick; Creighton; Dale; Darby; Davis, J.; Deshotel; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick;

Perry; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Thompson, E.; Turner, E.S.; Villalba; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; González, M.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Johnson; King, S.; King, T.; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Moody; Naishtat; Nevárez; Oliveira; Perez; Phillips; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Taylor; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; White.

Present, not voting — Mr. Speaker; Bonnen, D.(C); Gonzalez, N.; Howard; Strama; Villarreal; Wu.

Absent, Excused — Giddings; Martinez Fischer.

Absent, Excused, Committee Meeting — Cook; Crownover; Davis, S.; Geren; Hunter.

Absent — Muñoz; Pickett; Raymond; Toth.

STATEMENTS OF VOTE

I was shown voting no on Record No. 663. I intended to vote present, not voting.

Anchia

I was shown voting yes on Record No. 663. I intended to vote no.

Hughes

When Record No. 663 was taken, I was in the house but away from my desk. I would have voted no.

Muñoz

Amendment No. 37 was adopted.

Amendment No. 35, as amended, was adopted.

(Cook, Crownover, S. Davis, Geren, and Hunter now present)

CSHB 500, as amended, was passed to engrossment by (Record 664): 112 Yeas, 27 Nays, 6 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Herrero; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips;

Pickett; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; Vo; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Collier; Cortez; Davis, Y.; Dukes; Dutton; Farias; González, M.; Gutierrez; Hernandez Luna; Johnson; McClendon; Miles; Naishtat; Nevárez; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Turner, C.; Turner, S.; Walle; Wu.

Present, not voting — Mr. Speaker; Bonnen, D.(C); Canales; Howard; Strama; Villarreal.

Absent, Excused — Giddings; Martinez Fischer.

Absent — Anchia; Farrar; Thompson, S.

STATEMENT OF VOTE

When Record No. 664 was taken, my vote failed to register. I would have voted present, not voting.

Anchia

POSTPONED BUSINESS

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

HB 2733 ON THIRD READING

(by White)

HB 2733, A bill to be entitled An Act relating to the administration and operation of the Texas Juvenile Justice Department.

HB 2733 was read third time earlier today and was postponed until this time.

Amendment No. 1

On behalf of Representative White, Representative Márquez offered the following amendment to **HB 2733**:

Amend **HB 2733** on third reading as follows:

(1) In the recital to SECTION 13 of the bill, amending Section 242.010, Human Resources Code, strike "adding Subsection (b-1)", and substitute "adding Subsections (b-1), (b-2), and (b-3)".

(2) In SECTION 13 of the bill, immediately following added Section 242.010(b-1), Human Resources Code, insert the following:

(b-2) The department may not deny visitation access to an immediate family member of a child committed to the department based solely on a review of criminal history record information under Subsection (b-1)(1).

(b-3) If visitation access is denied or limited based in part on a review of criminal history record information under Subsection (b-1)(1), the department shall retain the criminal history record information of the person for whom access is denied or limited until the child the person requested visitation access to is released from the department.

Amendment No. 1 was adopted.

Amendment No. 2

Representative White offered the following amendment to **HB 2733**:

Amend **HB 2733** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 261.051(b), Human Resources Code, is amended to read as follows:

(b) A person appointed as independent ombudsman is eligible for reappointment [~~but may not serve more than three terms in that capacity~~].

Amendment No. 2 was adopted.

HB 2733, as amended, was passed by (Record 665): 142 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Collier; Davis, Y.; Stickland.

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

Absent, Excused — Giddings; Martinez Fischer.

Absent — Coleman.

STATEMENT OF VOTE

I was shown voting no on Record No. 665. I intended to vote yes.

Y. Davis

MAJOR STATE CALENDAR
(consideration continued)

CSHB 3153 ON SECOND READING
(by Lewis, Guillen, Pitts, and Crownover)

CSHB 3153, A bill to be entitled An Act relating to the operation and administration of, and practice in courts in, the judicial branch of state government; imposing a fee.

Amendment No. 1

Representative Cook offered the following amendment to **CSHB 3153**:

Amend **CSHB 3153** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 25.1772(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Navarro County has concurrent jurisdiction with the district court in:

(1) felony cases to:

- (A) conduct arraignments;
- (B) conduct pretrial hearings;
- (C) accept guilty pleas; and
- (D) conduct jury trials on assignment of a district judge presiding

in Navarro County and acceptance of the assignment by the judge of the county court at law;

- (2) Class A and Class B misdemeanor cases;
- (3) family law matters;
- (4) juvenile matters;
- (5) probate matters; ~~and~~

(6) disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought; and

(7) appeals from the justice and municipal courts.

Amendment No. 1 was adopted.

Amendment No. 2

Representative P. King offered the following amendment to **CSHB 3153**:

Amend **CSHB 3153** (house committee printing) by adding the following appropriately numbered SECTION to Article 1 of the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter B, Chapter 43, Government Code, is amended by adding Section 43.1321 to read as follows:

Sec. 43.1321. JURISDICTION OF TRAVIS COUNTY DISTRICT ATTORNEY. (a) The portion of the Travis County District Attorney, the District Attorney for the 53rd Judicial District, that relates to the investigation or prosecution of crimes related to public integrity, including the operation of any public integrity unit, is transferred to the office of the attorney general if a person serving as district attorney for the 53rd Judicial District is convicted of a criminal offense other than a Class C misdemeanor while in office, including an offense under Chapter 49, Penal Code, involving the operation of a motor vehicle while intoxicated.

(b) Jurisdiction over the investigation or prosecution of crimes, including the operation of any public integrity unit is returned to the Travis County District Attorney, the District Attorney for the 53rd Judicial District, when the person described by Subsection (a) leaves office.

(b) Section 43.1321, Government Code, as added by this Act, applies to a person serving as district attorney for the 53rd Judicial District on or after the effective date of this Act.

(c) Notwithstanding the effective date of this Act, this section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to have immediate effect, this section takes effect September 1, 2013.

Amendment No. 2 - Point of Order

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

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

Representative Herrero raises a point of order under Rule 11, Section 2 of the House Rules, contending the P. King amendment to **CSHB 3153** is not germane. Representative P. King's amendment, which was later withdrawn, related to the jurisdiction of the Travis County district attorney, including the transfer of a portion of that district attorney's jurisdiction under certain conditions. Representative Herrero argues that the amendment is not germane because **CSHB 3153** does not deal with the jurisdiction of any district attorney. The point of order is respectfully overruled.

CSHB 3153, in Article 1 of the bill entitled "ARTICLE 1. DISTRICT COURTS AND DISTRICT ATTORNEYS," creates or amends the jurisdiction of several district attorneys. For instance, as noted in the bill analysis, the bill provides for the election of a district attorney by the voters of the 452nd Judicial District and includes the district attorney for the 452nd Judicial District among the state prosecutors who are subject to statutory provisions governing professional prosecutors. In addition, the change in the jurisdiction of the 216th, 198th, and 452nd Judicial District Courts also affected the jurisdiction of the district attorneys for each of those courts. See Tex. Gov't Code § 43.166 (District

Attorney for the 216th District); Tex. Gov't Code § 43.165, (District Attorney for the 198th District); Tex. Gov't Code § 43.184 (District Attorney for the 452nd District as added by **CSHB 3153**).

In addition to these changes, the bill expands the authority of the Travis County district attorney. In Section 1.04 of **CSHB 3153**, the bill specifically created the 450th Judicial District Court. The section states:

"Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 450th Judicial District is composed of Travis County.

(b) The 450th District Court shall give preference to criminal matters."

Under Government Code Section 43.132(a), the voters of Travis County elect the Travis County district attorney, who "[i]n addition to performing the other duties provided by law for district attorneys, . . . represents the state in all criminal cases before all the district courts of Travis County." This would include the newly created 450th Judicial District Court.

In this case, not only did the bill create, modify, or change the jurisdictions and duties of a number of district attorneys, including limiting or expanding their jurisdictions and awarding benefits to them under the Professional Prosecutors Act, but it also specifically expanded the jurisdiction of the Travis County district attorney by creating the 450th District Court to hear criminal matters and expanding the jurisdiction of the Travis County district attorney to prosecute criminal matters.

Amendment No. 2 was withdrawn.

CSHB 3153, as amended, was passed to engrossment.

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

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

HJR 24 ON SECOND READING (by Perry, Guillen, et al.)

HJR 24, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization.

(Speaker in the chair)

Amendment No. 1

Representative P. King offered the following amendment to **HJR 24**:

Amend **HJR 24** (house committee printing) as follows:

(1) On page 1, between lines 7 and 8, add the following:

ARTICLE 1. EXEMPTIONS FOR CERTAIN PARTIALLY DISABLED
VETERANS

(2) On page 1, line 8, strike "SECTION 1." and substitute "SECTION 1.01."

(3) On page 2, line 17, strike "SECTION 2. This proposed constitutional amendment shall be" and substitute "SECTION 1.02. The constitutional amendment proposed in this article shall be".

(4) On page 2, after line 25, add the following:

ARTICLE 2. EXEMPTIONS FOR CERTAIN SPOUSES OF DISABLED
VETERANS

SECTION 2.01. Section 1-b(d), Article VIII, Texas Constitution, is amended to read as follows:

(d) Except as otherwise provided by this subsection, if a person receives a residence homestead exemption prescribed by Subsection (c) of this section for homesteads of persons who are sixty-five (65) years of age or older or who are disabled, the total amount of ad valorem taxes imposed on that homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person or that person's spouse who receives the exemption. If a person who is sixty-five (65) years of age or older or who is disabled dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is fifty-five (55) years of age or older at the time of the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead. However, taxes otherwise limited by this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs or improvements made to comply with governmental requirements and except as may be consistent with the transfer of a limitation under this subsection. For a residence homestead subject to the limitation provided by this subsection in the 1996 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 1997 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 1997 tax rate for general elementary and secondary public school purposes applicable to the residence homestead.

SECTION 2.02. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, to allow the surviving spouse of a person who is disabled to receive a limitation on school district ad valorem taxes on the person's residence homestead if the spouse is 55 years of age or older at the time of the person's death.

(b) The amendment to Section 1-b(d), Article VIII, of this constitution takes effect January 1, 2014, and applies only to a tax year beginning on or after that date.

(c) This temporary provision expires January 1, 2015.

SECTION 2.03. The constitutional amendment proposed in this article shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on school district ad valorem taxes on the person's residence homestead if the spouse is 55 years of age or older at the time of the person's death."

Amendment No. 1 was withdrawn.

HJR 24 was adopted by (Record 666): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Martinez Fischer.

Absent — Miles; Sanford; Schaefer.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

CSHB 2780 ON SECOND READING**(by Elkins and N. Gonzalez)**

CSHB 2780, A bill to be entitled An Act relating to the establishment of research technology corporations by institutions of higher education; providing for tax exemptions.

CSHB 2780 was passed to engrossment.

SB 1360 ON SECOND READING**(Herrero, Lucio, and Villalba - House Sponsors)**

SB 1360, A bill to be entitled An Act relating to the punishment for the offense of tampering with a witness and the evidence that may be offered to show that offense.

SB 1360 was considered in lieu of **HB 3060**.

SB 1360 was passed to third reading.

HB 3060 - LAID ON THE TABLE SUBJECT TO CALL

Representative Herrero moved to lay **HB 3060** on the table subject to call.

The motion prevailed.

HB 1866 ON SECOND READING**(by Klick)**

HB 1866, A bill to be entitled An Act relating to the composition of a political party's state executive committee.

HB 1866 was passed to engrossment.

HB 3815 ON SECOND READING**(by Carter and Harless)**

HB 3815, A bill to be entitled An Act relating to the suspension of a person's driver's license or permit on conviction of a fifth offense relating to the operating of a motor vehicle while intoxicated.

Amendment No. 1

Representative Carter offered the following amendment to **HB 3815**:

Amend **HB 3815** (house committee printing) as follows:

(1) On page 1, line 12, strike "any of those offenses" and substitute "any offense relating to the operating of a motor vehicle while intoxicated".

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

SECTION _____. This Act may be cited as the Kelly Ray and Patsy Ann Carter Act.

SECTION _____. Chapter 55, Code of Criminal Procedure, is amended by adding Article 55.07 to read as follows:

Art. 55.07. REHABILITATION OF DRIVER'S LICENSE OR PERMIT PRIVILEGE. (a) A person whose driver's license or permit or whose eligibility for the issuance of a driver's license or permit is the subject of a court order issued under Section 49.09(1), Penal Code, may petition a court with jurisdiction over criminal matters for an order finding the person has been rehabilitated for purposes of restoring the person's driver's license or permit privileges if:

(1) the person has completed a driving while intoxicated rehabilitation program under Section 76.0115, Government Code; and

(2) for the five preceding years:

(A) the person has held and met all conditions for an occupational license issued under Subchapter L, Chapter 521, Transportation Code; and

(B) the person has not been convicted of an offense under Chapter 49, Penal Code, relating to the operating of a motor vehicle while intoxicated.

(b) A petitioner under this section shall provide the court with the following documentation:

(1) three letters from persons who are members of an alcohol dependence support or recovery program the petitioner regularly attends attesting to the fact the petitioner regularly attends the program;

(2) three letters from persons other than the persons described in Subdivision (1) confirming the person's abstinence from drugs and alcohol;

(3) proof that the person has completed all treatment recommended for the person by a licensed chemical dependency counselor; and

(4) a continuing care status report for the petitioner provided by a licensed chemical dependency counselor.

(c) The court may issue an order finding the person has been rehabilitated for purposes of restoring the person's driver's license or permit privileges if the court finds the documentation provided under Subsection (b), along with any additional evidence offered by the person, constitutes credible evidence showing the person has been rehabilitated and the court finds that issuing the order under this section serves the interests of justice.

(d) A court that issues an order for a person under this section shall forward a copy of the order to the Department of Transportation.

SECTION ____. Chapter 76, Government Code, is amended by adding Section 76.0115 to read as follows:

Sec. 76.0115. DRIVING WHILE INTOXICATED REHABILITATION PROGRAM. (a) The division shall design and establish a voluntary rehabilitation program to be operated by the department for persons convicted of a fifth or subsequent offense relating to the operating of a motor vehicle while intoxicated and subject to a court order under Section 49.09(i), Penal Code, who volunteer to participate in the program.

(b) The division shall design the program to include extensive classroom instruction and the provision of services intended to rehabilitate persons with a history of driving while intoxicated offenses and alcohol dependence, including the provision of alcohol dependence counseling from a licensed chemical dependency counselor.

(c) The program must take a participant not fewer than six months to complete.

(d) The department shall issue a certificate of completion to a person who satisfactorily completes a rehabilitation program under this section that indicates the date on which the person completed the program.

(3) On page 4, line 19, between "order" and the underlined period, insert "or until a court issues an order under Article 55.07, Code of Criminal Procedure, rehabilitating the person's privilege to operate a motor vehicle".

(4) On page 5, line 5, strike "nine" and substitute "12".

(5) On page 5, line 6, after the underlined period, insert the following: This subsection does not apply to a person for whom a court issues an order under Article 55.07, Code of Criminal Procedure, rehabilitating the person's privilege to operate a motor vehicle.

(6) On page 5, line 7, strike "521.344(a) and (b)" and substitute "521.344".

(7) On page 5, line 8, strike "are amended" and substitute "is amended by amending Subsections (a) and (b) and by adding Subsection (j)"

(8) On page 5, line 10, strike "(d)-(i)" and substitute "(d)-(j) [(~~d~~)"

(9) On page 6, on lines 5 and 22, following "Penal Code", insert ", except as otherwise provided by Subsection (j)".

(10) On page 6, between lines 22 and 23, insert the following:

(j) The license suspension for a person whose driver's license or permit is the subject of a court order issued under Section 49.09(i), Penal Code, expires and the department may issue a license to the person on or after the date the department receives:

(1) a copy of an order finding the person has been rehabilitated for purposes of restoring the person's driver's license or permit privileges issued by a court under Article 55.07, Code of Criminal Procedure; and

(2) a copy of the certification issued to the person under Section 76.0115(d), Government Code, that indicates the person completed the rehabilitation program under that section within 12 month period before the date the person provides the copy to the department under this subsection.

Amendment No. 2

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

Amend the Carter amendment to **HB 3815** (house committee printing) by striking the original amendment and replacing it with the following:

(1) On page 1, line 12, strike "any of those offenses" and substitute "any offense relating to the operating of a motor vehicle while intoxicated".

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

SECTION _____. This Act may be cited as the Kelly Ray and Patsy Ann Carter Act.

SECTION _____. Chapter 55, Code of Criminal Procedure, is amended by adding Article 55.07 to read as follows:

Art. 55.07. REHABILITATION OF DRIVER'S LICENSE OR PERMIT PRIVILEGE. (a) A person whose driver's license or permit or whose eligibility for the issuance of a driver's license or permit is the subject of a court order issued under Section 49.09(i), Penal Code, may petition a court with jurisdiction over criminal matters for an order finding the person has been rehabilitated for purposes of restoring the person's driver's license or permit privileges if:

(1) the person has completed a driving while intoxicated rehabilitation program that:

(A) includes the provision of alcohol dependence counseling from a licensed chemical dependency counselor;

(B) takes not fewer than six months to complete; and

(C) issues a certificate of completion to a person who satisfactorily completes the program and indicates the date on which the person completed the program;

(2) for the five preceding years:

(A) the person has held and met all conditions for an occupational license issued under Subchapter L, Chapter 521, Transportation Code; and

(B) the person has not been convicted of an offense under Chapter 49, Penal Code, relating to the operating of a motor vehicle while intoxicated.

(b) A petitioner under this section shall provide the court with the following documentation:

(1) three letters from persons who are members of an alcohol dependence support or recovery program the petitioner regularly attends attesting to the fact the petitioner regularly attends the program;

(2) three letters from persons other than the persons described in Subdivision (1) confirming the person's abstinence from drugs and alcohol;

(3) proof that the person has completed all treatment recommended for the person by a licensed chemical dependency counselor; and

(4) a continuing care status report for the petitioner provided by a licensed chemical dependency counselor.

(c) The court may issue an order finding the person has been rehabilitated for purposes of restoring the person's driver's license or permit privileges if the court finds the documentation provided under Subsection (b), along with any additional evidence offered by the person, constitutes credible evidence showing the person has been rehabilitated and the court finds that issuing the order under this section serves the interests of justice.

(d) A court that issues an order for a person under this section shall forward a copy of the order to the Department of Public Safety.

(3) On page 4, line 19, between "order" and the underlined period, insert "or until a court issues an order under Article 55.07, Code of Criminal Procedure, rehabilitating the person's privilege to operate a motor vehicle".

(4) On page 5, line 5, strike "nine" and substitute "12".

(5) On page 5, line 6, after the underlined period, insert the following: This subsection does not apply to a person for whom a court issues an order under Article 55.07, Code of Criminal Procedure, rehabilitating the person's privilege to operate a motor vehicle.

(6) On page 5, line 7, strike "521.344(a) and (b)" and substitute "521.344".

(7) On page 5, line 8, strike "are amended" and substitute "is amended by amending Subsections (a) and (b) and adding Subsection (j)"

(8) On page 5, line 10, strike "(d)-(i)" and substitute "(d)-(j)".

(9) On page 6, on lines 5 and 22, following "Penal Code", insert " ; except as otherwise provided by Subsection (j)".

(10) On page 6, between lines 22 and 23, insert the following:

(j) The license suspension for a person whose driver's license or permit is the subject of a court order issued under Section 49.09(i), Penal Code, expires and the department may issue a license to the person on or after the date the department receives:

(1) a copy of an order finding the person has been rehabilitated for purposes of restoring the person's driver's license or permit privileges issued by a court under Article 55.07, Code of Criminal Procedure; and

(2) a copy of the certification issued to the person by the driving while intoxicated rehabilitation program required under Article 55.07(a)(1), Code of Criminal Procedure, that indicates the person completed the rehabilitation program under that section within 12 month period before the date the person provides the copy to the department under this subsection.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

HB 3815, as amended, was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education meeting scheduled for tomorrow is cancelled.

Government Efficiency and Reform, upon final recess today, Desk 77, for a formal meeting, to consider pending business.

SB 620 ON SECOND READING (Allen - House Sponsor)

SB 620, A bill to be entitled An Act relating to student loan repayment assistance for speech-language pathologists or audiologists employed by a public school or as faculty members of certain programs at public institutions of higher education.

SB 620 was considered in lieu of **HB 1073**.

SB 620 was passed to third reading. (Capriglione, Carter, Flynn, Laubenberg, Schaefer, and Zedler recorded voting no.)

HB 1073 - LAID ON THE TABLE SUBJECT TO CALL

Representative Allen moved to lay **HB 1073** on the table subject to call.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

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

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, upon final recess today, Desk 15, for a formal meeting, to consider **SB 1907** and previously posted business.

FIVE-DAY POSTING RULE SUSPENDED

Representative D. Bonnen moved to suspend the five-day posting rule to allow the Committee on Special Purpose Districts to consider **SB 522** at 8:30 a.m. tomorrow in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Special Purpose Districts, 8:30 a.m. tomorrow, E2.014, for a public hearing, to consider **SB 522** and previously posted items.

RECESS

Representative Geren moved that the house recess until 10 a.m. tomorrow in memory of Rex Neal Van de Putte.

The motion prevailed.

The house accordingly, at 9:29 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

SB 1079 to Public Health.

SB 1106 to Public Health.

SB 1162 to Natural Resources.

SB 1542 to Human Services.

SIGNED BY THE SPEAKER

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

House List No. 25

HB 893, HCR 35

Senate List No. 22

SB 60, SB 186, SB 275, SB 299

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, May 7, 2013 - 1

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 666 Miller, Rick SPONSOR: Huffman
Relating to the elections to which certain applications for a ballot to be voted by mail are applicable.

HB 1016 Davis, Sarah SPONSOR: Williams
 Relating to legal representation for civil suits against peace officers employed by a school district.

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

SB 120 (29 Yeas, 0 Nays)
SB 202 (29 Yeas, 0 Nays)
SB 307 (29 Yeas, 0 Nays)
SB 412 (29 Yeas, 0 Nays)
SB 447 (29 Yeas, 0 Nays)
SB 900 (29 Yeas, 0 Nays)
SB 945 (29 Yeas, 0 Nays)
SB 1110 (29 Yeas, 0 Nays)
SB 1286 (30 Yeas, 0 Nays)
SB 1815 (29 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 200
 Senate Conferees: Patrick - Chair/Duncan/Huffman/Nichols/Whitmire

SB 1312
 Senate Conferees: Schwertner - Chair/Campbell/Deuell/Hegar/Huffman

Respectfully,
 Patsy Spaw
 Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Tuesday, May 7, 2013 - 2

The Honorable Speaker of the House
 House Chamber
 Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 482 Williams
 Relating to the creation of the Montgomery County Municipal Utility District No. 136; granting a limited power of eminent domain; providing authority to issue bonds and impose a tax.

SB 628 Watson

Relating to the creation of regional emergency communications districts; authorizing the issuance of bonds; authorizing a fee.

SB 807 Deuell
 Relating to the authority of the Department of State Health Services to admit certain nonresident tuberculosis patients to a state chest hospital.

SB 930 Van de Putte
 Relating to the sale and use of certain land used for a world exposition.

SB 1563 Ellis
 Relating to the definition of and access to public information.

SB 1635 Deuell
 Relating to the transfer of the assets of and the dissolution of the Dallas County Water Control and Improvement District No. 6.

SB 1873 Estes
 Relating to the authority to issue bonds of the Mustang Special Utility District.

SB 1899 Zaffirini
 Relating to the creation of the LaSalle Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

SB 1910 Hegar
 Relating to the creation of the Fulshear Municipal Utility District No. 3; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

SB 1913 Nichols
 Relating to authorizing certain special districts in Montgomery County to enter into strategic partnership agreements.

Respectfully,
 Patsy Spaw
 Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 6

Agriculture and Livestock - **SB 1427**

Business and Industry - **HB 2629, SB 1372**

Corrections - **HB 3952**

County Affairs - **HB 2516, HB 2518, HB 2703, HB 3124, HB 3464, HB 3733, HB 3793**

Criminal Jurisprudence - **HB 73, HB 501, HB 577, HB 734, HB 1011, HB 1125, HB 1333, HB 1436, HB 1437, HB 1439, HB 2418, HB 2736, HB 2801, HB 2827, HB 2842, HB 3030, HB 3532, HB 3633**

Culture, Recreation, and Tourism - **HB 3160, SB 111**

Defense and Veterans' Affairs - **SB 1476**

Economic and Small Business Development - **HB 2531, HB 2891**

Elections - **HB 179, HB 2233, HB 2306, HB 2931, HJR 44**

Energy Resources - **HB 3168, HB 3597**

Federalism and Fiscal Responsibility, Select - **HB 1379, HB 3785**

Government Efficiency and Reform - **HB 123, HB 3198, SB 59, SB 984**

Higher Education - **HB 360, HB 830, SB 566**

Homeland Security and Public Safety - **HB 24, HB 1038**

Human Services - **HB 751, HB 1829, HB 3399, HB 3631, SB 45, SB 50, SB 423, SB 426, SB 427, SB 428**

Insurance - **HB 3814, SB 183, SB 569, SB 631, SB 734, SB 839, SB 841, SB 853, SB 1057, SB 1379, SB 1386**

International Trade and Intergovernmental Affairs - **HB 1130**

Judiciary and Civil Jurisprudence - **HB 3476, SB 129, SB 130, SB 355, SB 389, SB 390, SB 393, SB 462**

Licensing and Administrative Procedures - **HB 575, SB 131, SB 138, SB 383, SB 409, SB 464, SB 499, SB 540, SB 828, SB 1053, SB 1296**

Pensions - **HB 2432**

Public Health - **HB 2625, HB 3183, SB 1191, SB 1889**

Special Purpose Districts - **HB 2423, HB 2640, HB 3914, SB 752**

State Affairs - **HB 524, HB 2364**

Transparency in State Agency Operations, Select - **SB 895**

Transportation - **HB 3094, SB 1671, SB 1757**

Urban Affairs - **HB 1364, HB 2521, HB 2971, HB 3221, HB 3350, HB 3681, HB 3769, HB 3779**

Ways and Means - **HB 315, HB 510, HB 709, HB 835, HB 859, HB 1059, HB 1110, HB 1511, HB 1579, HB 1722, HB 1727, HB 1820, HB 1860, HB 1923, HB 2224, HB 2385, HB 2504, HB 2641, HB 2676, HB 2687 (corrected), HB 3095, HB 3193, HB 3388, HB 3442, HB 3445, HB 3643**

ENGROSSED

May 6 - **HB 48, HB 78, HB 485, HB 508, HB 698, HB 777, HB 801, HB 970, HB 1009, HB 1076, HB 1245, HB 1314, HB 1349, HB 1421, HB 1869, HB 1913, HB 2072, HB 3077, HJR 86, HJR 133**

SENT TO THE GOVERNOR

May 6 - **HB 200, HB 407, HB 477, HB 2377, HB 2472, HCR 31, HCR 47, HCR 67, HCR 105, HCR 107, HCR 118**