

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SEVENTH DAY — TUESDAY, MAY 21, 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 1000).

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; Giddings; 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.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

The speaker recognized Representative Bohac who introduced Kemper Crabb, director of contemporary music, The Church of St. John the Divine, Houston, who offered the invocation as follows:

Blessed Father, I come before you today to ask your blessing upon Texas, its people, and especially the Texas House of Representatives upon whom I pray that you will mercifully send Your Spirit to enlighten these representatives as to your will and to anoint them with the wisdom and gumption to enact your will legislatively for the people of Texas. I further ask that you would draw them to yourself so that they might know you more perfectly and may be empowered to be more and more conformed to the image of your Son, fulfilling their function as your image bearers in their personal lives, in their families, and among the people they represent before you and before our civil government. Cause them to live as godly women and men and to advance your purposes in every area of their lives and influence. Protect them from the snares of the world, the flesh, and the devil.

In the name of Jesus Christ, I stand against Satan and his minions in this place, in their lives, and in their proceedings here. And I further ask that you will guard us by Your Spirit and angels from the vengeance of Satan and his hosts. Enlighten these, your servants, to hear your voice, to love and fear you, and to serve and glorify you in all they are and do. Help them, O Father, to stand in the gap against evil for the people of Texas this day and every day to come. I ask all these things in the name of Jesus Christ, to whom be all glory and honor and power, now and forever. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative S. Davis who presented Dr. Troy Fiesinger of Sugar Land as the "Doctor for the Day."

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

(Phillips in the chair)

### **HR 1753 - PREVIOUSLY ADOPTED (by Isaac, E. S. Turner, Leach, and Sanford)**

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

**HR 1753**, In memory of inspirational author and speaker Zig Ziglar of Plano.

On motion of Representatives E. S. Turner and Zedler, the names of all the members of the house were added to **HR 1753** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Isaac who introduced family members of Zig Ziglar.

### **HR 1196 - PREVIOUSLY ADOPTED (by E. Thompson)**

The chair laid out the following previously adopted resolution:

**HR 1196**, Recognizing May 19-25, 2013, as National Public Works Week and honoring members of the Southeast Branch, Texas Chapter, American Public Works Association.

On motion of Representative Bell, the names of all the members of the house were added to **HR 1196** as signers thereof.

### **HR 1805 - PREVIOUSLY ADOPTED (by Carter and Button)**

The chair laid out the following previously adopted resolution:

**HR 1805**, Honoring Barry J. Young of Murphy for his service to his North Texas community.

On motion of Representative Button, the names of all the members of the house were added to **HR 1805** as signers thereof.

**HR 2345 - ADOPTED**  
**(by Johnson, et al.)**

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 2345**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2345**, Honoring Children's Medical Center on its 100th anniversary.

**HR 2345** was adopted.

On motion of Representative Parker, the names of all the members of the house were added to **HR 2345** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Johnson who introduced representatives of Children's Medical Center of Dallas.

(Kuempel in the chair)

**HR 1747 - PREVIOUSLY ADOPTED**  
**(by Fallon)**

The chair laid out the following previously adopted resolution:

**HR 1747**, Congratulating the students selected for the House District 106 Internship Program.

**HR 2392 - ADOPTED**  
**(by Muñoz)**

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 2392**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2392**, Honoring the president-elect of the Texas Optometric Association, Dr. Fred Farias III of McAllen.

**HR 2392** was adopted.

On motion of Representative Guerra, the names of all the members of the house were added to **HR 2392** as signers thereof.

**INTRODUCTION OF GUEST**

The chair recognized Representative Muñoz who introduced Dr. Fred Farias III, president-elect of the Texas Optometric Association.

**HR 2316 - ADOPTED**  
**(by P. King)**

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 2316**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2316**, In memory of Vesta Carol Hillsamer Williams of Victoria.

**HR 2316** was read and was unanimously adopted by a rising vote.

On motion of Representatives Flynn and Zedler, the names of all the members of the house were added to **HR 2316** as signers thereof.

**HR 2316 - REMARKS**

REPRESENTATIVE MORRISON: This is a great honor. Today is her birthday, she'd be 82, and I just want each and every one of you to know what a wonderful person she was. And like Phil said, she was very unassuming, she just went about and did all of her business; she was very active in church and Republican Women and every aspect of life that you can imagine. But more importantly, I think it was very important what we did yesterday, and I want to thank all of you for all of your effort to make sure that CPRIT continues, because my dad passed away during the end of my first session, in 2001, from lung cancer—never smoked a day in his life—and then my mom was diagnosed during our last legislative session two years ago with pancreatic cancer. And then she passed away a year ago, a valiant year. And also, my good friend, Patricia Harless, whose mom passed away from pancreatic cancer too, was my rock during that time.

And I just want all of you to know how important it is what this state is doing for research, because there's so many types of cancer that we don't have any cure for, and pancreatic is one that there's just not really anything. And so I want each and every one of you to think about what we're doing, and how very important this research is coming to our state. And I wear this little purple bracelet every day, and people say, "Why do you wear that every day?" It's to remind me of pancreatic cancer, and all the research, all the good that's going to happen. And I just want to thank y'all for celebrating her birthday, which would be today.

**REMARKS ORDERED PRINTED**

Representative Zedler moved to print remarks by Representative Morrison.

The motion prevailed.

**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. 36).

**HR 2339 - ADOPTED**  
**(by Howard)**

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 2339**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2339**, Congratulating William "Hutch" Hutchings on being named the 2013 Man of the Year by the South Central Texas Chapter of The Leukemia & Lymphoma Society.

**HR 2339** was adopted.

On motion of Representative Workman, the names of all the members of the house were added to **HR 2339** as signers thereof.

**HR 2528 - ADOPTED**  
**(by Zerwas)**

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 2528**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2528**, Congratulating Meghan and Steven Weller on the birth of their daughter, Emily Suzanne Weller.

**HR 2528** was adopted.

On motion of Representative J. Davis, the names of all the members of the house were added to **HR 2528** as signers thereof.

**HR 2442 - ADOPTED**  
**(by K. King)**

Representative K. King moved to suspend all necessary rules to take up and consider at this time **HR 2442**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2442**, Congratulating the Plains High School one-act play team on advancing to the UIL state championship for the third consecutive year.

**HR 2442** was adopted.

On motion of Representative Price, the names of all the members of the house were added to **HR 2442** as signers thereof.

**HR 2443 - ADOPTED**  
**(by K. King)**

Representative K. King moved to suspend all necessary rules to take up and consider at this time **HR 2443**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2443**, Honoring Lou Lindsey for his achievements as director of the theater program at Plains High School.

**HR 2443** was adopted.

On motion of Representative Price, the names of all the members of the house were added to **HR 2443** as signers thereof.

**HR 2444 - ADOPTED**  
**(by K. King)**

Representative K. King moved to suspend all necessary rules to take up and consider at this time **HR 2444**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2444**, Honoring the Plains High School calculator team for their myriad achievements over the years.

**HR 2444** was adopted.

On motion of Representative Price, the names of all the members of the house were added to **HR 2444** as signers thereof.

**PARLIAMENTARY INQUIRY**

REPRESENTATIVE TAYLOR: Is today Tuesday?

CHAIR (Kuempel in the chair): Today is—all day long.

TAYLOR: So, until midnight tonight, today is Tuesday?

CHAIR: Physically, yes.

**REMARKS ORDERED PRINTED**

Representative Taylor moved to print remarks between the chair and Representative Taylor.

The motion prevailed.

**SCR 36 - ADOPTED**  
**(T. King - House Sponsor)**

Representative T. King moved to suspend all necessary rules to take up and consider at this time **SCR 36**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 36**, Honoring Ken Horton for his leadership in Texas agriculture.

**SCR 36** was adopted.

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 1459 ON THIRD READING  
(Callegari, et al. - House Sponsors)**

**SB 1459**, A bill to be entitled An Act relating to the powers and duties of and contributions to and benefits from the systems and programs administered by the Employees Retirement System of Texas.

**Amendment No. 1**

Representative Isaac offered the following amendment to **SB 1459**:

Amend **SB 1459** on third reading as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 814.103, Government Code, is amended to read as follows:

Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS SERVICE. (a) Except as provided by Subsections [Subsection] (b) and (c), the standard service retirement annuity for service credited in the elected class of membership is an amount equal to the number of years of service credit in that class, times two percent of the state salary, excluding longevity pay payable under Section 659.0445 and as adjusted from time to time, being paid a district judge.

(b) The standard service retirement annuity for service credited in the elected class, other than as a member of the legislature, may not exceed at any time 100 percent of the state salary being paid a district judge.

(c) The standard service retirement annuity for service credited in the elected class of membership as a member of the legislature is an amount equal to the number of years of service credit in that class, times two percent of the salary as adjusted from time to time, listed in the General Appropriations Act for the governor. The standard service annuity under this subsection may not exceed at any time 83-1/3 percent of the salary listed in the General Appropriations Act for the governor.

SECTION \_\_\_\_\_. Section 814.103(c), Government Code, as added by this Act, applies only to a member of the legislature who retires as a member of the elected class of the Employees Retirement System of Texas on or after the effective date of this Act. A member who retires before that date is subject to the law in effect on the date the member retires, and the former law is continued in effect for that purpose.

(2) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 failed of adoption (not receiving the necessary two-thirds vote). (Anderson, Hilderbran, and Moody recorded voting yes.)

**SB 1459** was passed by (Record 1001): 147 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; Giddings; 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; Krause; 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.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent — Kolkhorst.

### STATEMENT OF VOTE

When Record No. 1001 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

### SB 1459 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Callegari, Representatives Lozano and S. Turner were authorized as house sponsors to **SB 1459**.

(Speaker in the chair)

### SB 219 ON THIRD READING (D. Bonnen, et al. - House Sponsors)

**SB 219**, A bill to be entitled An Act relating to ethics of public servants, including the functions and duties of the Texas Ethics Commission; the regulation of political contributions, political advertising, lobbying, and conduct of public servants; and the reporting of political contributions and expenditures and personal financial information; providing civil and criminal penalties.

#### Amendment No. 1

Representative Murphy offered the following amendment to **SB 219**:

Amend **SB 219** by adding the appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS appropriately.

SECTION \_\_\_\_\_. Section 251.001(16), Election Code, is amended to read as follows:

(16) "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; ~~[or]~~

(B) appears:

(i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or

(ii) on an Internet website; or

(C) is distributed using electronic mail by a person required to file reports of political contributions or expenditures under Chapter 254.

SECTION \_\_\_\_\_. Section 255.001, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), (a-4), (a-5), and (a-6) to read as follows:

(a) A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not include ~~[indicate]~~ in the advertising:

(1) an indication that it is political advertising; ~~and~~

(2) the full name of:

(A) the person who paid for the political advertising;

(B) the political committee authorizing the political advertising; or

(C) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate;

(3) if the political advertising is authorized by the candidate:

(A) for advertising transmitted through radio or television, an audio statement made by the candidate that identifies the candidate and states that the candidate has approved the communication; and

(B) for advertising transmitted through television:

(i) an unobscured, full-screen view of the candidate making the audio statement or a clearly identifiable photographic or similar image of the candidate accompanying the audio statement; and

(ii) a statement in writing identifying the candidate and stating that the candidate has approved the communication that appears:

(a) at the end of the communication for not less than four seconds; and

(b) in letters that are at least four percent of the vertical screen height; and

(4) if the political advertising is not authorized by the candidate:

(A) for advertising transmitted through radio or television, an audio statement of the name of the person who paid for the advertising, made by an individual named in the statement or by a representative of a person named in the statement who is not an individual; and

(B) for advertising transmitted through television, a written statement that contains the name of the person who paid for the advertising and that appears:

(i) at the end of the communication for not less than four seconds; and

(ii) in letters that are at least four percent of the vertical screen height.

(a-1) A disclosure required by this section must be presented in a clear and conspicuous manner, to give the reader, observer, or listener adequate notice of the political committee or other person who authorized and, as applicable, paid for the communication. A disclosure is not clear and conspicuous if it is difficult to read, observe, or hear or if the placement is easily overlooked.

(a-2) A photographic or similar image complies with Subsection (a)(3)(B)(i) only if the image of the candidate is at least 80 percent of the vertical screen height.

(a-3) A written disclosure satisfies the requirements of Subsection (a-1) only if it:

(1) is clearly readable;

(2) is printed:

(A) in black text on a white background or is printed so that the degree of contrast between the background color and the disclosure text color is at least as great as the degree of contrast between the background color and the color of the largest text in the communication; and

(B) within a printed box set apart from the rest of the contents of the communication;

(3) appears within the advertising, and appears on the same side as all other printing on advertising that without the disclosure would be one-sided; and

(4) is of sufficient type size to be clearly readable and:

(A) if the advertising measures not more than 24 inches by 36 inches, is in at least 12-point type; and

(B) if the advertising appears on an Internet website, is at least 12 pixels.

(a-4) If political advertising appears on a social media website, a written disclosure that complies with Subsection (a-1) and this subsection must appear on the appropriate social media profile page. If political advertising on an Internet website is too small to include the written disclosure in a manner that complies with Subsection (a-1), a written disclosure appearing on political advertising on an Internet website, including a social media profile page, satisfies the requirements of Subsection (a-1) if the disclosure links to another Internet website page that displays the full disclosure statement and is operational and freely accessible during the time the advertisement is visible. Internet advertising that is too small to include a written disclosure complying with Subsection (a-1) includes an advertisement classified as a micro bar or button according to applicable advertising standards, an advertisement that has 200 or fewer characters, and a graphic or picture link in which including the disclosure is not reasonably practical because of the size of the graphic or picture link.

(a-5) Any political advertising included in a group of materials that, if distributed separately, would require a disclosure under this section must separately include the required disclosure.

(a-6) Subsection (a) does not apply to political advertising distributed by sending a text message using a mobile communications service.

SECTION \_\_\_\_\_. This Act takes effect September 1, 2013.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative P. King offered the following amendment to **SB 219**:

Amend **SB 219** on third reading in added Section 254.261(f), Election Code, as added by Floor Amendment No. 12 by Geren, by striking "\$1000" and substituting "\$2,500".

Amendment No. 2 was adopted.

**SB 219**, as amended, was passed by (Record 1002): 134 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Crownover; Dale; 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; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; 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; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Bell; Button; Carter; Craddick; Creighton; Elkins; Hughes; Leach; Stickland; Taylor; Toth; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Giddings; Martinez Fischer.

### **STATEMENTS OF VOTE**

When Record No. 1002 was taken, I was in the house but away from my desk, trying to get to the back mic to ask a question. I would have voted yes.

Giddings

I was shown voting yes on Record No. 1002. I intended to vote no.

Hilderbran

### REASON FOR VOTE

I voted no on **SB 219** because it did not include needed reforms. For example, the issue I attempted to address in **HB 415** to stop the revolving door that exists where legislators can immediately lobby when they leave office is not included in this legislation.

Button

### SB 16 ON THIRD READING (Branch, Pitts, et al. - House Sponsors)

**SB 16**, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

#### Amendment No. 1

Representative Branch offered the following amendment to **SB 16**:

Amend **SB 16** on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 55.1781(a)(12), Education Code, strike "\$40 million" and substitute "\$45 million".

(2) In SECTION 1 of the bill, in added Section 55.1781(a)(13), Education Code, strike "\$56 million" and substitute "\$63 million".

(3) In SECTION 1 of the bill, in added Section 55.1785(a)(3), Education Code, strike "\$56 million" and substitute "\$63 million".

Amendment No. 1 was adopted.

#### Amendment No. 2

Representative Coleman offered the following amendment to **SB 16**:

Amend **SB 16** on third reading by striking the text of second reading Floor Amendment No. 2 by Coleman which added Section 55.1783(d), Education Code, to SECTION 1 of the bill.

Amendment No. 2 was adopted.

**SB 16**, as amended, was passed by (Record 1003): 121 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Flynn; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; 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; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Bonnen, D.; Bonnen, G.; Capriglione; Creighton; Elkins; Fallon; Fletcher; Goldman; Gooden; Hilderbran; Hughes; King, P.; Klick; Krause; Laubenberg; Phillips; Sanford; Simmons; Simpson; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Leach; Parker.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 1003. I intended to vote yes.

Hughes

I was shown voting yes on Record No. 1003. I intended to vote no.

R. Miller

When Record No. 1003 was taken, my vote failed to register. I would have voted yes.

Parker

### SB 16 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Branch, Representatives Giddings and Alonzo were authorized as house sponsors to **SB 16**.

### GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

#### SB 1773 ON THIRD READING (D. Bonnen - House Sponsor)

**SB 1773**, A bill to be entitled An Act relating to the creation of a select interim committee to review and make recommendations for substantive changes to ethics laws.

**SB 1773** was passed by (Record 1004): 148 Yeas, 1 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; Giddings; 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; 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; 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 — Stickland.

Present, not voting — Mr. Speaker(C).

### **SB 247 ON THIRD READING**

#### **(D. Miller and Oliveira - House Sponsors)**

**SB 247**, A bill to be entitled An Act relating to the transfer of an ad valorem tax lien; providing an administrative penalty.

**SB 247** was passed by (Record 1005): 146 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; 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; Giddings; 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; 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; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; 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 — Canales; Schaefer; Stickland.

Present, not voting — Mr. Speaker(C).

**SB 17 ON THIRD READING**  
**(Fletcher - House Sponsor)**

**SB 17**, A bill to be entitled An Act relating to the training in school safety of certain educators of a school district or an open-enrollment charter school authorized to carry a concealed handgun on school premises.

**SB 17** was passed by (Record 1006): 133 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Ashby; Aycocock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Capriglione; Carter; Clardy; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; 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, 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.; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, S.; Toth; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Anchia; Canales; Coleman; Collier; Farias; Rodriguez, J.; Rose; Strama; Thompson, E.; Turner, C.; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Anderson; King, S.; Naishtat.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1006. I intended to vote no.

Cortez

I was shown voting yes on Record No. 1006. I intended to vote no.

Howard

When Record No. 1006 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

I was shown voting yes on Record No. 1006. I intended to vote no.

Miles

I was shown voting yes on Record No. 1006. I intended to vote no.

Muñoz

When Record No. 1006 was taken, I was in the house but away from my desk. I would have voted no.

Naishtat

I was shown voting yes on Record No. 1006. I intended to vote no.

E. Rodriguez

(Geren in the chair)

### **SB 1406 ON THIRD READING**

#### **(Toth, Bohac, Harper-Brown, Creighton, and Branch - House Sponsors)**

**SB 1406**, A bill to be entitled An Act relating to State Board of Education oversight of regional education service center activities concerning certain curriculum management systems.

**SB 1406** was passed by (Record 1007): 109 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Alonzo; Anderson; Ashby; Aycock; Bell; Bohac; 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; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren(C); Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; McClendon; Menéndez; Miller, D.; Miller, R.; 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; Strama; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; Villarreal; White; Workman; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Canales; Coleman; Collier; Cortez; Dutton; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Hernandez Luna; Herrero; Howard; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent — King, S.; Wu.

### **STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1007. I intended to vote no.

Guerra

When Record No. 1007 was taken, I was in the house but away from my desk. I would have voted no.

S. King

I was shown voting yes on Record No. 1007. I intended to vote no.

Menéndez

I was shown voting yes on Record No. 1007. I intended to vote no.

Pickett

### **SB 1406 - HOUSE SPONSOR AUTHORIZED**

On motion of Representative Toth, Representative R. Sheffield was authorized as a house sponsor to **SB 1406**.

### **SB 1702 ON THIRD READING (D. Bonnen - House Sponsor)**

**SB 1702**, A bill to be entitled An Act relating to residential property insured by the Texas Windstorm Insurance Association.

Representative D. Bonnen moved to postpone consideration of **SB 1702** until 1:07 p.m. today.

The motion prevailed.

### **SB 1052 ON THIRD READING (Frullo, S. Thompson, and Fletcher - House Sponsors)**

**SB 1052**, 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 information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.

### **SB 1052 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HUGHES: Is it the intent of this legislation to conflict with any federal laws such as the Stored Communications Act, the Electronic Communications Privacy Act, or any other federal law relating to the contents of records and other information held in electronic storage by Texas companies?

REPRESENTATIVE FRULLO: No.

HUGHES: Is it the intent of this legislation to cause or require Texas companies which provide electronic communications, computing services, or communications data storage to be in violation of the laws of any other state or jurisdiction concerning the production of information?

FRULLO: No.

### **REMARKS ORDERED PRINTED**

Representative Hughes moved to print remarks between Representative Frullo and Representative Hughes.

The motion prevailed.

**SB 1052** was passed by (Record 1008): 146 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; Giddings; 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, 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; 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 — King, S.; Raney.

**SB 227 ON THIRD READING**  
**(Zerwas - House Sponsor)**

**SB 227**, A bill to be entitled An Act relating to the dispensing of aesthetic pharmaceuticals by physicians and therapeutic optometrists; imposing fees.

**SB 227** was passed by (Record 1009): 127 Yeas, 19 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Johnson; Kacal; Keffer; King, P.; King, S.; King, T.; Klick; Krause; Larson; Laubenberg; Leach; Lewis; 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; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; 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 — Ashby; Bell; Canales; Clardy; Creighton; Fletcher; Hilderbran; Isaac; King, K.; Kleinschmidt; Kuempel; Lavender; Longoria; Paddie; Phillips; Ratliff; Sheffield, J.; Springer; Stickland.

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

Absent — Hunter.

### STATEMENTS OF VOTE

When Record No. 1009 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting yes on Record No. 1009. I intended to vote no.

E. S. Turner

### SB 1221 ON THIRD READING (Smithee - House Sponsor)

**SB 1221**, A bill to be entitled An Act relating to use of a Medicaid-based fee schedule for reimbursement of services under a contract between a health care provider and certain health benefit plans.

**SB 1221** was passed by (Record 1010): 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; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; 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, 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.; 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 — Dukes; King, S.; Thompson, S.

## STATEMENT OF VOTE

When Record No. 1010 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

### SB 163 ON THIRD READING

**(C. Turner, Hilderbran, Isaac, Bohac, N. Gonzalez, et al. - House Sponsors)**

**SB 163**, A bill to be entitled An Act relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

**SB 163** was passed by (Record 1011): 146 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; Giddings; 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; 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; 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.

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

Absent — Stickland; Zerwas.

### SB 345 ON THIRD READING

**(Parker - House Sponsor)**

**SB 345**, A bill to be entitled An Act relating to the abolition of the state boot camp program.

**SB 345** was passed by (Record 1012): 143 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; 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; Giddings;

Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; 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; 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.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Canales; King, S.

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

Absent — Bohac; Capriglione; Guerra.

**SB 369 ON THIRD READING**  
**(Burnam - House Sponsor)**

**SB 369**, A bill to be entitled An Act relating to certain information available to the public on a central database containing information about sex offenders.

**SB 369** was passed by (Record 1013): 130 Yeas, 11 Nays, 4 Present, not voting.

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

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

Absent — Cortez; Eiland; Hunter; Martinez Fischer; Naishtat.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1013. I intended to vote no.

Anderson

I was shown voting yes on Record No. 1013. I intended to vote no.

Bell

I was shown voting no on Record No. 1013. I intended to vote yes.

Branch

I was shown voting yes on Record No. 1013. I intended to vote no.

Flynn

When Record No. 1013 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1013 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

I was shown voting no on Record No. 1013. I intended to vote yes.

Schaefer

**SB 504 ON THIRD READING****(S. King - House Sponsor)**

**SB 504**, A bill to be entitled An Act relating to the requirement that certain schoolchildren be screened for abnormal spinal curvature.

**SB 504** was passed by (Record 1014): 145 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; Capriglione; Carter; Clardy; Coleman; Collier; 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; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; 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.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Canales.

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

Absent — Cook; Hernandez Luna.

### STATEMENT OF VOTE

When Record No. 1014 was taken, I was in the house but away from my desk. I would have voted yes.

Cook

### SB 656 ON THIRD READING

#### (Button, Bohac, and Hilderbran - House Sponsors)

**SB 656**, A bill to be entitled An Act relating to providing transparency in the budget adoption process of municipalities and counties.

**SB 656** was passed by (Record 1015): 145 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; 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; Giddings; 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.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; 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.

Nays — Miller, R.; Riddle.

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

### STATEMENT OF VOTE

I was shown voting no on Record No. 1015. I intended to vote yes.

Riddle

### SB 628 ON THIRD READING

#### (Workman, Farney, Isaac, and Kleinschmidt - House Sponsors)

**SB 628**, A bill to be entitled An Act relating to the creation of regional emergency communications districts; authorizing the issuance of bonds; authorizing a fee.

**SB 628** was passed by (Record 1016): 104 Yeas, 41 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bonnen, D.; Burnam; Callegari; Canales; Coleman; Collier; Cook; Cortez; Crownover; Dale; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Simpson; Smith; Smithee; Stephenson; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Anderson; Ashby; Aycock; Bell; Bonnen, G.; Branch; Burkett; Button; Capriglione; Carter; Clardy; Craddick; Creighton; Darby; Davis, S.; Fallon; Flynn; Frank; Frullo; Goldman; Gooden; King, P.; Kolkhorst; Krause; Laubenberg; Lavender; Leach; Miller, R.; Morrison; Paddie; Parker; Perry; Phillips; Schaefer; Sheffield, R.; Simmons; Springer; Stickland; Taylor; Turner, E.S.; Zedler.

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

Absent — Hunter; Toth.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1016. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1016. I intended to vote no.

Crownover

I was shown voting present, not voting on Record No. 1016. I intended to vote yes.

Hilderbran

When Record No. 1016 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

#### **SB 1150 ON THIRD READING** **(Guerra and Raymond - House Sponsors)**

**SB 1150**, A bill to be entitled An Act relating to a provider protection plan that ensures efficiency and reduces administrative burdens on providers participating in a Medicaid managed care model or arrangement.

**Amendment No. 1**

Representative Eiland offered the following amendment to **SB 1150**:

Amend **SB 1150** on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 533.0055(b)(2)(C), Government Code, after "contract", strike "and this section".

(2) In SECTION 1 of the bill, strike added Section 533.0055(c), Government Code.

Amendment No. 1 was adopted.

**SB 1150**, as amended, was passed by (Record 1017): 141 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; 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; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; 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 — Button; Creighton; Schaefer; Stickland.

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

Absent — Eiland; Hunter; Ratliff.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1017. I intended to vote no.

Anderson

I was shown voting yes on Record No. 1017. I intended to vote no.

Bell

I was shown voting yes on Record No. 1017. I intended to vote no.

Flynn

When Record No. 1017 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

**SB 1226 ON THIRD READING**  
**(Perez - House Sponsor)**

**SB 1226**, A bill to be entitled An Act relating to the establishment of an employment-first policy and task force to promote competitive employment opportunities that provide a living wage for individuals with disabilities.

(Márquez in the chair)

**SB 1226** was passed by (Record 1018): 121 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Bohac; Branch; Burnam; Button; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Creighton; Crownover; Dale; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Giddings; 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, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Lavender; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Otto; Paddie; Parker; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler.

Nays — Aycock; Bell; Bonnen, D.; Bonnen, G.; Capriglione; Darby; Elkins; Frank; Hilderbran; Krause; Laubenberg; Lewis; Perry; Schaefer; Sheffield, R.; Stickland.

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

Absent — Burkett; Clardy; Craddick; Geren; King, S.; Oliveira; Orr; Phillips; Thompson, E.; Turner, E.S.; Zerwas.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 1018. I intended to vote yes.

G. Bonnen

When Record No. 1018 was taken, my vote failed to register. I would have voted yes.

Burkett

I was shown voting yes on Record No. 1018. I intended to vote no.

Flynn

I was shown voting yes on Record No. 1018. I intended to vote no.

Frullo

I was shown voting yes on Record No. 1018. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 1018. I intended to vote no.

Price

When Record No. 1018 was taken, my vote failed to register. I would have voted no.

E. Thompson

When Record No. 1018 was taken, my vote failed to register. I would have voted yes.

E. S. Turner

I was shown voting yes on Record No. 1018. I intended to vote no.

Zedler

**SB 644 ON THIRD READING**  
**(Zerwas - House Sponsor)**

**SB 644**, A bill to be entitled An Act relating to the creation of a standard request form for prior authorization of prescription drug benefits.

Representative Zerwas moved to postpone consideration of **SB 644** until the end of third reading bills on today's General State Calendar.

The motion prevailed.

**SB 289 ON THIRD READING**  
**(Schaefer - House Sponsor)**

**SB 289**, A bill to be entitled An Act relating to the approval requirement for a rental-purchase agreement that includes a loss damage waiver provision.

**SB 289** was passed by (Record 1019): 126 Yeas, 17 Nays, 2 Present, not voting.

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

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

Nays — Anderson; Bell; Bohac; Bonnen, D.; Callegari; Cook; Darby; Fletcher; Flynn; Gooden; Lavender; Lewis; Parker; Phillips; Sheffield, J.; Sheffield, R.; Walle.

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

Absent — Farrar; Geren; King, S.; Rodriguez, E.; Workman.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 1019. I intended to vote yes.

Callegari

I was shown voting no on Record No. 1019. I intended to vote yes.

Lewis

#### SB 1484 ON THIRD READING

##### (Gonzales, Simmons, and S. Thompson - House Sponsors)

**SB 1484**, A bill to be entitled An Act relating to health benefit plan coverage for enrollees diagnosed with autism spectrum disorder.

**SB 1484** was passed by (Record 1020): 147 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; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; 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; 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.; 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 — Farrar.

**SB 1871 ON THIRD READING**  
**(Kuempel - House Sponsor)**

**SB 1871**, A bill to be entitled An Act relating to the state cemetery.

**Amendment No. 1**

Representative Naishtat offered the following amendment to **SB 1871**:

Amend **SB 1871** on third reading as follows:

(1) In added Section 2165.256(b-1)(1)(A)(i), Government Code (as added by Floor Amendment No. 1 by Kuempel), following the semicolon, strike "and".

(2) Immediately following added Section 2165.256(b-1)(1)(A)(ii), Government Code (as added by Floor Amendment No. 1 by Kuempel), insert the following:

(iii) concerns expressed by residents of neighborhoods in the vicinity of the property have been considered and that efforts have been made to address those concerns; and

Amendment No. 1 was adopted.

**SB 1871**, as amended, was passed by (Record 1021): 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; Geren; Giddings; 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; 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; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler.

Nays — Stickland.

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

Absent — Smith; Turner, E.S.; Zerwas.

(Geren in the chair)

**SB 7 ON THIRD READING**  
**(Raymond - House Sponsor)**

**SB 7**, A bill to be entitled An Act relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term services and supports.

**Amendment No. 1**

Representative E. S. Turner offered the following amendment to **SB 7**:

Amend **SB 7** as follows:

- (1) On page 1, strike lines 16 through 18 and substitute the following:
  - (1) "Advisory committee" means the state Medicaid managed care advisory committee established under Section 533.041.
- (2) On page 5, line 12, strike "jointly".
- (3) Strike page 5, line 16, through page 7, line 26.
- (4) On page 7, line 27, strike "534.054" and substitute "534.053".
- (5) On page 28, lines 13 through 18, strike SECTION 1.03 of ARTICLE 1 of the bill and renumber subsequent SECTIONS of that ARTICLE and cross-references accordingly.
- (6) On page 28, strike lines 25 through 27 and substitute the following:
 

disabilities shall consult with the state Medicaid managed care advisory committee established under Section 533.041, Government Code, as amended by this Act,
- (7) On page 29, line 7, strike "534.054," and substitute "534.053,".
- (8) Strike page 29, line 26, through page 30, line 2, and substitute the following:
  - (1) in consultation with the state Medicaid managed care advisory committee established under Section 533.041, Government Code, as amended by this Act, review and evaluate the outcomes of:
    - (9) On page 30, line 13, strike "534.054" and substitute "534.053".
    - (10) On page 30, line 26, strike "533.00252, 533.00253, and 533.00254" and substitute "and 533.00252".
    - (11) On page 31, lines 18 and 19, strike "533.00252, 533.00253, and 533.00254" and substitute "and 533.00252".
    - (12) On page 31, lines 22 and 23, strike "Sections 533.002515 and 533.00252" and substitute "Section 533.002515".
  - (13) On page 31, strike lines 24 and 25 and substitute the following:
    - (1) "Advisory committee" means the state Medicaid managed care advisory committee established under Section 533.041.
  - (14) On page 32, line 21, strike "minimum".
  - (15) Strike page 36, line 2, through page 37, line 16.
  - (16) On page 37, line 17, strike "533.00253" and substitute "533.00252".
  - (17) On page 37, strike lines 19 and 20 and substitute the following:
    - (1) "Advisory committee" means the state Medicaid managed care advisory committee established under Section 533.041.
  - (18) Strike page 40, line 11, through page 41, line 6.
  - (19) On page 41, line 7, through page 43, line 5, strike SECTION 2.03.

(20) Strike page 52, line 9, through page 53, line 21, and substitute the following:

(3) primary care providers and specialty care providers serving child and adult recipients;

(4) long-term services and supports providers, including community-based and institutional providers;

(5) state agencies;

(6) ~~(5)~~ consumer advocates representing low-income child and adult recipients;

(7) recipients who are 65 years of age or older;

(8) recipients with chronic illnesses, physical disabilities, intellectual or other developmental disabilities, or serious mental illnesses ~~(6) consumer advocates representing recipients with a disability~~;

(9) ~~(7)~~ parents, guardians, or other legal representatives of ~~children who are~~ recipients;

(10) advocacy organizations that represent individuals with intellectual and developmental disabilities;

(11) nonphysician mental health providers participating in the Medicaid program; and

(12) entities with responsibilities for the delivery of long-term services and supports or other Medicaid program service delivery, including:

(A) independent living centers;

(B) area agencies on aging;

(C) community mental health and intellectual disability authorities;

and

(D) aging and disability resource centers established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services;

(13) a physician or medical director of a nursing facility;

(14) ICF-IID program providers; and

(15) representatives of and service coordinators or case managers from home- and community-based services providers that serve individuals with intellectual and developmental disabilities ~~(8) rural providers;~~

~~(9) advocates for children with special health care needs;~~

~~(10) pediatric health care providers, including specialty providers;~~

~~(11) long term care providers, including nursing home providers;~~

~~(12) obstetrical care providers;~~

~~(13) community-based organizations serving low income children and their families; and~~

~~(14) community-based organizations engaged in perinatal services and outreach~~].

(21) On page 54, lines 4 and 5, strike "semiannually, but no more frequently than".

(22) Strike page 54, line 16, through page 55, line 2, and substitute the following:

(1) not later than September 1 of each year, provide assessments, recommendations, and ongoing advisory input to the commission on the [statewide] implementation, design, and operation of Medicaid managed care, including assessments, recommendations, and input regarding:

(A) the provision of benefits under the:

(i) system redesign for the delivery of acute care services and long-term services and supports to individuals with intellectual and developmental disabilities under Chapter 534;

(ii) STAR + PLUS Medicaid managed care program, including the provision of nursing facility services under the program; and

(iii) STAR Kids Medicaid managed care program established under Section 533.00252;

(B) concerns from consumers and providers;

(C) the efficiency and quality of acute care services and long-term care services and supports delivered by Medicaid managed care organizations;

(D) the delivery of person-centered, consumer-directed long-term services and supports in the most integrated setting achievable;

(E) contract requirements under Medicaid managed care organizations;

(F) Medicaid managed care provider network adequacy; and

(G) other issues as requested by the executive commissioner;

(23) Strike page 55, lines 5 through 7, and substitute the following:

programs operating under Medicaid managed care[~~, including the early and periodic screening, diagnosis, and treatment program, provider and patient education issues, and patient eligibility issues~~]; and

(24) On page 55, strike lines 12 through 25 and substitute the following:

(b) The commission shall ensure coordination and communication between the advisory committee, regional Medicaid managed care advisory committees appointed by the commission under Subchapter B, and other advisory committees or groups that perform functions related to Medicaid managed care in a manner that enables the state Medicaid managed care advisory committee to act as a central source of agency information and stakeholder input relevant to the implementation and operation of Medicaid managed care.

(c) The presiding officer of the advisory committee may establish subcommittees or work groups chaired by a member of the advisory committee that meet at other times for purposes of studying and making recommendations on issues the committee determines appropriate.

(25) On page 56, line 7, strike "Section 533.045" and substitute "Sections 533.045 and 533.046".

(26) On page 56, between lines 15 and 16, insert the following:

Sec. 533.046. REPORT TO LEGISLATURE. Not later than December 1 of each even-numbered year, the commission shall submit a report to the legislature regarding the assessments and recommendations contained in any report submitted by the state Medicaid managed care advisory committee under Section 533.043(a) during the most recent state fiscal biennium.

(27) On page 56, line 23, strike "533.00253" and substitute "533.00252".

(28) On page 57, lines 7 through 24, strike SECTION 2.12.

(29) On page 58, lines 15 through 19, strike SECTION 2.14.

(30) On page 58, line 26, through page 59, line 1, strike "STAR + PLUS Nursing Facility Advisory Committee established under Section 533.00252, Government Code, as added" and substitute "state Medicaid managed care advisory committee established under Section 533.041, Government Code, as amended".

(31) On page 59, lines 7 and 8, strike "STAR + PLUS Nursing Facility Advisory Committee established under Section 533.00252, Government Code, as added" and substitute "state Medicaid managed care advisory committee established under Section 533.041, Government Code, as amended".

(32) On page 60, between lines 15 and 16, insert the following:

(c) Subject to Subsection (e) of this section, the state Medicaid managed care advisory committee shall submit the initial report required under Section 533.043(a)(1), Government Code, as amended by this Act, not later than September 1, 2014.

(d) Subject to Subsection (e) of this section, the Health and Human Services Commission shall submit the initial report required under Section 533.046, Government Code, as added by this Act, not later than December 1, 2014.

(e) The state Medicaid managed care advisory committee and the Health and Human Services Commission may delay including information relating to the system redesign under Chapter 534, Government Code, as added by Article 1 of this Act, including information required by Section 533.043(a)(1)(A)(i), Government Code, as added by this Act, until September 1, 2024, and December 1, 2024, respectively.

(33) On page 61, strike lines 14 through 16 and substitute the following:

(1) "Advisory committee" means the state Medicaid managed care advisory committee established under Section 533.041, Government Code.

(34) On page 63, lines 22 through 24, strike "Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053" and substitute "state Medicaid managed care advisory committee established under Section 533.041".

(35) Renumber SECTIONS of ARTICLE 2 and cross-references to those SECTIONS accordingly.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Eiland offered the following amendment to **SB 7**:

Amend **SB 7** on third reading in ARTICLE 6 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 6.\_\_\_\_. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0056 to read as follows:

Sec. 533.0056. RIGHT TO APPEAL CONFISCATORY REIMBURSEMENT RATES. A provider, including a pharmacy provider, is entitled to a hearing before the State Office of Administrative Hearings to appeal

a confiscatory reimbursement rate of a managed care organization or the organization's pharmacy benefit manager. A reimbursement rate is considered confiscatory for purposes of this section if the rate does not reimburse the provider for reasonable operating expenses, does not provide a reasonable return on the provider's investments, or places in jeopardy the provider's financial integrity. Under this section:

(1) if the provider's contract contains a reimbursement dispute resolution process, the parties must spend at least 45 days attempting to resolve the dispute under that process before requesting a hearing under this section;

(2) a hearing must be conducted by a hearing officer in the same manner as is provided for contested case hearings under Chapter 2001;

(3) the decision of the hearing officer is final;

(4) the hearing officer may:

(A) assess all or part of the costs of the hearing, not including attorney's fees, against the party or parties that do not substantially prevail, as determined by the hearing officer; and

(B) with the consent of the providers, partially or wholly combine cases that involve the same type of Medicaid provider license and specialty and the same or substantially similar reimbursement issues; and

(5) the hearing officer may not award an amount against a managed care organization to one or more providers that, in the aggregate, exceeds the amount required to be maintained by the managed care organization as adequate reserves to reasonably accommodate such awards as specified by Medicaid program statutes and rules in effect on May 1, 2013.

Amendment No. 2 was withdrawn.

### **Amendment No. 3**

Representative Naishtat offered the following amendment to **SB 7**:

Amend **SB 7** on third reading in ARTICLE 6 of the bill by adding the following appropriately numbered SECTIONS to the ARTICLE and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION \_\_\_\_\_. Sections 31.002(a)(1) and (4), Health and Safety Code, are amended to read as follows:

(1) "Facility" includes an entity providing primary [~~a hospital, ambulatory surgical center, public health clinic, birthing center, outpatient clinic, and community~~] health care services [~~center~~].

(4) "Primary health care services" may include [~~includes~~]:

(A) a health service related to family, internal, pediatric, obstetric, or gynecological medicine that is provided by a physician, physician assistant, or advanced practice registered nurse [~~diagnosis and treatment~~];

(B) diagnostic laboratory and radiological services;

(C) emergency medical services;

(D) [~~(C)~~] family planning services;

(E) [~~(D)~~] preventive health services, including:

(i) prenatal and perinatal services;

(ii) appropriate cancer screening;

(iii) well-child services;  
(iv) immunizations against diseases that are preventable by  
vaccines;  
(v) screenings for elevated blood levels, communicable  
diseases, and cholesterol levels;  
(vi) pediatric eye, ear, and dental screenings to determine the  
need for vision and hearing correction and dental care; and  
(vii) preventive dental services;  
 (F) ~~(E)~~ health education;  
 (G) ~~(F) laboratory, X ray, nuclear medicine, or other appropriate~~  
~~diagnostic services;~~  
~~[(G) nutrition services;~~  
~~[(H) health screening;~~  
~~[(I) home health care;~~  
~~[(J) dental care;~~  
~~[(K) transportation;~~  
~~[(L)] prescription drugs and devices and durable supplies, as~~  
appropriate;  
 (H) integrated mental health  
~~[(M) environmental health services;~~  
~~[(N) podiatry services; and~~  
~~[(O) social] services; and~~  
(I) other services related to the diagnosis or treatment of acute and  
chronic medical conditions.

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representative McClendon offered the following amendment to **SB 7**:

Amend **SB 7** in ARTICLE 6 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 6.\_\_\_\_. (a) Section 534.053, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The department shall ensure that, at a minimum, the following services are available in each service area:

- (1) 24-hour emergency screening and rapid crisis stabilization services;
- (2) community-based crisis residential services or hospitalization;
- (3) community-based assessments, including the development of interdisciplinary treatment plans and diagnosis and evaluation services;
- (4) family support services, including respite care;
- (5) case management services;
- (6) medication-related services, including medication clinics, laboratory monitoring, medication education, mental health maintenance education, and the provision of medication; ~~and~~

(7) psychosocial rehabilitation programs, including social support activities, independent living skills, and vocational training; and

(8) community-based alternatives to inpatient hospitalization.

(d) Notwithstanding any other law, the department shall ensure the availability of appropriate and timely services designed to meet acute mental health placement needs of patients in order to reduce a patient's acute symptoms of mental illness and to prevent a patient's admission to an inpatient mental health facility, as defined by Section 571.003. The available services must include at least one of the following:

(1) crisis stabilization services;

(2) short-term residential treatment, respite care, or extended observation services; and

(3) medical and nursing services to address the patient's mental health condition or presenting symptoms.

(b) Subchapter B, Chapter 534, Health and Safety Code, is amended by adding Section 534.0531 to read as follows:

Sec. 534.0531. FUNDING FOR COMMUNITY-BASED SERVICES. The department shall provide funding for the cost of ensuring the availability in each service area of community-based alternatives to inpatient hospitalization to the extent those costs are not paid from the delivery system reform incentive payments received under the Texas Health Care Transformation and Quality Improvement Program 1115 waiver.

(c) Section 534.054, Health and Safety Code, is amended by adding Subsection (b) to read as follows:

(b) The department shall contract with a local mental health authority to provide programs designed to make community-based alternatives accessible and available in order to avert or mitigate the need for inpatient hospitalization.

(d) If before implementing any provision of this section a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 4 was withdrawn.

### **Amendment No. 5**

Representative McClendon offered the following amendment to **SB 7**:

Amend **SB 7** by adding the following appropriately numbered SECTION to Article 6 of the bill and renumbering the subsequent SECTIONS of the article accordingly:

SECTION 6.\_\_\_\_. Subchapter B, Chapter 533, Health and Safety Code, is amended by adding Sections 533.051 and 533.052 to read as follows:

Sec. 533.051. ALLOCATION OF OUTPATIENT MENTAL HEALTH SERVICES AND BEDS IN STATE HOSPITALS. (a) The department, in conjunction with the commission, shall plan for the proper and separate allocation of outpatient or community-based mental health services provided by secure and

nonsecure outpatient facilities that provide residential care alternatives and mental health services and for the proper and separate allocation of beds in the state hospitals for the following two groups of patients:

(1) patients who are voluntarily receiving outpatient or community-based mental health services, voluntarily admitted to a state hospital under Chapter 572, admitted to a state hospital for emergency detention under Chapter 573, or ordered by a court under Chapter 574 to receive inpatient mental health services at a state hospital or outpatient mental health services from an outpatient facility that provides residential care alternatives and mental health services; and

(2) patients who are ordered to participate in an outpatient treatment program to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure, or committed to a state hospital or other facility to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure, or to receive inpatient mental health services following an acquittal by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(b) The plan developed by the department under Subsection (a) must include:

(1) a determination of the needs for outpatient mental health services of the two groups of patients described by Subsection (a);

(2) a determination of the minimum number of beds that the state hospital system must maintain to adequately serve the two groups of patients;

(3) a statewide plan for the allocation of sufficient funds for meeting the outpatient mental health service needs of and for the maintenance of beds by the state hospitals for the two groups of patients;

(4) a process to address and develop, without adverse impact to local service areas, the accessibility and availability of sufficient outpatient mental health services provided to and beds provided by the state hospitals to the two groups of patients based on the success of contractual outcomes with a broad base of local community outpatient mental health service providers and inpatient mental health facilities; and

(5) guidelines for use by the department and mental health service providers who contract with the department in determining what constitutes the timely delivery of services.

(c) To assist in the development of the plan under Subsection (a), the department shall establish and meet at least monthly with an advisory panel composed of the following persons:

(1) one representative designated by the Texas Department of Criminal Justice;

(2) one representative designated by the Texas Association of Counties;

(3) two representatives designated by the Texas Council of Community Centers, including one representative of an urban local service area and one representative of a rural local service area;

(4) two representatives designated by the County Judges and Commissioners Association of Texas, including one representative who is the presiding judge of a court with jurisdiction over mental health matters;

(5) one representative designated by the Sheriffs' Association of Texas;  
(6) two representatives designated by the Texas Municipal League,  
including one representative who is a municipal law enforcement official;

(7) one representative designated by the Texas Conference of Urban  
Counties;

(8) two representatives designated by the Texas Hospital Association,  
including one representative who is a physician;

(9) one representative designated by the Texas Catalyst for  
Empowerment; and

(10) four representatives designated by the Department of State Health  
Services' Council for Advising and Planning for the Prevention and Treatment of  
Mental and Substance Use Disorders, including:

(A) the chair of the council;

(B) one representative of the council's members who is a consumer  
of or advocate for mental health services;

(C) one representative of the council's members who is a consumer  
of or advocate for substance abuse treatment; and

(D) one representative of the council's members who is a family  
member of or advocate for persons with mental health and substance abuse  
disorders.

(d) In developing the plan under Subsection (a), the department and  
advisory panel shall consider:

(1) needs for outpatient mental health services of the two groups of  
patients described by Subsection (a);

(2) the frequency of use of beds and the historical patterns of use of  
beds in the state hospitals and other facilities by the two groups of patients;

(3) local needs and demands for outpatient mental health services by  
the two groups of patients;

(4) local needs and demands for beds in the state hospitals and other  
facilities for the two groups of patients;

(5) the availability of outpatient mental health service providers and  
inpatient mental health facilities that may be contracted with to provide outpatient  
mental health services and beds for the two groups of patients;

(6) the differences between the two groups of patients with regard to:

(A) admission to and discharge from a state hospital or outpatient  
facility;

(B) rapid stabilization and discharge to the community;

(C) length of stay in a state hospital or outpatient facility;

(D) disputes arising from the determination of a patient's length of  
stay in a state hospital by a health maintenance organization or a managed care  
organization;

(E) third-party billing; and

(F) legal challenges or requirements related to the examination and  
treatment of the patients; and

(7) public input provided to the department or advisory panel in a form and at a time and place that is effective and appropriate and in a manner that complies with any applicable laws, including administrative rules.

(e) The department shall update the plan biennially, or more frequently if determined necessary by the executive commissioner or the advisory panel.

(f) Not later than June 1, 2014, the department, in conjunction with the advisory panel, shall develop the initial version of the plan required by Subsection (a).

Sec. 533.052. INFORMING COURTS OF COMMITMENT OPTIONS.

The department shall develop and implement a procedure through which a court that has the authority to commit a person who is incompetent to stand trial or who has been acquitted by reason of insanity under Chapters 46B and 46C, Code of Criminal Procedure, is aware of all of the commitment options for the person, including jail diversion and community-based programs.

Amendment No. 5 was withdrawn.

**SB 7**, as amended, was passed by (Record 1022): 139 Yeas, 5 Nays, 2 Present, not voting.

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

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

Absent — Burnam; Hunter; Keffer; Murphy.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1022. I intended to vote no.

Coleman

When Record No. 1022 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1022 was taken, I was temporarily out of the house chamber. I would have voted yes.

Keffer

I was shown voting yes on Record No. 1022. I intended to vote no.

Nevárez

I was shown voting yes on Record No. 1022. I intended to vote no.

Strama

**SB 1623 ON THIRD READING**  
**(Guerra - House Sponsor)**

**SB 1623**, A bill to be entitled An Act relating to the creation and operations of health care funding districts in certain counties located on the Texas-Mexico border.

**SB 1623** was passed by (Record 1023): 142 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; 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; Giddings; 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; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; 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; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler.

Nays — Krause; Schaefer; Springer; Stickland.

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

Absent — Murphy; Zerwas.

**SB 1169 ON THIRD READING**  
**(D. Bonnen - House Sponsor)**

**SB 1169**, A bill to be entitled An Act relating to water conservation.

**Amendment No. 1**

Representative Anchia offered the following amendment to **SB 1169**:

Amend **SB 1169** as follows:

(1) On page 2, line 16 add new Section 5 and renumber existing sections accordingly:

SECTION 5. Subchapter K, Chapter 16, Water Code, is amended by adding Section 16.405 to read as follows:

Sec. 16.405. WATER USE EVALUATION BY ELECTRIC GENERATING FACILITIES. (a) On or before May 15 of each year, an owner or operator of an electric generating facility shall submit a report to the commission and the board that evaluates the water needs of the facility, including water source, consumptive water use, nonconsumptive water use, and water reuse of the facility during the preceding year.

(b) This section expires September 1, 2018.

Amendment No. 1 was adopted.

**SB 1169**, as amended, was passed by (Record 1024): 141 Yeas, 5 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **SB 1169** was further amended and was passed by Record No. 1032.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; 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; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; 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; 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; Sheets; Sheffield, J.; 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 — Aycock; Perry; Schaefer; Sheffield, R.; Simpson.

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

Absent — Hunter; Márquez.

### STATEMENT OF VOTE

When Record No. 1024 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

#### **SB 1185 ON THIRD READING (S. Thompson - House Sponsor)**

**SB 1185**, A bill to be entitled An Act relating to the creation of a mental health jail diversion pilot program.

**SB 1185** was passed by (Record 1025): 146 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; Giddings; 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; Martínez; Martínez Fischer; 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; 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 — Miles.

#### **SB 268 ON THIRD READING (Smithee - House Sponsor)**

**SB 268**, A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 287th Judicial District and the county attorney of Oldham County.

**SB 268** was passed by (Record 1026): 147 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; Giddings; 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; 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; 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 — Stickland.

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

**SB 1727 ON THIRD READING**  
**(Isaac, Reynolds, and Harless - House Sponsors)**

**SB 1727**, A bill to be entitled An Act relating to the use of the Texas emissions reduction plan fund.

**Amendment No. 1**

Representative Isaac offered the following amendment to **SB 1727**:

Amend **SB 1727** on third reading as follows:

(1) In added Section 386.104(f-1), Health and Safety Code, as added by the Isaac amendment, strike "as an incentive for the conversion of heavy-duty diesel on-road vehicle engines to operate under a dual-fuel configuration that uses natural gas and diesel fuels through an alternative fuel conversion system certified by the United States Environmental Protection Agency" and substitute the following:

as an incentive for the conversion of heavy-duty diesel on-road vehicle engines or stationary engines to operate under a dual-fuel configuration that uses natural gas and diesel fuels through an alternative fuel conversion system certified by the United States Environmental Protection Agency or the California Air Resources Board

(2) In added Section 386.104(f-1), Health and Safety Code, as added by the Isaac amendment, strike "the commission may consider under this subsection certified engine test information that demonstrates nitrogen oxides emissions reductions and other information to verify the emissions reductions" and substitute the following:

the commission may consider under this subsection certified engine test information that demonstrates reductions of emissions of nitrogen oxides and other pollutants and other information to verify the emissions reductions

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

SECTION \_\_\_\_\_. The heading to Subchapter E, Chapter 386, Health and Safety Code, is amended to read as follows:

SUBCHAPTER E. EVALUATION OF UTILITY COMMISSION AND  
COMPTROLLER ENERGY EFFICIENCY PROGRAMS [~~GRANT~~  
~~PROGRAM~~]

SECTION \_\_\_\_\_. Section 386.205, Health and Safety Code, is amended to read as follows:

Sec. 386.205. EVALUATION OF UTILITY COMMISSION AND COMPTROLLER [~~STATE~~] ENERGY EFFICIENCY PROGRAMS. In cooperation with the laboratory, the utility commission shall provide an annual report to the commission that, by county, quantifies the reductions of energy demand, peak loads, and associated emissions of air contaminants achieved from [~~the~~] programs implemented by the state energy conservation office [~~under this subchapter~~] and from programs [~~those~~] implemented under Section 39.905, Utilities Code.

SECTION \_\_\_\_\_. The following provisions are repealed:

- (1) Section 386.051(c), Health and Safety Code; and
- (2) Sections 386.201, 386.202, and 386.203, Health and Safety Code.
- (4) Combine into one SECTION of the bill all SECTIONS of the bill that repeal provisions of the law, numbering the subdivisions appropriately.

Amendment No. 1 was adopted.

**SB 1727**, as amended, was passed by (Record 1027): 107 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Bell; Bohac; Burnam; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cortez; Dale; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Isaac; Johnson; Kacal; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Aycock; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Capriglione; Cook; Craddick; Creighton; Crownover; Darby; Fallon; Frullo; Goldman; Gooden; Harper-Brown; Hughes; King, K.; Klick; Kolkhorst; Krause; Kuempel; Lavender; Lewis; Miller, D.; Miller, R.; Parker; Perry; Phillips; Riddle; Sanford; Schaefer; Simmons; Springer; Stickland; Toth; Turner, E.S.; White.

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

Absent — Dutton; Hunter.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1027. I intended to vote no.

Flynn

When Record No. 1027 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting yes on Record No. 1027. I intended to vote no.

Paddie

I was shown voting yes on Record No. 1027. I intended to vote no.

Zedler

**RESOLUTIONS REFERRED TO COMMITTEES**

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

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative McClendon moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. tomorrow.

The motion prevailed.

**SB 1189 ON THIRD READING  
(Fletcher - House Sponsor)**

**SB 1189**, A bill to be entitled An Act relating to the disposition of certain firearms seized by a law enforcement agency.

**SB 1189** was passed by (Record 1028): 145 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; 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; Giddings; 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; 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; 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 — Callegari; Longoria.

### STATEMENTS OF VOTE

When Record No. 1028 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 1028 was taken, I was in the house but away from my desk. I would have voted yes.

Longoria

### POSTPONED BUSINESS

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

#### **SB 644 ON THIRD READING** **(Zerwas - House Sponsor)**

**SB 644**, A bill to be entitled An Act relating to the creation of a standard request form for prior authorization of prescription drug benefits.

**SB 644** was read third time earlier today and was postponed until this time.

#### **Amendment No. 1**

Representative Zerwas offered the following amendment to **SB 644**:

On page 6, line 24, of the committee printing insert a new Subsection (e)(3) to read "consumer experienced with prior authorizations" and renumber subsequent subsections accordingly.

Amendment No. 1 was adopted.

**SB 644**, as amended, was passed by (Record 1029): 132 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Laubenberg; 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; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Anderson; Capriglione; Creighton; Fallon; Hilderbran; Kacal; Krause; Lavender; Perry; Phillips; Schaefer; Simpson; Stickland; Toth; White.

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

Absent — Larson.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 1029. I intended to vote no.

Flynn

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, during lunch recess today, Desk 89, for a formal meeting, to set a calendar.

Defense and Veterans' Affairs, during lunch recess today, Desk 11, for a formal meeting, to consider **HCR 198**.

### RECESS

At 1:04 p.m., the chair announced that the house would stand recessed until 1:50 p.m. today.

### AFTERNOON SESSION

The house met at 1:50 p.m. and was called to order by Representative Geren.

### MESSAGES FROM THE SENATE

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

### HB 1318 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Turner called up with senate amendments for consideration at this time,

**HB 1318**, A bill to be entitled An Act relating to the appointment of counsel to represent certain youths and indigent defendants.

Representative S. Turner moved to concur in the senate amendments to **HB 1318**.

The motion to concur in the senate amendments to **HB 1318** prevailed by (Record 1030): 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; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; 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.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; 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; 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 — Elkins; González, M.; King, T.; Menéndez; Raymond.

#### STATEMENTS OF VOTE

When Record No. 1030 was taken, I was in the house but away from my desk. I would have voted yes.

M. González

I was shown voting yes on Record No. 1030. I intended to vote no.

Lavender

#### Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1318** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Effective September 1, 2014, Article 26.04(j), Code of Criminal Procedure, is amended to read as follows:

(j) An attorney appointed under this article shall:

(1) make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and to interview the defendant as soon as practicable after the attorney is appointed;

(2) represent the defendant until charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is permitted or ordered by the court to withdraw as counsel for the defendant after a finding of good cause is entered on the record; [~~and~~]

(3) with respect to a defendant not represented by other counsel, before withdrawing as counsel for the defendant after a trial or the entry of a plea of guilty:

(A) advise the defendant of the defendant's right to file a motion for new trial and a notice of appeal;

(B) if the defendant wishes to pursue either or both remedies described by Paragraph (A), assist the defendant in requesting the prompt appointment of replacement counsel; and

(C) if replacement counsel is not appointed promptly and the defendant wishes to pursue an appeal, file a timely notice of appeal; and

(4) not later than October 15 of each year and on a form prescribed by the Texas Indigent Defense Commission, submit to the county information, for the preceding fiscal year, that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted from the county under this article and Title 3, Family Code.

(b) The change in law made by this section to Article 26.04(j), Code of Criminal Procedure, applies only to a criminal proceeding that commences on or after September 1, 2014. A criminal proceeding that commences before September 1, 2014, is governed by the law in effect when the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Effective September 1, 2013, Section 79.036(a), Government Code, is amended to read as follows:

(a) Not ~~In each county, not~~ later than November 1 of each odd-numbered year and in the form and manner prescribed by the commission, each county ~~the following information~~ shall prepare ~~be prepared~~ and provide ~~provided~~ to the commission:

(1) a copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent defendants with counsel in accordance with the Code of Criminal Procedure, including the schedule of fees required under Article 26.05 of that code;

(2) any plan or proposal submitted to the commissioners court under Article 26.044, Code of Criminal Procedure;

(3) any plan of operation submitted to the commissioners court under Article 26.047, Code of Criminal Procedure;

(4) any contract for indigent defense services required under rules adopted by the commission relating to a contract defender program;

(5) ~~(2)~~ any revisions to rules, ~~or~~ forms, plans, proposals, or contracts previously submitted under this section; or

(6) ~~(3)~~ verification that rules, ~~and~~ forms, plans, proposals, or contracts previously submitted under this section still remain in effect.

SECTION \_\_\_\_\_. Effective September 1, 2014, Section 79.036, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Not later than November 1 of each year and in the form and manner prescribed by the commission, each county shall prepare and provide to the commission information that describes for the preceding fiscal year any

appointments of attorneys under Article 26.04, Code of Criminal Procedure, and Title 3, Family Code, and information provided to the county by those attorneys under Article 26.04(j)(4), Code of Criminal Procedure.

SECTION \_\_\_\_\_. (a) This section takes effect September 1, 2013.

(b) Not later than January 1, 2015, the Texas Indigent Defense Commission shall conduct and publish a study for the purpose of determining guidelines for establishing a maximum allowable caseload for a criminal defense attorney that, when the attorney's total caseload, including appointments made under Article 26.04, Code of Criminal Procedure, appointments made under Title 3, Family Code, and other work, is considered, allows the attorney to give each indigent defendant the time and effort necessary to ensure effective representation. The study must be based on relevant policies, performance guidelines, and best practices.

(c) In conducting the study under Subsection (b) of this section, the commission shall consult with criminal defense attorneys, criminal defense attorney associations, the judiciary, and any other organization engaged in the development of criminal indigent defense policy that the commission considers appropriate.

### **HB 719 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Harper-Brown called up with senate amendments for consideration at this time,

**HB 719**, A bill to be entitled An Act relating to the operation of a golf cart or utility vehicle on a public highway in certain counties.

Representative Harper-Brown moved to concur in the senate amendments to **HB 719**.

The motion to concur in the senate amendments to **HB 719** prevailed by (Record 1031): 146 Yeas, 0 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; Giddings; 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.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

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

Absent — Alonzo; Zedler.

### Senate Committee Substitute

**CSHB 719**, A bill to be entitled An Act relating to the operation of a golf cart or utility vehicle on a public highway in certain counties; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 551.402, Transportation Code, is amended to read as follows:

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Motor Vehicles [~~Transportation~~] may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) The Texas Department of Motor Vehicles [~~department~~] may issue license plates for a golf cart [~~only~~] as authorized by Subsection (c) [~~Section 504.510~~].

(c) The Texas Department of Motor Vehicles shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404.

(d) The Texas Department of Motor Vehicles may charge a fee not to exceed \$10 for the cost of the license plate.

SECTION 2. Section 551.404, Transportation Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) [~~that borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico~~] may allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a speed limit of not more than 35 miles per hour.

(a-2) Subsection (a-1) applies only to a county that:

(1) borders or contains a portion of the Red River;  
(2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or

(3) is adjacent to a county described by Subdivision (2) and:

(A) has a population of less than 30,000; and

(B) contains a part of a barrier island that borders the Gulf of

Mexico.

SECTION 3. Section 504.510, Transportation Code, is repealed.

SECTION 4. Not later than December 31, 2013, the Texas Department of Motor Vehicles shall establish a procedure for the issuance of license plates for golf carts to be used for operation on a public highway, as required by Section 551.402(c), Transportation Code, as added by this Act.

SECTION 5. This Act takes effect immediately if it 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 immediate effect, this Act takes effect September 1, 2013.

**HB 912 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 912**, A bill to be entitled An Act relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties.

Representative Gooden moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 912**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 912**: Gooden, chair; Johnson, Burnam, Moody, and Stickland.

**SB 1169 - VOTE RECONSIDERED**

Representative D. Bonnen moved to reconsider the vote by which **SB 1169**, as amended, was passed by Record No. 1024 earlier today.

The motion to reconsider prevailed.

**SB 1169 ON THIRD READING  
(D. Bonnen - House Sponsor)**

The chair laid before the house, on its third reading and final passage,

**SB 1169**, A bill to be entitled An Act relating to water conservation.

**SB 1169** was read third time earlier today and was passed, as amended, by Record No. 1024.

**Amendment No. 2**

Representative D. Bonnen offered the following amendment to **SB 1169**:

Amend **SB 1169** on third reading in added Section 11.573(a), Water Code, by striking "300,000" and substituting "230,000".

Amendment No. 2 was adopted.

**SB 1169**, as amended, was passed by (Record 1032): 140 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; 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; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; 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; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Simmons; 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 — Aycock; Perry; Phillips; Schaefer; Sheffield, R.; Simpson; Stickland.

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

Absent — Hunter.

#### STATEMENT OF VOTE

When Record No. 1032 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

#### HB 1294 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 1294**, A bill to be entitled An Act relating to the punishment of the offense of failing to secure a child in a child passenger safety seat system and to procedures for dismissal of charges for that offense.

Representative Price moved to concur in the senate amendments to **HB 1294**.

The motion to concur in the senate amendments to **HB 1294** prevailed by (Record 1033): 139 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; 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; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; 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; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez;

Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; 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.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Capriglione; Krause; Stickland.

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

Absent — Anderson; Guillen; Menéndez; Pickett; Pitts; Thompson, S.

### Senate Committee Substitute

**CSHB 1294**, A bill to be entitled An Act relating to the dismissal of a charge for the offense of failing to secure a child in a child passenger safety seat system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 545.4121, Transportation Code, is amended to read as follows:

Sec. 545.4121. DISMISSAL [~~DEFENSE~~]; OBTAINING [~~POSSESSION OF~~] CHILD PASSENGER SAFETY SEAT SYSTEM.

SECTION 2. Section 545.4121(b), Transportation Code, is amended to read as follows:

(b) It is a defense to prosecution of an offense to which this section applies that the defendant provides to the court evidence satisfactory to the court that:

(1) at the time of the offense:

(A) the defendant was not arrested or issued a citation for violation of any other offense;

(B) the defendant did not possess a child passenger safety seat system in the vehicle; and

(C) the vehicle the defendant was operating was not involved in an accident; and

(2) subsequent to the time of the offense, the defendant obtained [~~the defendant possesses~~] an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system under Section 545.412(a).

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2013.

### Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1294** (senate committee printing) on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 545.412(b), Transportation Code, is amended to read as follows:

(b) An offense under this section is a misdemeanor punishable by a fine of not less ~~[more]~~ than \$25 ~~[for the first offense]~~ and not more than \$250 ~~[for a second or subsequent offense]~~.

### HB 1297 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 1297**, A bill to be entitled An Act relating to the review of certain skills development fund workforce training programs.

Representative Alvarado moved to concur in the senate amendments to **HB 1297**.

The motion to concur in the senate amendments to **HB 1297** prevailed by (Record 1034): 146 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; 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; Giddings; 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.; 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.; 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 — Burkett; King, T.

### Senate Committee Substitute

**CSHB 1297**, A bill to be entitled An Act relating to the review of certain skills development fund workforce training programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 303.004, Labor Code, is amended to read as follows:

Sec. 303.004. FUND REVIEW. (a) The Texas Higher Education Coordinating Board shall review all customized training programs biennially to verify that state funds are being used appropriately by public community and technical colleges and the Texas A&M Engineering Extension Service under this chapter.

(b) Not later than October 1 of each even-numbered year, the Texas A&M Engineering Extension Service and each public community or technical college that provides workforce training under this chapter shall:

(1) conduct a review of the service's or college's training programs to:

(A) determine the effectiveness of the programs in improving the wages of participants who complete the programs; and

(B) identify strategies for improving the delivery of workforce training in order to more effectively impact economic development in this state; and

(2) submit to the commission a detailed written report summarizing the results of the review for inclusion by the executive director in the report to the governor and the legislature required by Section 303.006(c).

SECTION 2. This Act takes effect immediately if it 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 immediate effect, this Act takes effect September 1, 2013.

### **HB 343 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 343**, A bill to be entitled An Act relating to the filing of financial disclosure statements by trustees of certain independent school districts; providing criminal and civil penalties.

Representative Márquez moved to concur in the senate amendments to **HB 343**.

The motion to concur in the senate amendments to **HB 343** prevailed by (Record 1035): 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; Giddings; 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; 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; Schaefer; Sheets; Sheffield, J.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Krause; Perry; Sanford; Simpson; Turner, E.S.

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

Absent — Sheffield, R.; Stickland.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 1035. I intended to vote yes.

Krause

I was shown voting no on Record No. 1035. I intended to vote yes.

Sanford

### Senate Committee Substitute

**CSHB 343**, A bill to be entitled An Act relating to the filing of financial disclosure statements by trustees of certain independent school districts; providing criminal and civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.064, Education Code, is amended by adding Subsection (d) to read as follows:

(d) This section does not apply to the board of trustees of an independent school district to which Section 11.0641 applies. This subsection expires January 1, 2019.

SECTION 2. Subchapter C, Chapter 11, Education Code, is amended by adding Section 11.0641 to read as follows:

Sec. 11.0641. FILING OF FINANCIAL STATEMENT BY TRUSTEE REQUIRED FOR CERTAIN SCHOOL DISTRICTS. (a) This section applies only to the board of trustees of an independent school district that is located in a county that is located on the international border and in which a municipality with a population of 600,000 or more is located.

(b) Each member of the board of trustees of an independent school district shall file a financial statement with:

(1) the board of trustees; and

(2) the commissioners court of the county in which the school district's central administrative office is located.

(c) The provisions of Subchapter B, Chapter 572, Government Code, governing the contents, timeliness of filing, and public inspection of a statement apply to a statement filed under this section as if the trustee were a state officer and the commissioners court of the county were the Texas Ethics Commission.

(d) A trustee commits an offense if the trustee fails to file the statement required by this section. An offense under this section is a Class B misdemeanor.

(e) The commissioners court of the county shall determine from any available evidence whether a statement required to be filed under this section is late. On making a determination that the statement is late, the commissioners court shall immediately mail a notice of the determination to the individual responsible for filing the statement. If a statement is determined to be late, the individual responsible for filing the statement is liable to the county for a civil penalty of \$500. If a statement is more than 30 days late, the commissioners court shall issue a warning of liability by registered mail to the individual responsible for the filing. If the penalty is not paid before the 10th day after the date on which the warning is received, the individual is liable for a civil penalty in an amount determined by the commissioners court, but not to exceed \$10,000.

(f) A trustee is not required to file a statement under this section for financial activity occurring on or after January 1, 2018. This section expires January 1, 2019.

SECTION 3. (a) Section 11.0641, Education Code, as added by this Act, applies beginning January 1, 2015. A trustee is not required to include financial activity occurring before January 1, 2014, in a statement filed under that section.

(b) The change in law made by this Act applies only to an offense committed on or after January 1, 2014. For purposes of this section, an offense is committed before January 1, 2014, if any element of the offense occurs before that date.

(c) An offense committed before January 1, 2014, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(d) The expiration of Section 11.0641, Education Code, as added by this Act, does not affect the prosecution of an offense under or the collection of a civil penalty for the violation of that section as it existed before it expired, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect January 1, 2014.

### **HB 1494 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative T. King called up with senate amendments for consideration at this time,

**HB 1494**, A bill to be entitled An Act relating to certain regulatory programs administered by the Department of Agriculture; providing penalties; imposing fees.

Representative T. King moved to concur in the senate amendments to **HB 1494**.

The motion to concur in the senate amendments to **HB 1494** prevailed by (Record 1036): 120 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycok; Bohac; Bonnen, D.; Branch; Burnam; Button; Callegari; Canales; Carter; Clardy; Collier; Cook; Cortez; Craddick; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Giddings;

Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Lavender; 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; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Springer; Stephenson; Strama; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson; Bell; Bonnen, G.; Burkett; Capriglione; Creighton; Crownover; Fallon; Flynn; Goldman; Gooden; Harper-Brown; Hughes; Krause; Laubenberg; Leach; Phillips; Sanford; Schaefer; Simmons; Simpson; Stickland; Taylor; Thompson, E.; Turner, E.S.; White; Zedler.

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

Absent — Coleman.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1036. I intended to vote no.

Button

I was shown voting yes on Record No. 1036. I intended to vote no.

P. King

I was shown voting yes on Record No. 1036. I intended to vote no.

R. Miller

I was shown voting yes on Record No. 1036. I intended to vote no.

Parker

#### Senate Committee Substitute

**CSHB 1494**, A bill to be entitled An Act relating to certain regulatory programs administered by the Department of Agriculture; providing penalties; imposing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

#### ARTICLE 1. ADMINISTRATIVE PENALTIES

SECTION 1.01. Section 12.020, Agriculture Code, is amended by amending Subsections (g), (h), (i), (j), (k), and (o) and adding Subsection (j-1) to read as follows:

(g) Not later than the 20th day after the date on which notice is received, the person charged shall ~~may~~ accept the determination of the department made under Subsection (e) ~~[of this section]~~, including the recommended penalty, or make a written request for a hearing on the determination.

(h) If the person charged with the violation accepts the determination of the department or fails to timely respond to the notice, the commissioner shall issue an order approving the determination and ordering the payment of the recommended penalty.

(i) If the person charged requests a hearing [~~or fails to timely respond to the notice~~], the department shall set a hearing and give notice of the hearing. The hearing shall be conducted under Section 12.032. The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the commissioner a proposal for decision as to the occurrence of the violation, including a recommendation as to the amount of the proposed penalty if a penalty is warranted. Based on the findings of fact, conclusions of law, and recommendations of the judge, the commissioner by order may find a violation has occurred and may assess a penalty or may find that no violation has occurred.

(j) The department shall give notice of the commissioner's order under Subsection (h) or (i) to the person charged. The notice shall include:

- (1) the findings of fact and conclusions of law separately stated;
- (2) the amount of the penalty ordered, if any;
- (3) a statement of the right of the person charged to judicial review of the commissioner's order, if any; and
- (4) other information required by law.

(j-1) Not later than the 30th day after the date notice is provided under Subsection (j), a person ordered to pay a penalty under Subsection (h) shall pay the penalty.

(k) Within the 30-day period immediately following the day on which the order under Subsection (i) becomes final under Section 2001.144, Government Code, the person charged with the penalty shall:

- (1) pay the penalty in full;
- (2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or
- (3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(o) Judicial review of the order of the commissioner under Subsection (i):

- (1) is instituted by filing a petition as provided by Subchapter G, Chapter 2001, Government Code; and
- (2) is under the substantial evidence rule.

SECTION 1.02. The changes in law made by this article to Section 12.020, Agriculture Code, apply only to a violation committed on or after the effective date of this Act. A violation committed before the effective date of this Act is governed by the law in effect on the date the violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, a violation was committed before the effective date of this Act if any element of the violation occurred before that date.

ARTICLE 2. NOTICE REGARDING RENEWAL OF LICENSE OR  
REGISTRATION

SECTION 2.01. Section 12.024(f), Agriculture Code, is amended to read as follows:

(f) At least 30 days before the expiration of a person's license or registration, the department shall attempt to send ~~written~~ notice of the impending license or registration expiration to the person at the license holder's or registrant's last known e-mail or physical address according to the records of the department.

ARTICLE 3. REGULATION OF WEIGHTS AND MEASURES

SECTION 3.01. Section 13.001(a), Agriculture Code, is amended to read as follows:

(a) In this chapter:

(1) "Commercial weighing or measuring device" means a weighing or measuring device used in a commercial transaction ~~["Weight or measure of a commodity" means the weight or measure of a commodity as determined by a weighing or measuring device].~~

(2) "Operator" or "user" means a person in possession or control of a weighing or measuring device.

(3) "Sell" includes barter or exchange.

(4) [↔] "Weighing or measuring device" means[±

~~(A)] a scale[±] or~~

(B)] a mechanical or electronic device used to dispense or deliver a commodity by weight, volume, flow rate, or other measure or to compute the charge for a service.

(5) "Weight or measure of a commodity" means the weight or measure of a commodity as determined by a weighing or measuring device.

SECTION 3.02. Section 13.007, Agriculture Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) A person who violates Subchapter B or C ~~[this chapter]~~ or a rule adopted under Subchapter B or C ~~[this chapter]~~ is liable to the state for a civil penalty not to exceed \$500 for each violation. Each day a violation continues may be considered a separate violation for purposes of a civil penalty assessment.

(e) The department and the attorney general may each recover reasonable expenses incurred in obtaining injunctive relief and civil penalties under this section, including investigative costs, court costs, reasonable attorney's fees, witness fees, and deposition expenses. The expenses recovered by the department may be appropriated only to the department for the administration and enforcement of this chapter. The expenses recovered by the attorney general may be appropriated only to the attorney general.

SECTION 3.03. Section 13.021(b), Agriculture Code, is amended to read as follows:

(b) The department may adopt rules for the purpose of administering this subchapter and bringing about uniformity between the standards established under this subchapter and the standards established by federal law. ~~[A person who violates a rule adopted under this subsection commits an offense.]~~

SECTION 3.04. Section 13.024, Agriculture Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) ~~[The barrel consists of 31 1/2 gallons. A hogshead consists of two barrels.]~~ Except as provided by Subsections ~~[Subsection]~~ (c) and (d), ~~[of this section]~~ all other measures of capacity for liquids are derived from the gallon by continual division by two, making half gallons, quarts, pints, half pints, and gills.

(d) For purposes of the retail sale of motor fuel only, the liquid gallon contains 231 cubic inches without adjustment based on the temperature of the liquid.

SECTION 3.05. Section 13.027(b), Agriculture Code, is amended to read as follows:

(b) A person violates this chapter ~~[commits an offense]~~ if the person fails or refuses to comply with the rules adopted under this section.

SECTION 3.06. Section 13.031(f), Agriculture Code, is amended to read as follows:

(f) A person violates this chapter ~~[commits an offense]~~ if, in violation of this section, the person sells a liquid commodity by other than liquid measure or a commodity that is not liquid by a measure other than length, weight, or numerical count.

SECTION 3.07. Section 13.033, Agriculture Code, is amended to read as follows:

Sec. 13.033. SALE OF MILK OR CREAM IN NONSTANDARD CONTAINER. A person violates this chapter ~~[commits an offense]~~ if the person sells or keeps, offers, or exposes for sale milk or cream in bottles or other containers of a capacity other than one of the standard liquid measures provided for by Section 13.024 ~~[of this code]~~.

SECTION 3.08. Section 13.034(d), Agriculture Code, is amended to read as follows:

(d) A person violates this chapter ~~[commits an offense]~~ if, in violation of this section, the person sells or keeps, offers, or exposes for sale cheese, meat, or a meat food product by a measure other than standard net weight.

SECTION 3.09. Section 13.035(b), Agriculture Code, is amended to read as follows:

(b) A person violates this chapter ~~[commits an offense]~~ if the person:

(1) misrepresents the price of a commodity, item, or service sold or offered or exposed for sale; or

(2) represents the price or the quantity of a commodity, item, or service sold or offered or exposed for sale in a manner intended or tending to mislead or deceive an actual or prospective customer.

SECTION 3.10. Section 13.036, Agriculture Code, is amended to read as follows:

Sec. 13.036. FALSE REPRESENTATION OF COMMODITY QUANTITY. A person violates this chapter ~~[commits an offense]~~ if the person or the person's servant or agent:

(1) sells or offers or exposes for sale a quantity of a commodity or service that is less than the quantity the person represents; or

(2) as a buyer furnishing the weight or measure of a commodity or service by which the amount of the commodity or service is determined, takes or attempts to take more than the quantity the person represents.

SECTION 3.11. Section 13.037(a), Agriculture Code, is amended to read as follows:

(a) A person commits an offense if the person or the person's servant or agent knowingly uses an incorrect weighing or measuring device in:

- (1) buying or selling a commodity;
- (2) computing a charge for services rendered on the basis of weight or measure; or
- (3) determining the weight or measure of a commodity, if a charge is made for the determination.

SECTION 3.12. Section 13.038, Agriculture Code, is amended to read as follows:

Sec. 13.038. SALE OF COMMODITY IN VIOLATION OF SUBCHAPTER. A person violates this chapter [~~commits an offense~~] if the person or the person's servant or agent sells or keeps, offers, or exposes for sale a commodity in violation of this subchapter.

SECTION 3.13. Section 13.040, Agriculture Code, is amended to read as follows:

Sec. 13.040. STOP-SALE ORDER. (a) If the department has reason to believe that a commodity is being sold or kept, offered, or exposed for sale in violation of [~~Section 13.030, 13.031, 13.032, 13.033, 13.034, 13.035, 13.036, or 13.037 of~~] this chapter or that a commodity or service is being sold or offered for sale by or through the use of a weighing or measuring device that is in violation of this chapter [~~code~~], the department may issue and enforce a written or printed order to stop the sale of the commodity or service. The department shall present the order to the owner or custodian of the commodity or seller of the service. The person receiving the order may not sell the commodity or provide the service until discharged by a court under Subsection (b) [~~of this section~~] or until the commissioner finds that the commodity or weighing or measuring device is in compliance with this chapter [~~the applicable section~~].

(b) The owner or custodian of a commodity or a person selling or offering for sale a service prohibited from sale by an order of the department is entitled to sue in a court of competent jurisdiction where the commodity is found or the service is being sold or offered for sale for a judgment as to the justification of the order and for the discharge of the commodity or service in accordance with the findings of the court.

(c) This section does not limit the right of the department to proceed as authorized by other sections of this code [~~subchapter~~].

SECTION 3.14. Section 13.041, Agriculture Code, is amended to read as follows:

Sec. 13.041. PENALTIES; DEFENSE. (a) An offense under Section [~~13.021, 13.027, 13.029, or each of Sections~~] 13.030, 13.032, 13.037, or [~~through~~] 13.039 [~~of this code~~] is a Class C misdemeanor.

(b) It is a defense to prosecution or to the imposition of a civil or administrative penalty for a violation of ~~[under]~~ Sections 13.030-13.038 ~~[of this code]~~ that a discrepancy between the actual weight or volume at the time of sale to a consumer and the weight marked on the container or a discrepancy between the fill of a container and the capacity of the container is due to unavoidable leakage, shrinkage, evaporation, waste, or causes beyond the control of the seller acting in good faith.

SECTION 3.15. Subchapter C, Chapter 13, Agriculture Code, is amended by adding Section 13.1001 to read as follows:

Sec. 13.1001. AUTHORITY TO INSPECT. (a) If the department has reason to believe that a weighing or measuring device is being used for a commercial transaction and the device is not registered with the department, the department may inspect the device and the records of the owner, operator, or user of the device that relate to use of the device to determine whether the device is in compliance with this chapter.

(b) The department has reason to believe a weighing or measuring device is being used for a commercial transaction if:

(1) the weighing or measuring device is found in close proximity to commodities being sold or offered for sale by weight or measure and the device appears to be under the control or in the possession of the person selling the commodities or offering the commodities for sale; or

(2) other available evidence is sufficient for a prudent person to believe that the weighing or measuring device is being used for a commercial transaction.

SECTION 3.16. Section 13.101, Agriculture Code, is amended to read as follows:

Sec. 13.101. ~~[REQUIRED]~~ INSPECTION OF DEVICES. (a) Unless a commercial weighing or measuring device is exempt from the application of this section by department rule, a commercial weighing or measuring device shall be inspected and tested for correctness by the department at ~~[At]~~ least once every four years, or more often as required by the department, ~~[a weighing or measuring device shall be inspected and tested for correctness by the department]~~ if it:

(1) is kept for sale, sold, or used by a proprietor, agent, lessee, or employee in proving the weight or measure, including the size, quantity, extent, or area, of any item; or

(2) is purchased, offered, or submitted by a proprietor, agent, lessee, or employee for sale, hire, or award.

(b) The department may ~~[shall]~~, to the extent necessary to ensure compliance with the official standards, implement risk-based inspections, respond to complaints, and, as a term of probation, require or perform additional inspection and testing of commercial weighing or measuring devices.

(c) A person who uses or keeps for use, or has or offers for sale, a commercial weighing or measuring device is responsible for having the device inspected and tested as required by this section, department rule, or department order imposing a term of probation.

~~(d) [Unless the department requires an additional inspection, a weighing or measuring device that is inspected and found correct by the department may be kept for use, used, kept or offered for sale, or sold without further testing.]~~

~~(e)~~ The department may inspect and test a commercial weighing or measuring device less frequently than required by Subsection (a):

(1) to accommodate complaint-based and risk-based inspection schedules; or

(2) in response to an emergency or a limitation in department funding.

SECTION 3.17. Section 13.1011, Agriculture Code, is amended to read as follows:

Sec. 13.1011. REQUIRED REGISTRATION. (a) Unless a commercial weighing or measuring device is exempt from the application of this section by department rule, a [A] person who owns or operates a commercial weighing or measuring device [for a commercial transaction] shall register the device [annually] with the department before using the device for a commercial transaction.

(b) An application for a device registration must:

(1) be submitted to the department on a form prescribed by the department;

(2) be accompanied by any other document or form required by the department; and

(3) include the registration fee required under Section 13.1151. [The department shall establish a system of annual registration and may provide for staggered year round registration.]

(c) A registration under this section is valid for one year unless a different period is established by department rule. The registration must be renewed at or before the end of each registration period and the application for renewal must include the renewal fee required by department rule.

(d) If a person fails to register or renew a registration as required by this section and pay the fee required under Section 13.1151, the department may assess a late fee against the person, prohibit the operation of the weighing or measuring device, or both assess the fee and prohibit the operation of the device.

~~[(d) The department shall adopt rules for the administration of this section and Section 13.1151 of this code.]~~

SECTION 3.18. Section 13.111, Agriculture Code, is amended to read as follows:

Sec. 13.111. REPAIR OR DESTRUCTION OF INCORRECT COMMERCIAL WEIGHING OR MEASURING DEVICES. (a) If, in the judgment of the department, a commercial weighing or measuring device found to be incorrect is not capable of being repaired, the department may condemn, seize, and destroy the device.

(b) If, in the judgment of the department, an incorrect commercial weighing or measuring device is capable of being repaired, the department shall place on the device a tag or other mark with the words "Out of Order." The owner or user of the commercial weighing or measuring device may [have it repaired within 30

~~days, but may~~ not use ~~[or dispose of]~~ it until it is reinspected and released for use by the department or inspected and released for use in any other manner authorized by department rule.

(c) The owner, operator, or user of a commercial weighing or measuring device may not destroy, replace, or otherwise dispose of a device declared to be incorrect or condemned under this section except as provided by department rule.

SECTION 3.19. Section 13.113, Agriculture Code, is amended by amending Subsections (a), (d), and (e) and adding Subsections (f), (g), and (h) to read as follows:

(a) The standards of weights and measures maintained by the department ~~[received from the United States]~~ and certified by the National Institute of Standards and Technology or a metrology laboratory certified by the National Institute of Standards and Technology are the state's standards by which all state and local standards of weights and measures are tried, authenticated, proved, and certified.

(d) At the request of a city, the department shall furnish the city with copies of the state's standards or test and approve other standards acquired by the city. The city shall reimburse the state for the actual cost of the standards furnished, plus the costs of freight and certification. All standards furnished to or tested for a city shall be true and correct and ~~[and]~~ certified by the department ~~[, and stamped with the letter "C"]~~. The copies used by a city may be of any suitable material or construction that the city requests, subject to approval by the department.

(e) The department, or a metrology laboratory certified by the National Institute of Standards and Technology and approved by the department, shall inspect and correct the standards used by a department inspector, other department employee, or individual or business licensed by the department to perform device maintenance activities under Subchapter I ~~[private maintenance, repairs, or calibration of weighing or measuring devices at least once every year]~~.

(f) The department may adopt rules to regulate the frequency and place of inspection and correction of the standards used by an individual or business licensed by the department to perform device maintenance activities under Subchapter I.

(g) The department may inspect any standard used by an individual or business licensed by the department to perform device maintenance activities described by Subchapter I if the department has reason to believe a standard is no longer in compliance with this chapter.

(h) The department shall keep a record of the inspection and character of standards ~~[weights and measures]~~ inspected under this section ~~[subsection]~~.

SECTION 3.20. Section 13.114, Agriculture Code, is amended to read as follows:

Sec. 13.114. TOLERANCES. ~~[(a)]~~ The department shall establish specifications and tolerances ~~[and specifications]~~ for commercial weighing or measuring devices used in this state. The specifications and tolerances ~~[and specifications]~~ shall be similar to those recommended by the National Institute of Standards and Technology.

~~[(b) A person commits an offense if the person fails or refuses to comply with the tolerances and specifications established under this section.]~~

SECTION 3.21. Section 13.115(a), Agriculture Code, is amended to read as follows:

(a) The department may ~~[shall]~~ collect a fee ~~[in accordance with this section]~~ for each test of a weighing or measuring device required by this subchapter or performed on request of the owner.

SECTION 3.22. Section 13.117, Agriculture Code, is amended to read as follows:

Sec. 13.117. REFUSING TO ALLOW TEST OF WEIGHING OR MEASURING DEVICE. A person commits an offense if the person ~~[neglects or]~~ refuses to allow a weighing or measuring device under the person's control or in the person's possession to be inspected, tested, or examined by the department, and the inspection, test, or examination is required or authorized by this chapter.

SECTION 3.23. Section 13.119, Agriculture Code, is amended to read as follows:

Sec. 13.119. REMOVAL OF REGISTRATION TAG. A person commits an offense if the person removes or obliterates a tag or device placed or required by the department to be placed on a weighing or measuring device under this chapter.

SECTION 3.24. Section 13.120(b), Agriculture Code, is amended to read as follows:

(b) A person commits an offense if the person or the person's servant or agent knowingly:

(1) offers or exposes for sale, hire, or award or sells an incorrect weighing or measuring device;

(2) possesses an incorrect weighing or measuring device; or

(3) sells, offers for sale, uses, or possesses for the purpose of sale or use a device or instrument to be used to falsify or intended to falsify a weight or measure.

SECTION 3.25. Section 13.122, Agriculture Code, is amended to read as follows:

Sec. 13.122. PENALTIES. An offense under ~~[Section 13.114 or]~~ each of Sections 13.117 ~~[13.116]~~ through 13.121 is a Class C misdemeanor.

SECTION 3.26. Chapter 13, Agriculture Code, is amended by adding Subchapter I to read as follows:

#### SUBCHAPTER I. LICENSING OF SERVICE TECHNICIANS AND SERVICE COMPANIES

Sec. 13.451. DEFINITIONS. In this subchapter:

(1) "License holder" means a person who holds a service company license or a service technician license.

(2) "Service company" means a person who holds a service company license issued by the department under this subchapter.

(3) "Service technician" means an individual who holds a service technician license issued by the department under this subchapter.

Sec. 13.452. DEVICE MAINTENANCE ACTIVITIES. A person performs device maintenance activities if the person or the person's employee:

- (1) places a commercial weighing or measuring device in service;
- (2) installs, calibrates, or repairs a commercial weighing or measuring device; or
- (3) removes an out-of-order tag, stop-sale order, security seal, lock, condemnation notice, or other form of use prohibition placed on a weighing or measuring device by the department.

Sec. 13.453. POWERS AND DUTIES OF DEPARTMENT. (a) To verify compliance with licensing requirements, trade practices, department rules, and this chapter, the department may periodically or in response to a complaint or previous violation inspect an applicant's or license holder's:

- (1) facilities;
- (2) inspecting and testing equipment and procedures;
- (3) repair and calibration equipment, standards, and procedures;
- (4) transportation equipment; and
- (5) invoices, work orders, and other records related to device maintenance activities.

(b) The department may periodically or in response to a complaint or previous violation monitor and inspect or test weighing or measuring devices that have been inspected and tested by a license holder and any standards used by the license holder during an inspection or test.

(c) The department by rule may adopt additional requirements for the issuance of a license and for the denial of an application for a license or renewal of a license. Rules adopted by the department under this subsection must be designed to protect the public health, safety, and welfare and the proper inspection, testing, and operation of commercial weighing or measuring devices.

(d) The department may adopt other rules necessary for the regulation of device maintenance activities, for the proper operation of commercial weighing or measuring devices, and to protect the health, safety, and welfare of the public and license holders.

(e) The department may specify the date, time, and place for any inspection authorized by this section.

Sec. 13.454. EXEMPTIONS FROM LICENSE REQUIREMENTS. (a) A person is not required to hold a license issued under this subchapter if the person:

- (1) is a department employee who is performing device maintenance activities in the scope of the person's duties for the department;
- (2) is the owner or operator of a commercial weighing or measuring device or an employee of the owner or operator of a commercial weighing or measuring device and the person:

(A) completely removes the commercial weighing or measuring device from the location at which the device was installed, including a device subject to an out-of-order tag, stop-sale order, security seal, lock, condemnation notice, or other item placed on the device by the department to prohibit use of the device; and

(B) notifies the department of the device's removal not later than the 10th day after the date the device was removed in the manner provided by department rule; or

(3) performs device maintenance activities only on a device that is:

(A) exempt from the registration requirements of Section 13.1011 under department rules;

(B) exempt from the inspection requirements of Section 13.101 under department rules; and

(C) not required to be inspected by other department rules.

(b) The department is not required to hold a license issued under this subchapter.

Sec. 13.455. SERVICE TECHNICIAN LICENSE REQUIRED. Unless the individual is exempt from the licensing requirement, an individual may not perform or offer to perform device maintenance activities unless the individual holds a service technician license issued by the department under this subchapter.

Sec. 13.456. SERVICE COMPANY LICENSE REQUIRED. (a) Unless the person is exempt from the license requirement, a person may not employ an individual who performs or offers to perform device maintenance activities unless the person holds a service company license issued by the department under this subchapter.

(b) Unless the individual is exempt from the licensing requirement, an individual may not perform or offer to perform device maintenance activities as a sole proprietor unless the individual holds a service technician license and a service company license issued by the department under this subchapter.

Sec. 13.457. APPLICATION FOR LICENSE. An applicant for a license under this subchapter must submit to the department:

(1) an application form prescribed by the department;

(2) any other documents required by the department; and

(3) a fee in an amount set by the department.

Sec. 13.458. SERVICE TECHNICIAN LICENSE REQUIREMENTS. (a) The department shall issue a license to each qualified applicant who applies for a service technician license.

(b) The department by rule may require an applicant for the issuance or renewal of a service technician license to meet one or more of the following requirements:

(1) provide to the department proof that the applicant has completed an academic, trade, or professional course of instruction approved by the department;

(2) pass a written test; or

(3) pass a practical skills test.

Sec. 13.459. SERVICE COMPANY LICENSE REQUIREMENTS. (a) The department shall issue a license to each qualified applicant who applies for a service company license.

(b) An applicant for the issuance or renewal of a license under this section must:

(1) submit to the department a certificate of insurance evidencing that the applicant has an insurance policy that meets the requirements of Section 13.460 effective for the period for which the license is to be issued or renewed; and

(2) meet any other requirements provided by department rule.

Sec. 13.460. INSURANCE POLICY REQUIRED FOR SERVICE COMPANY. A service company shall maintain at all times while the service company performs device maintenance activities a current effective operations liability insurance policy issued by an insurance company authorized to do business in this state or by a surplus lines insurer that meets the requirements of Chapter 981, Insurance Code, and rules adopted by the commissioner of insurance in an amount set by the department and based on the type of licensed activities to be performed.

Sec. 13.461. TERM OF LICENSE. A license issued under this subchapter is valid for one year unless a different term is established by department rule.

Sec. 13.462. LICENSE RENEWAL. A person licensed under this subchapter must periodically renew the person's license. The license expires unless the license holder submits an application for renewal accompanied by the renewal fee set by the department or by the late fee set by the department and meets the requirements for renewal.

Sec. 13.463. PRACTICE BY LICENSE HOLDER. (a) A license holder shall perform device maintenance activities in compliance with department rules.

(b) A license holder may use only equipment approved by the department, as provided by department rules, when performing device maintenance activities.

Sec. 13.464. CRIMINAL PENALTY. (a) A person commits an offense if the person violates Section 13.455 or 13.456 or causes another person to violate Section 13.455 or 13.456.

(b) An offense under Subsection (a) is a Class B misdemeanor, unless the person has been previously convicted of an offense under this section, in which case the offense is a Class A misdemeanor.

SECTION 3.27. The following provisions of the Agriculture Code are repealed:

(1) Section 13.1012; and

(2) Section 13.115(g).

SECTION 3.28. (a) The following provisions of the Agriculture Code are repealed:

(1) Subchapter F, Chapter 13;

(2) Subchapter G, Chapter 13; and

(3) Subchapter H, Chapter 13.

(b) This section takes effect March 1, 2014.

SECTION 3.29. The changes in law made by this article to Sections 13.007, 13.021, 13.027, 13.031, 13.033, 13.034, 13.035, 13.036, 13.037, 13.038, 13.041, 13.114, 13.117, 13.119, 13.120, 13.122, 13.308, 13.358, and 13.407, Agriculture Code, apply only to an offense or violation committed on or after the effective date of the relevant change in law. An offense or violation committed before the effective date of the change in law is governed by the law in effect on

the date the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or violation was committed before the effective date of the change in law if any element of the offense or violation occurred before that date.

SECTION 3.30. Not later than December 1, 2013, the Department of Agriculture shall adopt rules necessary to implement Subchapter I, Chapter 13, Agriculture Code, as added by this article.

SECTION 3.31. Not later than January 1, 2014, the Department of Agriculture shall begin accepting applications for and issuing service technician licenses and service company licenses under Sections 13.458 and 13.459, Agriculture Code, as added by this article.

SECTION 3.32. Sections 13.455, 13.456, and 13.464, Agriculture Code, as added by this article, take effect March 1, 2014.

#### ARTICLE 4. NOTICE OF COMMODITY PRODUCERS BOARD ELECTIONS

SECTION 4.01. Section 41.023(b), Agriculture Code, is amended to read as follows:

(b) The commissioner by rule shall prescribe the manner for providing public notice under Subsection (a) ~~[of this section shall be published in one or more newspapers published and distributed within the boundaries described in the petition. The notice shall be published for not less than once a week for three consecutive weeks, beginning at least 60 days before the date of the election. In addition, at least 60 days before the date of the election the certified organization shall give direct written notice to each county agent in any county within the boundaries described in the petition].~~

SECTION 4.02. The change in law made by this article to Section 41.023(b), Agriculture Code, applies only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

#### ARTICLE 5. DISPOSITION OF LIVESTOCK EXPORT FACILITIES

SECTION 5.01. Section 2166.003, Government Code, is amended by adding Subsection (c) to read as follows:

(c) This chapter and Chapter 2175 do not apply to the disposition, sale, or transfer of a pen, shed, or ancillary building constructed by and for the Department of Agriculture for the processing of livestock before export.

#### ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

### **Senate Amendment No. 1 (Senate Floor Amendment No. 1)**

Amend **CSHB 1494** (senate committee report) by adding the following appropriately numbered article to the bill and renumbering the articles of the bill accordingly:

ARTICLE \_\_\_\_ . REGULATION OF CITRUS PEST AND DISEASE  
MANAGEMENT

SECTION \_\_\_\_ .01. Section 80.003(6), Agriculture Code, is amended to read as follows:

(6) "Citrus producer" means a person who grows citrus and receives or intends to receive income from the sale of citrus. The term includes an individual who as owner, landlord, tenant, or sharecropper is entitled to share in the citrus grown and available for marketing from a farm or to share in the proceeds from the sale of the citrus from the farm. The term includes a person who owns land that is primarily used to grow citrus and that is appraised based on agricultural use under Chapter 23, Tax Code, regardless of whether the person receives income from the sale of citrus, and there is an irrebuttable presumption that the person intends to receive income from the sale of citrus.

SECTION \_\_\_\_ .02. Section 80.015(b), Agriculture Code, is amended to read as follows:

(b) The commissioner shall propose in a referendum the:

(1) maximum assessment to be paid by citrus producers [~~having production~~] in the pest management zone; and

(2) time for which the assessment will be made.

SECTION \_\_\_\_ .03. Section 80.016(d), Agriculture Code, is amended to read as follows:

(d) A citrus producer [~~having citrus production~~] in a proposed or established pest management zone is entitled to:

(1) vote in a referendum concerning the pest management zone; and

(2) elect board members to represent the pest management zone.

SECTION \_\_\_\_ .04. The changes in law made by this article to Sections 80.015(b) and 80.016(d), Agriculture Code, apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

**HB 3256 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

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

**HB 3256**, A bill to be entitled An Act relating to the eligibility of certain vehicles to be operated as farm vehicles on a road or highway in this state.

Representative Kacal moved to concur in the senate amendments to **HB 3256**.

The motion to concur in the senate amendments to **HB 3256** prevailed by (Record 1037): 146 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; 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; Giddings; 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; 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 — Simpson; Stickland.

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

### **Senate Amendment No. 1 (Senate Floor Amendment No. 1)**

Amend **HB 3256** (senate committee printing) in SECTION 3 of the bill, at the end of added Section 502.434(a-1), Transportation Code (page 1, line 46), by inserting the following:

This subsection does not apply to a permit issued to a retail dealer of tools or equipment that is transporting the tools or equipment from the place of purchase or storage to the customer's farm or ranch.

### **HB 2020 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2020**, A bill to be entitled An Act relating to the adoption of wellness policies and programs by state agencies.

Representative Crownover moved to concur in the senate amendments to **HB 2020**.

The motion to concur in the senate amendments to **HB 2020** prevailed by (Record 1038): 135 Yeas, 10 Nays, 2 Present, not voting.

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

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

Absent — Anderson; Kacal; Raney.

### STATEMENTS OF VOTE

When Record No. 1038 was taken, my vote failed to register. I would have voted yes.

Anderson

I was shown voting yes on Record No. 1038. I intended to vote no.

Lavender

I was shown voting yes on Record No. 1038. I intended to vote no.

Springer

### Senate Committee Substitute

**CSHB 2020**, A bill to be entitled An Act relating to the adoption of wellness policies and programs by state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 664.053(e), Government Code, is amended to read as follows:

(e) A state agency may:

(1) develop a wellness program designed to increase work productivity and capacity and reduce health insurance costs; or

(2) implement a wellness program based on the model program or components of the model program developed under this section.

SECTION 2. Section 664.061, Government Code, is amended to read as follows:

Sec. 664.061. AGENCY WELLNESS POLICIES. (a) A state agency may:

(1) allow each employee 30 minutes during normal working hours for exercise three times each week;

(2) allow all employees to attend on-site wellness seminars when offered; ~~and~~

(3) provide eight hours of additional leave time each year to an employee who:

(A) receives a physical examination; and

(B) completes either an online health risk assessment tool provided by the board or a similar health risk assessment conducted in person by a worksite wellness coordinator;

(4) provide financial incentives for participation in a wellness program developed under Section 664.053(e) after the agency establishes a written policy with objective criteria for providing the incentives;

(5) offer on-site clinic or pharmacy services in accordance with Subtitles B and J, Title 3, Occupations Code, including the requirements regarding delegation of certain medical acts under Chapter 157, Occupations Code; and

(6) adopt additional wellness policies, as determined by the agency.

(b) In addition to the requirements of Section 2254.003, in awarding a contract for on-site clinic services as provided by Subsection (a)(5), a state agency may consider whether the on-site clinic services will be provided by a physician-led organization that has its principal place of business in this state.

SECTION 3. This Act takes effect immediately if it 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 immediate effect, this Act takes effect September 1, 2013.

#### **Senate Amendment No. 1 (Senate Floor Amendment No. 1)**

Amend **CSHB 2020** in SECTION 2 of the bill (senate committee report page 1, line 47) between "incentives" and "for" by inserting ", notwithstanding Section 2113.201,".

#### **HB 2473 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2473**, A bill to be entitled An Act relating to use of sales and use tax proceeds by economic development corporations in connection with housing facilities for certain institutions of higher education.

Representative Deshotel moved to concur in the senate amendments to **HB 2473**.

The motion to concur in the senate amendments to **HB 2473** prevailed by (Record 1039): 112 Yeas, 34 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bohac; Burnam; Button; Callegari; Canales; Coleman; Collier; Cook; Cortez; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, S.; King, T.; Kleinschmidt; Klick; Kuempel; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, R.;

Moody; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Patrick; Perez; Pickett; Pitts; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Bonnen, D.; Bonnen, G.; Branch; Burkett; Capriglione; Carter; Clardy; Craddick; Davis, S.; Fallon; Frullo; Goldman; Gooden; King, K.; King, P.; Kolkhorst; Krause; Lavender; Miller, D.; Morrison; Murphy; Orr; Otto; Parker; Perry; Phillips; Price; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Stickland; Turner, E.S.

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

Absent — Bell.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1039. I intended to vote no.

Creighton

I was shown voting yes on Record No. 1039. I intended to vote no.

Crownover

I was shown voting yes on Record No. 1039. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 1039. I intended to vote no.

Taylor

I was shown voting yes on Record No. 1039. I intended to vote no.

White

### Senate Committee Substitute

**CSHB 2473**, A bill to be entitled An Act relating to use of sales and use tax proceeds by economic development corporations in connection with housing facilities for certain institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 501, Local Government Code, is amended by adding Section 501.163 to read as follows:

**Sec. 501.163. USE OF TAX REVENUE FOR HOUSING FACILITIES FOR PUBLIC STATE COLLEGES.** (a) In this section:

(1) "Housing facility" has the meaning assigned by Section 53.02, Education Code.

(2) "Public state college" has the meaning assigned by Section 61.003, Education Code.

(b) A corporation may spend tax revenue received under this subtitle for expenditures that are for the development or construction of housing facilities on or adjacent to the campus of a public state college.

(c) This section expires September 1, 2017.

SECTION 2. This Act takes effect immediately if it 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 immediate effect, this Act takes effect September 1, 2013.

**HB 2840 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2840**, A bill to be entitled An Act relating to the urban land bank demonstration program in certain municipalities.

Representative Giddings moved to concur in the senate amendments to **HB 2840**.

The motion to concur in the senate amendments to **HB 2840** prevailed by (Record 1040): 81 Yeas, 64 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Branch; Burnam; Callegari; Canales; Carter; Collier; Cook; Cortez; Craddick; Dale; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Eiland; Elkins; Farias; Farney; Farrar; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Hunter; Isaac; Johnson; Keffer; King, S.; King, T.; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Phillips; Pickett; Pitts; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Smith; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Anderson; Ashby; Bell; Bonnen, D.; Bonnen, G.; Burkett; Button; Capriglione; Clardy; Creighton; Crownover; Davis, S.; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Harper-Brown; Hilderbran; Huberty; Hughes; Kacal; King, K.; King, P.; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Paddie; Parker; Perry; Price; Raney; Ratliff; Riddle; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Workman; Zedler.

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

Absent — Coleman; Dutton.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1040. I intended to vote no.

Cook

I was shown voting yes on Record No. 1040. I intended to vote no.

Gonzales

I was shown voting yes on Record No. 1040. I intended to vote no.

Hunter

### Senate Committee Substitute

**CSHB 2840**, A bill to be entitled An Act relating to the urban land bank demonstration program in certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 379C.005, Local Government Code, is amended to read as follows:

Sec. 379C.005. QUALIFIED PARTICIPATING DEVELOPER. To qualify to participate in an urban land bank demonstration program, a developer must:

(1) have built one ~~three~~ or more housing units within the three-year period preceding the submission of a proposal to the land bank seeking to acquire real property from the land bank;

(2) have a development plan approved by the municipality for the land bank property; and

(3) meet any other requirements adopted by the municipality in the urban land bank demonstration plan.

SECTION 2. Section 379C.009, Local Government Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Except as provided by Subsection (b-1), the [The] land bank must sell a property to a qualified participating developer within the four-year period following the date of acquisition for the purpose of construction of affordable housing for sale or rent to low income households.

(b-1) Before the completion of the four-year period described by Subsection (b), the land bank may, subject to Section 379C.0106:

(1) transfer property that the land bank determines is not appropriate for residential development to the taxing units described by Subsection (b); or

(2) sell property described by Subdivision (1) to a political subdivision or a nonprofit organization.

(b-2) If after four years a qualified participating developer has not purchased the property, the property shall be transferred from the land bank to the taxing units who were parties to the judgment for disposition as otherwise allowed under the law.

SECTION 3. Section 379C.0106(a), Local Government Code, is amended to read as follows:

(a) In this section, "eligible adjacent property owner" means a person who:

(1) owns property located adjacent to property owned by the land bank;

and

~~(2) [has owned the adjacent property and continuously occupied that property as a primary residence for the two-year period preceding the date of the sale; and~~

~~[(3)]~~ satisfies eligibility requirements adopted by the land bank.

SECTION 4. Chapter 379C, Local Government Code, is amended by adding Section 379C.014 to read as follows:

Sec. 379C.014. ADDITIONAL AUTHORIZED USE OF LAND BANK PROPERTY. (a) Notwithstanding the other provisions of this chapter, the land bank may sell property to a developer to allow the construction of a grocery store that has at least 6,000 square feet of enclosed space and that offers for sale fresh produce and other food items for home consumption.

(b) To qualify to purchase property from the land bank under this section, a developer is not required to be a qualified participating developer but must obtain the municipality's approval of a development plan for the land bank property and must develop the property in accordance with the approved development plan.

(c) A sale under this section within the four-year period following the date of acquisition of the property by the land bank satisfies the requirement under Section 379C.009(b) that the property be sold within that period to a qualified participating developer.

(d) The land bank may sell property as provided by this section only after granting any rights of first refusal otherwise required by this chapter, and any completed sale under this section remains subject to the right of reverter provided by Section 379C.009(d).

SECTION 5. This Act takes effect September 1, 2013.

## **HB 1752 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1752**, A bill to be entitled An Act relating to creating the Texas Teacher Residency Program.

Representative Patrick moved to concur in the senate amendments to **HB 1752**.

The motion to concur in the senate amendments to **HB 1752** prevailed by (Record 1041): 96 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bohac; Burnam; Button; Callegari; Canales; Clardy; Coleman; Collier; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Patrick; Perez; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Smith; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson; Bell; Bonnen, D.; Bonnen, G.; Branch; Burkett; Capriglione; Carter; Craddick; Creighton; Davis, S.; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Harper-Brown; Hughes; King, P.; Kleinschmidt; Klick; Krause; Laubenberg; Lavender; Leach; Miller, R.;

Morrison; Orr; Parker; Perry; Riddle; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Zedler.

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

Absent — Cook; Phillips; Ratliff.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 1041. I intended to vote yes.

Branch

I was shown voting yes on Record No. 1041. I intended to vote no.

Button

When Record No. 1041 was taken, my vote failed to register. I would have voted no.

Phillips

### Senate Committee Substitute

**CSHB 1752**, A bill to be entitled An Act relating to creating the Texas Teacher Residency Program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Education Code, is amended by adding Subchapter Q to read as follows:

#### SUBCHAPTER Q. TEXAS TEACHER RESIDENCY PROGRAM

Sec. 21.801. ESTABLISHMENT OF PROGRAM. (a) Not later than March 1, 2014, the commissioner of higher education shall, through a competitive selection process, establish a Texas Teacher Residency Program at a public institution of higher education that has developed a commitment to investing in teacher education.

(b) The public institution of higher education shall form a partnership with an area school district or open-enrollment charter school to provide employment to residents in the program.

(c) The program must be designed to:

(1) award teaching residents participating in the program a master's degree; and

(2) lead to certification under Subchapter B for participating teaching residents who are not already certified teachers.

(d) The public institution of higher education shall:

(1) reward faculty instructing in the teacher residency program;

(2) identify faculty who can prepare teachers to impact student achievement in high-need schools;

(3) provide institutional support of faculty who work with the teacher residency program by providing time to teach the courses and valuing the faculty's contributions with rewards in the university tenure process; and

(4) develop and implement a program that acknowledges and elevates the significance and professional nature of teaching at the primary and secondary levels.

Sec. 21.802. PROGRAM COMPONENTS. The teacher residency program shall include:

(1) competitive admission requirements with multiple criteria;  
(2) integration of pedagogy and classroom practice;  
(3) rigorous master's level course work, while undertaking a guided apprenticeship at the partner area school district or open-enrollment charter school;

(4) a team mentorship approach to expose teaching residents to a variety of teaching methods, philosophies, and classroom environments;

(5) clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge;

(6) measures of appropriate progress through the program;  
(7) the collaboration with one or more regional education service centers or local nonprofit education organizations to provide professional development or other structured learning experiences for teaching residents;

(8) a livable stipend for teaching residents;  
(9) a post-completion commitment by teaching residents to serve four years at schools that are difficult to staff;

(10) job placement assistance for teaching residents;  
(11) support for teaching residents for not less than one year following the resident's completion of the program through the provision of mentoring, professional development, and networking opportunities;

(12) demonstration of the integral role and responsibilities of the partner area school district or open-enrollment charter school in fulfilling the purpose of the program; and

(13) monetary or in-kind contributions provided by the public institution of higher education, partner area school district, or open-enrollment charter school to demonstrate that the program may be sustained in the absence of grant funds or state appropriations.

Sec. 21.803. PROGRAM ELIGIBILITY. To be eligible to be admitted and hired as a teaching resident under the program, an individual must:

(1) have received the individual's initial teaching certificate not more than two years before applying for a residency and must have less than 18 months of full-time equivalency teaching experience as a certified teacher; or

(2) hold a bachelor's degree and:  
(A) be a mid-career professional from outside the field of education, and have strong content knowledge or a record of achievement; or  
(B) be a noncertified educator such as a substitute teacher or teaching assistant.

Sec. 21.804. SELECTION OF PARTICIPANTS. The teaching residency program shall establish criteria for selection of individuals to participate in the program. The selection criteria must include:

(1) a demonstration of comprehensive subject area knowledge or a record of accomplishment in the field or subject area to be taught;

(2) strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests; and

(3) attributes linked to effective teaching, which may be determined by interviews or performance assessments.

Sec. 21.805. RULES. The commissioner of higher education shall adopt rules as necessary to implement this subchapter.

Sec. 21.806. AUTHORITY TO ACCEPT CERTAIN FUNDS. (a) The commissioner of higher education may solicit and accept gifts, grants, and donations from public and private entities to use for the purposes of this subchapter.

(b) The teacher residency program may be established and maintained only if sufficient funds are available under this section for that purpose.

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

### **SB 1730 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Phillips submitted the conference committee report on **SB 1730**.

Representative Phillips moved to adopt the conference committee report on **SB 1730**.

The motion to adopt the conference committee report on **SB 1730** prevailed by (Record 1042): 93 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Bonnen, G.; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farney; Farrar; Fletcher; Frullo; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Harper-Brown; Hernandez Luna; Herrero; Howard; Isaac; Johnson; Kacal; Keffer; King, K.; King, T.; Kuempel; Leach; Lewis; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Smith; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson; Ashby; Bell; Bonnen, D.; Branch; Burkett; Button; Capriglione; Carter; Creighton; Elkins; Fallon; Farias; Flynn; Frank; Goldman; Gooden; Hilderbran; Huberty; Hughes; Hunter; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Laubenberg; Lavender; Lozano; Miller, R.; Morrison; Paddie; Perry; Ratliff; Riddle; Schaefer; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Toth; Turner, E.S.; Villalba; White; Zedler.

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

Absent — Burnam; Gutierrez; Harless; Márquez.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 1042. I intended to vote yes.

Bell

When Record No. 1042 was taken, I was in the house but away from my desk. I would have voted no.

Harless

I was shown voting yes on Record No. 1042. I intended to vote no.

Isaac

I was shown voting yes on Record No. 1042. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 1042. I intended to vote no.

Price

**SB 64 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Zerwas, the house granted the request of the senate for the appointment of a Conference Committee on **SB 64**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 64**: Zerwas, chair; J. Sheffield, S. Davis, Guerra, and Rose.

**SB 215 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Anchia, the house granted the request of the senate for the appointment of a Conference Committee on **SB 215**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 215**: Anchia, chair; Branch, Darby, Clardy, and D. Bonnen.

**SB 971 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Deshotel, the house granted the request of the senate for the appointment of a Conference Committee on **SB 971**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 971**: Deshotel, chair; Ritter, Hunter, Eiland, and Collier.

**HB 978 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 978**, A bill to be entitled An Act relating to the transportation of certain patients to a mental health facility.

Representative Raymond moved to concur in the senate amendments to **HB 978**.

The motion to concur in the senate amendments to **HB 978** prevailed by (Record 1043): 139 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Canales; 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; Giddings; 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; 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; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Bell; Bonnen, G.; Capriglione; Krause; Perry; Schaefer; Simpson; Stickland; Taylor.

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

### STATEMENT OF VOTE

I was shown voting yes on Record No. 1043. I intended to vote no.

Frullo

### Senate Committee Substitute

**CSHB 978**, A bill to be entitled An Act relating to the transportation of certain patients to a mental health facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 574.045(a) and (a-1), Health and Safety Code, are amended to read as follows:

(a) The court may authorize, in the following order of priority, the transportation of a committed patient or a patient detained under Section 573.022 or 574.023 to the designated mental health facility by:

(1) a special officer for mental health assignment certified under Section 1701.404, Occupations Code;

(2) the facility administrator of the designated mental health facility, unless the administrator notifies the court that facility personnel are not available to transport the patient;

(3) ~~[a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses;~~

~~[(4)]~~ a representative of the local mental health authority, who shall be reimbursed by the county, unless the representative notifies the court that local mental health authority personnel are not qualified to ensure the safety of the patient during transport;

(4) ~~[(5)]~~ a qualified transportation service provider selected from the list established and maintained as required by Section 574.0455 by the commissioners court of the county in which the court authorizing the transportation is located; ~~[or]~~

(5) ~~[(6)]~~ the sheriff or constable; or

(6) a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses.

(a-1) A person who under Subsection (a)(1), (2), or (5) ~~[(6)]~~ is authorized by the court to transport a person to a mental health facility may contract with a qualified transportation service provider that is included on the list established and maintained as required by Section 574.0455 by the commissioners court of the county in which the court is located to provide the transportation authorized by the court.

SECTION 2. Subchapter D, Chapter 574, Health and Safety Code, is amended by adding Section 574.0456 to read as follows:

Sec. 574.0456. TRANSPORTATION OF PATIENT TO ANOTHER STATE. A person may not transport a patient to a mental health facility in another state for court-ordered inpatient mental health services under this chapter unless transportation to that facility is authorized by a court order.

SECTION 3. This Act takes effect September 1, 2013.

### POSTPONED BUSINESS

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

#### **CSSJR 1 ON SECOND READING (Pitts and Ritter - House Sponsors)**

**CSSJR 1**, A joint resolution proposing a constitutional amendment providing for the creation of the State Water Implementation Fund for Texas and the State Water Implementation Revenue Fund for Texas to assist in the financing of priority projects in the state water plan.

**CSSJR 1** was read second time on May 20 and was postponed until 9 p.m. May 20.

Representative Kuempel moved to postpone consideration of **CSSJR 1** until 4 p.m. today.

The motion prevailed.

**CSSB 21 ON SECOND READING****(Creighton, D. Bonnen, Riddle, and R. Sheffield - House Sponsors)**

**CSSB 21**, A bill to be entitled An Act relating to drug screening or testing as a condition for the receipt of unemployment compensation benefits by certain individuals.

**CSSB 21** was read second time on May 20 and was postponed until 9:10 p.m. May 20.

Representative Creighton moved to postpone consideration of **CSSB 21** until 3:30 p.m. today.

The motion prevailed.

**SB 1509 ON SECOND READING****(Aycock - House Sponsor)**

**SB 1509**, A bill to be entitled An Act relating to college readiness and success.

**SB 1509** was read second time on May 20 and was postponed until 12:01 a.m. today.

Representative Aycock moved to postpone consideration of **SB 1509** until 5:01 p.m. today.

The motion prevailed.

**SB 1636 ON SECOND READING****(J. Davis, Lucio, Oliveira, Anderson, and Vo - House Sponsors)**

**SB 1636**, A bill to be entitled An Act relating to the facilitation and operation of space flight activities in this state.

**SB 1636** was read second time on May 20 and was postponed until 10 a.m. today.

Representative J. Davis moved to postpone consideration of **SB 1636** until the end of second reading bills on today's General State Calendar.

The motion prevailed.

**MAJOR STATE CALENDAR****SENATE BILLS****SECOND READING**

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

**SB 220 ON SECOND READING****(Anchia - House Sponsor)**

**SB 220**, A bill to be entitled An Act relating to the abolition of the office of the fire fighters' pension commissioner and the transfer and disposition of its functions relating to the Texas Emergency Services Retirement System and the Texas local firefighters retirement systems.

**SB 220** was passed to third reading.

**SB 14 ON SECOND READING****(Pitts, Murphy, Cook, Crownover, and E. S. Turner - House Sponsors)**

**SB 14**, A bill to be entitled An Act relating to the fiscal transparency and accountability of certain entities responsible for public money.

Representative Kuempel moved to postpone consideration of **SB 14** until 3:45 p.m. today.

The motion prevailed.

**CSSB 1718 ON SECOND READING****(Dutton and Toth - House Sponsors)**

**CSSB 1718**, A bill to be entitled An Act relating to state interventions and sanctions against public school campuses with unacceptable performance and the establishment of the Texas Achievement School District for educating students at certain low-performing campuses.

**LEAVE OF ABSENCE GRANTED**

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

Anchia on motion of Y. Davis.

**CSSB 1718 - (consideration continued)****CSSB 1718 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 1718** under Rule 6, Section 7(a)(2) of the House Rules on the grounds that the bill is mistakenly on the Major State Calendar.

The chair overruled the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 1718** under Rule 6, Section 7 of the House Rules, asserting that **CSSB 1718** does not have statewide effect and, therefore, should not have been placed on the Major State Calendar. Rule 6, Section 7(2) of the House Rules provides that "bills of statewide effect, not emergency in nature, which establish or change state policy in a major field of governmental activity and which will have a major impact in application throughout the state without regard to class, area, or other limiting factors" shall appear on the Major State Calendar. **CSSB 1718** provides for transfer of low-performing school campuses into "achievement school districts." A campus is eligible for transfer if the district from which it is to be transferred has at least 20,000 students enrolled at the time the campus is to be transferred. Although not every school district in the state would be eligible to transfer a campus to an achievement school district, the bill would apply to school districts throughout the state and have a statewide effect.

It should also be noted that pursuant to Rule 6, Section 25 of the House Rules, the Committee on Calendars "shall have full authority to make placements on calendars in whatever order is necessary or desirable under the circumstances then existing . . ." Further, the rule notes that it "is the intent of the calendar

system to give the Committee on Calendars wide discretion to insure adequate consideration by the house of important legislation." In light of the Committee on Calendars' broad discretion and in light of a review of items placed on the Major State Calendar over the last 30 years, the chair is of the opinion that the committee had the authority to place that bill on that calendar. Therefore, the point of order is respectfully overruled.

### **Amendment No. 1**

Representative Farias offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee printing), on page 3, line 6, of the bill, between "necessary" and the period, by inserting ", provided that the superintendent at a campus with a population of students of limited English proficiency, as defined by Section 29.052, that accounts for 25 percent or greater of the student population of the campus shall employ not fewer than one paraprofessional per classroom who has the appropriate skill in the primary language of the students of limited English proficiency"

Representative Dutton moved to table Amendment No. 1.

The motion to table prevailed.

### **Amendment No. 2**

Representative C. Turner offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee report) on page 3 by striking lines 22 through 24 and substituting the following:

(c) The achievement school district and each campus under the jurisdiction of the district are subject to a prohibition, restriction, or requirement, as applicable, imposed by this title, or a rule adopted under this title, relating to:

(1) educators and school district employees and volunteers under Chapter 21;

(2) class size and teacher-to-student ratios under Subchapter D, Chapter 25; and

(3) discipline under Chapter 37.

Representative Dutton moved to table Amendment No. 2.

The motion to table prevailed by (Record 1044): 99 Yeas, 42 Nays, 3 Present, not voting.

Yeas — Allen; Anderson; 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; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; Gonzalez, N.; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Márquez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Perry; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter;

Sanford; Schaefer; Sheets; 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 — Alonzo; Alvarado; Ashby; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Eiland; Farias; Farrar; González, M.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; King, T.; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Patrick; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Turner, C.; Vo; Walle; Wu.

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

Absent, Excused — Anchia.

Absent — Dukes; Kolkhorst; Menéndez; Sheffield, J.; Villarreal.

### **Amendment No. 3**

Representative Patrick offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee report) on page 1, line 22, after the period, by inserting "The commissioner may not use or require the use of any money from the foundation school fund or the local school funds of any other independent school district for the administration of the achievement school district, including the employment of the superintendent or central administrative staff."

Representative Dutton moved to table Amendment No. 3.

The motion to table prevailed.

### **Amendment No. 4**

Representative Patrick offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee printing) as follows:

(1) On page 2, line 20, between "years" and the underlined semicolon, insert ", and none of those schools has received an unacceptable performance rating under Subchapter C, Chapter 39, for the three preceding school years or such a school has been closed".

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

(3) On page 3, line 4, between "district" and the underlined period, insert the following:

;

(5) as a charter holder, been assigned a financial accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better; and

(6) had at least 25 percent of students enrolled at open-enrollment charter schools operating under the charter achieving the highest level of performance on the assessment instruments administered under Section 39.023 in mathematics and in reading during the two preceding school years

Representative Huberty moved to table Amendment No. 4.

The motion to table prevailed.

### **Amendment No. 5**

Representative Patrick offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee report) on page 3, between lines 4 and 5, by inserting the following:

(g-1) If the students attending a campus transferred to the achievement school district are provided educational services by a private entity under Subsection (g), that campus shall be assigned accountability ratings under Chapter 39 as though the campus were a campus operating under the entity's charter granted under Chapter 12.

Representative Dutton moved to table Amendment No. 5.

The motion to table prevailed by (Record 1045): 95 Yeas, 44 Nays, 3 Present, not voting.

Yeas — Alvarado; Anderson; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Capriglione; Carter; Clardy; Cook; Creighton; Dale; Davis, J.; Davis, S.; Deshotel; Dutton; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gonzalez, N.; Gooden; Harper-Brown; Hernandez Luna; Hilderbran; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Lucio; Márquez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Ashby; Burnam; Canales; Coleman; Collier; Cortez; Craddick; Darby; Davis, Y.; Dukes; Eiland; Farias; Farrar; Giddings; González, M.; Guerra; Guillen; Gutierrez; Harless; Herrero; Howard; King, T.; Longoria; Martinez; Martinez Fischer; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Patrick; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Turner, C.; Turner, S.; Vo; Walle; Wu.

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

Absent, Excused — Anchia.

Absent — Callegari; Crownover; Elkins; Hunter; King, S.; Villarreal; Zerwas.

### **STATEMENTS OF VOTE**

When Record No. 1045 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 1045 was taken, my vote failed to register. I would have voted yes.

Hunter

### **Amendment No. 6**

Representative Patrick offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee printing) as follows:

(1) On page 9, line 24, between "subject to" and "Sections", insert "Subsection (a-1) and to".

(2) On page 10, line 19, immediately following the underlined period, insert the following:

The commissioner may not order the removal of the campus to the achievement school district under Subsection (a)(2) if the commissioner receives a petition signed by a majority of the parents of the students enrolled at the campus that indicates the parents do not want the campus removed to the achievement school district.

(Kuempel in the chair)

Representative K. King moved to table Amendment No. 6.

The motion to table prevailed.

### **LEAVE OF ABSENCE GRANTED**

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

Geren on motion of Dukes.

### **CSSB 1718 - (consideration continued)**

### **Amendment No. 7**

Representative Patrick offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee printing) on page 3, line 6, following the period, by inserting "The superintendent shall require the achievement school district to employ a sufficient number of teachers certified under Subchapter B, Chapter 21, to maintain an average ratio of not less than one teacher for each 15 students in average daily attendance."

Representative Huberty moved to table Amendment No. 7.

The motion to table prevailed by (Record 1046): 94 Yeas, 37 Nays, 3 Present, not voting.

Yeas — Anderson; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dutton; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gonzalez, N.; Gooden; Harper-Brown; Hernandez Luna; Hilderbran; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Márquez; McClendon; Menéndez; Miles;

Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Carter; Coleman; Collier; Davis, Y.; Eiland; Farias; Giddings; González, M.; Guerra; Guillen; Gutierrez; Harless; Herrero; Howard; Keffer; King, T.; Longoria; Martinez Fischer; Muñoz; Naishtat; Nevárez; Patrick; Perez; Raymond; Reynolds; Rodriguez, J.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker; Kuempel(C); Sheffield, J.

Absent, Excused — Anchia; Geren.

Absent — Ashby; Capriglione; Clardy; Cortez; Dukes; Farrar; King, S.; Leach; Martinez; Moody; Oliveira; Rodriguez, E.; Rose; Thompson, S.

### STATEMENT OF VOTE

When Record No. 1046 was taken, I was in the house but away from my desk. I would have voted no.

Moody

### Amendment No. 8

Representative M. González offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee report) on page 12, between lines 24 and 25, by inserting the following:

(f-1) At least five percent of the teachers employed at a removed campus must be certified as master teachers under Section 21.0481, 21.0482, 21.0483, or 21.0484.

(f-2) Each teacher employed at a removed campus must be classified as a highly qualified teacher under Section 9101 of the No Child Left Behind Act of 2001 (20 U.S.C. Section 7801).

Representative Dutton moved to table Amendment No. 8.

The motion to table prevailed by (Record 1047): 94 Yeas, 40 Nays, 3 Present, not voting.

Yeas — Anderson; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Capriglione; Carter; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dutton; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gonzalez, N.; Gooden; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Lucio; Márquez; McClendon; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Price; Raney; Ratliff; Riddle;

Ritter; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; Workman; Zedler.

Nays — Allen; Alonzo; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Dukes; Eiland; Farias; Farrar; Giddings; González, M.; Guerra; Guillen; Gutierrez; Herrero; Howard; King, T.; Longoria; Martinez; Martinez Fischer; Menéndez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Strama; Turner, C.; Turner, S.; Vo; Walle.

Present, not voting — Mr. Speaker; Kuempel(C); Sheffield, J.

Absent, Excused — Anchia; Geren.

Absent — Alvarado; Ashby; Bell; Callegari; Clardy; Pitts; Thompson, S.; Villarreal; White; Wu; Zerwas.

### **Amendment No. 9**

Representative Gutierrez offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee printing), on page 3, line 6, by inserting, after the period "No bonus based on the performance of the achievement school district or a campus removed to the school district may be paid to the superintendent or employee of the district.

Representative Huberty moved to table Amendment No. 9.

The motion to table prevailed by (Record 1048): 97 Yeas, 43 Nays, 3 Present, not voting.

Yeas — Allen; Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Deshotel; Dutton; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Guillen; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; McClendon; Miles; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Pickett; Pitts; Price; Raney; Ratliff; Reynolds; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Craddick; Dale; Davis, Y.; Dukes; Eiland; Farias; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Gutierrez; Herrero; Howard; King, T.; Márquez; Martinez; Martinez Fischer; Menéndez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Phillips; Raymond; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

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

Absent, Excused — Anchia; Geren.

Absent — Darby; Sheffield, J.; Stephenson; Strama; Villarreal.

**Amendment No. 10**

Representative Rose offered the following amendment to **CSSB 1718**:

Amend **CSSB 1718** (house committee report), in SECTION 1 of the bill, in added Section 11.403(c), on page 3, line 24, after the period, add "The achievement school district or a campus of the district may not receive an exemption or waiver from a requirement established under this subsection."

Representative Dutton moved to table Amendment No. 10.

The motion to table prevailed.

(Geren now present)

**CSSB 1718 - POINTS OF ORDER**

Representative Herrero raised a point of order against further consideration of **CSSB 1718**.

The point of order was withdrawn.

Representative Gutierrez raised a point of order against further consideration of **CSSB 1718**.

The point of order was withdrawn.

Representative Walle raised a point of order against further consideration of **CSSB 1718**.

The point of order was withdrawn.

Representative Dutton moved to postpone consideration of **CSSB 1718** until 4:25 p.m. today.

The motion prevailed.

**MESSAGE FROM THE SENATE**

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

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**SB 1795 ON SECOND READING  
(Guillen - House Sponsor)**

**SB 1795**, A bill to be entitled An Act relating to the regulation of navigators for health benefit exchanges.

**Amendment No. 1**

Representative Morrison offered the following amendment to **SB 1795**:

Amend **SB 1795** (house committee printing) as follows:

(1) On page 6, line 8, strike "or".

(2) On page 6, line 11, strike the period and substitute "; or

(6) in the course of acting as a navigator, engage in any electioneering activities or finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government, or of the government of the United States, or any political subdivision of this state.

Amendment No. 1 was adopted.

**SB 1795**, as amended, was passed to third reading by (Record 1049): 124 Yeas, 19 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Bell; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Callegari; Canales; 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; Giddings; Goldman; Gonzales; González, M.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Kolkhorst; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Aycock; Bohac; Button; Capriglione; Carter; Fallon; Gooden; Hilderbran; Huberty; Klick; Krause; Laubenberg; Ratliff; Sanford; Schaefer; Simpson; Stickland; Turner, E.S.; White.

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

Absent, Excused — Anchia.

Absent — Gonzalez, N.; King, S.; Pitts.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1049. I intended to vote no.

Bell

I was shown voting yes on Record No. 1049. I intended to vote no.

Branch

I was shown voting yes on Record No. 1049. I intended to vote no.

Creighton

I was shown voting yes on Record No. 1049. I intended to vote no.

Dale

I was shown voting yes on Record No. 1049. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 1049. I intended to vote no.

Isaac

**CSSB 1234 ON SECOND READING**  
**(Price - House Sponsor)**

**CSSB 1234**, A bill to be entitled An Act relating to the prevention of truancy and the offense of failure to attend school.

**Amendment No. 1**

Representative Price offered the following amendment to **CSSB 1234**:

Amend **CSSB 1234** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subsection (i), Article 45.054, Code of Criminal Procedure, is amended to read as follows:

(i) A county, justice, or municipal court shall dismiss the complaint against an individual alleging that the individual committed an offense under Section 25.094, Education Code, if:

(1) the court finds that the individual has successfully complied with the conditions imposed on the individual by the court under this article; or

(2) the individual presents to the court proof that the individual has obtained a high school diploma or a high school equivalency certificate after taking a high school equivalency examination administered under Section 7.111, Education Code.

SECTION 2. Subsection (e), Article 45.055, Code of Criminal Procedure, is amended to read as follows:

(e) A court shall expunge an individual's conviction under Section 25.094, Education Code, and records relating to a conviction, regardless of whether the individual has previously been convicted of an offense under that section, if:

(1) the court finds that the individual has successfully complied with the conditions imposed on the individual by the court under Article 45.054; or

(2) before the individual's 21st birthday, the individual presents to the court proof that the individual has obtained a high school diploma or a high school equivalency certificate after taking a high school equivalency examination administered under Section 7.111, Education Code.

SECTION 3. Subsection (a), Article 45.056, Code of Criminal Procedure, is amended to read as follows:

(a) On approval of the commissioners court, city council, [~~school district board of trustees,~~] juvenile board, or other appropriate authority, a county court, justice court, municipal court, [~~school district,~~] juvenile probation department, or other appropriate governmental entity may[+]

~~[(4)] employ a case manager or agree, in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a case manager or to jointly contribute to the costs of a case manager employed by one governmental entity to provide services in cases involving juvenile offenders before a court consistent with the court's statutory powers[; or~~

~~[(2) agree in accordance with Chapter 791, Government Code, to jointly employ a case manager].~~

SECTION 4. Section 25.085, Education Code, is amended by amending Subsection (e) and adding Subsections (g) and (h) to read as follows:

(e) A person who voluntarily enrolls in school or voluntarily attends school after the person's 18th birthday shall attend school each school day for the entire period the program of instruction is offered. A school district may revoke for the remainder of the school year the enrollment of a person who has more than five absences in a semester that are not excused under Section 25.087, except that a school district may not revoke the enrollment of a person under this subsection on a day on which the person is physically present at school. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school district grounds for purposes of Section 37.107.

(g) After the third unexcused absence of a person described by Subsection (e), a school district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

(h) As an alternative to revoking a person's enrollment under Subsection (e), a school district may impose a behavior improvement plan described by Section 25.0915(b)(1).

SECTION 5. Section 25.0915, Education Code, is amended to read as follows:

Sec. 25.0915. TRUANCY PREVENTION MEASURES; REFERRAL AND FILING REQUIREMENT. (a) A school district shall adopt truancy prevention measures designed to:

(1) address student conduct related to truancy in the school setting before the student violates Section 25.094;

(2) minimize the need for referrals to juvenile court for conduct described by Section 51.03(b)(2), Family Code; and

(3) minimize the filing of complaints in county, justice, and municipal courts alleging a violation of Section 25.094.

(b) As a truancy prevention measure under Subsection (a), a school district may take one or more of the following actions:

(1) impose:

(A) a behavior improvement plan on the student that must be signed by an employee of the school, that the school district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:

(i) a specific description of the behavior that is required or prohibited for the student;

(ii) the period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or  
(iii) the penalties for additional absences, including additional disciplinary action or the referral of the student to a juvenile court; or

(B) school-based community service; or

(2) refer the student to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.

(c) A referral made under Subsection (b)(2) may include participation by the child's parent or guardian if necessary.

(d) Each referral to juvenile court for conduct described by Section 51.03(b)(2), Family Code, or complaint filed in county, justice, or municipal court alleging a violation by a student of Section 25.094 must:

(1) be accompanied by a statement from the student's school certifying that:

(A) the school applied the truancy prevention measures adopted under Subsection (a) to the student; and

(B) the truancy prevention measures failed to meaningfully address the student's school attendance; and

(2) specify whether the student is eligible for or receives special education services under Subchapter A, Chapter 29.

(e) Except as provided by Subsection (f), a school district shall employ a truancy prevention facilitator to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a juvenile or criminal court to provide services to students of the school district in truancy cases.

(f) Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus.

SECTION 6. Subsection (e), Section 25.094, Education Code, is amended to read as follows:

(e) An offense under this section is a [~~Class C~~] misdemeanor punishable by a fine not to exceed:

(1) \$100 for a first offense;

(2) \$200 for a second offense;

(3) \$300 for a third offense;

(4) \$400 for a fourth offense; or

(5) \$500 for a fifth or subsequent offense.

SECTION 7. Subsections (a) and (b), Section 25.0951, Education Code, are amended to read as follows:

(a) If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall within 10 school days of the student's 10th absence:

(1) file a complaint against the student or the student's parent or, if the district provides evidence that both the student and the student's parent contributed to the student's failure to attend school, both the student and the parent in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or

(2) refer the student to a juvenile court for conduct indicating a need for supervision under Section 51.03(b)(2), Family Code.

(b) If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Subsection (a), the school district may:

(1) file a complaint against the student or the student's parent or, if the district provides evidence that both the student and the student's parent contributed to the student's failure to attend school, both the student and the parent in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or

(2) refer the student to a juvenile court for conduct indicating a need for supervision under Section 51.03(b)(2), Family Code.

SECTION 8. The changes in law made by this Act apply only to conduct violating Section 25.094, Education Code, on or after the effective date of this Act. A violation that occurs before the effective date of this Act is covered by the law in effect when the violation occurred, and the former law is continued in effect for that purpose. For purposes of this section, a violation occurs before the effective date of this Act if any element of the violation occurs before that date.

SECTION 9. This Act takes effect September 1, 2013.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Villarreal offered the following amendment to **CSSB 1234**:

Amend **CSSB 1234** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0916 to read as follows:

Sec. 25.0916. UNIFORM TRUANCY POLICIES IN CERTAIN COUNTIES. (a) This section applies only to a county:

(1) with a population greater than 1.5 million; and

(2) that includes at least:

(A) 15 school districts with the majority of district territory in the county; and

(B) one school district with a student enrollment of 50,000 or more and an annual dropout rate spanning grades 9-12 of at least five percent, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education.

(b) A committee shall be established to recommend a uniform truancy policy for each school district located in the county.

(c) Not later than September 1, 2013, the county judge and the mayor of the municipality in the county with the greatest population shall each appoint one member to serve on the committee as a representative of each of the following:

- (1) a juvenile district court;
- (2) a municipal court;
- (3) the office of a justice of the peace;
- (4) the superintendent or designee of an independent school district;
- (5) an open-enrollment charter school;
- (6) the office of the district attorney; and
- (7) the general public.

(d) Not later than September 1, 2013, the county judge shall appoint to serve on the committee one member from the house of representatives and one member from the senate who are members of the respective standing legislative committees with primary jurisdiction over public education.

(e) The county judge and mayor of the municipality in the county with the greatest population shall:

(1) both serve on the committee or appoint representatives to serve on their behalf; and

(2) jointly appoint a member of the committee to serve as the presiding officer.

(f) Not later than September 1, 2014, the committee shall recommend:

(1) a uniform process for filing truancy cases with the judicial system;  
(2) uniform administrative procedures;  
(3) uniform deadlines for processing truancy cases;  
(4) effective prevention, intervention, and diversion methods to reduce truancy and referrals to a county, justice, or municipal court;

(5) a system for tracking truancy information and sharing truancy information among school districts and open-enrollment charter schools in the county; and

(6) any changes to statutes or state agency rules the committee determines are necessary to address truancy.

(g) Compliance with the committee recommendations is voluntary.

(h) The committee's presiding officer shall issue a report not later than December 1, 2015, on the implementation of the recommendations and compliance with state truancy laws by a school district located in the county.

(i) This section expires January 1, 2016.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative E. Thompson offered the following amendment to **CSSB 1234**:

Amend **CSSB 1234** (house committee report) as follows:

(1) On page 3, strike lines 4 and 5, and substitute the following:

SECTION 4. Sections 25.085(e) and (f), Education Code, are amended to read as follows:

(2) On page 3, between lines 16 and 17, insert the following:

(f) The board of trustees of a school district may adopt a policy requiring a person described by Subsection (e) who is under 21 years of age to attend school until the end of the school year. Section 25.094 applies to a person under 19 years of age who is subject to a policy adopted under this subsection. Sections 25.093 and 25.095 do not apply to the parent of a person subject to a policy adopted under this subsection.

(3) On page 5, strike lines 18 and 19, and substitute the following:

SECTION 7. Sections 25.094(a) and (e), Education Code, are amended to read as follows:

(a) An individual commits an offense if the individual:

(1) is 12 years of age or older and younger than 19 [~~18~~] years of age;

(2) is required to attend school under Section 25.085 or a school district policy adopted under Subsection (f) of that section; and

(3) fails to attend school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period.

Representative Price moved to table Amendment No. 3.

The motion to table prevailed.

#### **LEAVE OF ABSENCE GRANTED**

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

Geren on motion of Price.

#### **CSSB 1234 - (consideration continued)**

**CSSB 1234**, as amended, was passed to third reading. (Simpson recorded voting no.)

#### **CSSB 492 ON SECOND READING (J. Sheffield - House Sponsor)**

**CSSB 492**, A bill to be entitled An Act relating to the licensing and regulation of prescribed pediatric extended care centers; providing penalties; imposing fees.

#### **Amendment No. 1**

Representative J. Sheffield offered the following amendment to **CSSB 492**:

Amend **CSSB 492** (house committee report) as follows:

(1) On page 10, line 14, between "CLIENT." and "A", insert "(a)".

(2) On page 10, between lines 24 and 25, insert the following:

(b) An admission authorized under this section is not intended to supplant the right to a Medicaid private duty nursing benefit, when medically necessary.

Amendment No. 1 was adopted.

CSSB 492, as amended, was passed to third reading. (Anderson, Bell, Flynn, Perry, Phillips, and Simpson recorded voting no.)

**SB 126 ON SECOND READING**  
**(J. Davis - House Sponsor)**

**SB 126**, A bill to be entitled An Act relating to the creation of a mental health and substance abuse public reporting system.

**Amendment No. 1**

Representative J. Davis offered the following amendment to **SB 126**:

Amend **SB 126** (house committee report) as follows:

(1) On page 1, line 8, between "department" and "shall", insert ", in collaboration with the commission,".

(2) On page 1, line 11, strike "and the department" and substitute ", the department, and the commission".

(3) On page 1, line 16, between "(2)" and "managed", insert "Medicaid".

(4) On page 1, line 18, between "(3)" and "persons", insert "agencies, organizations, and".

(5) Strike page 1, line 20, through page 2, line 3, and substitute the following:

(b) The system must allow external users to view and compare the performance, outputs, and outcomes of the Medicaid managed care programs that provide mental health services.

(c) The department shall post the performance, output, and outcome measures on the department's website so that the information is accessible to the public. The department shall post the measures quarterly or semiannually in accordance with when the measures are reported to the department.

(d) The department shall consider public input in determining the appropriate outcome measures to collect in the public reporting system. To the extent possible, the department shall include outcome measures that capture inpatient psychiatric care diversion, avoidance of emergency room use, criminal justice diversion, and the numbers of people who are homeless served.

(e) The commission shall conduct a study to determine the feasibility of establishing and maintaining the public reporting system, including, to the extent possible, the cost to the state and impact on managed care organizations and providers of collecting the outcome measures required by Subsection (d). Not later than December 1, 2014, the commission shall report the results of the study to the legislature and appropriate legislative committees.

(f) The department shall ensure that information reported through the public reporting system does not permit the identification of an individual.

(6) Insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Not later than December 1, 2014, the Department of State Health Services shall submit a report to the legislature and the Legislative Budget Board on the development of the public reporting system as required by Section 1001.078, Health and Safety Code, as added by this Act, and the outcome measures collected.

Amendment No. 1 was adopted.

**SB 126**, as amended, was passed to third reading. (Simpson recorded voting no.)

**SB 1292 ON SECOND READING**  
**(S. Turner, Miles, and Carter - House Sponsors)**

**SB 1292**, A bill to be entitled An Act relating to DNA testing of biological evidence in certain capital cases.

**Amendment No. 1**

Representative S. Turner offered the following amendment to **SB 1292**:

Amend **SB 1292** (house committee printing) as follows:

(1) On page 1, line 9, between "penalty," and "the Department", insert "subject to Subsection (j), the state shall require either".

(2) On page 1, line 10, strike "shall" and substitute "through one of its laboratories or a laboratory accredited under Section 411.0205, Government Code, to".

(3) On page 1, line 11, strike "department's" and substitute "laboratory's".

(4) On page 1, lines 11-13, strike "or have DNA tested by a laboratory accredited under Section 411.0205, Government Code, on all" and substitute "on any".

(5) On page 1, line 14, between "offense" and the underlined period, insert "and is in the possession of the state".

(6) On page 1, line 15, strike "performed the" and substitute "performs the".

(7) On page 1, line 19, between "case," and "the", insert "unless the state has affirmatively waived the death penalty in writing,".

(8) On page 2, strike lines 7-10 and substitute the following:  
to the state and the defendant. At the hearing, there is a rebuttable presumption that the biological material that the defendant requests to be tested constitutes biological evidence that is required to be tested under Subsection (i). This subsection does not in any way prohibit the state from testing biological evidence in the state's possession.

(9) On page 2, line 14, strike "documentation" and substitute "bench notes prepared by the laboratory that are".

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

(1) The defendant's exclusive remedy for testing that was not performed as required under Subsection (i) or (j) is to seek a writ of mandamus from the court of criminal appeals at any time on or before the date an application for a writ of habeas corpus is due to be filed in the defendant's case under Section 4(a), Article 11.071. An application for a writ of mandamus under this subsection does not toll any period of limitations applicable to a habeas petition under state or federal law.

The defendant is entitled to only one application for a writ of mandamus under this subsection. At any time after the date an application for a writ of habeas corpus is filed in the defendant's case under Section 4(a), Article 11.071, the defendant may file one additional motion for forensic testing under Chapter 64.

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative S. Turner offered the following amendment to **SB 1292**:

Amend **SB 1292** (house committee printing) on page 2, line 11, between "destroyed" and "as" by inserting "or lost".

Amendment No. 2 was adopted.

**SB 1292**, as amended, was passed to third reading.

#### **SB 1475 ON SECOND READING (Zerwas - House Sponsor)**

**SB 1475**, A bill to be entitled An Act relating to a jail-based restoration of competency pilot program.

**SB 1475** was passed to third reading.

#### **CSSB 1643 ON SECOND READING (Alvarado - House Sponsor)**

**CSSB 1643**, A bill to be entitled An Act relating to the monitoring of prescriptions for certain controlled substances; providing penalties.

(Speaker pro tempore in the chair)

#### **Amendment No. 1**

Representative Alvarado offered the following amendment to **CSSB 1643**:

Amend **CSSB 1643** (house committee printing) on page 7, between lines 21 and 22, by inserting the following:  
and (6) the executive director of the Texas Physician Assistant Board or the executive director's designee.

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative J. Sheffield offered the following amendment to **CSSB 1643**:

Amend **CSSB 1643** (house committee printing) as follows:

(1) On page 3, lines 24 through 25, strike "and the method of payment used to pay for the prescription".

(2) On page 4, lines 8 through 9, strike "and the method of payment used to pay for the prescription".

Amendment No. 2 was adopted.

**CSSB 1643**, as amended, was passed to third reading. (Simpson recorded voting no.)

**SB 1672 ON SECOND READING**  
**(Eiland - House Sponsor)**

**SB 1672**, A bill to be entitled An Act relating to the business of travel insurance; authorizing penalties.

**SB 1672** was passed to third reading. (Simpson recorded voting no.)

**SB 347 ON SECOND READING**  
**(Lewis - House Sponsor)**

**SB 347**, A bill to be entitled An Act relating to funding for the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

**Amendment No. 1**

Representative Darby offered the following amendment to **SB 347**:

Amend **SB 347** (house committee printing) as follows:

(1) On page 1, line 6, between "by" and "adding", insert "amending Subsection (e) and".

(2) On page 1, between lines 6 and 7, insert the following:

(e) The commission may transfer money from the low-level radioactive waste fund to the perpetual care account to make payments required by the commission under Section 401.303. The commission shall notify the Texas Low-Level Radioactive Waste Disposal Compact Commission of an action the commission takes under this subsection.

(3) Add the following appropriately numbered SECTIONS and renumber any subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 401.207, Health and Safety Code, is amended by adding Subsections (d-1), (d-2), (d-3), (e-1) and (e-2) and amending Subsection (e) to read as follows:

(d-1) Beginning September 1, 2015, the compact waste disposal facility license holder may accept nonparty compact waste for disposal at the facility only if:

(1) the waste has been volume-reduced, if eligible, by at least a factor of three in a manner consistent with this subchapter as provided by commission rule; and

(2) the compact waste disposal facility license holder collects a fee under Section 401.249(f).

(d-2) If volume reduction of a low-level radioactive waste stream would result in a change of waste classification to a class higher than Class C, the payment of the fee and compliance with other requirements of Subsection (d-1) do not apply.

(d-3) The commission may assess an additional fee on a nonparty compact waste generator for failing to comply with the volume reduction requirements established under this section. The fee shall be deposited to the credit of the low-level radioactive waste fund under Section 401.249(f). Fees deposited under this subsection may be transferred and used only to support the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission under Section 401.251.

(e) The compact waste disposal facility license holder may not collect a fee under this section or enter into a contract for the disposal of nonparty low-level radioactive waste that has been designated as Class A low-level radioactive waste under 10 C.F.R. Section 61.55 and commission rule unless the waste is containerized. The compact waste disposal facility license holder may collect a fee and dispose of:

(1) not more than the greater of:

(A) 1.167 million curies of nonparty compact waste; or

(B) an amount of nonparty compact waste equal to 30 percent of the initial licensed capacity of the facility; and

(2) not more than 275,000 curies of nonparty compact waste in any fiscal year [accept more than 50,000 total cubic feet of nonparty compact waste annually. The compact waste disposal facility license holder may not accept more than 120,000 curies of nonparty compact waste annually, except that in the first year the license holder may accept 220,000 curies].

(e-1) The legislature by general law may establish revised limits under Subsection (e) after considering the results of the study under Section 401.208.

(e-2) [(e-1)] The commission's executive director, on completion of the study under Section 401.208, may prohibit the license holder from accepting any additional nonparty compact waste if the commission determines from the study that the capacity of the facility will be limited, regardless of whether the limit under Subsection (f) has been reached.

SECTION \_\_\_\_\_. Section 401.218, Health and Safety Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) In addition to the fees charged to support the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission, the commission's executive director may charge a license holder a fee to cover the administrative costs of the executive director's action to adjust, correct, or otherwise modify a license.

SECTION \_\_\_\_\_. The changes in law made by this Act apply only to a contract for the disposal of compact waste or nonparty compact waste that is signed on or after the effective date of this Act. A contract signed before the effective date of this Act is governed by the law in effect on the date the contract was signed, and the former law is continued in effect for that purpose.

(Anchia and Geren now present)

### **Amendment No. 1 - Point of Order**

Representative Burnam raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules on the grounds that the amendment is not germane to the bill and would change the original purpose of the bill.

The chair overruled the point of order and submitted the following statement:

Representative Burnam raised a point of order against further consideration of Amendment No. 1 to **SB 347** under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules. The point of order is respectfully overruled.

**SB 347** revises the funding mechanism for the operation of the Texas Low-Level Radioactive Waste Disposal Compact Commission ("Compact Commission"). Amendment No. 1 provides additional funding mechanisms and adds conditions for those funding mechanisms. Because the amendment relates to funding for the operations of the Compact Commission, the amendment is germane and achieves the same purpose of funding the Compact Commission as the original bill. Thus, the amendment does not violate the germaneness requirement of Rule 11, Section 2, nor the requirement of Rule 11, Section 3, which prohibits amending a bill so as to change its original purpose. See Rule 11, Section 2 and Rule 11, Section 3 of the House Rules, explanatory notes and house precedents.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Darby offered the following amendment to **SB 347**:

Amend **SB 347** (house committee report) as follows:

Insert the following new sections in the bill and renumber remaining sections accordingly:

SECTION \_\_\_\_\_. Subsection (d), Section 401.052, Health and Safety Code, as amended by Chapters 580 (**HB 1678**) and 1067 (**HB 1567**), Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(d) Fees assessed under this section to provide additional revenue to support the activities of the Texas Low-Level Radioactive Waste Disposal Compact Commission:

(1) may not exceed \$10 per cubic foot of shipped low-level radioactive waste;

(2) shall be collected by the department and deposited to the credit of the perpetual care account;

(3) shall be used [~~exclusively~~] by the department for emergency planning for and response to transportation accidents involving low-level radioactive waste, including first responder training in counties through which transportation routes are designated in accordance with Subsection (a); and

(4) may not be collected on waste disposed of at a federal facility waste disposal facility [~~shall be suspended when the amount of fees collected reaches \$500,000, except that if the balance of fees collected is reduced to \$350,000 or less, the assessments shall be reinstated to bring the balance of fees collected to \$500,000~~].

SECTION \_\_\_\_\_. Subsection (a), Section 401.109, Health and Safety Code, is amended to read as follows:

(a) The department or commission may require a holder of a license issued by the agency to provide security acceptable to the agency to assure performance of the license holder's obligations under this chapter. The department [~~or commission~~] shall deposit security provided to the department under this section

to the credit of the perpetual care account. The department [~~or commission~~] by rule shall provide that any evidence of security must be made payable to the credit of the perpetual care account. The commission shall deposit security provided to the commission under this section to the credit of the environmental radiation and perpetual care account. The commission shall provide that security must be made payable to the credit of the environmental radiation and perpetual care account.

SECTION \_\_\_\_\_. Section 401.152, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The department [~~agency~~] shall use the security provided by the license holder to pay the costs of actions that are taken or that are to be taken under this section. The department [~~agency~~] shall send to the comptroller a copy of its order together with necessary written requests authorizing the comptroller to:

- (1) enforce security supplied by the license holder;
- (2) convert an amount of security into cash, as necessary; and
- (3) disburse from the security in the radiation and perpetual care account the amount necessary to pay the costs.

(c) The commission shall use the security provided by the license holder to pay the costs of actions taken or to be taken under this section, including costs associated with the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall send to the comptroller a copy of its order together with necessary written requests authorizing the comptroller to:

- (1) enforce security supplied by the license holder;
- (2) convert an amount of security to cash, as necessary; and
- (3) disburse from the security in the environmental radiation and

perpetual care account the amount necessary to pay the costs.

SECTION \_\_\_\_\_. Section 401.207(h), Health and Safety Code, is amended to read as follows:

(h) A surcharge collected under Subsection (g) shall be deposited to the credit of the environmental radiation and perpetual care account [~~low-level radioactive waste fund~~].

SECTION \_\_\_\_\_. Section 401.208, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) Not later than December 1, 2016 [~~2012~~], the commission shall submit a final report of the results of the study to the standing committees of the senate and the house of representatives with jurisdiction over the disposal of low-level radioactive waste.

SECTION \_\_\_\_\_. Subsection (e), Section 401.249, Health and Safety Code, is amended to read as follows:

(e) The commission may transfer money from the low-level radioactive waste fund to the environmental radiation and perpetual care account to make payments required by the commission under Section 401.303.

SECTION \_\_\_\_\_. Subsection (d), Section 401.301, Health and Safety Code, is amended to read as follows:

(d) The commission and department ~~shall~~ ~~[may]~~ require that each person who holds a specific license issued by the agency pay to the agency an additional five percent of the appropriate fee set under Subsection (b). Fees collected by the department under this subsection shall be deposited to the credit of the perpetual care account. Fees collected by the commission under this subsection shall be deposited to the environmental radiation and perpetual care account. The fees are not refundable. The holder of a specific license authorizing the extraction, processing, or concentration of uranium or thorium from ore is not required to pay the additional fee described by this subsection before the beginning of operations under the license.

SECTION \_\_\_\_\_. Subsection (g), Section 401.303, Health and Safety Code, is amended to read as follows:

(g) If a license holder satisfies the obligations under this chapter, the issuing agency shall have the comptroller promptly refund to the license holder from the perpetual care account ~~or the environmental radiation and perpetual care account~~, as applicable, the excess of the amount of all payments made by the license holder to the issuing agency and the investment earnings of those payments over the amount determined to be required for the continuing maintenance and surveillance of land, buildings, and radioactive material conveyed to the state.

SECTION \_\_\_\_\_. Subsections (b), (c), (d), (e), (f), and (g), Section 401.305, Health and Safety Code, are amended to read as follows:

(b) The department ~~[and commission each]~~ shall deposit to the credit of the perpetual care account money and security it ~~receives~~ ~~[they receive]~~ under this chapter, including an administrative penalty collected by the department under Sections 401.384-401.390 but excluding fees collected under Sections 401.301(a)-(c) and 401.302. Interest earned on money in the perpetual care account shall be credited to the perpetual care account.

(c) Money and security in the perpetual care account may be administered by the department ~~[or commission]~~ only for storage, maintenance, and distribution of mammography medical records or the decontamination, decommissioning, stabilization, reclamation, maintenance, surveillance, control, storage, and disposal of radioactive substances for the protection of the public health and safety and the environment under this chapter and for refunds under Section 401.303.

(d) Money and security in the perpetual care account may not be used for normal operating expenses of the department ~~[or commission]~~.

(e) The department ~~[or commission]~~ may use money in the perpetual care account to pay for measures:

(1) to prevent or mitigate the adverse effects of abandonment of radioactive substances, default on a lawful obligation, insolvency, or other inability by the holder of a license issued by the department ~~[or commission]~~ to meet the requirements of this chapter or of department ~~[or commission]~~ rules;

(2) to assure the protection of the public health and safety and the environment from the adverse effects of ionizing radiation; and

(3) to protect the health and safety of mammography patients by assuring mammography medical records are made available to affected patients.

(f) The department [~~or commission~~] may provide, by the terms of a contract or lease entered into between the department [~~or commission~~] and any person, by the terms of a mammography certification issued by the department [~~or commission~~] to any person, or by the terms of a license issued to any person, for the storage, maintenance, and distribution of mammography medical records. The department [~~or commission~~] may provide, by the terms of a contract or lease entered into between the department [~~or commission~~] and any person or by the terms of a license issued by the department [~~or commission~~] to any person, for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site or facility subject to department [~~or commission~~] jurisdiction under this chapter as needed to carry out the purpose of this chapter.

(g) The existence of the perpetual care account does not make the department [~~or commission~~] liable for the costs of storage, maintenance, and distribution of mammography medical records arising from a mammography certification holder's failure to store, maintain, and make available mammography medical records or for the costs of decontamination, transfer, transportation, reclamation, surveillance, or disposal of radioactive substances arising from a license holder's abandonment of radioactive substances, default on a lawful obligation, insolvency, or inability to meet the requirements of this chapter or of department [~~or commission~~] rules.

SECTION \_\_\_\_\_. Subchapter H, Chapter 401, Health and Safety Code, is amended by adding Sections 401.306 and 401.307 to read as follows:

Sec. 401.306. ENVIRONMENTAL RADIATION AND PERPETUAL CARE ACCOUNT. (a) The environmental radiation and perpetual care account is an account in the general revenue fund to support the activities of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

(b) The commission shall deposit to the credit of the environmental radiation and perpetual care account money and security it receives under this chapter, including fees collected under Section 401.301(d). Interest earned on money in the environmental radiation and perpetual care account shall be credited to the environmental radiation and perpetual care account.

(c) Money and security in the environmental radiation and perpetual care account may be administered by the commission only for the decontamination, decommissioning, stabilization, reclamation, maintenance, surveillance, control, storage, and disposal of radioactive substances for the protection of the public health and safety and the environment under this chapter and for refunds under Section 401.303.

(d) Money and security in the environmental radiation and perpetual care account may not be used for normal operating expenses of the commission.

(e) The commission may use money in the environmental radiation and perpetual care account to pay for measures:

(1) to prevent or mitigate the adverse effects of abandonment of radioactive substances, default on a lawful obligation, insolvency, or other inability by the holder of a license issued by the commission to meet the requirements of this chapter or of commission rules; and

(2) to ensure the protection of the public health and safety and the environment.

(f) The commission may provide, by the terms of a contract or lease entered into between the commission and any person, or by the terms of a license issued to any person, for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site or facility subject to commission jurisdiction under this chapter as needed to carry out the purposes of this chapter.

(g) The existence of the environmental radiation and perpetual care account does not make the commission liable for the costs of decontamination, transfer, transportation, reclamation, surveillance, or disposal of radioactive substances arising from a license holder's abandonment of radioactive substances, default on a lawful obligation, insolvency, or inability to meet the requirements of this chapter or of commission rules.

Sec. 401.307. PERPETUAL CARE ACCOUNT AND ENVIRONMENTAL RADIATION AND PERPETUAL CARE ACCOUNT CAPS. (a) The fees imposed under Sections 401.052(d) and 401.301(d) are suspended when the sum of the balances of the perpetual care account and the environmental radiation and perpetual care account reaches \$100 million. The fees are reinstated when the sum of the balances of the perpetual care account and the environmental radiation and perpetual care account falls to \$50 million or less.

(b) The surcharge collected under Section 401.207(g) is collected without regard to the balances of the perpetual care account and the environmental radiation and perpetual care account.

(c) Notwithstanding Subsection (a), a fee imposed by the commission under Section 401.301(d) on the holder of a license authorizing the extraction, processing, or concentration of uranium or thorium from ore is suspended when the amount in the environmental radiation and perpetual care account attributable to those fees reaches \$2 million. If the amount in that account attributable to those fees is reduced to \$1.5 million or less, the fee is reinstated until the amount reaches \$2 million.

(d) Notwithstanding Subsection (a), a fee imposed under Section 401.052(d) is suspended from imposition against a party state compact waste generator when the amount in the perpetual care account attributable to those fees reaches \$500,000. If the amount in that account attributable to those fees is reduced to \$350,000 or less, the fee is reinstated until the amount reaches \$500,000.

(e) This section does not relieve a generator from liability for a transportation accident involving low-level radioactive waste.

SECTION \_\_\_\_\_. The following sections of the Health and Safety Code are repealed:

- (1) Subsection (h), Section 401.245;
- (2) Subsection (b), Section 401.2455;
- (3) Subsection (e), Section 401.301; and
- (4) Section 403.0052.

SECTION \_\_\_\_\_. (a) As soon as practicable after the effective date of this Act, the Texas Commission on Environmental Quality shall adopt rules to implement Subsection (d-1), Section 401.207, and Subsection (d), Section 401.218, Health and Safety Code, as added by this Act.

(b) As soon as practicable after the effective date of this Act but not later than the first anniversary of the effective date of this Act, the Texas Commission on Environmental Quality shall adopt rules to implement Subsection (b), Section 401.2456, Health and Safety Code, as amended by this Act, and Subsection (f), Section 401.2456, Health and Safety Code, as added by this Act.

(c) As soon as practicable after the effective date of this Act but not later than January 1, 2014, the Texas Commission on Environmental Quality and the Department of State Health Services shall update the portion of the memorandum of understanding between the two agencies under Section 401.069, Health and Safety Code, that governs each agency's role regarding the regulation and oversight of radioactive materials and sources of radiation.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Burnam offered the following amendment to **SB 347**:

Amend **SB 347** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 401.212, Health and Safety Code, is amended to read as follows:

Sec. 401.212. MONITORING, MAINTENANCE, AND EMERGENCY MEASURES. (a) The commission may undertake monitoring, maintenance, and emergency measures that are necessary to protect the public health and safety and the environment in connection with low-level radioactive waste and property for which it has assumed custody.

(b) The Texas Low-Level Radioactive Waste Compact Commission may not authorize the disposal of nonparty compact waste until the commission adopts rules to prohibit the compact waste disposal facility license holder from placing low-level radioactive waste in a storage or disposal unit:

(1) that contains water that is more than one-half inch deep for more than 48 hours after a rainfall event; or

(2) if groundwater monitoring wells show the presence of water within the boundaries of the compact waste disposal facility site or within the site's buffer zone.

### **LEAVE OF ABSENCE GRANTED**

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

Anchia on motion of Raymond.

### **SB 347 - (consideration continued)**

Representative Lewis moved to table Amendment No. 3.

The motion to table prevailed.

**Amendment No. 4**

Representative Burnam offered the following amendment to **SB 347**:

Amend **SB 347** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Section 401.2185 to read as follows:

Sec. 401.2185. AUDITS OF DISPOSAL OF CERTAIN WASTE. The Texas Low-Level Radioactive Waste Disposal Compact Commission shall contract with an independent third party to randomly conduct audits of low-level radioactive waste disposal at the site of the compact waste disposal facility at least twice annually to ensure that:

(1) the volume, radioactivity, waste content, waste form, and waste classifications of radioactive waste disposed of at the facility as stated in the records of the compact waste disposal facility license holder are accurate; and

(2) the waste is handled, stored, and disposed of as required by law.

Representative Lewis moved to table Amendment No. 4.

The motion to table prevailed by (Record 1050): 122 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; 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; Martínez; McClendon; Miles; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; 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; White; Workman; Wu; Zedler; Zerwas.

Nays — Allen; Alonzo; Burnam; Collier; Davis, Y.; Dutton; Eiland; Farias; González, M.; Herrero; Howard; Johnson; Martínez Fischer; Menéndez; Moody; Naishtat; Nevárez; Raymond; Reynolds; Rodriguez, J.; Villarreal; Vo; Walle.

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

Absent, Excused — Anchia.

Absent — Cortez; Gutierrez.

**SB 347 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **SB 347** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Burnam raised a point of order against further consideration of **SB 347** under Rule 4, Section 32(c) of the House Rules. The point of order is respectfully overruled.

Representative Burnam alleges two deficiencies in the bill analysis. First, he asserts the bill analysis fails to include a separate statement listing Subsection (b) of Section 401.251 of the Health and Safety Code (which is deleted by the bill) as a repealed statute. The bill strikes the language of Subsection (b) and adds new language in its place. Because the bill struck and substituted new language into subsection, rather than expressly repealing a statute, Rule 4, Section 32(c)(2) did not require the bill analysis to include a statement listing this subsection as a repealed statute.

Second, Representative Burnam asserts that the bill analysis omits a reference to changes made to Subsection (c) of the bill. Subsection (c) of the bill states:

(c) Money in the low-level radioactive waste disposal compact commission account may be used ~~[appropriated]~~ only to support the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

The changes made to Subsection (c) do not change the substance of the law. The "account" referenced in Subsection (c) of the existing statute was the low-level radioactive waste disposal compact commission account, so the addition of this modifying language adds nothing. The shift in language from "appropriated" to "used" was intended to clarify that the money from the account was to be used to support the operations of the commission but was not money "appropriated" by the legislature. Considering the bill and the entire bill analysis, the chair determines that the analysis complied with Rule 4, Section 32(c) of the House Rules.

**SB 347**, as amended, was passed to third reading by (Record 1051): 131 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Eiland; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; 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; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Reynolds; 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.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Alonzo; Burnam; Davis, Y.; Dutton; Farias; González, M.; Howard; Naishtat; Raymond; Rodriguez, J.; Rose; Strama.

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

Absent, Excused — Anchia.

Absent — Cortez; Gutierrez; Rodriguez, E.; White.

### **REMARKS ORDERED PRINTED**

Representative Burnam moved to print all remarks on **SB 347**.

The motion prevailed. [Please refer to the supplement to today's journal for the text of the debate on **SB 347**.]

### **SB 549 ON SECOND READING (Carter and Wu - House Sponsors)**

**SB 549**, A bill to be entitled An Act relating to penalties for engaging in organized criminal activity.

### **SB 549 - POINT OF ORDER**

Representative Canales raised a point of order against further consideration of **SB 549** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Canales raised a point of order against further consideration of **SB 549** under Rule 4, Section 32(c) of the House Rules. The point of order is overruled.

Representative Canales asserts that the bill analysis violates Rule 4, Section 32(c) of the House Rules in two ways. First, he asserts that the bill analysis's description that "the bill broadens the definition of 'criminal street gang' for purposes of statutory provisions regarding the offense of directing activities of criminal street gangs" is deceptive and misleading. The bill relates to criminal street gangs, which are defined in Section 71.01 of the Penal Code. Section 71.01 is not amended by the bill. However, Section 71.023(c) of the statute added further requirements for a criminal street gang to be considered a criminal street gang for the purposes of Section 71.023. **SB 549** deleted this different definition by striking Subsection (c) of 71.023. As such, the definition of criminal street gang reverted to the broader definition contained in Section 71.01. Having carefully reviewed the bill and the analysis, the chair determines that this portion of the bill analysis complied with Rule 4, Section 32(c) of the House Rules.

Second, Representative Canales asserts that the bill analysis failed to describe in a separate statement the deletion of the definition of criminal street gang as the repeal of a statute. The chair concludes that Rule 4, Section 32(c)(2) of the House Rules did not require separately listing the deletion of this definition as the repeal of a statute.

### **Amendment No. 1**

Representative Carter offered the following amendment to **SB 549**:

Amend **SB 549** (house committee printing), on page 1, line 9, by striking "Section 71.02 or 71.023", and substituting "Section 71.02, Penal Code, other than an offense punishable as a state jail felony under that section, an offense under Section 71.023".

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Carter offered the following amendment to **SB 549**:

Amend **SB 549** (house committee printing) on page 6 by striking lines 3-4 and substituting the following:

(3) an offense that is punishable under Section 481.112(e), 481.112(f), 481.1121(b)(4), 481.115(f), or 481.120(b)(6), Health and Safety Code

Amendment No. 2 was adopted.

(Speaker in the chair)

**SB 549**, as amended, was passed to third reading. (Allen, Farrar, Giddings, Simpson, and S. Turner recorded voting no.)

## **SJR 1 - NOTICE GIVEN**

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 6:09 p.m., the speaker announced that Representative Pitts would, in at least one hour, be recognized for the purpose of suspending all necessary rules and the regular order of business to take up **SJR 1** on second reading tomorrow and, if necessary, to take up **SJR 1** on third reading on Thursday, May 23.

(Speaker pro tempore in the chair)

## **CSSB 646 ON SECOND READING (Naishtat and Burkett - House Sponsors)**

**CSSB 646**, A bill to be entitled An Act relating to court-ordered outpatient mental health services.

**CSSB 646** was passed to third reading.

## **SB 736 ON SECOND READING (Smithee - House Sponsor)**

**SB 736**, A bill to be entitled An Act relating to insurance rating and underwriting practices and declinations based on certain consumer inquiries.

**SB 736** was passed to third reading. (Anderson, Bell, Flynn, Perry, and Simpson recorded voting no.)

**SB 987 ON SECOND READING**  
**(Harless - House Sponsor)**

**SB 987**, A bill to be entitled An Act relating to allowing the attorney general to obtain an injunction against a municipality or county that adopts prohibited regulations regarding firearms, ammunition, or firearm supplies.

**SB 987** was passed to third reading.

**SB 993 ON SECOND READING**  
**(S. King - House Sponsor)**

**SB 993**, A bill to be entitled An Act relating to the creation of the Texas Nonprofit Council to assist with faith-based and community-based initiatives.

(Anchia now present)

**Amendment No. 1**

Representative Anchia offered the following amendment to **SB 993**:

Amend **SB 993** (house committee printing) on page 3 by striking lines 9 through 13 and substituting the following:

(f) The Texas Nonprofit Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this section expires September 1, 2019.  
~~[This section expires September 1, 2013.]~~

Amendment No. 1 was adopted.

**SB 993**, as amended, was passed to third reading.

**SB 1705 ON SECOND READING**  
**(Parker - House Sponsor)**

**SB 1705**, A bill to be entitled An Act relating to the administration of certain examinations required to obtain a driver's license.

**Amendment No. 1**

Representative Alonzo offered the following amendment to **SB 1705**:

Amend **SB 1705** (house committee printing) as follows:

(1) On page 1, line 6, between "by" and "adding" insert "amending Subsection (c) and".

(2) On page 1, between lines 6 and 7, insert:

(c) Except as provided by Subsection (d), in issuing a driver's license or a resident driver's permit authorized by law for certain types of vehicles, the director may waive a driving test for an applicant who has successfully completed and passed the training and testing conducted by a person certified under Subsection (a).

Representative Parker moved to table Amendment No. 1.

The motion to table prevailed by (Record 1052): 87 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frullo; Geren; Goldman; Gonzales; Gooden; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; 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, R.; Simmons; 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; Cook; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Frank; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Simpson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent — Perez.

**SB 1705** was passed to third reading.

### **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 7 p.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, 7 p.m. today, 3W.15, for a formal meeting, to set a calendar.

**CSSB 1003 ON SECOND READING**  
**(Guillen - House Sponsor)**

**CSSB 1003**, A bill to be entitled An Act relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state.

**Amendment No. 1**

Representative Guillen offered the following amendment to **CSSB 1003**:

Amend **CSSB 1003** (house committee printing) on page 3 by striking lines 25 through 27 and substituting the following:  
summary;

(2) the report submitted by the independent third party under Section 4 of this Act; and

(3) all information collected, created, or stored under this Act by the Criminal Justice Legislative Oversight Committee.

(Keffer in the chair)

Amendment No. 1 was adopted.

**CSSB 1003**, as amended, was passed to third reading. (Simpson recorded voting no.)

**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. 37).

**SB 1044 ON SECOND READING**  
**(Walle and Moody - House Sponsors)**

**SB 1044**, A bill to be entitled An Act relating to access to criminal history record information by certain entities, including certain local government corporations, public defender's offices, and the office of capital writs, and to an exemption for those offices from fees imposed for processing inquiries for that information.

**SB 1044** was passed to third reading.

**CSSB 1173 ON SECOND READING**  
**(White - House Sponsor)**

**CSSB 1173**, A bill to be entitled An Act relating to procedures for the sentencing and placement on community supervision of defendants charged with the commission of a state jail felony.

**Amendment No. 1**

Representative White offered the following amendment to **CSSB 1173**:

Amend **CSSB 1173** (house committee printing) as follows:

(1) On page 2, strike line 7 and substitute "Subdivisions (2-a) and (2-b) to read as follows:"

(2) On page 2, between lines 24 and 25, insert the following:

(2-b) A defendant is considered to be finally convicted if the judge orders the sentence to be executed under Subdivision (2)(B), regardless of whether the judge orders the sentence to be executed in whole or only in part.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative White offered the following amendment to **CSSB 1173**:

Amend **CSSB 1173** (house committee printing) on page 2 as follows:

(1) On line 7, strike "Subdivision (2-a)" and substitute "Subdivisions (2-a) and (2-b)".

(2) On lines 9 and 10, strike "other than a state jail felony listed in Subdivision (1), subject to Subdivision (2-a)," and substitute "subject to Subdivisions (2-a) and (2-b) [other than a state jail felony listed in Subdivision (2-a)],".

(3) Between lines 18 and 19, insert the following:

(2-a) Subdivision (2)(B)(ii) does not apply on conviction of:

(A) a state jail felony listed in Subdivision (1);

(B) a state jail felony under Section 39.04(a)(2), Section 49.045, or Title 5, Penal Code;

(C) an offense punishable as a state jail felony under Section 43.23(h), Penal Code;

(D) a state jail felony under Article 62.102; or

(E) a state jail felony involving family violence, as defined by Section 71.004, Family Code.

(4) On line 19, strike "(2-a)" and substitute "(2-b)".

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative White offered the following amendment to **CSSB 1173**:

Amend **CSSB 1173** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 509, Government Code, is amended by adding Section 509.017 to read as follows:

Sec. 509.017. SPECIAL ALLOCATION FOR CERTAIN DEFENDANTS PLACED ON STATE JAIL FELONY COMMUNITY SUPERVISION. Notwithstanding any other provision of this chapter, the Texas Department of Criminal Justice shall adopt policies and procedures to:

(1) determine the cost savings to the Texas Department of Criminal Justice realized through the release of defendants on community supervision under Section 15(a)(2)(B)(ii), Article 42.12, Code of Criminal Procedure; and

(2) provide 30 percent of that cost savings to the division to be allocated to individual departments and used for the same purpose that state aid is used under Section 509.011.

Amendment No. 3 was adopted.

**CSSB 1173**, as amended, was passed to third reading. (Carter and Phillips recorded voting no.)

**SB 1216 ON SECOND READING**  
**(S. Davis - House Sponsor)**

**SB 1216**, A bill to be entitled An Act relating to the creation of a standard request form for prior authorization of medical care or health care services.

**LEAVES OF ABSENCE GRANTED**

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 S. Davis.

Bohac on motion of S. Davis.

Burkett on motion of S. Davis.

Clardy on motion of S. Davis.

Collier on motion of S. Davis.

Farney on motion of S. Davis.

Gonzales on motion of S. Davis.

Larson on motion of S. Davis.

Martinez on motion of S. Davis.

Moody on motion of S. Davis.

Muñoz on motion of S. Davis.

Sheets on motion of S. Davis.

S. Thompson on motion of S. Davis.

**SB 1216 - (consideration continued)**

**Amendment No. 1**

Representative S. Davis offered the following amendment to **SB 1216**:

Amend **SB 1216** (house committee printing) on page 3, lines 9 through 12, by striking added Section 1217.002(c), Insurance Code, and relettering the subsequent subsections of that section accordingly.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative S. Davis offered the following amendment to **SB 1216**:

Amend **SB 1216** (house committee printing) as follows:

(1) On page 4, line 18, strike "or".

(2) On page 4, line 23, between "1217.002" and the period, insert the following:

; or

(5) a workers' compensation insurance policy

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative S. Davis offered the following amendment to **SB 1216**:

Amend **SB 1216** (house committee printing) on page 7, line 12, by striking "medical".

Amendment No. 3 was adopted.

**SB 1216**, as amended, was passed to third reading. (Anderson, Bell, Flynn, Perry, and Simpson recorded voting no.)

**SB 1296 ON SECOND READING**  
**(Kuempel - House Sponsor)**

**SB 1296**, A bill to be entitled An Act relating to the regulation of real estate inspectors; changing fees.

Representative Kuempel moved to postpone consideration of **SB 1296** until the end of the second reading bills on today's General State Calendar.

The motion prevailed.

**SB 1368 ON SECOND READING**  
**(Alvarado and Flynn - House Sponsors)**

**SB 1368**, A bill to be entitled An Act relating to contracts by certain state governmental entities that involve the exchange or creation of public information.

**Amendment No. 1**

Representative Alvarado offered the following amendment to **SB 1368**:

Amend **SB 1368** (house committee printing) as follows:

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

SECTION \_\_\_\_\_. Section 552.002, Government Code, is amended to read as follows:

Sec. 552.002. DEFINITION OF PUBLIC INFORMATION; MEDIA CONTAINING PUBLIC INFORMATION. (a) In this chapter, "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body; ~~or~~

(2) for a governmental body and the governmental body;

(A) owns the information; ~~or~~

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body [†].

(a-1) Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

(a-2) The definition of "public information" provided by Subsection (a) applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

(b) The media on which public information is recorded include:

- (1) paper;
- (2) film;
- (3) a magnetic, optical, ~~[or]~~ solid state, or other device that can store an electronic signal;
- (4) tape;
- (5) Mylar; and
- (6) any physical material on which information may be recorded, including linen,<sup>[‡]</sup>
- ~~[(7)]~~ silk,<sup>[‡]</sup> and
- ~~[(8)]~~ vellum.

(c) The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

SECTION \_\_\_\_\_. Section 552.003, Government Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Official business" means any matter over which a governmental body has or seeks to have any authority, administrative duties, or advisory duties.

(2) On page 2, line 4, strike "The change in law made by this Act" and substitute "Section 2252.907, Government Code, as added by this Act,".

Amendment No. 1 was adopted.

**SB 1368**, as amended, was passed to third reading. (Carter recorded voting no.)

### **CSSB 1388 ON SECOND READING (Bohac - House Sponsor)**

**CSSB 1388**, A bill to be entitled An Act relating to identity recovery services; imposing a fee.

The chair moved to postpone consideration of **CSSB 1388** until 7:20 p.m. today.

The motion prevailed.

(Workman in the chair)

**SB 107 ON SECOND READING**  
**(Johnson - House Sponsor)**

**SB 107**, A bill to be entitled An Act relating to the disclosure by a court of criminal history record information that is the subject of an order of nondisclosure.

**Amendment No. 1**

Representative Alonzo offered the following amendment to **SB 107**:

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

(1) On page 1, line 6, strike "Subsection (a)" and substitute "Subsections (a) and (d)".

(2) On page 1, between lines 21 and 22, insert the following:

(d) Notwithstanding any other provision of this subchapter, if a person is placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, subsequently receives a discharge and dismissal under Section 5(c), Article 42.12, and satisfies the requirements of Subsection (e), the person may petition the court that placed the defendant on deferred adjudication for an order of nondisclosure under this subsection. Except as provided by Subsection (e), a person may petition the court under this subsection regardless of whether the person has been previously placed on deferred adjudication community supervision for another offense. After notice to the state and a hearing on whether the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication. A criminal justice agency may disclose criminal history record information that is the subject of the order only to other criminal justice agencies, for criminal justice or regulatory licensing purposes, an agency or entity listed in Subsection (i), or the person who is the subject of the order. A person may petition the court that placed the person on deferred adjudication for an order of nondisclosure on payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition. The payment may be made only on or after:

(1) the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (2);

(2) the first [~~second~~] anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor under Chapter 20, 21, 22, 25, 42, or 46, Penal Code; or

(3) the third [~~fifth~~] anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony.

(3) On page 2, line 12, between "." and "The", insert "(a)".

(4) On page 2, between lines 16 and 17, insert the following:

(b) The change in law made by this Act in amending Section 411.081(d), Government Code, applies to a person who petitions the court for an order of nondisclosure on or after the effective date of this Act, regardless of whether the person is placed on deferred adjudication community supervision before, on, or after that date.

Amendment No. 1 was withdrawn.

## **Amendment No. 2**

Representatives Wu and Hughes offered the following amendment to **SB 107**:

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

(1) On page 1, strike lines 5-7 and substitute the following:

SECTION 1. Section 411.081, Government Code, is amended by amending Subsections (a) and (i) and adding Subsections (d-1), (e-1), (g-3), and (h-1) to read as follows:

(2) On page 1, between lines 21 and 22, insert the following:

(d-1) Notwithstanding any other provision of this chapter, a person who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for a fine-only misdemeanor, other than a traffic offense or an offense under a municipal ordinance or county order, may petition the court that convicted or granted a dismissal to the person for an order of nondisclosure under this subsection. Subject to Subsection (e-1), a person may petition the court under this subsection regardless of whether the person has been previously convicted of or granted a dismissal for a fine-only misdemeanor offense. After notice to the state and a hearing on whether the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the fine-only misdemeanor offense that is the subject of the petition. As a condition of granting the petition under this subsection for a person convicted of the offense, a court may require the defendant to perform community service, pay a fee, or both perform the community service and pay the fee as if the defendant had been put on probation pending deferred disposition under Article 45.051, Code of Criminal Procedure. A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under this subsection only to other criminal justice agencies, for criminal justice or regulatory licensing purposes, an agency or entity listed in Subsection (i), or the person who is the subject of the order. A person may petition the court for an order of nondisclosure under this subsection on payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition. The payment may be made only on or after the first anniversary of the conviction or dismissal, as applicable.

(e-1) A person is not entitled to petition the court under Subsection (d-1) if the person has been previously convicted of or placed on deferred adjudication for:

(1) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;

(2) an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;

(3) an offense under Section 19.02, 19.03, 22.04, 22.041, 25.07, or 42.072, Penal Code; or

(4) any other offense involving family violence, as defined by Section 71.004, Family Code.

(3) On page 2, between lines 11 and 12, insert the following:

(h-1) The clerk of a court that collects a fee under Subsection (d-1) shall deposit the fee to the credit of the general fund of the municipality or county, as applicable.

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under this section [Subsection (d)] to the following noncriminal justice agencies or entities only:

(1) the State Board for Educator Certification;

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;

(3) the Texas Medical Board;

(4) the Texas School for the Blind and Visually Impaired;

(5) the Board of Law Examiners;

(6) the State Bar of Texas;

(7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;

(8) the Texas School for the Deaf;

(9) the Department of Family and Protective Services;

(10) the Texas Juvenile Justice Department [Youth Commission];

(11) the Department of Assistive and Rehabilitative Services;

(12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;

(13) the Texas Private Security Board;

(14) a municipal or volunteer fire department;

(15) the Texas Board of Nursing;

(16) a safe house providing shelter to children in harmful situations;

(17) a public or nonprofit hospital or hospital district;

(18) [the Texas Juvenile Probation Commission;

(19)] the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;

(19) [(20)] the Texas State Board of Public Accountancy;

(20) [~~(21)~~] the Texas Department of Licensing and Regulation;  
(21) [~~(22)~~] the Health and Human Services Commission;  
(22) [~~(23)~~] the Department of Aging and Disability Services;  
(23) [~~(24)~~] the Texas Education Agency;  
(24) [~~(25)~~] the Guardianship Certification Board;  
(25) [~~(26)~~] a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII, Texas Probate Code;  
(26) [~~(27)~~] the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A) the Department of Information Resources; or  
(B) a contractor or subcontractor of the Department of Information Resources;

(27) [~~(28)~~] the Court Reporters Certification Board;

(28) [~~(29)~~] the Texas Department of Insurance; and

(29) [~~(30)~~] the Teacher Retirement System of Texas.

(4) On page 2, line 12, strike "The change in law made by this Act applies" and substitute the following:

(a) Except as provided by Subsection (b), the change in law made by this Act applies to a petition for an order of nondisclosure that is filed on or after the effective date of this Act, regardless of whether the misdemeanor that is the subject of the petition occurred before, on, or after the effective date of this Act.

(b) Section 411.081(a), Government Code, as amended by this Act, and Section 411.081(g-3), Government Code, as added by this Act, apply

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

SECTION \_\_\_\_\_. Section 103.0211, Government Code, is amended to read as follows:

Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: GOVERNMENT CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Government Code if ordered by the court or otherwise required:

(1) a court reporter fee when testimony is taken:

(A) in a criminal court in Dallas County (Sec. 25.0593, Government Code) . . . \$3;

(B) in a county criminal court of appeals in Dallas County (Sec. 25.0594, Government Code) . . . \$3;

(C) in a county court at law in McLennan County (Sec. 25.1572, Government Code) . . . \$3; and

(D) in a county criminal court in Tarrant County (Sec. 25.2223, Government Code) . . . \$3;

(2) a court reporter service fee if the courts have official court reporters (Sec. 51.601, Government Code) . . . \$15 or, in specified counties, \$30;

(3) a speedy trial filing fee in El Paso County (Sec. 54.745, Government Code) . . . \$100;

(4) costs for use of magistrate in Brazos County (Sec. 54.1116, Government Code) . . . not to exceed \$50;

(5) the costs of a criminal magistrate if the court determines that the nonprevailing party is able to defray the costs:

(A) in Bexar County (Sec. 54.913, Government Code) . . . magistrate's fees;

(B) in Dallas County (Sec. 54.313, Government Code) . . . magistrate's fees;

(C) in Lubbock County (Sec. 54.883, Government Code) . . . magistrate's fees;

(D) in Tarrant County (Sec. 54.663, Government Code) . . . magistrate's fees;

(E) in Travis County (Sec. 54.983, Government Code) . . . magistrate's fees; and

(F) in Williamson County (Sec. 54.958, Government Code) . . . expense of the magistrate;

(6) an administrative fee for participation in certain community supervision programs (Sec. 76.015, Government Code) . . . not less than \$25 and not more than \$60 per month; ~~and~~

(7) fee paid on filing a petition for an order of nondisclosure of criminal history record information in certain deferred adjudication cases (Sec. 411.081(d) [~~411.081~~], Government Code) . . . \$28; and

(8) fee paid on filing a petition for an order of nondisclosure of criminal history record information in certain fine-only misdemeanor cases (Sec. 411.081(d-1), Government Code) . . . \$28.

SECTION \_\_\_\_\_. Section 411.0851(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information shall destroy and may not disseminate any information in the possession of the entity with respect to which the entity has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081 [~~411.081(d)~~].

SECTION \_\_\_\_\_. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF CERTAIN CRIMINAL HISTORY INFORMATION [~~DEFERRED ADJUDICATIONS~~].

SECTION \_\_\_\_\_. Section 552.142(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if an order of nondisclosure with respect to the information has been issued under Section 411.081 [~~411.081(d)~~].

SECTION \_\_\_\_\_. Section 552.1425(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information may not compile or disseminate information with respect to which the entity has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081 [~~411.081(d)~~].

Amendment No. 2 was withdrawn.

### Amendment No. 3

Representative S. Thompson offered the following amendment to **SB 107**:

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

(1) On page 1, strike lines 5 through 7 and substitute the following:

SECTION 1. Section 411.081, Government Code, is amended by amending Subsections (a) and (d) and adding Subsections (f-1) and (g-3) to read as follows:

(2) On page 1, between lines 21 and 22, insert the following:

(d) Notwithstanding any other provision of this subchapter, if a person is placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, subsequently receives a discharge and dismissal under Section 5(c), Article 42.12, and satisfies the requirements of Subsection (e), the person may petition the court that placed the defendant on deferred adjudication for an order of nondisclosure under this subsection. Except as provided by Subsection (e), a person may petition the court for an order of nondisclosure [~~under this subsection~~] regardless of whether the person has been previously placed on deferred adjudication community supervision for another offense. After notice to the state, an opportunity for [~~and~~] a hearing, and a determination that [~~on whether~~] the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication. A criminal justice agency may disclose criminal history record information that is the subject of the order only to other criminal justice agencies, for criminal justice or regulatory licensing purposes, an agency or entity listed in Subsection (i), or the person who is the subject of the order. A person may petition the court that placed the person on deferred adjudication for an order of nondisclosure [~~on payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition. The payment may be made~~] only on or after:

(1) the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (2);

(2) the second anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor under Chapter 20, 21, 22, 25, 42, or 46, Penal Code; or

(3) the fifth anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony.

(f-1) A person who petitions the court for an order of nondisclosure under Subsection (d) may file the petition in person, electronically, or by mail. The petition must be accompanied by payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition. The Office of Court Administration of the Texas Judicial System shall prescribe a form for the filing of a petition electronically or by mail. The form must provide for the petition to be accompanied by the required fees and any other supporting material determined necessary by the office of court administration, including evidence that the person is entitled to file the petition. The office of court administration shall make available on its Internet website the electronic application and printable application form. Each county or district clerk's office that maintains an Internet website shall include on that website a link to the electronic application and printable application form available on the office of court administration's Internet website. On receipt of a petition under this subsection, the court shall provide notice to the state and an opportunity for a hearing on whether the person is entitled to file the petition and issuance of the order is in the best interest of justice. The court shall hold a hearing before determining whether to issue an order of nondisclosure, except that a hearing is not required if:

(1) the state does not request a hearing on the issue before the 45th day after the date on which the state receives notice under this subsection; and

(2) the court determines that:

(A) the defendant is entitled to file the petition; and

(B) the order is in the best interest of justice.

(3) On page 2, strike line 12 and substitute the following:

SECTION 2. (a) Section 411.081(a), Government Code, as amended by this Act, and Section 411.081(g-3), Government Code, as added by this Act, apply to the

(4) On page 2, between lines 16 and 17, insert the following:

(b) Section 411.081(d), Government Code, as amended by this Act, and Section 411.081(f-1), Government Code, as added by this Act, apply to a person who petitions the court for an order of nondisclosure on or after the effective date of this Act, regardless of whether the person is placed on deferred adjudication community supervision before, on, or after that date.

Amendment No. 3 was adopted.

**SB 107**, as amended, was passed to third reading. (Phillips recorded voting no.)

(Anderson, Bohac, Burkett, Clardy, Collier, Farney, Gonzales, Larson, Martinez, Moody, Muñoz, Sheets, and S. Thompson now present)

(Speaker in the chair)

**SJR 1 - RULES SUSPENDED**

Pursuant to notice of intent given earlier today, Representative Pitts moved to suspend all necessary rules and the regular order of business to take up and consider **SJR 1** on second reading tomorrow and, if necessary, to take up **SJR 1** on third reading on Thursday, May 23.

The motion to suspend all necessary rules and the regular order of business prevailed by (Record 1053): 148 Yeas, 1 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; Giddings; 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; 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(C).

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 1053. I intended to vote no.

Laubenberg

**SB 1567 ON SECOND READING**

**(Eiland - House Sponsor)**

**SB 1567**, A bill to be entitled An Act relating to coverage of certain persons under an automobile insurance policy.

**SB 1567** was passed to third reading. (Anderson, Bell, and Flynn recorded voting no.)

**POSTPONED BUSINESS**

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

**CSSB 1388 ON SECOND READING**  
**(Bohac - House Sponsor)**

**CSSB 1388**, A bill to be entitled An Act relating to identity recovery services; imposing a fee.

**CSSB 1388** was read second time earlier today and was postponed until this time.

**CSSB 1388** was passed to third reading. (Perry recorded voting no.)  
(Geren in the chair)

**CSSB 1718 ON SECOND READING**  
**(Dutton and Toth - House Sponsors)**

**CSSB 1718**, A bill to be entitled An Act relating to state interventions and sanctions against public school campuses with unacceptable performance and the establishment of the Texas Achievement School District for educating students at certain low-performing campuses.

**CSSB 1718** was read second time earlier today, amendments were offered and disposed of, and **CSSB 1718** was postponed until this time.

**CSSB 1718 - POINT OF ORDER**

Representative Walle raised a point of order against further consideration of **CSSB 1718** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative Walle raised a point of order against further consideration of **CSSB 1718** under Rule 4, Section 32(c) of the House Rules asserting that the side-by-side comparison in the bill analysis is inaccurate and misleading. The point of order is sustained.

The side-by-side comparison accurately shows that Section 11.408 of the engrossed bill pertained to expenditures for support of students enrolled in an achievement school district. It then states that Section 11.408 of the house committee substitute is "substantially the same as engrossed version." However, Section 11.408 of the substitute is not substantially the same as Section 11.408 of the engrossment. As a result, the side-by-side does not accurately compare the engrossed bill to the committee substitute.

**CSSB 1718** was returned to the Committee on Public Education.

**CSSB 21 ON SECOND READING**  
**(Creighton, D. Bonnen, Riddle, and R. Sheffield - House Sponsors)**

**CSSB 21**, A bill to be entitled An Act relating to drug screening or testing as a condition for the receipt of unemployment compensation benefits by certain individuals.

**CSSB 21** was read second time on May 20, postponed until later that day, and was again postponed until this time.

**CSSB 21 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 21** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 21** under Rule 4, Section 32(c) of the House Rules asserting the bill analysis failed to provide a sufficiently detailed analysis of the bill's provision regarding notice to an individual who fails a drug test. The point of order is respectfully overruled.

The bill analysis explains, among other things, that the Texas Workforce Commission is required to provide "initial notice to an individual who fails a required drug test for an appeal under statutory provisions relating to disputing a resolution and for the retaking of a drug test failed by an individual under the bill's provisions. The bill sets out the items those procedures are required to provide." Determining whether a bill analysis complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of the rule. See 83 H.J. Reg. 3449-3450 (2013). Having carefully reviewed the bill and the analysis, the chair determines that the bill analysis complies with Rule 4, Section 32(c) of the House Rules.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Keffer who introduced representatives of Perini Ranch Steakhouse.

**CSSB 21 - (consideration continued)****CSSB 21 - POINT OF ORDER**

Representatives Miles and M. González raised a point of order against further consideration of **CSSB 21** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Miles and Representative M. González raised a point of order against further consideration of **CSSB 21** under Rule 4, Section 32(c) of the House Rules. The point of order is respectfully overruled.

Representatives Miles and M. González contend the bill analysis failed to contain a sufficiently detailed analysis because it did not acknowledge that the language "subject to Section 207.021(a)(4)" was added to the bill in committee. In the absence of this added language, the bill would appear to have created an exception to eligibility requirements such that a person not available for work, but who was participating in a drug abuse treatment program, could receive unemployment compensation benefits. Determining whether a bill analysis complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of the

rule. See 83 H.J. Reg. 3449-3450 (2013). Having carefully reviewed the bill, the analysis, and Section 207.021(a)(4) of the Labor Code, the chair determines that the bill analysis accurately describes the bill's provisions, in compliance with Rule 4, Section 32(c) of the House Rules.

### **CSSB 21 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE C. TURNER: Mr. Creighton, what problem are you trying to solve with this bill?

REPRESENTATIVE CREIGHTON: I'm trying to make sure that we lead every applicant for unemployment benefits to the most productive, able status that they can be in as they seek employment; as they work to look out for their family; as they also rely on an insurance fund with finite resources that is paid for by Texas employers.

C. TURNER: But there's not a specific problem you can point to or data that indicates that there's been massive numbers of drug addicts who've been receiving unemployment benefits? There's been no study or data to back that up, has there?

CREIGHTON: Representative Turner, I'd be happy to go through it again. I don't mind. I'm very patient with this, and please let me answer your question.

C. TURNER: I heard your layout. It was very thorough.

CREIGHTON: So you heard the Department of Labor estimates coming from an effort that's passed from the current administration, the current congress, that allows states to pass these particular measures? The Department of Labor put out estimates that spoke to this very effort, as the compromise in the federal bill allowed for states to pass measures just like this, with the data that shows employers—that drug use costs employers between \$75 billion and \$100 billion each year in lost time at work, accidents in the work place, health care, and workers' compensation costs.

C. TURNER: But, Mr. Creighton, again, we don't have any data that suggests people who have lost their jobs, through no fault of their own, and are receiving unemployment benefits while they are looking for new work, that there is some high percentage of them that are abusing drugs. There's simply no data to back that up and, furthermore, losing a job—I don't know if it's happened to anyone in your family, it's happened to people in my family when I was growing up—losing a job is a very traumatic thing. And aren't we just adding insult to injury in what is a very traumatic situation already, when someone's unemployed and, you know, worrying about putting bread on their table for their family? Why do we need to do that when we don't apparently have a problem that we need to solve?

CREIGHTON: Representative Turner, Texas is the best in the nation in almost every economic variable and category. Where we used to be backwater to California in the '80s, in the '90s we did some things that were slightly better; and now we lead in almost every individual category and we did that because we want to be proactive, and we have been proactive in every measure, not waiting

on this or that but having the best policies in place in the nation, because as Texas goes, in so many times, so does the rest of the nation. Now, with that being said, I quoted U.S. Department of Labor statistics and the Small Business Administration statistics saying, even with that last category, that our employers spend up to \$7,000 annually because of this problem. So, yes—

C. TURNER: So we still haven't heard any data about how it affects the unemployment insurance fund in Texas, and by the way, I don't think Texas was ever backwater to California—I disagree with you on that.

CREIGHTON: In any economic—

C. TURNER: Even in the '80s. Even in the '80s.

CREIGHTON: In all the economic categories—I'll show you the categories that we have passed from them in almost every—

C. TURNER: No, I agree. I'm just saying that I don't think we were ever backwater to them, that's all. That's a sidebar. So, going back to 2009, you said the unemployment fund was nearly bankrupt. So, is there some—I don't recall a report, anything at that time, that it's because we were giving unemployment insurance benefits to people who were addicted to drugs. What I do recall is that we were in a recession and, additionally, we had the opportunity, as you remember, to draw down \$500 million from the federal government if we modernized our unemployment insurance. But the majority in this body and the governor said no, we want to turn that money down—and that's what, in essence, caused the tax increase on employers, was it not?

CREIGHTON: I don't recall, Representative Turner. I just know—and I respect the points that you're making—but I don't see the connectivity or the relevance, in the sense that, anything we can do to improve the system and protect every single applicant for unemployment insurance benefits, while at the same time making sure the account is solvent. I don't understand why that could be a disadvantage, nor why the connection between your argument matters.

C. TURNER: Well, the only relevance you brought up with 2009 was nearly bankrupt and caused the tax increase, and I just wanted to remind the body that we had the opportunity to draw down on half a billion dollars at that time, but the body chose not to. But again, Mr. Creighton, I've asked a couple of times what problem are we trying to solve here? And I haven't gotten an answer to that. And until I know that we're trying to solve a problem that exists, it's very difficult to support a bill I think adds insult to injury in a difficult situation.

REPRESENTATIVE WU: I just wanted to ask you a couple of questions about the intent of this bill. You mentioned earlier that you're trying to make people more productive, is that correct?

CREIGHTON: Absolutely. I mean, I think the incentives provided in this bill would lead every applicant to either find help and drug treatment assistance, which I think you would agree, most—

WU: Another reason would be—

CREIGHTON: —would be seeking that effort if they were really a good actor.

WU: Another reason is that you're trying to use public funds more responsibly?

CREIGHTON: Well, what we're doing here is trying to promote that, by making sure the UIB fund—

WU: And you want to encourage people to live healthy?

CREIGHTON: Would I like to encourage people to live healthy? Yes, that's what I—

WU: Is it a part of your intent in this legislation?

CREIGHTON: That was my answer while you were going on to your next question. Yes, that's exactly what I just said.

WU: Is there anything else—other than the things you outlined—is there anything else that is part of your legislative intent for this bill?

CREIGHTON: Representative Wu, my intent of the bill is to make sure that applicants within certain sectors of employment, just as current federal law suggests is very valid to do state by state by state—

WU: That's right.

CREIGHTON: —that they are screened by a questionnaire to make sure that if they show a trend that might possibly indicate drug use, that they take a drug test before they are able to receive benefits.

### REMARKS ORDERED PRINTED

Representative Wu moved to print remarks between Representative Creighton and Representative C. Turner and between Representative Creighton and Representative Wu.

The motion prevailed.

**CSSB 21** was passed to third reading by (Record 1054): 98 Yeas, 48 Nays, 1 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; Farnely; Fletcher; Flynn; Frank; Frullo; Geren(C); 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; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; 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; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Howard; Johnson; Longoria; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Moody; Naishtat; Nevárez; Oliveira; Perez; Pickett; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker.

Absent — Coleman; Eiland; Muñoz.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 1054. I intended to vote yes.

Moody

When Record No. 1054 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

### GENERAL STATE CALENDAR (consideration continued)

#### CSSB 1747 ON SECOND READING

(Keffer, Guillen, Nevárez, and Crownover - House Sponsors)

**CSSB 1747**, A bill to be entitled An Act relating to funding and donations for county transportation projects, including projects of county energy transportation reinvestment zones.

#### Amendment No. 1

Representative Keffer offered the following amendment to **CSSB 1747**:

Amend **CSSB 1747** (house committee report) as follows:

(1) Strike page 2, lines 18-22 and substitute the following:

Sec. 256.103. GRANT PROGRAM. (a) The department shall establish and administer a transportation infrastructure grant program to make grants from the fund for transportation infrastructure projects on state or county roads located in areas of the state affected by increased energy production.

(b) At least 50 percent of grants from the fund must be awarded to counties containing at least one county energy transportation reinvestment zone if the fund has a positive balance.

(2) On page 2, line 23, strike "(b)" and substitute "(c)".

Amendment No. 1 was adopted.

#### Amendment No. 2

Representative Raymond offered the following amendment to **CSSB 1747**:

Amend **CSSB 1747** (house committee printing) on page 2, line 15, by inserting, between "subchapter" and the period, ", including providing to regional councils of government that include at least one oil and gas producing county"

matching funds to pay the costs associated with infrastructure assessments to determine the condition of roads in the counties for purposes of identifying and prioritizing transportation infrastructure projects for funding under this subchapter".

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative T. King offered the following amendment to **CSSB 1747**:

Amend **CSSB 1747** (house committee printing) as follows:

On page 3, line 3, insert a new subsection (2) to read as follows, and by renumbering subsequent subsections:

(2) the volume of oil and gas waste injected in the county;

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative Villarreal offered the following amendment to **CSSB 1747**:

Amend **CSSB 1747** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. STUDY AND REPORT. (a) In this section, "native plant" and "native seed" mean a plant or a seed from a plant that is found in, and naturally endemic to, ecosystems, sites, or regions in the present borders of this state, as to which the best available information indicates an indigenous nature precluding the plant's or seed's introduction or transport to this state from some other location by nonnatural conveyances. The terms include improved varieties of native seeds. Plants and seeds that do not meet the definition of "native plant" or "native seed" are designated as "nonnative."

(b) For the purpose of maximizing the use of native seed in land restoration and soil stabilization following transportation infrastructure projects, particularly in counties containing at least one county energy transportation reinvestment zone, the Texas Department of Transportation shall conduct a study based on a review of the use of native seed in projects related to land restoration and soil stabilization by the department and its contractors and assignees for the years 2008 through 2012, and shall report the department's historic use of native seed by geographic region or district.

(c) In conducting the study and preparing the report, the Texas Department of Transportation shall consider:

(1) geographic, regional, or district use of specific varieties of native seed for restoration projects administered by the department and its contractors or assignees;

(2) determinations of the percentage of the department's restoration projects using native seed versus nonnative seed, including blends of native and nonnative seed, by geographic region or district and projects performed by the department and its contractors or assignees; and

(3) methodologies and procedures that the department and its contractors or assignees must use to forecast the future needs for native seed for restoration projects by geographic region.

(d) The Texas Department of Transportation shall develop methodologies and procedures for forecasting the department's and its contractors' and assignees' future needs for native seeds for the years 2015 through 2020. The department shall continue to maintain a five-year forecast for native seed restoration project needs.

(e) Not later than December 1, 2014, the Texas Department of Transportation shall report the results of the study conducted under this Act to the legislature and post the forecast of future needs for native seeds on the department's Internet website.

Amendment No. 4 was adopted.

### **Amendment No. 5**

Representative S. King offered the following amendment to **CSSB 1747**:

Amend **CSSB 1747** (house committee report) as follows:

(1) On page 1, line 17, between "gas" and the period, insert "or the development or generation of wind energy".

(2) On page 3, between lines 2 and 3, insert the following and renumber subsequent subdivisions of proposed Section 256.103(b), Transportation Code, accordingly:

(2) the number of wind-powered energy devices located in the county that are designed or adapted to convert the energy available in the wind into thermal, mechanical, or electrical energy;

(3) On page 5, line 24, between "activities" and "and", insert "or by the development and generation of wind energy".

(4) Strike page 9, line 24.

(5) On page 9, line 25, strike the period and substitute "; and".

(6) On page 9, between lines 25 and 26, insert the following:

(3) one wind company representative who performs company activities in the county and is a local taxpayer.

Amendment No. 5 failed of adoption.

### **CSSB 1747 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE R. SHEFFIELD: Chairman, isn't it true that much of the problems we are having with roads is due to the oil and gas boom we are experiencing that has resulted in an extraordinary amount of heavy trucks that create a lot of wear and tear on our roads?

REPRESENTATIVE KEFFER: That's right.

R. SHEFFIELD: And isn't it true that one of the solutions to this problem is the construction of more pipelines that will significantly reduce the amount of truck traffic on the roads? Is that correct?

KEFFER: That's correct.

R. SHEFFIELD: So, Chairman, wouldn't you agree that the oil and gas industry pipelines actually serve a public use?

KEFFER: Yes.

**REMARKS ORDERED PRINTED**

Representative R. Sheffield moved to print remarks between Representative Keffer and Representative R. Sheffield.

The motion prevailed.

**CSSB 1747**, as amended, was passed to third reading. (Perry and Simpson recorded voting no.)

**SB 1769 ON SECOND READING  
(White - House Sponsor)**

**SB 1769**, A bill to be entitled An Act relating to the creation of an advisory committee to examine the fingerprinting practices of juvenile probation departments.

**SB 1769** was passed to third reading. (Bell, Flynn, and Simpson recorded voting no.)

**SB 485 ON SECOND READING  
(Parker - House Sponsor)**

**SB 485**, A bill to be entitled An Act relating to the sales tax exemption period for clothing and footwear.

**SB 485** was passed to third reading.

**SB 141 ON SECOND READING  
(S. Davis - House Sponsor)**

**SB 141**, A bill to be entitled An Act relating to the requirements for issuance of a license to practice orthotics and prosthetics.

**SB 141** was passed to third reading. (Perry recorded voting no.)

**SB 1771 ON SECOND READING  
(Kuempel - House Sponsor)**

**SB 1771**, A bill to be entitled An Act relating to the expansion of the boundaries of the Cibolo Creek Municipal Authority.

**SB 1771** was passed to third reading.

**POSTPONED BUSINESS**

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

**SB 14 ON SECOND READING  
(Pitts, Murphy, Cook, Crownover, and E. S. Turner - House Sponsors)**

**SB 14**, A bill to be entitled An Act relating to the fiscal transparency and accountability of certain entities responsible for public money.

**SB 14** was read second time earlier today and was postponed until this time.

**SB 14 - POINT OF ORDER**

Representative Cortez raised a point of order against further consideration of **SB 14** Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order and submitted the following statement:

Representative Cortez raised a point of order against further consideration of **SB 14** under Rule 4, Section 32(c)(3) of the House Rules, asserting that the rulemaking portion of the bill analysis is incorrect. The point of order is sustained.

The bill analysis states that Section 24 of the bill expressly grants rulemaking authority to the Texas Commission on Environmental Quality. Although Section 24 provides a deadline by which rules must be adopted, Section 24 does not actually delegate any new rulemaking authority; the rulemaking authority referenced in Section 24 is expressly delegated in Section 22 of the bill. Therefore, the bill analysis did not comply with Rule 4, Section 32(c)(3) of the House Rules. See 83 H.J. Reg. 3847-3848 (2013); 83 H.J. Reg. 3830 (2013); 83 H.J. Reg. 3000 (2013); 83 H.J. Reg. 2650 (2013); 83 H.J. Reg. 874-875 (2013).

**SB 14** was returned to the Committee on Appropriations.

**GENERAL STATE CALENDAR  
(consideration continued)****SB 1079 ON SECOND READING  
(Zerwas - House Sponsor)**

**SB 1079**, A bill to be entitled An Act relating to the regulation of medical radiologic technology; providing penalties; imposing fees.

(Speaker in the chair)

**SB 1079 - POINT OF ORDER**

Representative Schaefer raised a point of order against further consideration of **SB 1079** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order and submitted the following statement:

Representative Schaefer raised a point of order against further consideration of **SB 1079** under Rule 4, Section 32(c)(3) of the House Rules, contending the rulemaking portion of the bill analysis is incorrect. The point of order is sustained.

The bill analysis states that Sections 3 and 4 of the bill expressly grant rulemaking authority to the Texas Medical Board. Section 4 of the bill provides a deadline by which rules necessary to administer Chapter 207 of the Occupations Code must be adopted. It does not contain an express, independent grant of new rulemaking authority. The authority for adopting rules to administer Chapter 207

is delegated in Section 3 of the bill. Therefore, the bill analysis was inaccurate. See 83 H.J. Reg. 3847-3848 (2013); 83 H.J. Reg. 3830 (2013); 83 H.J. Reg. 3000 (2013).

Representative Schaefer further argued that Section 2 of the bill should have been identified in the bill analysis as expressly delegating rulemaking authority. Section 2 assigned certain duties to the executive commissioner of the Health and Human Services Commission that had previously been assigned to the board, but did not create new rulemaking authority. Any rulemaking authority existing in that portion of the statute was not delegated by the bill. See 83 H.J. Reg. 2650 (2013); 83 H.J. Reg. 874-875 (2013).

**SB 1079** was returned to the Committee on Public Health.

**SB 1812 ON SECOND READING**  
**(Otto - House Sponsor)**

**SB 1812**, A bill to be entitled An Act relating to the determination of state contributions for participation by certain junior college employees in the state employees group benefits program, the Teacher Retirement System of Texas, and the Optional Retirement Program.

**SB 1812** was passed to third reading.

**SB 460 ON SECOND READING**  
**(Coleman - House Sponsor)**

**SB 460**, A bill to be entitled An Act relating to inclusion of instruction in the detection and education of students with mental or emotional disorders in the requirements for educator training programs.

**SB 460** was passed to third reading. (Anderson, Bell, Button, Carter, Flynn, Hunter, Perry, Simpson, and Workman recorded voting no.)

**SB 11 ON SECOND READING**  
**(Price - House Sponsor)**

**SB 11**, A bill to be entitled An Act relating to the drug testing of certain persons seeking financial assistance benefits.

**SB 11 - POINT OF ORDER**

Representative Miles raised a point of order against further consideration of **SB 11** under Rule 6, Section 16 and Rule 6, Section 17 of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Miles raised a point of order against further consideration of **SB 11** under Rule 6, Section 16 and Rule 6, Section 17 of the House Rules, asserting that the calendar for May 21, 2013, is out of order.

Representative Miles observes that the Committee on Calendars' meeting minutes from May 19, 2013, reflect that a motion was made for several bills, which were listed in numerical order from the lowest to highest bill number in the minutes, to be placed on the calendar for May 21, 2013. At the same meeting, a second motion was made to place **SB 11** on the calendar. He argues that the order

in which these bills are listed in the committee minutes must correspond to the order in which the bills are placed on the calendar, and, further, that the second motion at the same meeting (to place **SB 11** on the same calendar) necessitated placing **SB 11** on the calendar after the measures subject to the first motion to place bills on the calendar.

Representative Miles correctly observes that the bills voted to be placed on the calendar were not, in fact, placed on the calendar in the order listed in the minutes; they were not listed numerically, and some of the bills subject to the first vote appeared on the calendar after **SB 11**. Representative Miles urges that Rule 6, Section 16 and Rule 6, Section 17 of the House Rules prohibit this placement on the calendar, and he further argues that a "historical review of the minutes of the calendars process indicates that in the last 10 years calendars motions to place bills on a calendar directly overwhelmingly correspond to the placement of those bills on a calendar."

Since 2009, the meeting minutes for the Committee on Calendars has listed in numerical order the bills the committee has voted to be placed on the calendar. The bills were nonetheless then placed on the calendar in varying orders. From 2001 until 2007, the Calendars Committee generally listed in their minutes the bills for placement on the calendar in the order on which those bills were later placed on the calendar, but this practice did not create a rule or practice that could bind future Committees on Calendars. Prior to 2001, Calendars meeting minutes listed groups of bills to be placed on the calendar in various orders that do not appear to have been related to the order in which the individual bills were actually placed on the calendar; as such, there is no long-standing practice of listing the bills in the Committee on Calendars minutes in the order in which they are to appear on the calendar. Moreover, the rules do not specify or suggest that listing bills that are the subject of a motion to place on a calendar in committee minutes precludes the committee from then carrying out the placement of bills voted out at each meeting on the calendar "in whatever order is necessary and desirable under the circumstances then existing." (Rule 6, Section 25 of the House Rules)

(Keffer in the chair)

### **Amendment No. 1**

Representative S. Turner offered the following amendment to **SB 11**:

Amend **SB 11** (house committee printing) as follows:

- (1) On page 1, line 24, strike "good" and substitute "probable".
- (2) On page 5, line 3, strike "good" and substitute "probable".

### **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. 4).

**SB 11 - (consideration continued)****SB 11 - POINT OF ORDER**

Representative M. González raised a point of order against further consideration of **SB 11** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative M. González raised a point of order against further consideration of **SB 11** under Rule 4, Section 32(c)(1) of the House Rules, asserting that the bill analysis is incomplete because the background and purpose section of the analysis does not describe Section 31.0321(m) of the Family Code, which contains reporting requirements relating to failed drug tests. Representative M. González asserts that the key elements of the bill must be described both in the background and purpose as well as in the body of the analysis, and that the omission of a section from the background and purpose is particularly egregious where the background and purpose does mention the part of the bill that requires drug testing as a prerequisite for receiving Temporary Assistance for Needy Families money. The point of order is respectfully overruled.

Having carefully reviewed the bill and the analysis, the chair determines that the background and purpose provides sufficient "background information on the proposal and information on what the bill . . . proposes to do" to satisfy Rule 4, Section 32(c)(1) of the House Rules.

Representative Price moved to table Amendment No. 1.

The motion to table prevailed.

**Amendment No. 2**

Representative Dukes offered the following amendment to **SB 11**:

Amend **SB 11** (house committee printing) on page 5, between lines 17 and 18, by inserting the following:

(p) Any person who administers the controlled substance use screening assessment under Subsection (b) must submit to a drug test at least once in each six month period.

**AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE DUKES: Representative Price, in your bill, it doesn't speak to self-sufficiency. It speaks strictly to the drug testing—

REPRESENTATIVE PRICE: Correct.

DUKES: —and drug testing if there's an indication of good cause. Can you define for me "good cause?"

PRICE: I can tell you what I think good cause is, but I won't be the person making the ultimate determination under the rulemaking authority in the bill.

DUKES: What is your legislative intent for good cause?

PRICE: Good cause would be one that's based on equity, or justice, or that would motivate a reasonable man under all of the circumstances—that could be good cause.

DUKES: That doesn't relate to drug testing. What is good cause for drug testing?

PRICE: Well, if an assessment were given—a validated assessment screening tool that was given—and it was failed, that could be good cause to then administer a drug test.

DUKES: What type of assessment tool would that be for—specifically, if these are integrated eligibility workers; knowing that the state had a contract with a censure that eliminated many of the most qualified employees; many of those folks that are there now are low-income, and you know the turnover rates are so very high that most of them, they don't have a heck of a lot of skill-set. On average, sometimes they're there maybe two years, three years—what is to make us believe that they have the training, the knowledge, the understanding, the capability, to be able to determine what is good cause when a police officer would have to take far more training before determining whether or not they would require such a test?

PRICE: Certainly, in that example, a police officer in a criminal setting would be dealing with probable cause, but good cause could be defined by rule and then consistently applied. The rulemaking authority would allow the commission to define that, because the last thing we want, as I said, was three similarly situated people going in, in different offices or different regions, and not being treated the same way.

DUKES: But that's exactly—are you not aware that that's exactly what happens, and that's the whole reason—

PRICE: I don't think that will happen under this bill.

DUKES: —why disproportionality and disparity are so very important as a measure for us to review here in Texas? Because when we look at the facts, and we take everything else into consideration, but just the fact that there are some people who are just not treated as fairly. So I ask you again, how are you going to ensure these individuals who primarily have a bachelor's degree, maybe in a social science, without any criminal source of training, going to determine good cause when it cannot even be defined in this bill or in this discussion?

PRICE: Well, I think HHSC is more than capable of making—I believe they can hire qualified folks to administer the rules that they will establish under the bill as it's written. Now, your amendment, Representative Dukes, I believe is unreasonable in its application, because I think it's unreasonable to make a drug or an assessment provider, who's an employee of the commission, submit to a drug test at least once in each six-month period. So, you're actually requiring something that is more stringent than the applicants would have to undergo who are receiving tax dollars from the state.

DUKES: Well, they're civil servants who are receiving tax dollars through their paycheck.

PRICE: But they're working for those paychecks.

DUKES: That may be true, but now they have an inordinate amount of authority over other individual's lives. And the ultimate thing that this bill does and does as a whole—it might speak to drug testing—but it's going to take away children from their families, and that is not the same thing that you're—

PRICE: I think you're exaggerating—

DUKES: No—

PRICE: I don't think it will, and that's a really good point—

DUKES: I do believe that it will do so, from my experience in working with this agency for the past 10 years, and with working with constituents. They've taken children away for something smaller than this offense.

PRICE: I don't agree with that, because I think it's more important for a—

DUKES: I can show you facts. Would you like to see them?

PRICE: If somebody tested positive for drugs and that information was communicated to DFPS, I would think that the case worker for CPS would want to know that one of the parents was not only using drugs but may now not receive the money through TANF. So that would be vital information that the CPS caseworker should know.

DUKES: So you are stating that the child would be taken—

PRICE: No, I'm not saying that. It would not require an investigation in this bill—absolutely does not require an investigation—

DUKES: It does not say anything—what process do you have for an appeal? There is nothing in this bill that addresses appeal.

PRICE: It's the appeal that you would have for eligibility, just as you do today. We're not changing the appeals process.

DUKES: What do you have for appeals for having a false-positive on a drug test?

PRICE: It has to be reconfirmed—so it will be twice—and that's in the bill. And there's notice so that they have the opportunity to appeal, so there's due process in the bill through an appeals process and through confirmation of a positive drug test. Those are both in the body of the bill.

DUKES: So these individuals who need financial assistance would have to get legal counsel to deal with the bureaucracy at this agency. They already didn't have enough money, so they needed financial assistance, they needed food—

PRICE: Not necessarily.

DUKES: Yes, they would. If you've ever dealt with this agency, and you wanted to get your child back—yes, you do.

PRICE: This is not about taking children away—

DUKES: It is about taking children away—

PRICE: —it's about drug testing—

DUKES: This is an offense that is considered an element of abuse, and those children are removed.

PRICE: Well, I think we'll agree to disagree on that.

### REMARKS ORDERED PRINTED

Representative Dukes moved to print remarks between Representative Price and Representative Dukes.

The motion prevailed.

### SB 11 - POINT OF ORDER

Representative Dutton raised a point of order against further consideration of **SB 11**.

The chair overruled the point of order and submitted the following statement:

Representative Dutton raised a point of order against further consideration of **SB 11**, asserting that the senate's amendment of the bill's caption violated the House Rules. The point of order is respectfully overruled.

Rule 8, Section 1(a)(1) of the House Rules requires that the bill contain a caption "that gives the legislature and the public reasonable notice of the subject of the proposed measure." **SB 11**'s caption reads: "relating to the drug testing of certain persons seeking financial assistance benefits." Having reviewed the bill, the chair concludes that the caption complies with Rule 8, Section 1(a)(1) of the House Rules. *Compare* 74 H.J. Reg. 2186 (1995), sustaining a point of order where a narrow bill had an overly broad caption.

Representative Price moved to table Amendment No. 2.

The motion to table prevailed.

### Amendment No. 3

Representative Naishtat offered the following amendment to **SB 11**:

Amend **SB 11** (house committee printing) as follows:

- (1) On page 4, line 27, strike "A person must submit to a"
- (2) Strike page 5, lines 1-9.

Amendment No. 3 was adopted.

### Amendment No. 4

Representative Lozano offered the following amendment to **SB 11**:

Amend **SB 11** on page 5, between lines 17 and 18 by adding the following:

(p) Before receiving any monetary benefit from the state, a member of the legislature shall submit to a drug test in the same manner as an applicant for financial assistance benefits under this section. The commission shall adopt rules to administer this subsection.

Amendment No. 4 was adopted.

**SB 11 - POINT OF ORDER**

Representative M. González raised a point of order against further consideration of **SB 11** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative M. González raised a point of order against further consideration of **SB 11** under Rule 4, Section 32 of the House Rules, asserting that the bill analysis is so similar to the text of the bill that it provides no independent analysis. The point of order is respectfully overruled.

Rule 4, Section 32 of the House Rules requires, "in summary or section-by-section form, a detailed analysis of the subject matter of the bill," including, in Rule 4, Section 32(c)(2) of the House Rules, an analysis of the content of the bill or resolution. Determining whether a bill analysis complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of the rule. See 83 H.J. Reg. 3449, 3450 (2013). Having carefully reviewed the bill and the analysis, which consists of both a detailed summary analysis and a side-by-side comparison, the chair determines that the bill analysis satisfies Rule 4, Section 32(c) of the House Rules.

**SB 11 - POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of **SB 11** under Rule 8, Section 3 of the House Rules on the grounds that the bill violates the one-subject rule.

The point of order was withdrawn.

Pursuant to Rule 8, Section 13(c) of the House Rules, the speaker stated that the deadline for consideration of senate bills on second reading had passed, precluding further consideration of **SB 11**.

**SB 11 - STATEMENT BY REPRESENTATIVE S. THOMPSON**

The Fourth Amendment of the U.S. Constitution protects the rights of individuals "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." It is undisputed and well established that government-mandated drug testing is a "search" within the meaning of the Fourth Amendment. When considering **SB 11**, we must consider whether the imposition of a mandatory, suspicionless drug testing of all Temporary Assistance for Needy Families (TANF) applicants is a constitutionally reasonable search under the Fourth Amendment. Normally, a search is found to be reasonable if it is based on individualized suspicion of wrongdoing. "Searches made without a showing of individualized suspicion have been upheld by the Supreme Court as reasonable in certain very limited and exceptional circumstances." (*New Jersey v. T.L.O.*, 469 U.S. 325, 351, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985))

The Supreme Court has set a threshold by requiring that the government show "special needs, beyond the normal need for law enforcement [which] make the warrant and probable cause requirement impracticable." (*Skinner*, 489 U.S. at 619, 109 S.Ct. 1402). Meeting this threshold establishes the limited and exceptional circumstances that justify the suspension of Fourth Amendment protections. The court will "undertake a context-specific inquiry, examining

closely the competing private and public interests advanced by the parties," to determine the reasonableness of the search if the government makes a showing of substantial special needs. (Id. at 314, 117 S.Ct. 1295)

The Supreme Court has exempted government-mandated drug testing programs from the Fourth Amendment's warrant and probable cause requirement only where that testing "fit[s] within the closely guarded category of constitutionally permissible suspicionless searches." (*Chandler*, 520 U.S. at 309, 117 S.Ct. 1295) The court has found that, in order to fall within this "closely guarded category," "the proffered special need for drug testing must be substantial." (Id. at 318, 117 S.Ct. 1295) The court has recognized two concerns that present such "exceptional circumstances," which are sufficiently "substantial" to qualify as special needs meriting an exemption to the Fourth Amendment's warrant and probable cause requirement: the specific risk to public safety by employees engaged in inherently dangerous jobs and the protection of children entrusted to the public school system's care and tutelage. (*Lebron*, 710 F.3d 1202, 11th Cir. 2013)

For constitutionality purposes, proponents of **SB 11** must make an argument similar to the one made in the *Lebron* case, that there is a "special need to test TANF applicants because TANF funds should not be used for drugs as drug use undermines the program's goals of moving applicants into employment and promoting child welfare and family stability." To address this argument, the issue we must consider is one similar to the issue in the *Lebron* case: "Whether there is a substantial special need for mandatory, suspicionless drug testing of TANF recipients when there is no immediate or direct threat to public safety, when those being searched are not directly involved in the frontlines of drug interdiction, when there is not public school setting where the government has a responsibility for the care and tutelage of its young students, or when there are no dire consequences or grave risk of imminent physical harm as a result of waiting to obtain a warrant if a TANF recipient is suspected of violating the law." The court in *Lebron* concluded that "the answer to the question of whether there is a substantial special need for mandatory suspicionless drug testing is no." The court reasoned, in part, that "the state failed to offer any factual support or to present any empirical evidence of a "concrete danger" of illegal drug use within Florida's TANF population." The court also noted that "the simple fact of seeking public assistance does not deprive a TANF applicant of the same constitutional protection from unreasonable searches that all other citizens enjoy."

#### **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. 5).

#### **SB 219 - HOUSE SPONSOR AUTHORIZED**

On motion of Representative Morrison, Representative Johnson was authorized as a house sponsor to **SB 219**.

#### **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. 38 and Senate List No. 32).

## RECESS

Representative Hunter moved that the house recess until 10 a.m. today, Wednesday, May 22.

The motion prevailed.

The house accordingly, at 12:08 a.m. Wednesday, May 22, recessed until 10 a.m. today.

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## ADDENDUM

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### REFERRED TO COMMITTEES

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

#### List No. 1

**HCR 198** (By Farney), Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to Second Lieutenant Darryn Deen Andrews.

To Defense and Veterans' Affairs.

### SIGNED BY THE SPEAKER

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

#### House List No. 36

**HB 33, HB 35, HB 52, HB 62, HB 139, HB 259, HB 338, HB 347, HB 376, HB 485, HB 619, HB 788, HB 1227, HB 1287, HB 1296, HB 1348, HB 1461, HB 1554, HB 1690, HB 1753, HB 1777, HB 1807, HB 1967, HB 1996, HB 2025, HB 2094, HB 2111, HB 2127, HB 2139, HB 2290, HB 2380, HB 2392, HB 2394, HB 2474, HB 2725, HB 2772, HB 2806, HB 3211, HB 3471, HCR 59**

#### House List No. 37

**HB 115, HB 339, HB 432, HB 483, HB 561, HB 588, HB 646, HB 677, HB 698, HB 749, HB 843, HB 908, HB 985, HB 1018, HB 1047, HB 1081, HB 1086, HB 1183, HB 1241, HB 1358, HB 1405, HB 1442, HB 1458, HB 1503, HB 1563, HB 1593, HB 1594, HB 1607, HB 1664, HB 1721, HB 1791, HB 1800, HB 1801, HB 1819, HB 1953, HB 1970, HB 1971, HB 1979, HB 2134, HB 2155, HB 2312, HB 2356, HB 2454, HB 2478, HB 2509, HB 2512, HB 2549, HB 2610, HB 2627, HB 2649, HB 2662, HB 2673, HB 2873, HB 3017, HB 3097, HB 3102, HB 3137, HB 3176, HB 3178, HB 3212, HB 3285, HB 3307, HB 3332, HB 3355, HB 3412, HB 3668, HB 3676, HB 3795, HB 3800, HB 3896, HB 3905, HCR 41, HCR 104**

**House List No. 38**

**HCR 129, HCR 130, HCR 131, HCR 132, HCR 133, HCR 134, HCR 135, HCR 136, HCR 137, HCR 138, HCR 139, HCR 140, HCR 141, HCR 142, HCR 143, HCR 144, HCR 145, HCR 146, HCR 147, HCR 148, HCR 149, HCR 150, HCR 151, HCR 152, HCR 153, HCR 154, HCR 155, HCR 156, HCR 157, HCR 158, HCR 159, HCR 160, HCR 161, HCR 162, HCR 163, HCR 164, HCR 165, HCR 166, HCR 167, HCR 168, HCR 169, HCR 170, HCR 171, HCR 172, HCR 173, HCR 174, HCR 175, HCR 176, HCR 177, HCR 178, HCR 179, HCR 180, HCR 181, HCR 182, HCR 183, HCR 184, HCR 185, HCR 186, HCR 187, HCR 188, HCR 189, HCR 190, HCR 191, HCR 192, HCR 193, HCR 194, HCR 195, HCR 196**

**Senate List No. 32**

**SB 128, SB 164, SB 172, SB 193, SB 362, SB 382, SB 390, SB 409, SB 428, SB 430, SB 502, SB 531, SB 546, SB 552, SB 563, SB 569, SB 603, SB 604, SB 607, SB 706, SB 717, SB 769, SB 771, SB 793, SB 845, SB 848, SB 874, SB 886, SB 889, SB 890, SB 916, SB 951, SB 967, SB 1006, SB 1010, SB 1012, SB 1071, SB 1072, SB 1073, SB 1075, SB 1099, SB 1125, SB 1415, SB 1481, SB 1662, SB 1822, SB 1824, SB 1829, SB 1830, SB 1840, SB 1843, SB 1857, SB 1876, SB 1892, SB 1903, SCR 1, SCR 12, SCR 17, SCR 18, SCR 30, SJR 54**

**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 21, 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 124** Anderson SPONSOR: Campbell  
Relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.

**HB 705** Howard SPONSOR: Schwertner  
Relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity.

**HB 724** Guillen SPONSOR: Zaffirini  
Relating to the creation of a commission to study unclaimed land grant mineral proceeds.

**HB 899** Perry SPONSOR: Paxton

Relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.  
(Committee Substitute)

**HB 1228** Dukes SPONSOR: Davis  
Relating to consideration by the court of sexual abuse and conduct that constitutes sexual assault in certain suits affecting the parent-child relationship.

**HB 1302** Clardy SPONSOR: Nichols  
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.  
(Amended)

**HB 1513** Lewis SPONSOR: West  
Relating to temporary increases in the records archive fees and the records management and preservation fees charged by district and county clerks.  
(Committee Substitute)

**HB 1712** Lozano SPONSOR: Zaffirini  
Relating to an exemption from ad valorem and sales and use taxes for property used in connection with an offshore spill response containment system.

**HB 1775** Thompson, Ed SPONSOR: Hancock  
Relating to the authority of the University Interscholastic League regarding activities involving sports officials.

**HB 1843** Branch SPONSOR: Seliger  
Relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.

**HB 2362** Keffer SPONSOR: Birdwell  
Relating to the efficiency review of river authorities.  
(Committee Substitute/Amended)

**HB 2532** Workman SPONSOR: Fraser  
Relating to the regulation of propane distribution system retailers; authorizing a fee.  
(Committee Substitute)

**HB 2636** Frullo SPONSOR: Duncan  
Relating to the transfer of money from the tax increment fund established for a tax increment financing reinvestment zone to the fund established for an adjacent zone.

**HB 2690** Elkins SPONSOR: Ellis  
Relating to the sale of a vehicle by an unlicensed seller; creating an offense.  
(Committee Substitute)

**HB 2792** Elkins SPONSOR: Hegar  
Relating to the circumstances under which an appraisal review board hearing shall be closed to the public.

**HB 3086** Darby SPONSOR: Huffman  
Relating to an optional exemption from the diesel fuel tax for materials blended with taxable diesel fuel.

**HB 3116** Cook SPONSOR: Schwertner  
Relating to the recovery of uniform statewide accounting project costs from state agencies and vendors.

**HB 3233** Ritter SPONSOR: Fraser  
Relating to interbasin transfers of state water.

**HB 3436** Cook SPONSOR: Whitmire  
 Relating to the use and development of state property, including real property within the Capitol complex.  
 (Committee Substitute)

**HB 3459** Eiland SPONSOR: Taylor  
 Relating to the determination of the boundaries of, and the enforcement of the law governing access to, public beaches.  
 (Committee Substitute)

**HB 3536** Otto SPONSOR: Hinojosa  
 Relating to imposing a fee on the sale of cigarettes and cigarette tobacco products manufactured by certain companies; providing penalties.  
 (Committee Substitute/Amended)

**HB 3838** Phillips SPONSOR: Hancock  
 Relating to motorcycle equipment and training and the license requirements for a three-wheeled motorcycle; creating an offense.  
 (Committee Substitute)

**HB 3914** Sanford SPONSOR: Estes  
 Relating to the creation of the Old Celina Municipal Management District No. 1; providing authority to impose an assessment or fee.  
 (Committee Substitute/Amended)

Respectfully,  
 Patsy Spaw  
 Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
 SENATE CHAMBER  
 Austin, Texas  
 Tuesday, May 21, 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:

**HCR 126** Márquez SPONSOR: Van de Putte  
 Paying tribute to the life of World War II veteran Juan C. Marquez of El Paso and commemorating the posthumous presentation of his military awards.

**HCR 129** Menéndez SPONSOR: Van de Putte  
 In memory of U.S. Army Sergeant Joshua C. Michael of Converse.

**HCR 130** Menéndez SPONSOR: Van de Putte  
 In memory of United States Navy Seaman Benjamin D. Rast.

**HCR 131** Menéndez SPONSOR: Van de Putte  
 In memory of Robert Mitchell Wilson of Arlington.

**HCR 132** Menéndez SPONSOR: Van de Putte  
 In memory of U.S. Army Private First Class Genaro Bedoy of Amarillo.

- HCR 133** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Marine Corps Major Nathan W. Anderson of Amarillo.
- HCR 134** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Navy Petty Officer Third Class Clayton R. Beauchamp of Weatherford.
- HCR 135** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Staff Sergeant Nicholas P. Bellard of El Paso.
- HCR 136** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Robert John Billings of Amarillo.
- HCR 137** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Staff Sergeant Scott H. Burgess of Franklin.
- HCR 138** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant John P. Castro of Andrews.
- HCR 139** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Marine Corps Lance Corporal John F. Farias of New Braunfels.
- HCR 140** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Chief Warrant Officer Bradley J. Gaudet of Gladewater.
- HCR 141** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Marine Corps Lance Corporal Mark R. Goyet of Sinton.
- HCR 142** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Specialist Alex Hernandez III of Round Rock.
- HCR 143** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Marine Corps Private First Class Josue Ibarra of Midland.
- HCR 144** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Adam Huckstep-La Porte of Round Rock.
- HCR 145** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Tanner S. Higgins of Yantis.
- HCR 146** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Specialist Kurt W. Kern of McAllen.
- HCR 147** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Private Andrew M. Krippner of Garland.
- HCR 148** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Staff Sergeant Roberto Loeza of El Paso.
- HCR 149** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Staff Sergeant Mecolus C. McDaniel of Fort Hood.
- HCR 150** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Enrique Mondragon of The Colony.
- HCR 151** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant James M. Darrough of Austin.
- HCR 152** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Air Force Captain Nathan J. Nylander of Hockley.
- HCR 153** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Lieutenant Colonel David E. Cabrera of Abilene.
- HCR 154** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Joshua D. Powell of Quitman.
- HCR 155** Menéndez SPONSOR: Van de Putte

In memory of U.S. Army Master Sergeant Charles L. Price III of Milam.

**HCR 156** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Private First Class Joel A. Ramirez of Waxahachie.

**HCR 157** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Chief Warrant Officer 2 Thalia S. Ramirez of San Antonio.

**HCR 158** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Second Lieutenant Clovis T. Ray of San Antonio.

**HCR 159** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Paul A. Rivera of Round Rock.

**HCR 160** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Rodolfo Rodriguez, Jr., of Pharr.

**HCR 161** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Marine Corps Lance Corporal Benjamin W. Schmidt of San Antonio.

**HCR 162** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Marine Corps Staff Sergeant Jeremy D. Smith of Arlington.

**HCR 163** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Master Sergeant Benjamin A. Stevenson of Canyon Lake.

**HCR 164** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Steven L. Talamantez of Laredo.

**HCR 165** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army First Lieutenant Robert F. Welch III of Denton.

**HCR 166** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Marine Corps Sergeant Wade D. Wilson of Normangee.

**HCR 167** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army First Lieutenant Andres Zermeno of San Antonio.

**HCR 168** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Staff Sergeant Estevan Altamirano of Edcouch.

**HCR 169** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army First Sergeant Russell R. Bell of Tyler.

**HCR 170** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Staff Sergeant Jeremie S. Border of Mesquite.

**HCR 171** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Navy Culinary Specialist Second Class Milton W. Brown of Dallas.

**HCR 172** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Specialist Charles J. Wren of Beeville.

**HCR 173** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army First Lieutenant Dustin D. Vincent of Mesquite.

**HCR 174** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Navy Petty Officer Second Class Jorge Luis Velasquez of Houston.

**HCR 175** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Staff Sergeant Houston M. Taylor of Hurst.

**HCR 176** Menéndez SPONSOR: Van de Putte

In memory of U.S. Army Sergeant First Class Riley G. Stephens of Tolar.

**HCR 177** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Specialist Riley S. Spaulding of Sheridan.

**HCR 178** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Glenn M. Sewell of Live Oak.

**HCR 179** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Specialist Philip C. S. Schiller of The Colony.

**HCR 180** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Specialist Michael C. Roberts of Watauga.

**HCR 181** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Corporal Juan Pantoja Navarro of Austin.

**HCR 182** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Private First Class Anthony M. Nunn of Burnet.

**HCR 183** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Private First Class Cody R. Norris of Houston.

**HCR 184** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Staff Sergeant Nelson D. Trent of Austin.

**HCR 185** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Chief Warrant Officer 2 Jose L. Montenegro, Jr., of Houston.

**HCR 186** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant Jacob Molina of Houston.

**HCR 187** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Navy Special Warfare Operator Chief Petty Officer Stephen Matthew Mills of Fort Worth.

**HCR 188** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Staff Sergeant Kashif M. Memon of Houston.

**HCR 189** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Navy Petty Officer Brian K. Lundy of Austin.

**HCR 190** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Marine Corps Corporal Joseph D. Logan of Willis.

**HCR 191** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Private First Class Payton A. Jones of Marble Falls.

**HCR 192** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Sergeant John E. Hansen of Austin.

**HCR 193** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Marine Corps Staff Sergeant Joseph H. Fankhauser of Mason.

**HCR 194** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Specialist Krystal M. Fitts of Houston.

**HCR 195** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Private First Class Jesse W. Dietrich of Venus.

**HCR 196** Menéndez SPONSOR: Van de Putte  
In memory of U.S. Army Private First Class David A. Drake of Lumberton.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Tuesday, May 21, 2013 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

## THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 8** Thompson, Senfronia SPONSOR: Van de Putte  
Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.  
(Committee Substitute/Amended)

**HB 29** Branch SPONSOR: Seliger  
Relating to the governance of public institutions of higher education in this state.  
(Committee Substitute/Amended)

**HB 217** Alvarado SPONSOR: Uresti  
Relating to the types of beverages that may be sold to students on public school campuses.

**HB 506** Lozano SPONSOR: Hinojosa  
Relating to the location of early voting polling places for elections held on the November uniform election date by a political subdivision.  
(Committee Substitute/Amended)

**HB 1129** White SPONSOR: Van de Putte  
Relating to a program allowing certain military voters on active duty overseas to cast a ballot electronically.  
(Committee Substitute)

**HB 1133** Otto SPONSOR: Estes  
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 1741** Naishtat SPONSOR: West  
Relating to requiring child safety alarms in certain vehicles used by child-care facilities to transport children.  
(Committee Substitute)

**HB 2099** Guillen SPONSOR: Hinojosa  
Relating to improving access to nursing education programs.  
(Committee Substitute)

**HB 2766** Hunter SPONSOR: Whitmire  
Relating to the exclusion of certain flow-through funds in determining total revenue for purposes of the franchise tax.

**HB 3105** Morrison SPONSOR: Deuell

Relating to availability of certain benefits under individual accident and health insurance policies.

**HB 3605** Burnam SPONSOR: Hegar  
Relating to the evaluation by the Texas Water Development Board of applications for financial assistance for certain retail public utilities.  
(Committee Substitute/Amended)

**HB 3648** Harper-Brown SPONSOR: Paxton  
Relating to the award and performance of certain state contracts.  
(Committee Substitute/Amended)

**HB 3660** Simmons SPONSOR: Hegar  
Relating to requiring the Texas Commission on Fire Protection to conduct a study and prepare a report on administrative attachment.  
(Amended)

**HB 3805** Gonzales, Larry SPONSOR: Schwertner  
Relating to the discharge of an officer or employee of the Department of Public Safety of the State of Texas.

**HB 3903** Isaac SPONSOR: Campbell  
Relating to the Hays Trinity Groundwater Conservation District; providing authority to increase certain fees; authorizing a fee.  
(Amended)

**HB 3941** Miller, Doug SPONSOR: Campbell  
Relating to the creation of the Comal County Water Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**HCR 112** Gonzales, Larry SPONSOR: Schwertner  
Designating April 2013 as Civitan International Awareness Month.

**HCR 120** Smithee SPONSOR: Seliger  
Honoring Conquer Chiari for its efforts in behalf of those with Chiari Malformation.

**HCR 125** Martinez Fischer SPONSOR: Van de Putte  
Congratulating the Honorable Charlie Gonzalez on his retirement from the United States House of Representatives.

**HJR 87** Muñoz, Jr. SPONSOR: Hinojosa  
Proposing a constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 21, 2013 - 4

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 6** Otto SPONSOR: Williams  
Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.  
(Committee Substitute/Amended)

**HB 12** Flynn SPONSOR: Zaffirini  
Relating to gifts and other consideration made to state agencies for state employee salary supplement or other purposes, and to publication by state agencies of staff compensation and related information.  
(Committee Substitute)

**HB 394** Thompson, Senfronia SPONSOR: Van de Putte  
Relating to limits on prizes for bingo games.

**HB 462** Huberty SPONSOR: Patrick  
Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.  
(Committee Substitute)

**HB 789** King, Phil SPONSOR: Rodríguez  
Relating to the allowance in lieu of exempt property in the administration of a decedent's estate.

**HB 870** Bell SPONSOR: Hegar  
Relating to Prairie View A&M University's eligibility to participate in the research development fund.  
(Committee Substitute/Amended)

**HB 1573** McClendon SPONSOR: Van de Putte  
Relating to authorizing an optional county fee on vehicle registration in certain counties.  
(Committee Substitute)

**HB 1675** Bonnen, Dennis SPONSOR: Nichols  
Relating to the sunset review process and certain governmental entities subject to that process.  
(Committee Substitute/Amended)

**HB 1931** Guillen SPONSOR: Estes  
Relating to compensation of property owners whose property is damaged as a result of a pursuit involving a law enforcement agency.

**HB 2100** Thompson, Senfronia SPONSOR: Williams  
Relating to the salary for certain employees of the Department of Public Safety of the State of Texas.  
(Amended)

**HB 2123** Guillen SPONSOR: Lucio  
Relating to the regulation of game rooms in certain counties; providing penalties; authorizing a fee.  
(Amended)

**HB 2201** Farney SPONSOR: Lucio

Relating to increasing the courses offered in the career and technology education curriculum.

(Amended)

**HB 3126** Lucio III SPONSOR: Lucio  
Relating to the authorization by referendum election of an increase in optional fees imposed on vehicles registered in certain counties to fund transportation projects.

**HB 3153** Lewis SPONSOR: West  
Relating to the operation and administration of, and practice in courts in, the judicial branch of state government and the composition of certain juvenile boards; imposing a fee.  
(Committee Substitute)

**HB 3169** Bohac SPONSOR: Lucio  
Relating to the imposition of the sales and use tax on taxable items sold or provided under certain contracts.  
(Amended)

**HB 3276** Simmons SPONSOR: Deuell  
Relating to the coverage by certain health benefit plans for the screening and treatment of autism spectrum disorder.

**HB 3309** Crownover SPONSOR: Estes  
Relating to the composition and use of money in the oil and gas regulation and cleanup fund.  
(Amended)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 21, 2013 - 5

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 48** Flynn SPONSOR: Patrick  
Relating to the procedure under which a person may renew a license to carry a concealed handgun.

**HB 148** Burkett SPONSOR: Paxton  
Relating to aid provided to certain voters; providing criminal penalties.  
(Amended)

**HB 346** Deshotel SPONSOR: Carona

Relating to the accessing and use of electronically readable personal identification information obtained from driver's licenses or personal identification certificates.

(Committee Substitute/Amended)

**HB 500** Hilderbran SPONSOR: Hegar  
Relating to the \$1 million total revenue exemption for the franchise tax; temporarily decreasing the rates of the franchise tax.  
(Committee Substitute/Amended)

**HB 581** Howard SPONSOR: Lucio  
Relating to the waiver of sovereign immunity in certain employment lawsuits by nurses and in certain employment discrimination actions in connection with a workers' compensation claim.  
(Amended)

**HB 800** Murphy SPONSOR: Deuell  
Relating to a sales and use tax exemption and a franchise tax credit related to certain research and development activities.

**HB 866** Huberty SPONSOR: Seliger  
Relating to the administration to public school students in certain grades of state-administered assessment instruments.  
(Amended)

**HB 1198** Raymond SPONSOR: Zaffrini  
Relating to authorizing an optional county fee on vehicles registered in certain counties to fund transportation projects.  
(Committee Substitute/Amended)

**HB 1366** Lucio III SPONSOR: Rodríguez  
Relating to certain procedures in family or juvenile law proceedings.  
(Amended)

**HB 1897** Eiland SPONSOR: Carona  
Relating to the exemption from ad valorem taxation of pollution control property.  
(Amended)

**HB 2304** Rodriguez, Eddie SPONSOR: Watson  
Relating to the certification of sheriffs and deputy sheriffs to enforce commercial motor vehicle safety standards in certain counties.

**HB 2305** Rodriguez, Eddie SPONSOR: Watson  
Relating to motor vehicle inspection requirements for vehicles equipped with compressed natural gas containers.  
(Amended)

**HB 2383** Eiland SPONSOR: Duncan  
Relating to life settlement contracts for the payment of long-term care services and support and the consideration of a life insurance policy in determining eligibility for medical assistance.  
(Committee Substitute)

**HB 2448** Turner, Sylvester SPONSOR: Whitmire  
Relating to tuition for certain students residing outside of a junior college district.  
(Committee Substitute)

**HB 2500** Bohac SPONSOR: Watson  
Relating to the appraisal for ad valorem tax purposes of solar energy property.

**HB 2712** Perez SPONSOR: Taylor

Relating to the exemption from ad valorem taxation of energy storage systems used for the control of air pollution in a nonattainment area.

**HB 2818** Sheffield, Ralph SPONSOR: Carona  
Relating to certain local option elections and the permits and licenses that can be issued in areas that approved the sale of certain alcoholic beverages in a local option election.  
(Committee Substitute/Amended)

**HB 2912** Thompson, Senfronia SPONSOR: Rodríguez  
Relating to decedents' estates.  
(Amended)

**HB 2913** Thompson, Senfronia SPONSOR: Rodríguez  
Relating to trusts.

**HB 3142** Bell SPONSOR: Estes  
Relating to handguns used to demonstrate proficiency in handgun use for purposes of obtaining a concealed handgun license.  
(Amended)

**HB 3370** Craddick SPONSOR: Patrick  
Relating to the authority of certain retired peace officers and former reserve law enforcement officers to carry certain firearms.  
(Committee Substitute)

**HB 3390** Hilderbran SPONSOR: Deuell  
Relating to the Texas Economic Development Act.  
(Committee Substitute/Amended)

**HB 3447** Gutierrez SPONSOR: Uresti  
Relating to the establishment and functions of certain urban land bank demonstration programs.  
(Amended)

**HB 3572** Hilderbran SPONSOR: Williams  
Relating to the administration, collection, and enforcement of taxes on mixed beverages; imposing a tax on sales of mixed beverages; decreasing the rate of the current tax on mixed beverages.  
(Committee Substitute/Amended)

**HB 3643** Harper-Brown SPONSOR: Carona  
Relating to the allocation of revenue from the municipal hotel occupancy tax by certain municipalities.

**HB 3714** Guerra SPONSOR: Hinojosa  
Relating to the creation of the Office of Small Business Assistance Advisory Task Force.  
(Amended)

**HCR 116** Giddings SPONSOR: Ellis  
Honoring Ambassador Ron Kirk for his service as United States Trade Representative.

**HJR 62** Turner, Chris SPONSOR: Van de Putte  
Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

**HJR 133** Harper-Brown SPONSOR: Deuell

Proposing a constitutional amendment to authorize a political subdivision of this state to extend the number of days that aircraft parts that are exempt from ad valorem taxation due to their location in this state for a temporary period may be located in this state for purposes of qualifying for the tax exemption.

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

**SB 123** (31 Yeas, 0 Nays)

**SB 209** (31 Yeas, 0 Nays)

**SB 495** (31 Yeas, 0 Nays)

**SB 1367** (31 Yeas, 0 Nays)

**SB 1556** (31 Yeas, 0 Nays)

**SB 1803** (31 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 2**

Senate Conferees: Patrick - Chair/Campbell/Lucio/Taylor/West

**SB 211**

Senate Conferees: Nichols - Chair/Duncan/Eltife/Watson/Whitmire

**SB 270**

Senate Conferees: Seliger - Chair/Duncan/Hinojosa/Huffman/Schwertner

**SB 281**

Senate Conferees: Estes - Chair/Eltife/Fraser/Hegar/Uresti

**SB 359**

Senate Conferees: Hinojosa - Chair/Garcia/Nichols/Taylor/Whitmire

**SB 690**

Senate Conferees: Ellis - Chair/Garcia/Hinojosa/Nichols/Taylor

**SB 700**

Senate Conferees: Hegar - Chair/Birdwell/Rodríguez/Schwertner/Zaffirini

**SB 1458**

Senate Conferees: Duncan - Chair/Davis/Seliger/Watson/Williams

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 396**

Senate Conferees: Huffman - Chair/Fraser/Patrick/Uresti/Van de Putte

**HB 429**

Senate Conferees: Zaffirini - Chair/Carona/Hinojosa/Nichols/Taylor

**HB 773**

Senate Conferees: Schwertner - Chair/Campbell/Lucio/Patrick/Paxton

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 20**

Corrections - **SB 991**

Government Efficiency and Reform - **SB 1563**

Higher Education - **SB 301, SB 667, SB 986, SB 1113**

Human Services - **HCR 197**

Judiciary and Civil Jurisprudence - **SB 338, SB 555, SB 774**

Special Purpose Districts - **SB 482, SB 724, SB 725, SB 1877, SB 1899, SB 1915, SB 1921**

**ENGROSSED**

**May 20 - HCR 80**

**ENROLLED**

**May 20 - HB 52, HB 62, HB 139, HB 259, HB 338, HB 347, HB 376, HB 485, HB 619, HB 788, HB 1227, HB 1296, HB 1348, HB 1461, HB 1554, HB 1967, HB 1996, HB 2025, HB 2127, HB 2139, HB 2290, HB 2380, HB 2392, HB 2394, HB 2474, HB 2725, HB 2772, HB 3211, HB 3471, HCR 59**

**SENT TO THE GOVERNOR**

**May 20 - HB 15, HB 86, HB 120, HB 150, HB 154, HB 220, HB 241, HB 242, HB 243, HB 248, HB 250, HB 252, HB 308, HB 333, HB 402, HB 424, HB 436, HB 442, HB 455, HB 518, HB 616, HB 617, HB 654, HB 693, HB 712, HB 729, HB 736, HB 798, HB 802, HB 808, HB 809, HB 845, HB 857, HB 885, HB 915, HB 944, HB 964, HB 995, HB 1043, HB 1106, HB 1188, HB 1191, HB 1237, HB 1256, HB 1259, HB 1272, HB 1385, HB 1427, HB 1445, HB 1448, HB 1491, HB 1492, HB 1506, HB 1514, HB 1580, HB 1589, HB 1711, HB 1717, HB 1738, HB 1762, HB 1772, HB 1818, HB 1917, HB 1920, HB 1969, HB 1973, HB 1982, HB 2006, HB 2015, HB 2034, HB 2137, HB 2213, HB 2254, HB 2300, HB 2302, HB 2462, HB 2465, HB 2482, HB 2683, HB 2760, HB 2929, HB 2952, HB 3064, HB 3152, HB 3559, HB 3561, HB 3568, HB 3729, HB 3889, HB 3925, HB 3935, HCR 40, HCR 51, HCR 56, HCR 68, HCR 84, HCR 87, HCR 96, HCR 102**