

# HOUSE JOURNAL

---

---

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

---

---

## PROCEEDINGS

FIFTY-SIXTH DAY — THURSDAY, APRIL 23, 2015

The house met at 1:01 p.m. and, at the request of the speaker, was called to order by Representative Sheets.

The roll of the house was called and a quorum was announced present (Record 340).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

### LEAVES OF ABSENCE GRANTED

On motion of Representative S. Thompson and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

### RULES SUSPENDED

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

### **MOTION FOR ONE RECORD VOTE**

On motion of Representative Burkett and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

#### **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following the bill number).

(Record 341): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Coleman; Herrero; Schaefer.

#### **STATEMENT OF VOTE**

When Record No. 341 was taken, I was in the house but away from my desk. I would have voted yes.

Schaefer

**HB 280**

**HB 578**

**HB 698** (Stickland and Tinderholt - no) (137 - 2 - 2) (Isaac requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**HB 804** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 824**

**HB 1040**

**HB 1042**

**HB 1050**

**HB 1068**

**HB 1080** (Springer - no) (138 - 1 - 2)

**HB 1129**

**HB 1261** (Isaac requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**HB 1287** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 1309** (Goldman, Springer, Stickland, and Tinderholt - no) (135 - 4 - 2) (Isaac requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**HB 1418** (Goldman, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 1430** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 1463**

**HB 1665** (Murr, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 1717** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 1804** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 1814**

**HB 1833** (Schaefer, Stickland, and Tinderholt - no) (137 - 2 - 2)

**HB 1912**

**HB 1933** (Murr - no) (138 - 1 - 2)

**HB 1937**

**SB 1985** (Phillips and Tinderholt - no) (137 - 2 - 2)

**HB 1964** (Simpson and M. White - no) (137 - 2 - 2)

**HB 1993**

**HB 2002**

**HB 2019** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 2033** (Goldman, Phillips, Springer, Stickland, and Tinderholt - no) (134 - 5 - 2)

**HB 2038** (Goldman, Springer, Stickland, and Tinderholt - no) (135 - 4 - 2)

**HB 2065** (Schaefer, Stickland, and Tinderholt - no) (137 - 2 - 2)

**HB 2152**

**HB 2167**

**HB 2278** (Phillips and Springer - no) (137 - 2 - 2)

**HB 2332** (Rinaldi, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 2410**

**HB 2464** (Murr and Springer - no) (137 - 2 - 2)

**HB 2472** (Schaefer, Simpson, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 2476** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 2501**

**HB 2508**

**HB 2509**

**HB 2538** (Goldman, Schaefer, Springer, Stickland, and Tinderholt - no)  
(135 - 4 - 2)

**HB 2552**

**HB 2628** (Goldman, Springer, Stickland, and Tinderholt - no) (135 - 4 - 2)

**HB 2630** (Schaefer, Simpson, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 2679** (S. King, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 2789** (Flynn, Rinaldi, Stickland, Tinderholt, and Zedler - no)  
(134 - 5 - 2)

**HB 2809** (Flynn, Rinaldi, Schaefer, and Zedler - no) (136 - 3 - 2)

**HB 2827** (Simpson, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 2828**

**HB 2913** (Flynn and Zedler - no) (137 - 2 - 2)

**HB 2935** (Rinaldi, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 3031**

**HB 3062** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 3081**

**HB 3091** (Schaefer, Springer, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 3132** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 3185** (Flynn, Rinaldi, and Zedler - no) (136 - 3 - 2)

**HB 3283** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 3286**

**HB 3315** (Rinaldi, Stickland, and Tinderholt - no) (136 - 3 - 2)

**HB 3513**

**HB 3545** (Rinaldi - no) (138 - 1 - 2)

**HB 3707**

**HB 3741** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 482**

**HB 520**

**HB 744** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 1662**

**HB 1740** (C. Anderson and Aycock requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**HB 2133** (Rinaldi, Schaefer, Simpson, Stickland, and Tinderholt - no) (135 - 4 - 2)

**HB 2134**

**HB 2201**

**HB 2339**

**HB 2494** (Burrows, Schaefer, Simpson, and M. White - no) (136 - 3 - 2)

**HB 2533**

**HB 4131** (Murphy requested to be recorded voting present, not voting after the deadline established by Rule 5, Section 52 of the House Rules.)

**HB 2213** (Stickland and Tinderholt - no) (137 - 2 - 2)

**HB 2280** (Flynn, Rinaldi, Schaefer, Stickland, Tinderholt, and Zedler - no) (134 - 5 - 2)

**HB 4127**

**HB 3911**

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 341): 139 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following the bill number).

**HCR 84**

### **LEAVE OF ABSENCE GRANTED**

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

Crownover on motion of Zerwas.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 903 ON THIRD READING  
(Lucio - House Sponsor)**

**SB 903**, A bill to be entitled An Act relating to procedures for the management, sale, or lease of certain state-owned real property and the management or collection of related funds, including disputed oil and gas royalties owed to the state.

**SB 903** was passed by (Record 342): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Canales; Dukes; Schaefer.

**STATEMENTS OF VOTE**

When Record No. 342 was taken, I was temporarily out of the house chamber. I would have voted yes.

Canales

When Record No. 342 was taken, I was in the house but away from my desk. I would have voted yes.

Schaefer

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 1290 ON THIRD READING  
(by Keffer and Howard)**

**HB 1290**, A bill to be entitled An Act relating to the sunset review of river authorities.

**HB 1290** was passed by (Record 343): 138 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Dutton; King, T.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 992 ON THIRD READING  
(by D. Bonnen, Martínez Fischer, G. Bonnen, Muñoz, R. Miller, et al.)**

**HB 992**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

Representative D. Bonnen moved to postpone consideration of **HB 992** until 2 p.m. today.

The motion prevailed.

### **HB 2027 ON THIRD READING**

**(by G. Bonnen, Faircloth, Laubenberg, Fallon, and Villalba)**

**HB 2027**, A bill to be entitled An Act relating to establishing precincts for elections held on a uniform election date by certain political subdivisions.

**HB 2027** was passed by (Record 344): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes.

### **HB 700 ON THIRD READING**

**(by Giddings, Zerwas, Ashby, and C. Turner)**

**HB 700**, A bill to be entitled An Act relating to the repeal of the Texas B-On-time student loan program.

**HB 700** was passed by (Record 345): 130 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King,

S.; King, T.; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Shaheen; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bonnen, G.; Burkett; Dale; Fallon; Flynn; Huberty; Klick; Morrison; Schofield; Simmons.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Schubert.

**STATEMENTS OF VOTE**

When Record No. 345 was taken, I was shown voting yes. I intended to vote no.

Canales

When Record No. 345 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 345 was taken, I was shown voting yes. I intended to vote no.

Guillen

When Record No. 345 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 345 was taken, I was shown voting yes. I intended to vote no.

R. Miller

When Record No. 345 was taken, I was shown voting yes. I intended to vote no.

Muñoz

When Record No. 345 was taken, I was shown voting yes. I intended to vote no.

Raymond

When Record No. 345 was taken, my vote failed to register. I would have voted no.

Schubert

**HB 1321 ON THIRD READING****(by D. Bonnen)**

**HB 1321**, A bill to be entitled An Act relating to route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.

Representative D. Bonnen moved to postpone consideration of **HB 1321** until 2 p.m. today.

The motion prevailed.

**HB 1595 ON THIRD READING****(by Murr and E. Thompson)**

**HB 1595**, A bill to be entitled An Act relating to testing certain defendants or confined persons for communicable diseases.

**HB 1595** was passed by (Record 346): 137 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Darby; Dukes; Martinez Fischer; Oliveira.

**STATEMENTS OF VOTE**

When Record No. 346 was taken, I was shown voting present, not voting. I intended to vote yes.

Burns

When Record No. 346 was taken, my vote failed to register. I would have voted yes.

Darby

**HB 1049 ON THIRD READING**  
**(by E. Rodriguez and Koop)**

**HB 1049**, A bill to be entitled An Act relating to the classification of licensed massage therapy programs as postsecondary education programs.

**HB 1049** was passed by (Record 347): 139 Yeas, 1 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Schofield.

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

Absent, Excused — Bohac; Crossover; King, P.; Longoria; Miles.

Absent — Dukes.

**STATEMENT OF VOTE**

When Record No. 347 was taken, I was shown voting present, not voting. I intended to vote yes.

C. Anderson

**HB 943 ON THIRD READING**  
**(by S. Thompson)**

**HB 943**, A bill to be entitled An Act relating to the applicability of a wage and salary presumption to an incarcerated person for purposes of determining child support obligations.

**HB 943** was passed by (Record 348): 112 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bernal; Blanco; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth;

Farias; Farney; Farrar; Fletcher; Frank; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, S.; King, T.; Koop; Krause; Kuempel; Landgraf; Larson; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Meyer; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheffield; Simpson; Smith; Smithee; Spitzer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Vo; Walle; White, J.; White, M.; Workman; Wu; Zerwas.

Nays — Aycock; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Capriglione; Dale; Elkins; Fallon; Flynn; Goldman; Huberty; Kacal; Laubenberg; Leach; Metcalf; Morrison; Murr; Parker; Phillips; Schubert; Simmons; Springer; Turner, E.S.; Villalba; Wray; Zedler.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Klick.

#### STATEMENTS OF VOTE

When Record No. 348 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 348 was taken, I was shown voting yes. I intended to vote no.

Darby

When Record No. 348 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 348 was taken, I was shown voting no. I intended to vote yes.

Kacal

When Record No. 348 was taken, I was shown voting yes. I intended to vote no.

Koop

When Record No. 348 was taken, I was shown voting yes. I intended to vote no.

Otto

When Record No. 348 was taken, I was shown voting no. I intended to vote yes.

Wray

When Record No. 348 was taken, I was shown voting yes. I intended to vote no.

Zerwas

**HB 1331 ON THIRD READING**  
**(by P. King and Villalba)**

**HB 1331**, A bill to be entitled An Act relating to the treatment and recycling for beneficial use of certain waste arising out of or incidental to the drilling for or production of oil or gas.

**HB 1331** was passed by (Record 349): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dale; Dukes; Faircloth.

**STATEMENT OF VOTE**

When Record No. 349 was taken, my vote failed to register. I would have voted yes.

Faircloth

**HB 1061 ON THIRD READING**  
**(by C. Turner, Herrero, Fletcher, Villalba, et al.)**

**HB 1061**, A bill to be entitled An Act relating to the prosecution of the offense of interference with public duties.

**HB 1061 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE STICKLAND: Representative Turner, you're going to have to forgive me. I believe I stepped off of the floor for a minute. Did we get the amendments on that me and you talked about on this bill?

REPRESENTATIVE C. TURNER: We did. We did adopt that amendment which ties it into the Section 552.117 of the Government Code which is the Public Information Act, and it also provides the exemption for news media.

STICKLAND: For the purpose of legislative intent, this bill, if passed, will not affect a citizen's right to ask the officer what his name is or anything of that nature?

C. TURNER: No, no, of course not. What we're dealing with here is when police officers' personal information—specifically, we're talking, and is identified in the language: home address, home telephone number, emergency contact information, social security number of the officer or a family member.

**REMARKS ORDERED PRINTED**

Representative Stickland moved to print remarks between Representative C. Turner and Representative Stickland.

The motion prevailed.

**HB 1061** was passed by (Record 350): 137 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Metcalf; Rinaldi; Springer.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Gonzales.

**STATEMENT OF VOTE**

When Record No. 350 was taken, my vote failed to register. I would have voted yes.

Gonzales

**HB 229 ON THIRD READING  
(by Guillen and Muñoz)**

**HB 229**, A bill to be entitled An Act relating to the disposition of certain surplus motor vehicles and other law enforcement equipment by the Texas Facilities Commission.

**HB 229** was passed by (Record 351): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Oliveira.

**HB 311 ON THIRD READING  
(by Canales)**

**HB 311**, A bill to be entitled An Act relating to an executory contract for the conveyance of real property; providing a penalty.

**HB 311** was passed by (Record 352): 132 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings;

Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Klick; Rinaldi; Schaefer; Spitzer; Stickland; Tinderholt.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Paul; White, J.

### STATEMENTS OF VOTE

When Record No. 352 was taken, I was in the house but away from my desk. I would have voted yes.

Paul

When Record No. 352 was taken, I was shown voting yes. I intended to vote no.

Phillips

### HB 1378 ON THIRD READING (by Flynn, Murphy, C. Anderson, et al.)

**HB 1378**, A bill to be entitled An Act relating to the fiscal transparency and accountability of certain entities responsible for public money.

#### Amendment No. 1

Representative Keffer offered the following amendment to **HB 1378**:

Amend **HB 1378** on third reading as follows:

(1) In SECTION 1 of the bill, in the first sentence of added Section 140.008(b), Local Government Code, strike "(c) and (d)" and substitute "(c), (d), and (d-1)".

(2) In SECTION 1 of the bill, immediately following added Section 140.008(d), Local Government Code, insert the following:

(d-1) This subsection applies only to a municipality with a population of less than 15,000 or a county with a population of less than 35,000. As an alternative to preparing an annual financial report, a municipality or county may provide to the comptroller a comparable financial report. For the purposes of this subsection, "comparable financial report" means the most recent financial statement, audit, exhibit, or other report that the municipality or county is

required by other law to prepare. The comptroller shall post the information from the comparable financial report submitted under this subsection on the comptroller's Internet website on a web page that is easily located by searching the name of the municipality or county on the Internet. If the municipality or county maintains or causes to be maintained an Internet website, the municipality or county shall provide a link from the website to the web page on the comptroller's website where the information may be viewed. The posting requirements of Subsection (g) do not apply to a comparable financial report submitted under this subsection. The comptroller shall adopt rules necessary to implement this subsection.

(3) In SECTION 1 of the bill, in the first sentence of added Section 140.008(e), Local Government Code, between "(d)" and the comma, insert "or (d-1)".

(4) In SECTION 1 of the bill, in added Section 140.008(f), Local Government Code, strike "Except as provided by Subsection (g), a" and substitute "A".

(5) In SECTION 1 of the bill, in added Section 140.008(f), Local Government Code, between "section" and the period, insert ", other than a political subdivision to which Subsection (d-1) or (g) applies".

Amendment No. 1 was adopted by (Record 353): 132 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Zedler; Zerwas.

Nays — Murphy; Rinaldi; Schaefer; Simpson; Stickland; Tinderholt; White, M.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Wray; Wu.

### STATEMENT OF VOTE

When Record No. 353 was taken, my vote failed to register. I would have voted yes.

Wray

**HB 1378**, as amended, was passed by (Record 354): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dutton; Elkins; Faircloth; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Deshotel; Dukes; Farney.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

#### **HR 1752 - ADOPTED** (by Sheets)

Representative Capriglione moved to suspend all necessary rules to take up and consider at this time **HR 1752**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1752**, Recognizing April 23, 2015, as Texas Young Republican Federation and Texas Federation of College Republicans Legislative Day at the State Capitol.

**HR 1752** was adopted.

On motion of Representative Capriglione, the names of all the members of the house were added to **HR 1752** as signers thereof.

**HB 2051 ON THIRD READING**  
**(by Crownover)**

**HB 2051**, A bill to be entitled An Act relating to a volume-based exemption from reporting requirements for certain accidental discharges or spills from wastewater facilities.

**HB 2051** was passed by (Record 355): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Farney; Márquez; Sanford.

**HB 2050 ON THIRD READING**  
**(by E. Rodriguez)**

**HB 2050**, A bill to be entitled An Act relating to voter information provided by a voter registrar to the secretary of state.

**HB 2050** was passed by (Record 356): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel;

Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes.

### **HB 4001 ON THIRD READING** **(by Raymond and Faircloth)**

**HB 4001**, A bill to be entitled An Act relating to the provision of habilitation and certain health care services by a home and community support services agency; authorizing a fee, providing penalties, and requiring an occupational license.

**HB 4001** was passed by (Record 357): 134 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farnley; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Schaefer; Shaheen; Simpson; Stickland; Tinderholt; Turner, E.S.; White, M.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes.

**HB 1560 ON THIRD READING**  
**(by Hernandez)**

**HB 1560**, A bill to be entitled An Act relating to investment options for property recovered in a suit by a next friend or guardian ad litem on behalf of a minor or incapacitated person.

**HB 1560** was passed by (Record 358): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Oliveira; Phillips.

**HB 2089 ON THIRD READING**  
**(by Darby, Harless, Gonzales, Flynn, S. Thompson, et al.)**

**HB 2089**, A bill to be entitled An Act relating to the repeal of certain occupational license fees and taxes.

**HB 2089** was passed by (Record 359): 133 Yeas, 0 Nays, 10 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel;

Larson; Laubenberg; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodríguez, E.; Rodríguez, J.; Romero; Rose; Sanford; Schaefer; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Canales; Clardy; Landgraf; Leach; Meyer; Murr; Schofield; Schubert; Sheets(C).

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes.

### STATEMENTS OF VOTE

When Record No. 359 was taken, I was shown voting yes. I intended to vote present, not voting.

Burrows

When Record No. 359 was taken, I was shown voting yes. I intended to vote present, not voting.

Sheffield

### REASON FOR VOTE

At the time **HB 2089** was considered, I was in the chair. If I had not been in the chair, I would have voted present, not voting because the bill eliminates the occupation tax for Texas attorneys. As a Texas attorney, I will benefit financially if this bill becomes law.

Sheets

### HB 2491 ON THIRD READING (by Pickett)

**HB 2491**, A bill to be entitled An Act relating to licensing and appointment of title insurance escrow officers; changing the limit applicable to a fee; authorizing a fee.

**HB 2491** was passed by (Record 360): 131 Yeas, 5 Nays, 5 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez

Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Schaefer; Stickland; Tinderholt; White, M.

Present, not voting — Mr. Speaker; Anderson, R.; Murr; Schubert; Sheets(C).

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Fallon; Thompson, E.

### STATEMENTS OF VOTE

When Record No. 360 was taken, my vote failed to register. I would have voted yes.

Fallon

When Record No. 360 was taken, I was shown voting yes. I intended to vote no.

Shaheen

### HB 2717 ON THIRD READING (by Goldman, Gutierrez, and Simmons)

**HB 2717**, A bill to be entitled An Act relating to the deregulation of hair braiding.

**HB 2717** was passed by (Record 361): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Harless.

**HB 3742 ON THIRD READING**  
(by Smith)

**HB 3742**, A bill to be entitled An Act relating to the authority of the Texas Department of Licensing and Regulation to determine applicant eligibility for a license.

**HB 3742** was passed by (Record 362): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes; Gonzales; Springer.

**STATEMENT OF VOTE**

When Record No. 362 was taken, my vote failed to register. I would have voted yes.

Gonzales

**HB 1246 ON THIRD READING**  
(by Koop, et al.)

**HB 1246**, A bill to be entitled An Act relating to the methods of delivery for required financial statement forms sent to certain municipal officeholders and candidates for municipal office.

**HB 1246** was passed by (Record 363): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Oliveira.

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

Absent, Excused — Bohac; Crownover; King, P.; Longoria; Miles.

Absent — Dukes.

### STATEMENT OF VOTE

When Record No. 363 was taken, I was shown voting no. I intended to vote yes.

Oliveira

(Speaker in the chair)

### POSTPONED BUSINESS

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

#### CSHB 2510 ON SECOND READING

(by Price, Raymond, Dutton, Burkett, and Gonzales)

**CSHB 2510**, A bill to be entitled An Act relating to the continuation and functions of the Department of State Health Services, the provision of health services in this state, and the regulation of certain health-related occupations and activities.

**CSHB 2510** was read second time on April 21 and was postponed until 9 a.m. today.

#### Amendment No. 1

Representative Price offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) as follows:

(1) On page 2, line 18, between "assistance of" and "a", insert "stakeholders and".

(2) On page 3, line 19, between "party" and "shall", insert "with input from stakeholders".

(3) Strike page 5, line 9, through page 6, line 26, and substitute the following:

Sec. 533.0515. REGIONAL ALLOCATION OF MENTAL HEALTH BEDS. (a) In this section, "inpatient mental health facility" has the meaning assigned by Section 571.003.

(b) The commission, with input from local mental health authorities, local behavioral health authorities, and stakeholders, and after considering any plan developed under Section 533.051, shall divide the state into regions for the purpose of allocating to each region state-funded beds in the state hospitals and other inpatient mental health facilities for patients who are:

(1) voluntarily admitted to a state hospital or other inpatient mental health facility under Subchapter B, Chapter 462, or Chapter 572;

(2) admitted to a state hospital or other inpatient mental health facility for emergency detention under Subchapter C, Chapter 462, or Chapter 573;

(3) ordered by a court to receive at a state hospital or other inpatient mental health facility inpatient chemical dependency treatment under Subchapter D, Chapter 462, or inpatient mental health services under Chapter 574;

(4) committed to a state hospital or other inpatient mental health facility to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure; or

(5) committed to a state hospital or other inpatient mental health facility to receive inpatient mental health services following an acquittal by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(c) The department, in conjunction with the commission, shall convene the advisory panel described by Section 533.051(c) at least quarterly in order for the advisory panel to:

(1) develop, make recommendations to the executive commissioner or department, as appropriate, and monitor the implementation of updates to:

(A) a bed day allocation methodology for allocating to each region designated under Subsection (b) a certain number of state-funded beds in state hospitals and other inpatient mental health facilities for the patients described by Subsection (b) based on the identification and evaluation of factors that impact the use of state-funded beds by patients in a region, including clinical acuity, the prevalence of serious mental illness, and the availability of resources in the region; and

(B) a bed day utilization review protocol that includes a peer review process to:

(i) evaluate:

(a) the use of state-funded beds in state hospitals and other inpatient mental health facilities by patients described by Subsection (b);

(b) alternatives to hospitalization for those patients;

(c) the readmission rate for those patients; and  
(d) the average length of admission for those patients; and  
(ii) conduct a review of the diagnostic and acuity profiles of patients described by Subsection (b) for the purpose of assisting the department, commission, and advisory panel in making informed decisions and using available resources efficiently and effectively; and

(2) receive and review status updates from the department regarding the implementation of the bed day allocation methodology and the bed day utilization review protocol.

(d) Not later than December 1 of each even-numbered year, the advisory panel shall submit to the executive commissioner for consideration a proposal for an updated bed day allocation methodology and bed day utilization review protocol, and the executive commissioner shall adopt an updated bed day allocation methodology and bed day utilization review protocol.

(e) Not later than December 1 of each even-numbered year, the department, in conjunction with the commission and the advisory panel, shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, the senate finance committee, the house appropriations committee, and the standing committees of the legislature having jurisdiction over mental health and human services a report that includes:

(1) a summary of the activities of the commission, department, and advisory panel to develop or update the bed day allocation methodology and bed day utilization review protocol;

(2) the outcomes of the implementation of the bed day allocation methodology by region, including an explanation of how the actual outcomes aligned with or differed from the expected outcomes;

(3) for planning purposes, for each region, the actual value of a bed day for the two years preceding the date of the report and the projected value of a bed day for the five years following the date of the report, as calculated by the department;

(4) for each region, an evaluation of the factors in Subsection (c)(1)(A), including the availability of resources in the region, that impact the use of state-funded beds in state hospitals and other inpatient mental health facilities by the patients described by Subsection (b);

(5) the outcomes of the implementation of the bed day utilization review protocol and the impact of the use of the protocol on the use of state-funded beds in state hospitals and other inpatient mental health facilities by the patients described by Subsection (b); and

(6) any recommendations of the department, commission, or advisory panel to enhance the effective and efficient allocation of state-funded beds in state hospitals and other inpatient mental health facilities for the patients described by Subsection (b).

(f) Notwithstanding Subsection (d), not later than March 1, 2016, the advisory panel, with assistance from the department, shall submit to the executive commissioner an initial proposal for a bed day allocation methodology and bed day utilization review protocol for review. The executive commissioner shall

adopt an initial bed day allocation methodology and bed day utilization review protocol not later than June 1, 2016. Before the commission adopts the initial bed day allocation methodology, the department shall continue to allocate state-funded beds in the state hospitals and other inpatient mental health facilities according to the department's policy as it existed immediately before September 1, 2015, and the policy is continued in effect for that purpose. This subsection expires September 1, 2017.

(4) Strike page 9, lines 10-21, and renumber the subsequent SECTIONS of Article 2 accordingly.

REPRESENTATIVE PRICE: This amendment removes language in the bill imposing a daily fee for local mental health authorities that exceed their allocations of state hospital beds and replaces it with the bed utilization review and reporting process. This is all intended to address the pressure that we have on our state hospital beds within the state hospital system. This language preserves Sunset's goal to more closely monitor and evaluate the use of state hospital beds, while addressing significant stakeholder concerns regarding financial impact on local authorities. It's agreed to by the Texas Council of Community Centers, the Texas Conference of Urban Counties, and Disability Rights Texas, who we worked with to create this amendment. State hospital beds are a limited and expensive resource.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representatives Price and Goldman offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee printing) as follows:

(1) On page 8, line 19, between "FOR" AND "CERTAIN", insert "AND ADMINISTRATION OF".

(2) On page 8, line 20, between the period and "The", insert "(a)".

(3) On page 8, line 23, after the period, add the following:

A local mental health authority or local behavioral health authority may subcontract with a substance abuse or behavioral health service provider to provide those services.

(b) A local mental health authority or local behavioral health authority who contracts with the department to administer outreach, screening, assessment, and referral functions relating to the provision of substance abuse services shall develop an integrated service delivery model that, to the extent feasible, uses providers who have historically administered outreach, screening, assessment, and referral functions.

REPRESENTATIVE PRICE: I appreciate the opportunity to lay out this amendment. It adds language to clarify that Local Mental Health Authorities, or LMHAs, can subcontract for substance abuse outreach, screening assessments, and referral services—commonly referred to as OSAR services—and to the extent feasible, use providers who have historically administered these services. The amendment preserves the Sunset Commission's recommendation that

LMHAs, instead of DSHS, handle local administration of OSAR service contracts to ensure integrated services, such as hotlines. Sunset found the separate administration of these front door services goes against National Best Practices, considering that 45 percent of adults with substance abuse issues also have co-occurring mental illness. I appreciate Representative Goldman for bringing this issue before us and working with us on this.

Amendment No. 2 was adopted.

### Amendment No. 3

Representative Price offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) by adding the following appropriately numbered SECTION to Part 1, Article 8 of the bill, and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 51, Occupations Code, is amended by adding Section 51.2031 to read as follows:

Sec. 51.2031. RULES REGARDING HEALTH-RELATED PROGRAMS; PROVISION OF INFORMATION. (a) This section applies only to the regulation of the following professions by the department:

- (1) athletic trainers;
- (2) dietitians;
- (3) hearing instrument fitters and dispensers;
- (4) midwives;
- (5) orthotists and prosthetists; and
- (6) speech-language pathologists and audiologists.

(a-1) The commission may not adopt a new rule relating to the scope of practice of or a health-related standard of care for a profession to which this section applies unless the rule has been proposed by the advisory board established for that profession. The commission shall adopt rules prescribing the procedure by which an advisory board may propose rules described by this subsection.

(a-2) For each rule proposed under Subsection (a-1), the commission shall either adopt the rule as proposed or return the rule to the advisory board for revision. The commission retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process. This subsection and Subsection (a-1) expire September 1, 2019.

(b) The commission shall adopt rules clearly specifying the manner in which the department and commission will solicit input from, and on request provide information to, an advisory board established for a profession to which this section applies regarding the general investigative, enforcement, or disciplinary procedures of the department or commission.

REPRESENTATIVE PRICE: What this amendment does, members, it ensures the six health-related advisory boards transferring from DSHS to TDLR retain authority for proposing rules relating to standards of care, scope of practice. The six occupations that we're talking about are: athletic trainers, hearing aid fitters and dispensers, midwives, speech-language pathologists and audiologists,

orthotists and prosthetists, and dietitians. While the advisory boards would propose the rules, TDLR Commission would actually adopt the final rules; however, the amendment requires the TDLR Commission to either accept the advisory board's rules or return them for revision. The provision expires in 2019, to align TDLR's sunset date. With it, the amendment also requires TDLR to develop rules for advisory board input into investigative and disciplinary procedures.

### LEAVE OF ABSENCE GRANTED

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

Herrero on motion of Walle.

### CSHB 2510 - (consideration continued)

#### Amendment No. 4

Representative Frullo offered the following amendment to Amendment No. 3:

Amend Floor Amendment No. 3 by Price to **CSHB 2510** by striking page 1, line 17 and substituting the following:  
the education requirements for a practitioner of, the scope of practice of, or a health-related standard of care for a

REPRESENTATIVE FRULLO: Members, this amendment adds the word education so that the same standards that apply also add education. It's acceptable to the author.

Amendment No. 4 was adopted.

Amendment No. 3, as amended, was adopted.

#### Amendment No. 5

Representative Price offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) as follows:

(1) On page 104, line 2, strike "one licensed orthotist member who has" and substitute "two [one] licensed orthotist members [member] who each have [has]".

(2) On page 104, line 4, strike "one licensed prosthetist member who has" and substitute "two [one] licensed prosthetist members [member] who each have [has]".

(3) On page 104, line 10, following the semicolon, add "and".

(4) Strike page 104, lines 12-14 and substitute the following:  
 who uses a prosthesis ~~;~~ and

~~[(6) two members who are representatives of the public who do not use an orthosis or prosthesis].~~

(5) On page 105, strike lines 8-11 and substitute the following:

Sec. 605.056. PRESIDING OFFICER ~~[OFFICERS]~~. The members of the advisory board shall elect from the advisory board's membership a presiding officer of the advisory board to serve for a term of

(6) Strike page 105, lines 15 and 16 and substitute the following:

SECTION 8.154. Section 605.059, Occupations Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(7) On page 105, between lines 20 and 21, insert the following:

(c) Four or more advisory board members may call a special meeting of the advisory board by providing written notice not less than 14 days before the date of the meeting to:

(1) the presiding officer of the commission;

(2) the executive director; and

(3) all other members of the advisory board.

(d) Not more than two special meetings of the advisory board may be called under Subsection (c) in a calendar year.

REPRESENTATIVE PRICE: This amendment makes three changes requested by the orthotists and prosthetists industry. It changes the composition of the seven member O and P advisory board to add an additional two members. It allows the members of the O and P advisory board to select the board's presiding officer, and it allows the advisory board members to call two special meetings per year.

REPRESENTATIVE STICKLAND: This is all coming really fast here. What did we strike out about a member of the public being involved in the board?

PRICE: That's a good question. What it does is, as you probably understood in the bill, the orthotists and prosthetists—the O and Ps—are moving from DSHS to TDLR and the makeup of their old advisory board at DSHS moves over to TDLR as an advisory board. TDLR has seven public members as its board itself that will set the rules and work over them. Now, the amendment shows that the advisory board to the TDLR board will have two licensed orthotists, two licensed prosthetists, one licensed O and P with five years experience, one public member who uses an orthotist, and one public member who uses a prosthetist. So it takes out what used to be the two public members, but it still maintains two public members who actually use an orthosis or a prosthesis, and then, of course, the TDLR board has all public members. So it is an adjustment, but by and large there are more public members now overseeing the O and Ps.

STICKLAND: Okay, and for the benefit of the members and myself, in particular, the last amendment that was accepted, by Representative Frullo, that you just took, could you explain to us exactly what that did, because a lot of us couldn't even load it by the time it came across?

PRICE: Sure. What it did is there is—I guess there was some concern with some of the groups moving over to TDLR. You know we're trying to focus DSHS on their core mission by getting some of the regulatory functions and occupations out of DSHS to TDLR. Some of those that are moving expressed some concern that the TDLR board would be imposing on them some requirements that they didn't necessarily like or agree with because they weren't as experienced in their occupation. So what we said is these advisory boards have to go and propose certain things to TDLR if they're going to make rules on it, that they can't accept it—like, for instance, disciplinary, investigations, and that sort of thing—unless

the advisory board has suggested it and we included the word education so that TDLR couldn't, I guess, randomly or arbitrarily suggest that certain occupations go get additional training or education that they didn't feel like they needed to have. So it gives that input.

STICKLAND: So would it be fair to say that his amendment was trying to add another layer before a new regulation could be passed down?

PRICE: Not really another layer, but just another area that would give them more comfort that TDLR, as a board, wouldn't impose something arbitrarily on their occupation. It just gave an area, which was the education area, that said if you're going to do that, you needed to have received some input from our advisory council made up of practitioners. That way it's not arbitrary, it's really coming from those who are being regulated.

STICKLAND: Was the intent of the amendment to slow down the process in which a new recommendation could happen?

PRICE: No, not really slow it down. I think it's to clarify. I guess, I want to make sure that we're on the same page there, because, in essence, you know there's just some legitimate concern, if you've been regulated, say, by DSHS, but now you're going to be regulated by TDLR, and you've never had any experience with TDLR, you may be concerned, if you are one of the occupations moving over there, that TDLR doesn't understand your occupation. This ensures that if they're going to impose certain requirements, like educational training requirements, that some of that information came up from the advisory board. So it's a layer of protection and just another area where that protection would apply.

STICKLAND: Because we made some comments earlier about amendments, was that amendment prefiled and discussed in the committee—there seems to be some deliberation on whether we wanted to do that or not?

PRICE: It was discussed; there was deliberation really for the last several months, working with these stakeholders about it. The amendment itself was prefiled, the amendment to the amendment had to be corrected before it was—that was the hold up. It really wasn't—

STICKLAND: But it was the same intention—

PRICE: Yes, the exact same intention.

Amendment No. 5 was adopted.

### **Amendment No. 6**

Representative Price offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) as follows:

(1) Strike page 182, line 21, through page 183, line 7, and substitute the following:

(A) the certification program required by Subchapter C, including minimum standards for issuing, renewing, suspending, canceling, or revoking a certificate;

(B) certification renewal dates;

(C) the registry required by Subchapter E;  
(D) grounds for disciplinary actions;  
(E) procedures for disciplinary proceedings;  
(F) procedures for non-disciplinary remedial plans;  
(G) minimum standards for approving and rescinding approval of curricula and education programs to train individuals, registered nurses, and physician assistants to perform radiologic procedures;

(H) minimum standards for approving and rescinding approval of instructors to teach approved curricula or education programs to train individuals to perform radiologic procedures;

(I) procedures for requiring an applicant for or holder of a certificate to submit to:

(i) an examination of the applicant's or holder's physical or mental health; and

(ii) screening for alcohol or substance abuse or behavioral issues; and

(J) procedures for making a confidential referral to the Texas Physician Health Program established under Chapter 167, and for requiring participation in the program as a prerequisite for issuing or maintaining a certificate under this chapter or approval under Section 601.054 or 601.055;

(2) On page 204, line 14, between "suspend," and "revoke," insert "restrict,".

(3) On page 206, strike line 16 and substitute the following:

Sec. 601.304. ADMINISTRATIVE PROCEDURE FOR CONTESTED CASE HEARING. For a contested case hearing in which a formal complaint has been filed under this chapter, the ~~The~~ procedure by

(4) On page 211, between lines 20 and 21, insert the following:

(f) Section 601.275 applies to an investigation file and investigative information in the possession of or used by the advisory board in an informal proceeding under this section.

(5) On page 226, between lines 19 and 20, insert the following:

(c) Except as otherwise provided by this chapter, the advisory committee is subject to Chapters 551, 552, and 2001, Government Code.

(d) A majority of the advisory committee members constitutes a quorum for all purposes except when advisory committee members are participating in a proceeding of the medical board as described by Section 602.151(b).

(6) On page 226, line 26, between "DUTIES." and "The", insert "(a)".

(7) On page 227, line 4, strike the semicolon and substitute the following: , including:

(A) procedural rules governing investigations, informal hearings, the issuance of cease and desist orders, and disciplinary sanctions; and

(B) rules governing character and conduct for applicants or license holders and fitness to practice medical physics in this state;

(8) On page 227, strike lines 7 and 8 and substitute the following: physicist to practice in this state and the fitness of each applicant for a license or license renewal;

(9) On page 227, strike lines 14 through 19, and substitute the following:

(5) prescribe the application form for a license under this chapter;

(6) issue, deny, renew, revoke, restrict, ~~and~~ suspend, or accept the surrender of a license ~~[licenses];~~

(7) charge fees that are reasonable and necessary to cover the costs of administering this chapter ~~[adopt and publish a code of ethics]; ~~and~~~~

(8) conduct informal hearings ~~[on complaints]~~ concerning violations of this chapter or rules adopted under this chapter;

(9) issue disciplinary sanctions, including agreed orders and non-disciplinary remedial plans; and

(10) establish procedures for making a confidential referral to the Texas Physician Health Program established under Chapter 167, and for requiring participation in the program as a prerequisite for issuing or maintaining a license under this chapter.

(b) The medical board may include any member of the advisory committee in a proceeding of the medical board related to a power or duty described by Subsection (a) if the medical board considers the expertise of the advisory committee member to be beneficial in the proceeding.

(10) On page 240, line 23, strike "shall" and substitute "may ~~shall~~".

(11) On page 240, line 24, strike "suspend" and substitute "suspend, restrict,".

(12) On page 241, strike lines 16 through 19 and substitute the following:

Sec. 602.252. ADMINISTRATIVE PROCEDURE FOR CONTESTED CASE HEARING. Chapter ~~[Chapters]~~ 2001 ~~[and 2002]~~, Government Code, and medical board rules for a contested case hearing apply to a proceeding by the medical board under this chapter in which a formal complaint has been filed ~~[subchapter].~~

(13) On page 242, between lines 8 and 9, insert the following:

(c) Chapters 551 and 552, Government Code, do not apply to an investigation file and investigative information in the possession of or used by the medical board in an informal proceeding under this section.

(14) On page 251, strike lines 7 through 24 and substitute the following:

(1) establish the qualifications for a perfusionist to practice in this state, including rules governing character and conduct for applicants or license holders and fitness of applicants or license holders to practice ~~[for licenses, including renewed and reciprocal licenses];~~

(2) issue, revoke, restrict, suspend, ~~[or]~~ deny, or accept the surrender of a license~~;~~ ~~probate a license suspension, or reprimand a license holder for a violation of this chapter, a rule adopted by the executive commissioner under this chapter, or the code of ethics adopted by the executive commissioner];~~

(3) charge fees that are reasonable and necessary to cover the costs of administering this chapter ~~[spend money necessary to administer the department's duties];~~

(4) establish requirements for an examination for a license under this chapter ~~[request and receive necessary assistance from another state agency, including a state educational institution];~~

(5) establish minimum education and training requirements necessary for a license under this chapter [~~adopt an official seal~~]; [~~and~~

(6) prescribe the application form for a license under this chapter;

(7) adopt and publish a [~~the~~] code of ethics;

(8) establish procedural rules governing investigations, informal hearings, the issuance of cease and desist orders, and disciplinary sanctions;

(9) conduct informal hearings concerning violations of this chapter or rules adopted under this chapter;

(10) issue disciplinary sanctions, including agreed orders and non-disciplinary remedial plans; and

(11) establish procedures for making a confidential referral to the Texas Physician Health Program established under Chapter 167, and for requiring participation in the program as a prerequisite for issuing or maintaining a license under this chapter [~~adopted by the executive commissioner~~].

(15) On page 268, strike lines 21 and 22 and substitute the following: medical board may [~~department shall~~]:

(1) revoke, restrict, or suspend the license;

(16) On page 269, strike lines 3 through 10 and substitute the following:

Sec. 603.402. CONTESTED CASE HEARING. Chapter 2001, Government Code, and medical board rules for a contested case hearing apply to a proceeding by the medical board under this chapter in which a formal complaint has been filed [~~(a) If the department proposes to revoke, suspend, or refuse to renew a person's license, the person is entitled to a hearing before a hearings officer appointed by the State Office of Administrative Hearings~~].

[~~(b) The executive commissioner shall prescribe procedures for appealing to the department a decision to revoke, suspend, or refuse to renew a license.~~]

(17) On page 271, between lines 3 and 4, insert the following:

(c) Chapters 551 and 552, Government Code, do not apply to an investigation file and investigative information in the possession of or used by the medical board in an informal proceeding under this section.

(18) On page 283, strike line 27.

(19) On page 284, between lines 2 and 3, insert the following:

(C) standards of conduct and fitness for respiratory care practitioners;

(D) grounds for disciplinary actions;

(E) procedures for disciplinary proceedings;

(F) guidelines for the issuance of sanctions;

(G) procedures for non-disciplinary remedial plans; and

(H) procedures for requiring an applicant for or holder of a certificate or temporary permit to submit to:

(i) an examination of the applicant's or holder's physical or mental health; and

(ii) screening for alcohol or substance abuse or behavioral issues;

(20) On page 284, line 5, strike "issue" and substitute "procedures for the issuance or renewal of".

(21) On page 284, line 6, between "suspend," and "or", insert "restrict,".

(22) On page 284, line 10, between "any" and "action", insert "other".

(23) On page 286, strike lines 12 through 15 and substitute the following:

Sec. 604.055. PEER ASSISTANCE PROGRAM. The advisory board [department] may use the Texas Physician Health Program established under Chapter 167 as the advisory board's [establish, approve, and fund a] peer assistance program [in accordance with Section 467.003, Health and Safety Code, and department rules]. The advisory board by rule may establish procedures for making a confidential referral to the Texas Physician Health Program and for requiring participation in the program as a prerequisite for issuing or maintaining a certificate or temporary permit under this chapter.

(24) On page 301, line 18, following "basis,", add "restrict,".

(25) On page 302, line 17, strike "or" and substitute "[or]".

(26) On page 302, line 19, strike the period and substitute the following:

; or

(9) has violated:

(A) a rule adopted under this chapter;

(B) an order of the advisory board previously entered in a disciplinary proceeding; or

(C) an order to comply with a subpoena issued under this chapter.

(27) On page 304, strike line 10 and substitute the following:

Sec. 604.203. ADMINISTRATIVE [DISCIPLINARY] PROCEDURE FOR CONTESTED CASE HEARING. For a contested case hearing in which a formal complaint has been filed under this chapter, the [The] procedure by

(28) On page 308, between lines 1 and 2, insert the following:

(f) Section 604.175 applies to an investigation file and investigative information in the possession of or used by the advisory board in an informal proceeding under this section.

(29) Add the following appropriately numbered SECTION to Article 9 of the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 167, Occupations Code, is amended by adding Section 167.0091 to read as follows:

Sec. 167.0091. REFERRALS FOR CERTAIN PROFESSIONS. Notwithstanding any other provision of this chapter, the board, the Texas Board of Medical Radiologic Technology, or the Texas Board of Respiratory Care, as appropriate, may make a referral to the program and require participation in the program as a prerequisite for issuing or maintaining a license, certificate, permit, or other authorization under Chapter 601, 602, 603, or 604.

REPRESENTATIVE PRICE: This amendment makes clarifying changes requested by the Texas Medical Board related to the transfer of four regulatory programs from DSHS to TMB. In transferring these four regulatory programs, the Sunset Commission directed that the regulation be modeled on TMB's existing authority to regulate PAs and surgical assistants. The language in this amendment and in Article 9 of the bill relating to these transfers is all based on existing regulatory authority at TMB governing these programs.

Amendment No. 6 was adopted.

**Amendment No. 7**

Representative Price offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) as follows:

(1) Strike page 329, line 6, through page 331, line 16, and renumber subsequent SECTIONS of the bill accordingly.

(2) Strike page 340, lines 8 and 9, and renumber subsequent subdivisions accordingly.

REPRESENTATIVE PRICE: This amendment continues, rather than abolishes, DSHS's responsibility to accredit food handler training and education programs. The amendment strikes all references to this program from the bill leaving the law as it currently exists, so there's no change here—it just deletes that.

Amendment No. 7 was adopted.

**Amendment No. 8**

Representative Howard offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) to read as follows:

(1) On page 7, line 26, between "facilities" and the underscored period, insert the following:

, including the need for new types of licenses and modifications to existing license types

(2) On page 8, line 14, between "Section 533.088" and the underscored period, insert the following:

, including the need for new types of licenses and modifications to existing license types

REPRESENTATIVE HOWARD: I have an amendment that is agreed upon with the author that simply reflects what was in the Sunset recommendations and had not been included—having to do with the creation of new licensure types, if necessary, when the stakeholders consider whether new licensing types or modification of existing ones may be necessary to protect patient safety.

**Amendment No. 9**

Representative Howard offered the following amendment to Amendment No. 8:

Amend Amendment No. 8 by Howard to **CSHB 2510** (house committee report) by striking Item (2) of the amendment and substituting the following:

(2) On page 8, lines 10 and 11, between "include" and "the", insert the following:

∴

(1)

(3) On page 8, line 14, between "Section 533.088" and the period, insert the following:

; or

(2) new types of licenses or modifications to existing license types

REPRESENTATIVE HOWARD: This amendment to the amendment simply cleans up some of the awkward language and makes the subsection easier to read.

Amendment No. 9 was adopted.

REPRESENTATIVE STICKLAND: Can you please explain this to me because this—is this calling for new licenses or what is happening here?

HOWARD: It's just there's a part in the Sunset Advisory Commission report, recommendation 2.4, which requires DSHS to overhaul regulations for community-based behavioral health treatment facilities. That part was included, but the second part of the sentence was omitted, which is including creating new license types, if necessary. This is not—

STICKLAND: What does that mean, "if necessary"?

HOWARD: Well, because they'll be discussing what they need to do in order to put into place the community-based behavior health treatment facilities. This only says that that will be part of the discussion. It creates no new license requirements.

STICKLAND: But it gives them the ability to do so if they so choose?

HOWARD: It gives them the ability to discuss what is necessary. It doesn't create them.

STICKLAND: Representative, wouldn't you say that if we create a new license for something in the state that we need to discuss it rather than them?

HOWARD: I'm sorry?

STICKLAND: Don't you think that if we want to create a new licensing requirement that we need to discuss that instead of the agency?

HOWARD: There's nothing that prohibits us from discussing it, no. Certainly they can discuss it, as well, and that's all that this is about. It was just part of the recommendation.

STICKLAND: I know, but this amendment would enable them to create a license, as needed, out of the blue, without talking to us, correct?

HOWARD: Not that I understand, no. The amendment does not require licensure of any setting, but simply makes licensure part of the stakeholder conversation described in the bill, and provides rulemaking authority to the executive commissioner if new or modified licenses are deemed necessary.

STICKLAND: So would they—if we pass this amendment, would they be able to institute a license that currently does not exist, if they so choose or as needed, without authorization from the legislature?

HOWARD: They can actually create new licensure types if necessary, yes. They can create types of licensures, yes, according to this.

STICKLAND: Does that not concern you—

HOWARD: No, it does not.

STICKLAND: —that we're handing over that ability to a bureaucracy instead of this body?

HOWARD: This is a licensure for facility types.

STICKLAND: I would like a record vote on this amendment please. I'm sorry—does the author accept this amendment, or where are we at?

REPRESENTATIVE PRICE: The author does accept, Representative Stickland. I do accept the amendment. Let me explain a little more. I think it would help shed some light on what the amendment really is going to do. It clarifies that the review of community-based mental health crisis and treatment facilities required by the bill can consider new license types. Let me tell you why that's needed. The statute's pretty old that governs this type of facility review and if—and in recent past, community mental health crisis and treatment facilities have actually improved quite a bit, but they've improved so fast they haven't kept pace with the requirements in the law the way the statutes are currently written. So disability rights groups sought some clarification which would be consistent with the Sunset staff's recommendation so that after DSHS makes these reviews for updated facility standards to address community-based mental health crisis centers, that if in that review they determine that they need to address these types of new facilities with any sort of requirements for licensure, that they would have the flexibility to do that. It's more of a life safety, health and safety issue. It's not creating a license for a new occupation or anything like that. I just wanted to make sure that was clear.

STICKLAND: But it could?

PRICE: No, it could not. It could create a new license type for a facility meant to treat community-based mental health, the facility license. It's not talking about creating an occupational license, but if there's facilities out there that we want because they're treating, less expensively, folks than that would be going to a state mental hospital bed, if they're treating them better and more adequately and less expensively, we want our laws to keep up with the way these facilities are changing and being operated. So that's why that flexibility was built in there, so that if they wanted to create a license to license a facility to treat these folks so they don't wind up in our state hospitals, that they would have the flexibility to do that. That's really the substance of the amendment. I don't think it's a bad amendment. I think it's a good idea. No regulatory standards exist currently for the way these facilities are being operated in many cases. So there are contract requirements for that now, but the only oversight is the funding that the agency may be paying via these contracts. So this will create that—

STICKLAND: My concern is that if we allow them to pick and choose the ones that they see fit, rather than have a law on the books that deals with it and allows the free market to perhaps enter into the conversation, rather than a bureaucracy hand picking where they're going to give licenses and what not—I think that's a dangerous place for us to be, representative. I understand the intent. But it feels

like when we're dealing with turning the switch on and off on a business that we should maybe put a little bit more thought into this than the way it feels right now.

PRICE: Yeah, I hear what you're saying, Representative Stickland. I don't disagree with the premise that you always want to be careful about extending a leeway to create, you know, some license or something that may be experimental. But the reality is we give the agency the flexibility to monitor these types of facilities through licensure. An example of these facilities include respite centers, crisis respite centers, extended observation units. These are things that are developing more rapidly than the law can keep up with, so the—

STICKLAND: Right, but my concern is, and this happens often in government and I think you would agree, is that if we don't set the standard at the start for what is okay and what's not and we allow a bureaucracy to give the thumbs up or the thumbs down, conceivably a business could have a two-year head start on another business, and then we come back and add the new license, but we put in a grandfather clause. I mean, there's just a lot of different things, and that's why I would like to get a vote on this amendment.

PRICE: I understand your concern. I think that the agency is in a good position because they're experts on these types of issues to set those standards. I don't think that we are equipped, necessarily, to make all those decisions every other year, but I understand your concern, and I appreciate the questions on it.

STICKLAND: I just get nervous any time we say just trust the government bureaucracy to do what's right.

PRICE: That's paraphrasing what this says. I disagree with "just trust the bureaucracy," or I agree with that premise, but I disagree with that's what this does. I believe what this does, and it's consistent with the Sunset recommendation, which is give the flexibility for that licensure to keep up so that they don't go unregulated, which would be dangerous.

STICKLAND: And I appreciate the recommendation, but I think that it's the responsibility of this body to decide whether we are going to allow a bureaucracy the chance to pick a winner and loser and grant licenses at their own discretion.

Amendment No. 8, as amended, was adopted by (Record 364): 95 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Burkett; Button; Clardy; Coleman; Collier; Cook; Craddick; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farney; Farrar; Flynn; Frullo; Galindo; Giddings; González; Gutierrez; Harless; Hernandez; Howard; Huberty; Hunter; Israel; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Klick; Koop; Kuempel; Larson; Laubenberg; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Price; Raney; Raymond; Reynolds; Riddle;

Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheets; Sheffield; Smith; Smithee; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wu; Zerwas.

Nays — Bell; Bonnen, D.; Bonnen, G.; Burrows; Capriglione; Cyrier; Dale; Faircloth; Fallon; Frank; Geren; Gonzales; Guillen; Hughes; Isaac; Krause; Landgraf; Leach; Metcalf; Meyer; Murr; Phillips; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Simpson; Spitzer; Springer; Stickland; Tinderholt; Turner, E.S.; White, J.; White, M.; Wray; Zedler.

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

Absent, Excused — Bohac; Crownover; Herrero; King, P.; Longoria; Miles.

Absent — Burns; Dukes; Fletcher; Goldman; Guerra; Keough; Pickett.

### STATEMENTS OF VOTE

When Record No. 364 was taken, I was in the house but away from my desk. I would have voted no.

Burns

When Record No. 364 was taken, I was shown voting yes. I intended to vote no.

Button

When Record No. 364 was taken, I was in the house but away from my desk. I would have voted no.

Fletcher

When Record No. 364 was taken, my vote failed to register. I would have voted no.

Goldman

When Record No. 364 was taken, I was in the house but away from my desk. I would have voted yes.

Guerra

When Record No. 364 was taken, I was in the house but away from my desk. I would have voted no.

Keough

When Record No. 364 was taken, I was shown voting yes. I intended to vote no.

Kuempel

When Record No. 364 was taken, I was shown voting yes. I intended to vote no.

Laubenberg

When Record No. 364 was taken, I was shown voting yes. I intended to vote no.

D. Miller

### **Amendment No. 10**

Representative Dutton offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) in ARTICLE 4 of the bill by adding the following appropriately numbered SECTION to that article and renumbering subsequent SECTIONS of that article accordingly:

SECTION 4.\_\_\_\_. Section 43.005, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) The executive commissioner shall appoint for the program a dental director who is a licensed dentist under Subtitle D, Title 3, Occupations Code, and the rules adopted under that subtitle by the State Board of Dental Examiners.

REPRESENTATIVE DUTTON: This amendment simply requires that the executive commissioner, in the appointment of a program dental director, will appoint a licensed dentist in that position. I believe that the amendment is acceptable to the author.

Amendment No. 10 was adopted.

### **Amendment No. 11**

Representative Bell offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee printing) by adding the following appropriately numbered SECTIONS to Article 5 of the bill and renumbering subsequent SECTIONS of the article accordingly:

SECTION 5.\_\_\_\_. Sections 192.003(a) and (c), Health and Safety Code, are amended to read as follows:

(a) The physician, advanced practice registered nurse, physician assistant, midwife, or person acting as a midwife in attendance at a birth shall file the birth certificate with the local registrar of the registration district in which the birth occurs.

(c) If there is no physician, advanced practice registered nurse, physician assistant, midwife, or person acting as a midwife in attendance at a birth and if the birth does not occur in a hospital or birthing center, the following in the order listed shall report the birth to the local registrar:

- (1) the father or mother of the child; or
- (2) the owner or householder of the premises where the birth occurs.

SECTION 5.\_\_\_\_. Sections 193.005(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) A person required to file a death certificate or fetal death certificate shall obtain the required medical certification from an attending physician, advanced practice registered nurse, or physician assistant if the death occurred under medical attendance for the care and treatment of the condition or disease process that contributed to the death.

(b) The attending physician, advanced practice registered nurse, or physician assistant shall complete the medical certification not later than five days after receiving the death certificate.

(c) An associate physician, the chief medical officer of the institution where the death occurred, or the physician who performed an autopsy on the decedent may complete the medical certification if:

(1) the attending physician, advanced practice registered nurse, or physician assistant is unavailable;

(2) the attending physician, advanced practice registered nurse, or physician assistant approves; and

(3) the person completing the medical certification has access to the medical history of the case and the death is due to natural causes.

REPRESENTATIVE BELL: This amendment would allow advanced practice nurse practitioners and physician assistants to sign death and birth certificates. APRNs and PAs are a vital part of our health system in Texas. APRNs are educated at master's or post-master's levels and in specific roles in patient populations. PAs practice in medical and surgery specialties and every day are an extension of their doctor. It's unacceptable to continue to ignore Texas' rapid growth and aging population of stressed health care workforce not to protect patients, but to protect the current status quo. We need to make comprehensive changes to current statutory requirements relating to APRNs and PA authority which will benefit Texas. With that said, I'm going to withdraw this amendment because it is not acceptable to the author, but it is imperative that we take this matter seriously as it is a large portion of our budget and it is our job to take care of the citizens of Texas.

Amendment No. 11 was withdrawn.

### **Amendment No. 12**

Representatives Zerwas and R. Miller offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) as follows:

(1) On page 135, between lines 11 and 12, insert the following appropriately numbered subdivisions and renumber subsequent subdivisions accordingly:

( ) Section 403.002;

( ) Section 403.053;

( ) Section 403.109;

( ) Section 403.201;

( ) Section 403.205;

( ) Section 403.206;

( ) Section 403.208;

( ) Section 403.210;

( ) Section 403.211;

( ) Section 403.252;

(2) On page 338, strike lines 16-19.

- (3) On page 340, line 22, following the semicolon, add "and".
- (4) On page 340, line 23, strike "; and" and substitute a period.
- (5) On page 340, strike line 24.

(6) Add the following appropriately numbered SECTIONS to Part 1, Article 8, of the bill:

SECTION \_\_\_\_\_. Section 403.001, Occupations Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended by adding Subdivision (1) and amending Subdivisions (2) and (3) to read as follows:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation [~~State Health Services~~].

(3) "Executive director" [~~commissioner~~] means the executive director [~~commissioner~~] of the department [~~Health and Human Services Commission~~].

SECTION \_\_\_\_\_. Section 403.051, Occupations Code, is amended to read as follows:

Sec. 403.051. ADVISORY COMMITTEE. The department shall appoint an advisory committee to provide advice and recommendations to [~~advise~~] the department on technical matters relevant to the administration of [~~in administering~~] this chapter.

SECTION \_\_\_\_\_. Subchapter B, Chapter 403, Occupations Code, is amended by adding Section 403.0511 to read as follows:

Sec. 403.0511. GENERAL POWERS AND DUTIES. The executive director shall administer and enforce this chapter.

SECTION \_\_\_\_\_. Section 403.052, Occupations Code, is amended to read as follows:

Sec. 403.052. STANDARDS OF ETHICAL PRACTICE [~~RULES~~]. The commission [~~executive commissioner~~] shall adopt rules [~~necessary to administer and enforce this chapter, including rules~~] that establish standards of ethical practice.

SECTION \_\_\_\_\_. Section 403.103(a), Occupations Code, is amended to read as follows:

(a) A license applicant must apply to the department on a form and in the manner prescribed by the executive director [~~the department prescribes~~].

SECTION \_\_\_\_\_. The heading to Section 403.107, Occupations Code, is amended to read as follows:

Sec. 403.107. EXAMINATION [~~RULES~~].

SECTION \_\_\_\_\_. Section 403.107(a), Occupations Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) To obtain a license, an applicant must:

(1) pass a written examination approved by the department under Subsection (b); and

(2) pay the required fees [~~set by the executive commissioner by rule~~].

SECTION \_\_\_\_\_. Sections 403.152(a) and (b), Occupations Code, are amended to read as follows:

(a) A license holder's license may not be renewed unless the license holder meets the continuing education requirements established by the commission by rule [~~executive commissioner~~].

(b) The commission [~~executive commissioner~~], in consultation with the advisory committee, shall establish the continuing education requirements in a manner that allows a license holder to comply without an extended absence from the license holder's county of residence.

SECTION \_\_\_\_\_. The heading to Subchapter E, Chapter 403, Occupations Code, is amended to read as follows:

SUBCHAPTER E. LICENSE DENIAL; [~~COMPLAINT AND~~]  
DISCIPLINARY PROCEDURES

SECTION \_\_\_\_\_. Section 403.202, Occupations Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 403.202. PROHIBITED ACTIONS. A license holder may not:

- (1) obtain a license by means of fraud, misrepresentation, or concealment of a material fact;
- (2) sell, barter, or offer to sell or barter a license; or
- (3) engage in unprofessional conduct that endangers or is likely to endanger the health, welfare, or safety of the public as defined by commission [~~department~~] rule.

SECTION \_\_\_\_\_. Section 403.203, Occupations Code, is amended to read as follows:

Sec. 403.203. GROUNDS FOR DISCIPLINARY ACTION. If a license holder violates this chapter or a rule or code of ethics adopted by the commission [~~executive commissioner~~], the commission or executive director [~~department~~] shall:

- (1) revoke or suspend the license;
- (2) place on probation the person if the person's license has been suspended;
- (3) reprimand the license holder; or
- (4) refuse to renew the license.

SECTION \_\_\_\_\_. Section 403.204(a), Occupations Code, is amended to read as follows:

(a) The commission or executive director [~~department~~] may deny a license or may suspend or revoke a license if the applicant or license holder has been convicted of a misdemeanor involving moral turpitude or a felony. The commission or executive director [~~department~~] may take action authorized by this section when:

- (1) the time for appeal of the person's conviction has elapsed;
- (2) the judgment or conviction has been affirmed on appeal; or
- (3) an order granting probation is made suspending the imposition of the person's sentence, without regard to whether a subsequent order:
  - (A) allows withdrawal of a plea of guilty;
  - (B) sets aside a verdict of guilty; or
  - (C) dismisses an information or indictment.

SECTION \_\_\_\_\_. Section 403.207(a), Occupations Code, is amended to read as follows:

(a) The commission [~~executive commissioner~~], in consultation with the advisory committee, by rule shall adopt a broad schedule of sanctions for a violation of this chapter.

SECTION \_\_\_\_\_. Section 403.209, Occupations Code, is amended to read as follows:

Sec. 403.209. MONITORING OF LICENSE HOLDER. (a) The commission [~~executive commissioner~~] by rule shall develop a system for monitoring a license holder's compliance with the requirements of this chapter.

(b) Rules adopted under this section must include procedures to:

(1) monitor for compliance a license holder who is ordered by the commission or executive director [~~department~~] to perform certain acts; and

(2) identify and monitor license holders who represent a risk to the public.

SECTION \_\_\_\_\_. Section 403.212, Occupations Code, is amended to read as follows:

Sec. 403.212. REPRIMAND; CONTINUING EDUCATION. (a) In addition to other disciplinary action authorized by this subchapter, the commission or executive director [~~department~~] may:

(1) issue a written reprimand to a license holder who violates this chapter; or

(2) require that a license holder who violates this chapter attend continuing education programs.

(b) The commission or executive director [~~department~~], in consultation with the advisory committee, may specify the number of hours of continuing education that must be completed by a license holder to fulfill the requirement of Subsection (a)(2).

SECTION \_\_\_\_\_. The heading to Subchapter F, Chapter 403, Occupations Code, is amended to read as follows:

SUBCHAPTER F. PENALTIES [~~AND OTHER ENFORCEMENT PROCEDURES~~]

SECTION \_\_\_\_\_. Section 403.251(a), Occupations Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) A person who violates this chapter or or [~~;~~] a rule adopted [~~by the executive commissioner under this chapter;~~] or [~~an~~] order issued [~~adopted by the department~~] under this chapter is liable for a civil penalty not to exceed \$500 for each occurrence.

(7) Renumber the SECTIONS of the bill accordingly.

REPRESENTATIVE ZERWAS: Representative Miller and I have been working with stakeholders to find an appropriate agent for licensing of dyslexia therapists and dyslexia practitioners, which is already in place. This amendment will simply move the function of licensing these therapists and practitioners to the

Texas Department of Licensing and Regulation, which will give us time to continue the program and evaluate the impact and use of the license. And with that, I think it's acceptable to the author.

REPRESENTATIVE STICKLAND: Can you talk about—I know we're moving it from one to another. Would it expire if we didn't do that? Is that the problem?

ZERWAS: No, actually, the original Sunset recommendation was to discontinue the licensure. The licensure has only been in place since 2009, and there are quite a high incidence of dyslexia out there, which then can foster a number of people that might promote themselves as having dyslexia skills, treatment skills, and so forth. So in 2009, we instituted a licensure Act; it hasn't been that long since it's been in place. It would be appropriate for us to continue the licensure Act and determine if it needs to be continued or not, but in this short period of time, it's probably inadequate.

STICKLAND: Is this amendment, in your mind, a vote to continue the licensing of dyslexia advisors or—

ZERWAS: Yes, the practitioners and therapists.

STICKLAND: So it continues it, correct?

ZERWAS: That is correct.

STICKLAND: Is it set to stop now?

ZERWAS: No, right now, as it's in the sunset provisions, it would be dissolved. So what we're recommending in this amendment, which is acceptable to the author, is that we continue this licensure Act for these individuals.

STICKLAND: Can you explain why we need to do that?

ZERWAS: Right, I think in 2009 we saw—again, we were seeing higher incidence of dyslexia—I have personal experience with it, with my own children, who back many years ago now, suffered with dyslexia; we were lucky to appropriately find the treatment out there. But there's a high incidence of dyslexia and there is not necessarily a good, sound way for individuals to determine whether the people that are treating dyslexia actually have the appropriate skill set or not.

STICKLAND: Representative, would you agree with the premise that any time we put a license, or continue a license, or continue regulation on something, that it increases the costs in general, and limits the availability of people who can perform these tasks?

ZERWAS: I think licensure acts are intended to protect the public safety. If they have an effect in the marketplace, that's for the market to determine, but licensure Acts are put in place by the state for the purpose of protecting the public. I believe in this case, the licensure Act related to dyslexia therapists and practitioners is appropriate in that regard.

STICKLAND: When we require a specific license such as this, what kind of effect does that potentially have on our public school system when they go out to hire specialists? Do you think that then requires them to pay a higher price to have these folks that are officially licensed?

ZERWAS: I'm not aware of any financial impact to the schools as a consequence of this licensure Act.

REPRESENTATIVE HUBERTY: Dr. Zerwas, thank you for this amendment. My colleague, Mr. Stickland, apparently doesn't understand this amendment. For those of us that have special needs children, including myself, that deal with this on a day in and day out basis, help us understand what you're trying to do to help these children.

ZERWAS: Well, dyslexia is diagnosed in about one in five children out there right now.

HUBERTY: That's right.

ZERWAS: It's being recognized as an increasing incidence, and there are individuals that acquire a skill set over time in order to effectively treat these kids. It's a unique skill set; it's one that you don't get just by going off to a course or promoting yourself as somebody that may understand the dyslexic child and the impact that that could have into adulthood. But without, first, the appropriate recognition and diagnosis of the condition, and then the subsequent treatment, this particular disorder can really plague children well into their adult years, and really have serious consequences on their ultimate education and success.

HUBERTY: That's absolutely right. I think you are aware of this, last session we passed a bill that actually required school districts to start collecting data on dyslexic children and teens. Now, we're continuing to gather that data as we continue to go forward, but I think the number today is somewhere in excess of 400,000 children in our public school system. Do you think that's about accurate, so it gets to about our one in five?

ZERWAS: Right. It's really a pretty staggering figure, and I think to the extent that we can recognize this condition as early as possible in childhood and get the appropriate practitioners treating those individuals, they can really be quite successful. There's been a lot of very well-known, successful people out there, they tend to be very creative-type people, also. But you have to recognize that the opportunity for treatment before you could ever realize that success.

HUBERTY: Absolutely, and I think that what we've found is that when the teachers are able to be trained and recognized appropriately, they can actually make a huge difference, and then remediation costs for these children is significant, right?

ZERWAS: I think that's correct. That's exactly how one of my children was recognized; by a teacher, who just happened to have a dyslexic child herself, recognized my son struggling with certain things in the second grade, got us tuned into some very helpful treatment and he's graduated college and he's very successful in his profession.

HUBERTY: Right. Well, thank you, Doctor, and I appreciate you doing this on behalf of parents like myself, that have dyslexic children and all the other thousands of children across the State of Texas.

REPRESENTATIVE D. BONNEN: Dr. Zerwas, are you aware that I'm dyslexic, and that there are probably several members here that are dyslexic, and you look at some of the ages of the members that may not even know they're dyslexic?

ZERWAS: With the incidence that we see out there, I would be surprised if there wasn't a significant number of us in this chamber that have struggled with some level of dyslexia.

D. BONNEN: Would you be surprised to know that when I was diagnosed with dyslexia, my father smiled and said, "now I know why I stayed late after class all the time."

ZERWAS: It does take a little extra effort in order to do this, but with the right treatment and the right people that are in it, we can more effectively treat this than even way back when you and I were in our younger years.

D. BONNEN: Dr. Zerwas, to that point, very seriously, would you agree that one of the greatest gifts I was ever given was that when a kindergarten teacher suggested to my mother that the three older children were pretty bright, and me being a little slow wasn't all bad being they were so talented? She was unhappy with that answer, and so I was blessed in that she took me immediately to Texas Children's in Houston, and I was diagnosed with dyslexia. That gift of knowing how to address this issue, which is simply learning differently, that's all it is, is the greatest gift. I actually think you would agree that what breaks my heart is when I come across a student who didn't have a parent as my parents were, and they are diagnosed or identified in middle school or in high school or, even worse, maybe in college or in a drug rehab program later in life. Those are the opportunities I think you're trying to deal with here, is that right?

ZERWAS: That's exactly right. I think we've made some great progress and, as Representative Huberty noted earlier, getting the teachers more plugged-in to understand a child that's maybe struggling—they aren't just struggling, there's actually a reason for that—getting them plugged-in and in appropriate therapy.

STICKLAND: Members, I'm going to make this real short and simple. I understand that this is an emotional thing for a lot of folks, but I would ask you to not make it be about that. Make it be about principles and make it be about actual legislation. I am not standing before you today and saying that dyslexia is not a problem and that it's not something that we should be taking very seriously, but what I am saying is that government regulation is not going to solve this problem. Government regulation is not going to make this problem go away. Requiring someone to have a license is not going to make sure that they are better at their job. I believe that over-licensing and over-regulation leads to higher costs. So I would make the argument to you that if you care about getting the kids the help they need, in the best way possible, then we need to get government out of the way instead of continuing the license process and moving it to a group of bureaucrats to control. Let's let the free market work, let's lower the cost of

health care by getting the government out of the way, and let's get rid of this license right now, so we can help the dyslexic kids and children solve their problems.

HUBERTY: I don't think, from a personal perspective—when you say it's an emotional discussion—we have real facts, we have real information, we require specific training for specific types of teachers for specific types of programs. You're aware of that, right?

STICKLAND: I understand. Representative, my argument is that we need to allow the parents, or the school districts, or the principals, we need to let the people who would be using these services, or hiring these people, determine who is able and who is capable of doing it, rather than a bunch of bureaucrats that we're not going to have control over. That's the argument that I'm making.

HUBERTY: I know you have children, and it's none of my business—I happen to have a special needs child, and several of us do. What Dr. Zerwas is trying to do—we were able to recognize ours at a very early age, but there's a lot of teachers, and there's a lot of people, and there's a lot of programs out there that represent themselves as specialists and they're not, and they can't identify it, and they can't help, and they can't fix the program. That's the purpose of what we're trying to do.

STICKLAND: I understand that, but I believe in a concept of buyer beware. I believe in the concept of personal responsibility and that we need to take responsibility for hiring or firing people who can or can't do the job. I do not believe that as an entity, that it's the proper role of government for folks to tell us what is a good service to buy, or what is a good product that is safe, or who is good at their job that we can hire. Government does not do a good job of regulating or licensing. I don't believe in providing the false hope that if we give them a rubber stamp of some bureaucrat in Austin that they're good at their job, that that removes the notion of personal responsibility. In fact, I think that it drives up the costs tremendously and prevents people, with children like yours, from getting the help that they need. So I'm just making an honest appeal.

HUBERTY: I'm sorry for wasting the body's time. Members, I just ask you to vote against Mr. Stickland on this. He's completely off base.

D. BONNEN: I'm pretty certain we're probably safe on this. I just want to thank Dr. Zerwas for allowing me to close in his place, not that I could do better. Greg and I can tell you that every year our mother would get phone calls and they would say my child's dyslexic, what do I do? They would ask her, where do we go, who do we talk to, where do we get help, where do we get support? All we are simply trying to do here is keep a license in place that exists, take it to the right agency, and make sure that those parents and those families that are trying to know how to give their child that opportunity to have the highest level of success in life, because what's so important about being dyslexic is that you just learn a different way. So you need to go to the teacher who's been taught the teaching methods to help you learn the way you learn. This is all Dr. Zerwas wants to

accomplish. This is actually about free market, as Mr. Stickland said; this is about helping the market know where to go get the best support for their need. This is about making children successful.

One of the last things I'm going to say and I'll be done—when I was in college, I was asked to speak on a panel of dyslexic students and how you deal with college work being dyslexic. I was embarrassed to be on that panel because I was the only kid who'd been diagnosed before high school age. Why I was embarrassed is I lived the charmed life because I'd been diagnosed, my parents took me to professionals who knew how to help children with dyslexia. The other children talked about being diagnosed in college or being diagnosed in high school and the real challenges and the real problems that they went through getting to that point. The greatest thing that has happened in my lifetime is that the diagnosis of dyslexia has moved forward, the professionals have been better trained, they've been identified; we've recognized that not just any teacher without training can help a dyslexic student. We need to have teachers who have the skills and the training, whether it be the Alphabetic Phonics program, whether it be the Neuhaus Center—those are the best professionals to help our children with dyslexia. I don't speak simply about myself, my youngest child is also dyslexic, along with attention deficit and what have you. We need to help parents know who the most appropriate place and resource for them to meet their children's needs are. This is very simplistic and this is all that we're accomplishing. Frankly, we're just moving it, it already exists today.

STICKLAND: Representative Bonnen, I appreciate you and the struggle that you've gone through, and your son. I just had one question. Would you say that when you had the problem when you were younger that you were able to receive help? Obviously, you're successful today, it doesn't hold you back, correct?

D. BONNEN: Sure, I received help.

STICKLAND: Do you also acknowledge that this license process, which is actually what we're debating today, did not start until 2009?

D. BONNEN: No, I'm not debating that, but, Mr. Stickland, what I am letting you know is that one of the biggest challenges my parents went through in getting me help was knowing who was appropriate, who had the education, who'd been trained. Before 2009, they would go on a website and say this is a teacher—there's the names of people who have gone through Neuhaus training and so I can now go track them down, and try and find them, and see if they can help my child. Whereas now, we have a process where parents can know the experts who have been trained and have the knowledge and the expertise to give their children the success tools they need for life.

STICKLAND: But, representative, you understand that I'm not making the argument that that's not important to find that information. I'm simply making the argument that government is not in the best position to help parents figure out whose acceptable or not. That's the argument I'm making and I hope you understood that. But I appreciate your comments—

D. BONNEN: With all due respect, Representative Stickland, the problem with that, though, is that you're not hearing the point that—what we're simply doing is creating a pool of people that parents can go and say, in this pool, they have the skills, and the training, and the learnedness to help your child. That's all we're doing. Then you choose which one of those licensed professionals that you now know have met the standards. With all due respect, your argument would be, so why do we license, and maybe you agree with this, but why do we license anybody to do anything, anywhere?

STICKLAND: I would love that discussion. But, Representative Bonnen, you understand that when you create a pool and you say you can choose within this pool, that's the notion—

D. BONNEN: You don't have to choose within the pool, Mr. Stickland, quite frankly you can choose anybody you want. But if you want to take your child to the best, then you might want to go with someone who has a license.

STICKLAND: That's what I'm trying to do by removing this license, representative. I want the free market to open up that pool and not just allow parents to pick between what we say is acceptable or not, because I believe that's what drives the cost up.

D. BONNEN: Mr. Stickland, hold on a minute. Just because there's a license doesn't mean a parent can't choose to go to whoever they want. They can go to an unlicensed professional to help their child, if they so choose. Quite frankly, Mr. Stickland, the frustration that my mother would go through is that there would be the same parent every year that would call and then they would choose to do nothing. So having a license doesn't force a parent to do anything, it doesn't force the parent to pick that person, it doesn't force the parent to pick a licensed person, it simply gives them a knowledge and awareness that this might be someone who has the training and the skills that you're looking for to benefit your child. If you don't want to go with someone who has the training and the skills, take whoever you want.

STICKLAND: I'm just curious for future notice, would you take that mindset into every aspect of our lives?

D. BONNEN: Take what mindset?

STICKLAND: The aspect that government needs to tell us what is best and what is not?

D. BONNEN: You know, Mr. Stickland, that's just where you become silly in your arguments. When you're losing, you say outlandish, over-the-top things that go well beyond the discussion before you.

Amendment No. 12 was adopted by (Record 365): 134 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins;

Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Schaefer; Simpson; Stickland; Tinderholt; White, M.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Crownover; Herrero; King, P.; Longoria; Miles.

Absent — Dukes; Gutierrez.

### 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).

### CSHB 2510 - (consideration continued)

#### Amendment No. 13

Representative Y. Davis offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_\_. UNUSED DRUGS TRANSFER PROGRAM

SECTION \_\_\_\_\_.001. Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Section 1001.087 to read as follows:

Sec. 1001.087. UNUSED DRUGS TRANSFER PROGRAM. (a) To the extent allowed by federal law, the department shall establish a program under which:

(1) a hospital, a nursing facility, or another health facility may transfer to the department, or an entity designated by the department, unused drugs that the hospital, nursing facility, or health facility received reimbursement for the cost of under Medicaid; and

(2) the department, or the entity designated by the department, distributes to public hospitals the unused drugs transferred to the department or entity under Subdivision (1).

(b) In operating the program established under Subsection (a), the department may not, under any circumstances, pay a hospital, a nursing facility, or a health facility for the unused drugs transferred to the department or an entity designated by the department.

(c) The executive commissioner may adopt any rules necessary to implement the program in Subsection (a), including rules that provide for:

(1) the types of unused drugs that may be transferred to the department or an entity designated by the department;

(2) the procedures for transferring unused drugs to the department or the entity designated by the department;

(3) the procedures for allocating and distributing the unused drugs to public hospitals; and

(4) the qualifications for an entity to be designated by the department to receive and distribute unused drugs under the program, including demonstrated expertise in handling, storing, and assessing prescription and nonprescription drugs and coordinating with the state's public hospital system.

SECTION \_\_\_\_.002. As soon as practicable after the effective date of this Act, the Department of State Health Services shall establish the unused drugs transfer program as required under Section 1001.087, Health and Safety Code, as added by this article, and the executive commissioner of the Health and Human Services Commission shall adopt any rules necessary to implement the program.

SECTION \_\_\_\_.003. If before implementing any provision of this article 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.

REPRESENTATIVE Y. DAVIS: This is an amendment to set up a drug recycling program so that we can figure out how to take those drugs that we've already paid for through Medicaid and reuse them or recycle them versus throwing them away. I have an amendment to the amendment.

#### **Amendment No. 14**

Representative Y. Davis offered the following amendment to Amendment No. 13:

Amend Amendment No. 13 by Y. Davis to **CSHB 2510** (house committee report) by striking page 1, line 4 through page 2, line 21, and substituting the following:

#### ARTICLE \_\_\_\_ . UNUSED DRUGS TRANSFER STUDY

SECTION \_\_\_\_.001. (a) As soon as practicable after the effective date of this Act, the Department of State Health Services shall conduct a study to determine the feasibility of establishing a program under which:

(1) a hospital, a nursing facility, or another health facility may transfer to the department, or an entity designated by the department, for no payment, unused drugs that the hospital, nursing facility, or health facility received reimbursement for the cost of under Medicaid; and

(2) the department, or the entity designated by the department, distributes to public hospitals the unused drugs transferred to the department or entity under Subdivision (1) of this subsection.

(b) In conducting the study under Subsection (a) of this section, the Department of State Health Services shall consider the rules the executive commissioner of the Health and Human Services Commission may need to adopt to implement the program described in Subsection (a) of this section, including rules that provide for:

(1) the types of unused drugs that may be transferred to the department or an entity designated by the department;

(2) the procedures for transferring unused drugs to the department or the entity designated by the department;

(3) the procedures for allocating and distributing the unused drugs to public hospitals; and

(4) the qualifications for an entity to be designated by the department to receive and distribute unused drugs under the program, including demonstrated expertise in handling, storing, and assessing prescription and nonprescription drugs and coordinating with the state's public hospital system.

(c) Not later than September 1, 2016, the Department of State Health Services shall submit to the legislature a report containing the findings of the study conducted under Subsection (a) of this section.

REPRESENTATIVE Y. DAVIS: This amendment to the amendment suggests that the state ought to study this. A department needs to study an appropriate recycling program. Members, let me just have your attention a moment. We spend more than \$1 billion on unused prescription drugs. We throw \$1 million in prescription drugs away. This amendment just says a department ought to study how we can do a recycling program. ALEC passed a resolution, for those of you who follow ALEC, saying that we need to figure out how to reuse, recycle, or redistribute these drugs that've not been tampered, have not been used. That's what this amendment does. And versus trying to start a program, we're just asking the department to study the use of that kind of program for these billions of dollars we're spending in Medicaid dollars. I think it's a very good amendment. I'm not sure if they're able to take it, but I think we ought to really consider what this does in terms of spending and being good stewards of the money we're spending on prescription drugs.

Amendment No. 14 was adopted.

### **LEAVE OF ABSENCE GRANTED**

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

Guillen on motion of Raymond.

### **CSHB 2510 - (consideration continued)**

Y. DAVIS: The amendment to the amendment changed the program to a study of a program to recycle Medicaid prescription drugs that have been prescribed to patients that were not all used. Again, this is just a way for us to figure out how to protect those dollars we're investing in Medicaid. We currently spend about \$25.6 million on Medicaid patients, much of it on prescription drugs. This is a

program that we can look at and study to determine whether or not we can have a recycling program in place so that we don't just throw these drugs in the trash can. That's what this amendment does.

REPRESENTATIVE PRICE: I'm going to move to table this amendment. Not necessarily because I believe that the concept that Representative Davis is offering is bad, but I want to stay consistent with what I said at the very beginning of the layout of this bill, which is if this is an issue which was not discussed during the sunset review process or outside the scope of anything received in testimony, I believe that it's proper for a motion to table. It's the same as Representative Davis' **HB 1008** except for as she amended her amendment that changes it to a study. I think that it is outside of the scope of the topics and there could be a cost. Having spoken to DSHS and with HHSC about this prospect, we were told that it could cost up to \$10.1 million over the upcoming biennium to implement, and the amendment may not be workable for a couple of reasons. One, is that CMS already requires that Medicaid be credited for any unused drugs paid for by Medicaid. By declaring the drugs are unused, the state could be liable for repaying Medicaid's portion of the drug cost, which is roughly 60 percent. Texas has at least two provisions in current law that addresses donated drugs, or donated unused drugs, but neither provision is modified in this bill or mentioned in the amendment, and we did not discuss it during sunset, so for that reason, even though I think the concept is good and is something that should maybe be explored, I'm going to move to table, respectably.

Y. DAVIS: I have respect for what Chairman Four Price has indicated he's going to do with regard to not accepting amendments that did not originate through some discussion during the Sunset hearing. I think there is another place we can offer this same amendment and figure out other ways we can get it done on some other legislation, so I'm going to withdraw my amendment at this time.

Amendment No. 13, as amended, was withdrawn.

### LEAVE OF ABSENCE GRANTED

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

Huberty on motion of Kuempel.

### CSHB 2510 - (consideration continued)

#### Amendment No. 15

Representative Zerwas offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510**, by the following adding a new subsection as follows:

Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended as follows:

(n) If the department develops and implements a jail-based restoration of competency pilot program under this article, not later than December 1, ~~2016~~ 2018, the commissioner of the department shall submit a report concerning the pilot program to the presiding officers of the standing

committees of the senate and house of representatives having primary jurisdiction over health and human services issues and over criminal justice issues. The report must include the information collected by the department during the pilot program and the commissioner's evaluation of the outcome of the program as of the date the report is submitted.

(o) This article expires September 1, ~~2017~~ 2019.

REPRESENTATIVE ZERWAS: This is an amendment which is related to a bill that we passed last session related to jail-based restoration of competency. I have an amendment to the amendment.

### **Amendment No. 16**

Representative Zerwas offered the following amendment to Amendment No. 15:

Amend the Zerwas amendment to **CSHB 2510** that amends the Code of Criminal Procedure as follows:

(1) Strike the prefatory language of the floor amendment (the language from the beginning of the floor amendment through "Chapter 46B, Code of Criminal Procedure, is amended as follows:") and substitute the following:

"Amend **CSHB 2510** by adding the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of ARTICLE 2 accordingly:

SECTION 2.\_\_\_\_. Subsections (n) and (o), Article 46B.090, Code of Criminal Procedure, are amended to read as follows:"

(2) In the floor amendment's language amending Subsection (n), bracket "~~2016~~".

(3) In the floor amendment's language amending Subsection (o), bracket "~~2017~~".

(4) Add the following at the end of the floor amendment:

"SECTION 2.\_\_\_\_. Article 46B.073(e), Code of Criminal Procedure, is amended to read as follows:

(e) Notwithstanding Subsections (b), (c), and (d) and notwithstanding the contents of the applicable order of commitment, in a county in which the department operates a jail-based restoration of competency pilot program under Article 46B.090, a defendant for whom an order is issued under this article committing the defendant to a mental health facility or residential care facility shall be provided competency restoration services at the jail under the pilot program if the service provider at the jail determines the defendant will immediately begin to receive services. If the service provider at the jail determines the defendant will not immediately begin to receive competency restoration services, the defendant shall be transferred to the appropriate mental health facility or residential care facility as provided by the court order. This subsection expires September 1, 2019 [~~2017~~].

REPRESENTATIVE ZERWAS: I would move adoption of this amendment and then I'll speak to the amended amendment.

Amendment No. 16 was adopted.

ZERWAS: As I was saying, the bill that we passed last session to implement a jail-based restoration of competency pilot program was in Harris County. While much progress has been made toward setting and securing a contract for implementation of the pilot, there have been some logistical delays and, as such, what this amendment will do will actually extend the deadlines for reporting and expiration. The current state requires the department to submit a report to the legislature no later than December 1, 2016, and the section expires September 1, 2017. The amendment changes this reporting requirement from '16 to '18, and from 2017 to 2019, which will allow another two years of data collection and give the legislature a better idea of the outcomes and potential of the jail-based restoration of competency program, and I believe this is acceptable to the author.

Amendment No. 15, as amended, was adopted.

### **Amendment No. 17**

Representative Schaefer offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . DEPARTMENT OVERSIGHT OF REPORTING AT CERTAIN FACILITIES

SECTION \_\_\_\_ .01. Section 245.005, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) In enforcing this chapter, the department shall ensure that a named individual on behalf of the licensee is responsible for compliance by the licensee with the requirements of this chapter.

SECTION \_\_\_\_ .02. Section 245.011, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (f) and (g) to read as follows:

(a) Each abortion facility must submit a monthly ~~[an annual]~~ report to the department on each abortion that is performed at the abortion facility. The report must be submitted to ~~[on a form provided by]~~ the department in the form and manner prescribed by the department. The individual responsible for compliance under Section 245.005(g) shall submit the required report on behalf of a licensee.

(f) The report required by this section must be submitted to the department not later than the 15th day of each month for each abortion performed at the abortion facility in the preceding calendar month.

(g) The department shall establish and maintain a secure electronic reporting system for the submission of the reports required by this section. The department shall adopt procedures to enforce this section.

SECTION \_\_\_\_ .03. Chapter 245, Health and Safety Code, is amended by adding Section 245.0115 to read as follows:

Sec. 245.0115. DEPARTMENT REPORT. (a) The department shall publish on its Internet website a monthly report containing aggregate data of the information in the reports submitted under Section 245.011.

(b) The department's monthly report may not identify by any means an abortion facility, a physician performing the abortion, or a patient.

SECTION \_\_\_\_ .04. (a) The Department of State Health Services shall establish a secure electronic reporting system under Section 245.011(g), Health and Safety Code, as added by this Act, not later than September 1, 2016.

**Amendment No. 17 - Point of Order**

Representative E. Rodriguez raised a point of order against further consideration of Amendment No. 17 under Rule 11, Section 6 of the House Rules on the grounds that the amendment was improperly filed.

The point of order was withdrawn.

Representative Price moved to postpone consideration of **CSHB 2510** until 3:30 p.m. today.

The motion prevailed.

**HB 1321 ON THIRD READING**  
**(by D. Bonnen)**

**HB 1321**, A bill to be entitled An Act relating to route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.

**HB 1321** was read third time earlier today and was postponed until this time.

**HB 1321** was passed by (Record 366): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Howard; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Crownover; Guillen; Herrero; Huberty; King, P.; Longoria; Miles.

Absent — Dukes.

### HB 992 ON THIRD READING

(by D. Bonnen, Martinez Fischer, G. Bonnen, Muñoz, R. Miller, et al.)

**HB 992**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

**HB 992** was read third time earlier today and was postponed until this time.

Representative D. Bonnen moved to postpone consideration of **HB 992** until 4 p.m. today.

The motion prevailed.

### HB 3823 ON SECOND READING

(by Price, Keough, McClendon, Frullo, and Zerwas)

**HB 3823**, A bill to be entitled An Act relating to rate-setting and data collection processes under the program of all-inclusive care for the elderly.

**HB 3823** was read second time on April 21 and was postponed until 9 a.m. today.

#### Amendment No. 1

Representative Price offered the following amendment to **HB 3823**:

Amend **HB 3823** (house committee report) as follows:

(1) On page 1, strike lines 9 through 13 and substitute the following:

In this section and Sections 32.0533 and 32.0534, "PACE program" means the program of all-inclusive care for the elderly (PACE) established under Section 32.053.

(2) On page 1, line 15, strike "of the commission".

(3) On page 1, line 18, after the underlined semicolon, insert "and".

(4) On page 1, strike lines 19 through 24 and substitute the following:

(2) the program is cost-neutral or costs less when compared to the cost to serve a population in the STAR + PLUS Medicaid managed care program that is comparable in:

(A) age;

(B) eligibility factors, including:

(i) income level;

(ii) health status; and

(iii) impairment level;

(C) geographic location;

(D) living environment; and

(E) other factors determined to be necessary.

(5) On page 2, strike lines 1 through 11 and reletter the subsections of added Section 32.0532, Human Resources Code, and cross-references to those subsections accordingly.

(6) On page 2, line 12, strike "(b)(3)" and substitute "(b)(2)".

(7) On page 2, line 22, between "Services" and the underlined comma, insert "and appropriate stakeholder groups".

(8) On page 3, line 9, between "Services" and the underlined comma, insert "and appropriate stakeholder groups".

(9) On page 3, strike lines 15 through 18 and substitute the following:

(1) compares similar recipient types between the programs in terms of recipient:

(A) age;

(B) eligibility factors, including:

(i) income level;

(ii) health status; and

(iii) impairment level; and

(C) living environment; and

(2) accounts for differences among recipients in:

(A) geographic location;

(B) health care acuity; and

(C) other factors determined to be necessary.

Amendment No. 1 was adopted.

**HB 3823**, as amended, was passed to engrossment.

### **CSHB 2848 ON SECOND READING**

**(by Crownover, Howard, Darby, Clardy, Keffer, et al.)**

**CSHB 2848**, A bill to be entitled An Act relating to the amount and allocation of the annual constitutional appropriation to certain agencies and institutions of higher education.

**CSHB 2848** was read second time on April 16 and was postponed until 9:30 a.m. today.

Representative Howard moved to postpone consideration of **CSHB 2848** until 9:30 a.m. Thursday, April 30.

The motion prevailed.

### **GENERAL STATE CALENDAR**

#### **HOUSE BILLS**

#### **SECOND READING**

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

### **CSHB 1583 ON SECOND READING**

**(by Clardy)**

**CSHB 1583**, A bill to be entitled An Act relating to block scheduling for certain associate degree and certificate programs at public junior colleges.

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

Representative Clardy offered the following amendment to **CSHB 1583**:

Amend **CSHB 1583** (house committee printing) as follows:

(1) On page 1, line 10, strike "career and technology".

(2) On page 1, line 11, strike the comma.

(3) On page 1, line 12, between "college" and the comma, insert "and for at least 50 percent of the career and technology associate degree or certificate programs offered by the college".

#### **AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE STICKLAND: Representative, I see here that there's quite a few witnesses that testified on the bill and chose not to take a position during committee. I'm just curious whether you know if all these folks are now in support with the amendment? Is that what the purpose was? Has that changed since the committee hearing?

REPRESENTATIVE CLARDY: No, like a lot of our bills that are laid out in committee, the witnesses will testify in a way that's clearly favorable but they're prohibited by, as I understand it, state law and state employees, as many of these are, from taking a position for or against a bill they have to testify on. There was no one, to my recollection, testifying against the bill. We heard from many resource witnesses, I think we did have the Texas Higher Education Coordinating Board available—I also see my nephew from Tyler Junior College, that answers that question, was at the hearing. Also from El Paso, a broad spectrum of community college leaders were there, and we certainly took their testimony into consideration.

STICKLAND: To the best of your knowledge, is there anyone in the community college sector that is going to be upset if this passes?

CLARDY: No, and in fact, Mr. Stickland, I take note that this is one of my bills and everybody loves all my bills.

STICKLAND: But on a serious note, there's not a community college that's going to—

CLARDY: There was no testimony against, there is nobody that has registered, either through the community college association or directly through my office—and I will say to my knowledge, with the governor's office, who we've talked to about this—again, one of his priorities is higher education. Nobody has had a complaint. I will say the reason we offered the amendment was to address some of the concerns that if they went to 100 percent on those CTE courses it could create some hardships, so that's why we reduced it from 100 to 50 on the CTE program.

#### **REMARKS ORDERED PRINTED**

Representative Stickland moved to print remarks between Representative Clardy and Representative Stickland.

The motion prevailed.

Amendment No. 1 was adopted.

**CSHB 1583**, as amended, was passed to engrossment. (Hunter recorded voting no.)

**CSHB 3014 ON SECOND READING**  
**(by Parker and Burkett)**

**CSHB 3014**, A bill to be entitled An Act relating to the administration of "pay for success" contracts for state agencies.

**CSHB 3014** was passed to engrossment.

**HB 1607 ON SECOND READING**  
**(by Collier, Oliveira, and Sheets)**

**HB 1607**, A bill to be entitled An Act relating to the amount of temporary income benefits to which an injured employee is entitled under the workers' compensation system.

Representative Collier moved to postpone consideration of **HB 1607** until 9 a.m. Wednesday, April 29.

The motion prevailed.

**CSHB 3227 ON SECOND READING**  
**(by Hernandez and J. Rodriguez)**

**CSHB 3227**, A bill to be entitled An Act relating to the composition of the board of trustees of the Employees Retirement System of Texas.

**CSHB 3227** was passed to engrossment. (Fallon, Hunter, Laubenberg, Phillips, and Rinaldi recorded voting no.)

**HB 3522 ON SECOND READING**  
**(by Longoria, Laubenberg, and Flynn)**

**HB 3522**, A bill to be entitled An Act relating to photo identification requirements for certain stored value card purchases.

Representative Laubenberg moved to postpone consideration of **HB 3522** until 9 a.m. Wednesday, April 29.

The motion prevailed.

**CSHB 3442 ON SECOND READING**  
**(by Raney and C. Turner)**

**CSHB 3442**, A bill to be entitled An Act relating to a surcharge imposed for the use of a debit card or stored value card; providing a civil penalty.

(Márquez in the chair)

Representative Raney moved to postpone consideration of **CSHB 3442** until 9 a.m. Thursday, April 30.

The motion prevailed.

**CSHB 2557 ON SECOND READING**  
**(by Zerwas)**

**CSHB 2557**, A bill to be entitled An Act relating to certain hospital districts and to certain corporations or organizations formed by those districts.

**CSHB 2557** was passed to engrossment.

**CSHB 2559 ON SECOND READING**  
**(by Zerwas)**

**CSHB 2559**, A bill to be entitled An Act relating to leases and other agreements relating to real property entered into by certain hospital districts.

**CSHB 2559** was passed to engrossment.

**CSHB 861 ON SECOND READING**  
**(by Dale, P. King, Sheffield, Burkett, Frullo, et al.)**

**CSHB 861**, A bill to be entitled An Act relating to the prosecution of the offense of online solicitation of a minor.

Representative Dale moved to postpone consideration of **CSHB 861** until 9 a.m. Tuesday, April 28.

The motion prevailed.

**CSHB 2244 ON SECOND READING**  
**(by Zerwas and Villalba)**

**CSHB 2244**, A bill to be entitled An Act relating to the regulation of medical waste; adding and amending provisions subject to a criminal penalty.

**Amendment No. 1**

Representative Zerwas offered the following amendment to **CSHB 2244**:

Amend **CSHB 2244** (house committee report) on page 5, line 23, between "Code," and "is", by inserting "as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015,".

Amendment No. 1 was adopted.

**CSHB 2244**, as amended, was passed to engrossment.

**CSHB 2244 - STATEMENT OF LEGISLATIVE INTENT**

The purpose of **CSHB 2244** is to consolidate medical waste regulations pertaining to generation, transportation, transfer, storage, treatment, and disposal of medical waste. Incineration is one method of treatment of medical waste; however, it is not the intent of this legislation to modify current requirements for medical waste incinerators. Air emissions from medical waste facilities will continue to be governed by Chapter 382 of the Texas Health and Safety Code and implementing regulations. It is the intent of this legislation to require a medical waste treatment facility to obtain either a registration or permit from TCEQ and that no other type of authorization is created by this legislation.

Zerwas

**CSHB 66 ON SECOND READING**  
**(by González, Lucio, and Moody)**

**CSHB 66**, A bill to be entitled An Act relating to the consideration of the performance of students of limited English proficiency on state assessment instruments and inclusion of related information in campus report cards.

Representative González moved to postpone consideration of **CSHB 66** until 9 a.m. Wednesday, April 29.

The motion prevailed.

### **CSHB 750 ON SECOND READING**

**(by Frullo, Workman, C. Anderson, Cyrier, Bohac, et al.)**

**CSHB 750**, A bill to be entitled An Act relating to a landowner's liability for certain aviation activities on or above the owner's land.

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

Representative Clardy offered the following amendment to **CSHB 750**:

Amend **CSHB 750** (house committee printing) on page 2, line 10, by striking "recreational".

Amendment No. 1 was adopted.

### **CSHB 750 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE FRULLO: This bill adds recreational aviation activities to the recreational use statutes. Basically, what it does is it opens up land that landowners have to the landing of aircraft.

REPRESENTATIVE CYRIER: Mr. Frullo, like yourself, I am a private pilot and I want to understand a little bit more what you're trying to accomplish with your bill. Can you explain it?

FRULLO: Basically, what it does is you, as a landowner, can invite somebody on your land and it, basically at that point, treats them as a trespasser so that you have limited liability or limits your liability under the recreational use statutes.

CYRIER: I've got a small landing strip on my property. So how does it help landowners and Texans like me?

FRULLO: Well, basically, if you invite somebody—and they have to be invited by you—and then they have some sort of problem, some sort of accident, you don't become liable for their actions.

CYRIER: So your bill supports recreational aviation. Does it affect commercial or for-profit or for-hire aviation?

FRULLO: No, what it falls under is the recreational use statute.

CYRIER: Great. That's a great bill for Texas aviation, and I'm proud to support it and that's why I'm a joint author on it.

**CSHB 750**, as amended, was passed to engrossment.

### **REMARKS ORDERED PRINTED**

Representative Stickland moved to print remarks between Representative Cyrier and Representative Frullo.

The motion prevailed.

**HB 786 ON SECOND READING****(by Walle, S. King, Hernandez, and Martinez Fischer)**

**HB 786**, A bill to be entitled An Act relating to the right of a public employee to express breast milk in the workplace.

**HB 786** was passed to engrossment. (Fallon, Laubenberg, Phillips, and Rinaldi recorded voting no.)

**CSHB 1388 ON SECOND READING****(by Bohac)**

**CSHB 1388**, A bill to be entitled An Act relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.

Representative Simmons moved to postpone consideration of **CSHB 1388** until 8 a.m. Monday, April 27.

The motion prevailed.

**HB 1881 ON SECOND READING****(by Caprigione, Parker, Landgraf, Fallon, and Springer)**

**HB 1881**, A bill to be entitled An Act relating to authorizing certain private schools to charge fees for processing or handling certain payments or payment transactions.

**HB 1881** was passed to engrossment.

**CSHB 3291 ON SECOND READING****(by Raymond)**

**CSHB 3291**, A bill to be entitled An Act relating to increasing the punishment for certain offenses involving oil, gas, or condensate or equipment designed for the exploration or production of oil and gas; creating an offense.

(Speaker in the chair)

**Amendment No. 1**

Representative Wu offered the following amendment to **CSHB 3291**:

Amend **CSHB 3291** (house committee printing) Section 1 as follows:

On page 1, line 7, by striking "adding Subsection (c)" and substituting "adding Subsections (c) and (d)";

On page 1 line 10, by striking "tender" and substituting "tender, authorization";

On page 1, line 13 insert new subsection: "(c) Subsection (b) does not apply to a pipeline operator or gatherer that is authorized to operate by the commission."; and

On page 1, line 13, strike "(c)" and insert in lieu thereof "(d)".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Wu offered the following amendment to **CSHB 3291**:

Amend **CSHB 3291** (house committee printing) Section 2 as follows:

On page 1, line 16 by striking "and adding Subsection (f-1)";

On page 1, strike line 18 and 19 and substitute: "(e) Except as provided by Subsection (f) an offense under this section is:";

On page 3, at the end of line 21 strike "or";

On page 3, beginning at the end of line 24 insert: "or

(C) the value of the property stolen is \$20,000 or more but less than \$100,000 and the property stolen is:

(i) oil and gas equipment or pipeline equipment, as those terms are defined by Section 112.001, Natural Resources Code;

(ii) oil or gas, as those terms are defined by Section 115.001, Natural Resources Code; or

(iii) condensate, as defined by Section 201.001, Tax Code";

On page 3 at the end of line 27 strike ~~["or"]~~ and substitute "or"

On page 4 at the end of line 3, strike ~~["; or"]~~

~~(C) the value of the property stolen is \$10,000 or more but less than \$200,000 and the property stolen is:~~

~~(i) oil and gas equipment or pipeline equipment, as those terms are defined by Section 112.001, Natural Resources Code;~~

~~(ii) oil or gas, as those terms are defined by Section 115.001, Natural Resources Code; or~~

~~(iii) condensate, as defined by Section 201.001, Tax Code"; and~~

On page 4, strike lines 15 through line 21.

Amendment No. 2 was adopted.

**CSHB 3291**, as amended, was passed to engrossment. (Rinaldi recorded voting no.)

## HB 1107 ON SECOND READING

(by Phillips)

**HB 1107**, A bill to be entitled An Act relating to criminal liability for certain federal motor carrier safety violations; creating a criminal offense.

### Amendment No. 1

Representative Wu offered the following amendment to **HB 1107**:

Amend **HB 1107** (house committee report) as follows:

(1) On page 1, line 6, strike "Subsection (b-1)" and substitute "Subsections (b-1) and (d)".

(2) On page 1, line 16, strike "An" and substitute "Except as provided by Subsection (d), an [An]".

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

(d) An offense under Subsection (a)(1) or (2) relating to brakes, tires, or load securement is a Class C misdemeanor punishable by a fine of not less than \$150 or more than \$500 if the offense involves a violation of:

(1) the federal regulation involving unsatisfactory rated motor carriers, 49 C.F.R. Section 385.13, as that regulation relates to brakes, tires, or load securement;

(2) a regulation under 49 C.F.R. Part 393, Subpart C, as that regulation existed on April 1, 2014;

(3) 49 C.F.R. Section 393.75, as that regulation existed on April 1, 2014; or

(4) a regulation under 49 C.F.R. Part 393, Subpart I, as that regulation existed on April 1, 2014.

Amendment No. 1 was adopted.

**HB 1107**, as amended, was passed to engrossment. (Rinaldi recorded voting no.)

### **HB 1947 ON SECOND READING (by Meyer and Fallon)**

**HB 1947**, A bill to be entitled An Act relating to the expiration of licenses for insurance agents and adjusters.

**HB 1947** was passed to engrossment.

### **HB 31 - COMMITTEE ON CALENDARS RULE ADOPTED**

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration for **HB 31**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 10 a.m. on Monday, April 27.

The Committee on Calendars rule was adopted by (Record 367): 135 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Howard; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Crownover; Guillen; Herrero; Huberty; King, P.; Longoria; Miles.

Absent — Dukes; Oliveira; Shaheen; Turner, E.S.

### **HB 32 - COMMITTEE ON CALENDARS RULE ADOPTED**

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration for **HB 32**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 10 a.m. on Monday, April 27.

The Committee on Calendars rule was adopted by (Record 368): 137 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Howard; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Crownover; Guillen; Herrero; Huberty; King, P.; Longoria; Miles.

Absent — Dukes; King, S.

### **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).

### **POSTPONED BUSINESS**

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

**HB 992 ON THIRD READING****(by D. Bonnen, Martínez Fischer, G. Bonnen, Muñoz, R. Miller, et al.)**

**HB 992**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

**HB 992** was read third time earlier today, was postponed until 2 p.m. today, and was again postponed until this time.

**Amendment No. 1**

Representative Aycock offered the following amendment to **HB 992**:

Amend **HB 992** on third reading as follows:

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

SECTION \_\_\_\_\_. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2511 to read as follows:

Sec. 42.2511. ADDITIONAL STATE AID FOR SCHOOL DISTRICTS ADVERSELY AFFECTED BY PROPERTY TAX RELIEF FOR CERTAIN DISABLED VETERANS. (a) Notwithstanding Section 42.2516 or any other provision of this chapter, a school district is entitled to additional state aid to the extent that state aid under this chapter based on the determination of the school district's taxable value of property as provided under Subchapter M, Chapter 403, Government Code, does not fully compensate the district for ad valorem tax revenue lost due to the exemption provided under Section 11.131, Tax Code.

(b) The commissioner, using information provided by the comptroller, shall compute the amount of additional state aid to which a district is entitled under Subsection (a). A determination by the commissioner under this section is final and may not be appealed.

SECTION \_\_\_\_\_. Chapter 140, Local Government Code, is amended by adding Section 140.011 to read as follows:

Sec. 140.011. TAXING UNITS ADVERSELY AFFECTED BY PROPERTY TAX RELIEF FOR CERTAIN DISABLED VETERANS. (a) In this section, "taxing unit" has the meaning assigned by Section 1.04, Tax Code, except that the term does not include a school district.

(b) A taxing unit is entitled to a disabled veteran assistance payment from the state for each fiscal year in the amount of lost ad valorem tax revenue calculated under Subsection (c) for that fiscal year.

(c) For the purposes of this section, the amount of a taxing unit's lost ad valorem tax revenue for a fiscal year is calculated by multiplying the ad valorem tax rate adopted by the taxing unit under Section 26.05, Tax Code, for the tax year in which the fiscal year begins by the total amount of the appraised value of all property located in the taxing unit that is exempted from taxation under Section 11.131, Tax Code, for that tax year.

(d) Not later than April 1 of the first year following the end of a fiscal year for which a taxing unit is entitled to a disabled veteran assistance payment, a taxing unit may submit an application to the comptroller to receive a disabled veteran assistance payment for that fiscal year. The application must be made on a form prescribed by the comptroller.

(e) A taxing unit that does not submit an application to the comptroller by the date prescribed by Subsection (d) is not entitled to a disabled veteran assistance payment for the fiscal year for which that deadline applies.

(f) The comptroller shall review each application by a taxing unit to determine whether the taxing unit is entitled to a disabled veteran assistance payment. If the comptroller determines that the taxing unit is entitled to the payment, the comptroller shall remit the payment from available funds to the taxing unit not later than the 60th day after the date the application for the payment is made. A taxing unit is entitled to only one disabled veteran assistance payment for each state fiscal year.

(2) On page 2, strike line 1 and substitute the following:

SECTION 2. This Act

(3) On page 2, line 11, between "effect" and "is", insert "and to provide state aid to political subdivisions to cover the costs associated with ad valorem tax exemptions for such disabled veterans and their surviving spouses".

Amendment No. 1 was withdrawn.

**HB 992** was passed by (Record 369): 136 Yeas, 1 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Howard; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Keough.

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

Absent, Excused — Bohac; Crownover; Guillen; Herrero; Huberty; King, P.; Longoria; Miles.

Absent — Dukes.

### REASON FOR VOTE

I am a 100 percent disabled veteran. The passage of this bill directly affects my family in the event I were to become deceased. I respectfully abstain from voting on this bill due to this conflict of interest and integrity reasons.

Tinderholt

### CSHB 2510 ON SECOND READING

(by Price, Raymond, Dutton, Burkett, and Gonzales)

**CSHB 2510**, A bill to be entitled An Act relating to the continuation and functions of the Department of State Health Services, the provision of health services in this state, and the regulation of certain health-related occupations and activities.

**CSHB 2510** was read second time on April 21, was postponed until 9 a.m. today, amendments were offered and disposed of, and **CSHB 2510** was postponed until this time. Amendment No. 17 was pending at the time of postponement.

### LEAVE OF ABSENCE GRANTED

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

Hunter on motion of Lozano.

### CSHB 2510 - (consideration continued)

#### Amendment No. 17 - Point of Order

Representative E. Rodriguez raised a point of order against further consideration of Amendment No. 17 under Rule 11, Section 6(g) of the House Rules on the grounds that the amendment was improperly filed.

The speaker overruled the point of order and submitted the following statement:

Representative E. Rodriguez raised a point of order against further consideration of Amendment No. 17 to **CSHB 2510** under Rule 11, Section 6(g) of the House Rules on the grounds that the amendments are ineligible for consideration because the timestamp on the amendment shows that they were not filed at least 24 hours prior to the time the calendar on which the bill to be amended was eligible for consideration. The point of order is respectfully overruled.

Rule 11, Section 6(g) of the House Rules states that "an original amendment to a bill extending an agency, commission, or advisory committee under the Texas Sunset Act. . .[must] have been provided to the chief clerk and. . .available in the chief clerk's office at least 24 hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration." Rule 11,

Section 6(g) of the House Rules. **CSHB 2510** first appeared on a daily house calendar for Tuesday, April 21, at 10 a.m. As a result, the amendments to the bill were due 24 hours earlier, by 10 a.m. on April 20. When the bill was laid out on April 21, however, the bill's author successfully moved to postpone consideration of **CSHB 2510** until 9 a.m. on Thursday, April 23. Several house members filed additional amendments to **CSHB 2510** after it was postponed, apparently assuming that the deadline to file amendments had been extended until 9 a.m. on April 22, which would have been 24 hours before the bill was next eligible to be heard on the floor. Representative E. Rodriguez asserts that any amendments filed after 10 a.m. on April 20 were untimely and therefore out of order, because postponing a bill on the floor does not automatically postpone the deadline for filing amendments to that bill. Specifically, Representative E. Rodriguez argues that the supplemental calendar for April 23, on which **CSHB 2510** was listed, is not "the calendar on which the bill to be amended was eligible for consideration" for purposes of filing additional amendments. Rule 11, Section 6(g) of the House Rules. Rather, he asserts that the initial daily house calendar on which the bill appears is the only calendar that can set the deadline for filing amendments under Rule 11, Section 6(g) of the House Rules.

No one questions that setting a sunset bill on a daily house calendar creates an amendment filing deadline 24 hours in advance of when that calendar is eligible for consideration. Notably, however, nothing in the language of Rule 11, Section 6(g) of the House Rules limits the "calendar on which the bill . . . is eligible for consideration" to a daily house calendar. Indeed, at least twice in the recent past, house practice has been to postpone the deadline for filing amendments to 24 hours before the bill is next eligible for consideration, which is listed on a supplemental calendar for the day to which the bill has been postponed. *E.g.*, Tex. **HB 3426**, 80th Leg., R.S. (2007); Tex. **HB 1779**, 79th Leg., R.S. (2005). Although it may be the case that the supplemental calendar on which a postponed bill appears is not available until less than 24 hours before the calendar will be considered on the floor, members nonetheless have notice of the new time at which a postponed bill is eligible for consideration (and therefore notice of the time when the corresponding supplemental calendar on which the bill appears becomes eligible for consideration), because of the practice of postponing bills to a day and time certain. See Rule 7, Section 14 of the House Rules. In light of the fact that members have adequate notice of a new time at which a calendar containing a sunset bill will be eligible for consideration, and in light of the fact that house practice has been to permit a corresponding extension of the amendment filing deadline, the chair finds that Amendment No. 17 to **CSHB 2510** was timely filed and in compliance with Rule 11, Section 6(g) of the House Rules.

The members of the house may wish to consider, in future rule changes, tying the "cutoff" date of filing sunset amendments to a specific time and date (as is the practice for a number of calendar rules); clarifying that "calendar" referred to in Rule 11, Section 6 of the House Rules is only the original calendar on which the bill is eligible for consideration (and no other later supplemental calendar); or abandoning the rule altogether.

REPRESENTATIVE SCHAEFER: Currently, the department regulates the reporting of abortions at abortion facilities and requires them to report—as I was saying members, currently the way abortions are reported to the agency, under current law is done on an annual basis, and it's actually a paper report. Because of that, a report can be almost 13 months after the fact. For instance, if an abortion is performed in January, it may not even be reported until January of the next year, 13 months later. It's literally done by paper; we don't do it electronically. What this amendment does is, really, models it after what New York City does. It does electronic reporting and it does it monthly. The other thing this amendment does is the—right now, it is the facility that is responsible for the reporting. Well, a facility is just a building, you can't hold a facility accountable. My office has looked into the matter, and, quite often, facilities do not report the abortions that were performed. In fact, they are tardy, they are late, and they have to be investigated, so to speak, or have inquiries made by the agency. In that case, you can't do anything because the sanctions that are in place under current law don't apply to a facility, it's just bricks and mortar. What this amendment will do is require a person, an individual—maybe the license holder for the facility—to be designated as the person that's responsible for the report. Really, it doesn't change anything about confidentiality—patient confidentiality remains in place; physicians' confidentiality remains in place. We move to electronic reporting on an annual basis, and we name a person who's actually going to be responsible and accountable for these reports.

REPRESENTATIVE STICKLAND: Representative, is the point of this to increase transparency in this process? Have there been some bad actors that have found some loopholes that we're just cleaning up?

SCHAEFER: There have been some facilities that simply haven't reported.

STICKLAND: At all?

SCHAEFER: At all. At times they are late reporting and this is something that—

STICKLAND: Currently they are required to?

SCHAEFER: That's correct. This really brings us into line with what a place like New York City already does. I had this bill last session; we had a hearing on it, we actually worked with both sides of the aisle on this, and there really weren't that many objections. If you actually care about what happens in the abortion debate, you'd like to be able to track records on a more real-time basis, and a monthly electronic reporting makes some sense, and it's something that the agency can handle within existing resources.

REPRESENTATIVE M. WHITE: So what this bill would do is really just add efficiency and accountability to abortion clinics to report, online, immediately, the number of abortions they provide per month, is that correct?

SCHAEFER: Per month and it will be under a secure electronic reporting system.

M. WHITE: And like you said, it doesn't reveal any confidentiality, just information about the services they perform?

SCHAEFER: This amendment makes no changes to the existing confidentiality requirements.

M. WHITE: Can you tell some of us who may not know, who do they report to?

SCHAEFER: They report to the Department of State Health Services, to the agency that we are considering continuing in this sunset bill.

REPRESENTATIVE PRICE: You and I have talked about, not only this amendment, but several of your prefiled amendments, correct?

SCHAEFER: Yes, sir, we have.

PRICE: I appreciate you discussing those with me. As you heard in my opening comments, as much as I appreciate the merits of any given amendment, if it was something that I didn't see or it wasn't part of the sunset process, I'm going to move to table—which I'm going to move on this amendment to be consistent with what I said previously—and you heard me say that, correct?

SCHAEFER: I did, and, Mr. Price, I know exactly where your heart is on this issue and I know that there's nobody in this chamber—or really should be anybody outside this chamber—that knows that you're staunchly pro-life and support efforts to shine a light on this issue.

PRICE: Thank you, and I appreciate you saying that. I have a voting record that I think backs that up. I am very adamant about the sunset process, as I told you yesterday in my office; I told you today, and you and I have talked about this, I feel strongly about that. So I'm sticking to that to be consistent with all of those issues. I want to be consistent. I just want to ask you a couple of questions so that when I do it'll make more sense. Did you, in preparing this amendment, was it your preparation to read the Sunset DSHS report?

SCHAEFER: Shortly after it was issued, I read the DSHS Sunset report.

PRICE: Was there anywhere in that report that addressed the issue that you're raising right now?

SCHAEFER: Not in the report; but I can tell you I have raised this issue directly with the agency staff. It's not for lack of information about this issue that it's not in the Sunset report, because I can tell you that I've had many conversations with agency staff about this issue.

PRICE: I agree, and you and I have talked about it and I remember you raising it previously. I'm just trying to limit this to what the Sunset Commission did.

SCHAEFER: It's not specifically mentioned in the Sunset report.

PRICE: Did you attend the Sunset Commission's public hearing on DSHS last year?

SCHAEFER: No, I didn't.

PRICE: Did you watch it online?

SCHAEFER: No, I didn't watch it online.

PRICE: Okay. Did you attend the decision hearing that Sunset held on DSHS that followed the public hearing?

SCHAEFER: No.

PRICE: Did you watch that online?

SCHAEFER: No.

PRICE: Did you submit written testimony to Sunset during the comment period concerning DSHS recommendations?

SCHAEFER: No, Mr. Price. If you're just trying to lay the predicate that I did not try to insert something into the sunset process that I knew would not be accepted in the sunset process, then I will agree with your position.

PRICE: Well, I don't know if it would or wouldn't have been. I just want to make sure that it's very clear that this was an issue that was not part of the process. You would agree with me on that? Is that correct?

SCHAEFER: Yes.

#### **Amendment No. 17 - Point of Order**

Representative Moody raised a point of order against further consideration of Amendment No. 17 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 the amendment would change the original purpose of the bill.

#### **LEAVE OF ABSENCE GRANTED**

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

Frullo on motion of Paddie.

#### **CSHB 2510 - (consideration continued)**

#### **Amendment No. 17 - Point of Order Disposition**

The speaker overruled the point of order and submitted the following statement:

Representative Moody raised a point of order against further consideration of Amendment No. 17 to **CSHB 2510** 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 further attempts to change the original intent of the bill. The point of order is respectfully overruled.

Rule 11, Section 2 of the House Rules states that "Amendments pertaining to the organization, powers, regulation, and management of the agency, commission, or advisory committee under consideration are germane to bills extending state agencies, commissions, or advisory committees under the provisions of the Texas Sunset Act." Rule 11, Section 3 of the House Rules prohibits a bill from being "amended in its passage through either house so as to change its original purpose."

Amendment No. 17 obligates the Department of State Health Services (the department) to ensure that a named individual on behalf of the licensee is responsible for compliance by the licensee with the requirements of this chapter. The amendment further requires that the individual responsible for compliance submit a particular report monthly, rather than annually.

Representative Moody asserts that through these changes, Amendment No. 17 impermissibly changes the purpose of **CSHB 2510**, because it would transfer reporting requirements from abortion facilities to individual physicians, and it would substantially increase the regulatory burden on these facilities by requiring them to report more frequently and to create an electronic reporting system. Representative Moody argues that Amendment No. 17 would have the effect of authorizing the department to directly regulate physicians who are currently under the jurisdiction of the Texas Medical Board, which is an entity distinct from the department. See TEX. OCC. CODE ANN. § 152.001 (West 2005).

Rather than placing a burden on physicians, Amendment No. 17 expressly obligates the department to identify an individual who represents the licensee; such an individual is merely a representative of the facility, not necessarily a physician and not a representative of individual physicians. See TEX. HEALTH & SAFETY CODE ANN. § 245.003 (West 1989) (requiring licensure of each abortion facility). As such, this portion of the amendment is properly limited in scope to regulating the department's oversight of licensees under the department's jurisdiction.

Representative Moody asserts that the monthly reporting requirement contravenes the purpose of the bill because, he asserts, the purpose of the bill is to decrease the regulatory burden on the department. He supports that contention by citing other parts of the bill that reduce the frequency of reports that must be submitted to the agency. After reviewing the bill and accompanying committee report, it does not appear that the bill's purpose is to decrease the regulatory burden on the department in every respect. Moreover, even if that were the case, it is not evident that requiring more frequent publishing of a report and requiring that report to be made in a more modern format—via a website—would have the effect of increasing the regulatory burden on the department. Because the amendment relates to the organization, powers, regulation, and management of the department and does not change the bill's original purpose of continuing the department, the chair finds that Amendment No. 17 does not violate Rule 11, Section 2 and Rule 11, Section 3 of the House Rules.

PRICE: Members, I move to table the amendment as I said I would do at the beginning of the layout of this bill. Any amendment brought, regardless of the merits, regardless of whether or not I personally agree with it, with respect to any matter outside the scope of the sunset review. Members, I want to take a second and remind folks that the sunset process initially started because one, we wanted to create government efficiency, and two, there was a belief that legislators were too close to the agencies. Now, over time, we see there is a criticism that legislators are too close to money, lobbyists, or special interests.

There is a lot of skepticism about the sunset process. Often one of the biggest complaints about the process is that sunset bills get loaded up at the 11th hour with policy amendments that are often stand alone legislation not moving on its own through other committees. One of the biggest complaints we always hear as members of the Sunset Commission is that we can't control that, or we don't keep the bills clean, or we let amendments on to bills that were never reviewed, never within the scope of Sunset, and never part of the sunset review process or brought up in testimony before the commission. What that does is if a sunset bill needs to pass to continue an agency, but then, members, you load it up with other issues—what that does is making policy on the house floor. Because of that, and because we're responding to that criticism, and because I asked members to respectfully understand that we would motion to table anything that was not part of the sunset review process, I'm going to move to table.

REPRESENTATIVE CANALES: You were talking to Mr. Schaefer and you asked him if he was part of the sunset process, and what did he say?

PRICE: Well, he said no to the question.

CANALES: Did he participate at all? Did he give you any information? Did he ever have any dialogue with you about the sunset process?

PRICE: Not during the process of the DSHS review.

CANALES: Okay, so he wasn't part of it, he didn't testify, he didn't go to the hearings, he didn't do anything?

PRICE: That's correct.

REPRESENTATIVE TINDERHOLT: Is there a requirement to be a part of those types of hearings to do an amendment?

PRICE: No, there's not.

### **REMARKS ORDERED PRINTED**

Representative Rinaldi moved to print all remarks on amendments to **CSHB 2510**.

The motion prevailed.

### **LEAVES OF ABSENCE GRANTED**

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

Clardy on motion of Goldman.

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

Farney on motion of Paddie.

### **CSHB 2510 - (consideration continued)**

Representative Price moved to table Amendment No. 17.

SCHAEFER: Ladies and gentlemen, I would just say vote against the motion to table. This is something that is good government. Actually, anybody on this side of the debate who's interested in how these are reported, it's current law that we do it. This is not about if we do it, this is just about how we do it. We're just going to modernize how we do it, and we are going to do it like New York City does it. I think it's a good amendment.

The motion to table was lost by (Record 370): 53 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Cook; Davis, S.; Davis, Y.; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Howard; Israel; Johnson; Kacal; King, K.; King, T.; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Price; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Craddick; Cyrier; Dale; Darby; Deshotel; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Galindo; Geren; Goldman; Gonzales; Harless; Hughes; Isaac; Keffer; Keough; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Raney; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Clardy; Crownover; Farney; Frullo; Guillen; Herrero; Huberty; Hunter; King, P.; Longoria; Miles.

Absent — Dukes.

### STATEMENTS OF VOTE

When Record No. 370 was taken, I was excused because of important business in the district. I would have voted no.

Frullo

When Record No. 370 was taken, I was shown voting yes. I intended to vote no.

Riddle

When Record No. 370 was taken, I was shown voting yes. I intended to vote no.

Zerwas

Amendment No. 17 was adopted. (Allen, Alonzo, Y. Davis, McClendon, Moody, Naishtat, Reynolds, Rose, S. Thompson, C. Turner, and S. Turner recorded voting no.)

**Amendment No. 18**

Representative Schaefer offered the following amendment to **CSHB 2510**:

Amend **CSHB 2510** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . DEPARTMENT REGULATION OF CERTAIN FACILITIES  
LICENSED BY THE DEPARTMENT

SECTION \_\_\_\_ .01. Chapter 245, Health and Safety Code, is amended by adding Section 245.0101 to read as follows:

Sec. 245.0101. DEPARTMENT STANDARDS FOR OVERSIGHT OF CERTAIN PROCEDURES PERFORMED AT LICENSED FACILITY. (a) Notwithstanding Section 245.010(a), the department's minimum standards adopted under Section 245.010 must include standards for the medical treatment and medical services provided at facility that prohibit the performance of an abortion at the facility on the basis that the fetus has a severe and irreversible abnormality, as defined by Section 285.202.

(b) The executive commissioner shall adopt rules implementing this section.

SECTION \_\_\_\_ .02. The executive commissioner of the Health and Human Services Commission may identify rules required by the passage of this Act that must be adopted on an emergency basis to allow the Department of State Health Services to regulate the licensed facilities in compliance with this Article, and may use the procedures established under Section 2001.034, Government Code, for adopting those rules. The executive commissioner of the Health and Human Services Commission is not required to make the finding described by Section 2001.034(a), Government Code, to adopt emergency rules under this section.

REPRESENTATIVE SCHAEFER: This amendment will address the practice of what happens at a licensed abortion facility, which is regulated by this agency, and this will require the department to prohibit the practice of aborting a baby after 20 weeks because it has a severe fetal abnormality. In my opinion, this practice just doesn't value what God values, and God values that life inside the womb. God values that child who is defenseless. And when you think about a baby inside its mother, it's the most defenseless among all of our people. But a baby that has abnormalities is even more defenseless, and we have seen a trend, not just in the United States, but in other parts of the world, that these babies, because they may have severe disabilities, are being aborted for that reason. Now, usually these abnormalities are identified prior to 20 weeks, but, occasionally, these abnormalities are identified after the 20-week period when someone could abort these babies and essentially kill them. That's what they do, they stop a beating heart. But there are doctors that don't believe that we should be doing that. In fact, I know probably many of you have heard stories, from maybe even friends, of people who were told that their baby had a severe abnormality

according to some test that was done, and then after the baby was actually born, the test was wrong. That doesn't discount a mother and family who's in a situation where the baby's not going to survive for very long, and that tears at my heart for that situation, and I know that's very difficult. But the healing hands of a physician are for healing, not for destroying. The purpose of this agency is public health, not to destroy life. And so this amendment would deal with this procedure taking place at agencies—

#### **Amendment No. 18 - Point of Order**

Representatives González and Farrar raised a point of order against further consideration of Amendment No. 18 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 the amendment would change the original purpose of the bill.

#### **LEAVE OF ABSENCE GRANTED**

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

K. King on motion of Kuempel.

#### **CSHB 2510 - (consideration continued)**

#### **Amendment No. 18 - Point of Order Disposition**

The speaker overruled the point of order and submitted the following statement:

Representatives González and Farrar raised a point of order against further consideration of Amendment No. 18 to **CSHB 2510** 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 further attempts to change the original intent of the bill. The point of order is respectfully overruled.

Rule 11, Section 2 of the House Rules states that "Amendments pertaining to the organization, powers, regulation, and management of the agency, commission, or advisory committee under consideration are germane to bills extending state agencies, commissions, or advisory committees under the provisions of the Texas Sunset Act." Rule 11, Section 3 of the House Rules prohibits a bill from being amended in its passage through either house so as to change its original purpose.

Amendment No. 18 requires the Department of State Health Services (the department) to adopt a new minimum standard for the medical treatment and medical services provided at an abortion facility in the State of Texas that would have prohibited an abortion from being performed at that facility on the basis that the fetus has a severe and irreversible abnormality. Representative Farrar argues that the amendment violates a number of federal and state laws relating to the regulation of abortion and imposes a new duty on persons seeking an abortion, compelling them to declare the reasons why they are having an abortion. Further, she argues that the amendment's references to the department alone are not sufficient to make this amendment germane to this sunset bill, when the primary purpose of the amendment dealt with persons or agencies not under the sunset

bill. Representative González argues that the amendment is not germane because its primary purpose is not related to the organization, powers, regulation, and management of the agency, but rather is a direct restriction on the individual seeking the abortion or on the doctor performing the procedure, who is regulated by the Texas Medical Board and not the department. In defense of his amendment, Representative Schaefer argues that the restriction affects a license holder of the agency subject to the sunset bill and, as such, is matter affecting the duties related to the organization, powers, regulation and management of the agency and is appropriate under Rule 11, Section 2 of the House Rules.

The mere inclusion of a reference to an agency in an amendment to a sunset bill is not enough to make the amendment germane to a sunset bill under Rule 11, Section 2 of the House Rules if the purpose of the amendment deals with the organization, powers, regulation, and management of any agency or other entity that is not the subject of the sunset bill. In this case, Amendment No. 18 expressly obligates the department (the subject of the sunset bill) to adopt minimum standards (a power of the department that is the subject of the sunset bill) disallowing abortions from being performed at certain licensed facilities (a regulated entity under the sunset bill) for one prohibited reason. Because the amendment relates solely to the organization, powers, regulation, and management of the agency, the subject of the sunset bill, and because the amendment does not change the bill's original purpose of continuing the department, the chair finds that Amendment No. 18 does not violate Rule 11, Section 2 and Rule 11, Section 3 of the House Rules.

REPRESENTATIVE LUCIO: I'm going to speak from the heart, and I ask you to please listen. On many of these issues I have stayed very quiet, but this one is particularly concerning. For a woman to know, or parents to know, that their baby has a genetic abnormality and may not be sustainable outside the womb is a very tedious process. Typically, a woman and her husband, in most cases or however, go to the doctor. They're excited about being pregnant; they're thinking about what they're going to name their baby; they're making plans. Then they get their first sonogram, and what the doctor tells them is, "There's some things that I don't like. You might want to submit yourself to genetic testing." So they go to a genetic testing facility, which takes weeks and takes more sonograms and more testing and more measuring and so on and so forth. Then, the genetic test comes back. Genetics test tells them you have a 1 in 30, 1 in 12, 1 in 200 chance of having a child with a severe abnormality. Then, they say, we recommend you getting an amnio. So then you get an amnio, and they stick a very long needle in your wife's stomach and they pull out amniotic fluid, and then they do more testing. And then they come back with a very certain determination of whether or not your baby is going to be sick. That's a hard reality for a lot of parents, members.

I can understand those of us, many of us, with deep religious beliefs trying to cut down on needless abortions, abortions of babies that can be adopted. But in this particular circumstance, what you're doing is quite awful—quite awful to subject that family who has had multiple tests, multiple tears, multiple moments of devastation, to now find a facility who, God help them, may take them and

perform this procedure. This is different, this is medical certainty that we're talking about. Think about what you're doing. God bless my friend, Matt Schaefer, he has a beautiful baby and he is blessed. But think about going through that and personalize that. We take tough votes, I take tough votes too, but this is reality. This is the reality of this amendment, this is ugly. This is stuff we should be avoiding. I was at my desk, I said nothing on the last amendment, but there comes a time, members, where we cross the line. I know it's hard, it's a tough vote, but this is wrong. This is wrong and unnecessary and strictly to gain political favor, and I am truly offended.

REPRESENTATIVE SPITZER: I agree with Mr. Lucio, this is a serious thing, this is a big thing, this is a horrible situation for a lot of women. And I'll tell you, I've actually dealt with some of these as a physician. I've dealt with some of these with people that I know. There's a lady, a good friend of mine, that I've known for years. She's actually an OB nurse, she's there for thousands of deliveries. Her child, she knew, was encephalic. It means his brain didn't form, it's 100 percent fatal and she knew this. And she went through with her pregnancy and she had that baby. They induced her at 22, 23 weeks, delivered the child, the child was delivered alive, didn't live very long, they never do. But that mother and that father were allowed to hold their baby and grieve the loss of their child. And that's a real thing, and we don't want to take that away from women. We want them to be able to have that child and have that grieving process. So this is a real issue, and it really happens, and I do hope for you to highly consider this, but consider that a person who knew what was going to happen will make the choice to do the right thing, which is to deliver that child, to not destroy it, to not chop it up. She got to have her baby, and it didn't last long, but she got to grieve her child, and I think that's very important. I ask you to vote against the motion to table on this issue.

REPRESENTATIVE SHEFFIELD: I wish to speak to you as a family doctor who's delivered babies with defects, who's had parents talk to him about their abnormal ultrasounds and findings, and have come to him saying, "This is our worst fear recognized, what do we do?" We should all agree right now, it is a situation we hope we are never in. We would not want this for us, we would not want this for any of our loved ones, but it happens. It happens. Therefore, it has to be dealt with. I have delivered many babies. It's a great joy, the greatest joy of a practice. You may have been on a few deliveries yourself, but I got to be on a lot. It's a great joy. It's as worse a tragedy when the baby is delivered with a defect, and you have to be the one that tells those parents in their moment of greatest anticipated joy there's problem with your baby. And you see their faces fall, you see the hope go out of their body, you counsel them the best you can. The baby is alive at that point. I'm not saying kill the baby. But as a doctor—for my patients it is unethical for we doctors to impose upon them a set of guidelines that forces them in one direction or another, taking away their rights. There are times, and this is one of them, when we have an imparity between our legal guidelines, our ethical guidelines, and our medical technology. We can now do

surgery while babies are in the uterus. We can now identify birth defect by amniocentesis, by ultrasound, before the babies are even born. That is great help and, on the other hand, it adds so much more pressure to the parents.

In the old days, when most of us were delivered before you young folks, a woman and her husband did not know for nine months if they were going to have a healthy baby or not. They knew they had a healthy baby when the child was delivered. The doctor gave them the baby. The mother counted ten fingers, ten toes. The doctor listened to the baby and said, you have a healthy baby and there was just a relief. After nine months that question's answered. Now, unfortunately, sadly in some cases, we can tell a mother and a father before 20 weeks of age, but sometimes only after 20 weeks of age, there's a problem with your baby. Here's what it looks like. Here's what it looks like as far as chances for it to live after it's delivered. And then the question no parent wants, "What do you want us to do? What do you want us to do?" It is their decision. Again, we should hope we are never in that place, and I'm sure you are hoping that your sons and daughters and family members will never be in that place, but some are. And there are some parents who sit there, and their words have been, "Doctor, we don't want our baby to be born once and suffer forever—and suffer forever." You folks have not been the ones taking care of the babies with the feeding tubes, the PEG tubes, artificial nutrition, and I'm not saying those babies are less of a life for our God to treasure or less of a life for us to love. That is not the argument at all. I am saying when parents have to make a decision whether their child will have a life or a life of suffering, why should the heavy, blunt hand of government come in to that most heart-rending decision?

SCHAEFER: I'm here to speak for those who cannot speak, and I'm here to say that there are two heartbeats involved in this situation, and God loves that child. In fact, God knew that child before it was knit together in his or her mother's womb. And it is tragic, but, you know, when you look at the age of that person, fast-forward to maybe later in life when maybe they're in a feeding tube later in life, or they're in a hospital room when they're an adult, and the doctor walks in to the family and says, here's a very bad outcome, a terminal outcome, they're not going to live long, they're going to suffer, they're going to feel pain. And that's part of the human condition when sin entered the world, and it grieves us all, but what we don't do to that adult is we don't forcefully dismember it or administer a drug that would take that person's life. We ask our physicians to care for them, to heal them as best they can, and comfort them until God takes them home. And the life of that person at the end is no less valuable than the life of that person at the beginning when God formed them in the womb. And I am here, today, to speak for those who cannot speak, and to say, we should value what God values, and that's the life of the unborn and the innocent.

Representative Lucio moved to table Amendment No. 18.

The motion to table was lost by (Record 371): 49 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Lucio; Márquez; Martinez; Martinez Fischer; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Price; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Craddick; Cyrier; Dale; Darby; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Galindo; Geren; Goldman; Gonzales; Hughes; Isaac; Kacal; Keffer; Keough; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Clardy; Crownover; Farney; Frullo; Guillen; Herrero; Huberty; Hunter; King, K.; King, P.; Longoria; Miles.

Absent — Cook; Dukes; Harless; McClendon.

### STATEMENT OF VOTE

When Record No. 371 was taken, I was excused because of important business in the district. I would have voted no.

Frullo

REPRESENTATIVE FARRAR: I speak against this amendment for many things, but first I want to address an issue where Representative Schaefer would not yield to questions. That was very disrespectful of a member of this body. If one member can be disrespected, we can all be disrespected. I won't even go into the level of misogyny I have experienced this session, particularly worse than any other session.

I want to say, in terms of this amendment, this language, the severe fetal anomaly language, was developed in 2011 during negotiations between Senator Nelson, Representative Zerwas, legislative leadership, the Texas Hospital Association, Representative Bryan Hughes, who's on the floor, Representative Sid Miller, the Texas Alliance for Life, and the Texas Right to Life. I want you to know a lot of things have been said by people much more qualified—who deliver babies and other things—but there are other things to consider. When you're looking at these amendments and how they affect, not just women, but their families, and the fact that women are leaders of their families. Whether some men in this room do not recognize that, I'll bet when some of these fellows go home you're not doing laundry, you're not answering calls of your family, and taking care of young ones and older ones and such. But we have to sit here, and we go

through this all the time, with what you're doing and the way we are treated. I've served here 21 years, and to be disrespected the way I have been—I've learned a lot from Eleanor Roosevelt, and I'm sorry to go down all these rabbit trails, but Eleanor Roosevelt said it's not an insult unless you accept it as one, so I don't accept it as one. So the insult reflects only upon the person who administered it.

I want to go ahead and talk about other things. When we talk about life, and this argument about life, at the same time, these same people will not pay for the state to take care of these children who may not be able to exist without extreme help. We have incredible waiting lines and they will not support amendments to require insurance policies to carry this. The men who were standing here before with Representative Schaefer will not support my breastfeeding bill. Can you imagine that? They're pro-life, but at the same time will not support a simple breastfeeding bill that is already a woman's right today and has been. So I say to you that the hypocrisy must stop. I've done a lot of work to keep a lot of these issues from coming to the surface, and the fact that we are here today, on language that's been negotiated, and the fact that some members left because they didn't want to deal with this issue, it's an offense. Now, that is an offense, and I think Eleanor Roosevelt would agree with that.

Amendment No. 18 was adopted by (Record 372): 83 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Craddick; Cyrier; Dale; Darby; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Galindo; Geren; Goldman; Gonzales; Hughes; Isaac; Kacal; Keffer; Keough; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Israel; Johnson; King, T.; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Moody; Naishtat; Nevárez; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Clardy; Crownover; Farney; Frullo; Guillen; Herrero; Huberty; Hunter; King, K.; King, P.; Longoria; Miles.

Absent — Cook; Dukes; Harless; Howard; Muñoz; Raymond.

**STATEMENTS OF VOTE**

When Record No. 372 was taken, I was excused because of important business in the district. I would have voted yes.

Frullo

When Record No. 372 was taken, my vote failed to register. I would have voted no.

Howard

When Record No. 372 was taken, I was in the house but away from my desk. I would have voted no.

Muñoz

When Record No. 372 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

**CSHB 2510 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 2510** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

**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).

(Hunter now present)

**CSHB 2510 - (consideration continued)****CSHB 2510 - POINT OF ORDER DISPOSITION**

The point of order was withdrawn.

**CSHB 2510 - RECOMMITTED**

Representative Price moved to recommit **CSHB 2510** to the Committee on Human Services.

The motion prevailed.

(McClendon in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

On motion of Representative Kacal and by unanimous consent, the house agreed to dispense with the reading of the resolutions on the congratulatory calendar, with the understanding that the resolutions will be recorded in the journal.

**HR 1608** (by J. White), Congratulating Dewie and Janice Free of Livingston on their 50th wedding anniversary.

**HR 1609** (by Paddie), Congratulating the Wiley College debate team on winning the 2014 Pi Kappa Delta national debate championship.

**HR 1610** (by Naishtat), Recognizing April 2, 2015, as Homelessness Awareness Day at the State Capitol.

**HR 1611** was previously adopted.

**HR 1612** (by Elkins), Congratulating Brooke Demars on winning the African American National Spelling Bee Championships.

**HR 1613** (by Elkins), Congratulating Jannah Collins on placing second at the African American National Spelling Bee Championships.

**HR 1614** (by Elkins), Congratulating Zion Wren on placing third at the African American National Spelling Bee Championships.

**HR 1615** (by J. White), Congratulating the Kirbyville High School tennis team on winning the regional team tennis tournament.

**HR 1616** (by J. White), Congratulating Natalie Beasley of Buna High School on placing first at the 29th annual Protégé High School Art Competition and Exhibition in Beaumont.

**HR 1617** (by J. White), Congratulating Savannah Galloway of Buna High School on earning honorable mention at the 29th annual Protégé High School Art Competition and Exhibition in Beaumont.

**HR 1618** (by J. White), Congratulating Gerderian Sells of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1619** (by J. White), Congratulating Chris Love of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1620** (by J. White), Congratulating Abigail Antastacio of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1621** (by J. White), Congratulating Angelina Alvarez of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1622** (by J. White), Congratulating Nelson Flores of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1623** (by J. White), Congratulating Riley Fisher of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1624** (by J. White), Congratulating Biridianne Castro of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1625** (by J. White), Congratulating Jade Beauchamp of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1626** (by J. White), Congratulating Madison Knight of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1627** (by J. White), Congratulating Gracie Wilkinson of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1628** (by J. White), Congratulating Jackson Kilgore of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1629** (by J. White), Congratulating Micah Hughes of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1630** (by J. White), Congratulating Maribel Escobedo of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1631** (by J. White), Congratulating Kanaosha Moore of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1632** (by J. White), Congratulating Alaina Lawson of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1633** (by J. White), Congratulating Kobi Poage of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1634** (by J. White), Congratulating Marc Sowers of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1635** (by J. White), Congratulating Luke King of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1636** (by J. White), Congratulating Brianna Monroe of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1637** (by J. White), Congratulating Emilio Ramirez of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1638** (by J. White), Congratulating Cameron Scott of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1639** (by J. White), Congratulating Jorge Vargas of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1640** (by J. White), Congratulating Kavon Moore of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1641** (by J. White), Congratulating Analyssa Caskey of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1642** (by J. White), Congratulating Marissa Acevedo of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1643** (by J. White), Congratulating Sylvina Guzman of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1644** (by J. White), Congratulating Dorothy Popham of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1645** (by J. White), Congratulating Cole Casper of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1646** (by J. White), Congratulating David Thompson of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1647** (by J. White), Congratulating Erica Chinn of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1648** (by J. White), Congratulating Kaylee Conarroe of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1649** (by J. White), Congratulating Jeremiah Settler of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1650** (by J. White), Congratulating Alan Casper of Corrigan-Camden Junior High School for his success in the 2014-2015 UIL academic competition.

**HR 1651** (by J. White), Congratulating Ruth Tapia of Corrigan-Camden Junior High School for her success in the 2014-2015 UIL academic competition.

**HR 1652** was withdrawn.

**HR 1654** (by Dale), Recognizing May 14, 2015, as Apraxia Awareness Day in Texas.

**HR 1655** (by T. King), Honoring the military service of the Trevino brothers of Zapata during World War II.

**HR 1658** (by Naishtat), Recognizing June 2015 as Myasthenia Gravis Awareness Month.

**HR 1659** (by Herrero), Recognizing Mr. G's BBQ restaurant in Corpus Christi.

**HR 1660** (by Herrero), Paying tribute to the life of Officer Joseph L. Moon of the Corpus Christi Police Department.

**HR 1661** (by Herrero), Paying tribute to the life of Officer Roy N. Smith of the Corpus Christi Police Department.

**HR 1662** (by Herrero), Paying tribute to the life of Sergeant Frank Dolan of the Corpus Christi Police Department.

**HR 1663** (by Herrero), Paying tribute to the life of Senior Officer Juan Rincon Prieto of the Corpus Christi Police Department.

**HR 1664** (by Herrero), Paying tribute to the life of Sergeant Ruben Almanza of the Corpus Christi Police Department.

**HR 1665** (by Herrero), Paying tribute to the life of Sergeant Joseph Daniel Bock of the Corpus Christi Police Department.

**HR 1666** (by Workman), Commemorating the third annual Olive Fest in Volente.

**HR 1667** (by Herrero), Paying tribute to the life of John W. Sartain of the Corpus Christi Police Department.

**HR 1668** (by Herrero), Paying tribute to the life of Officer Matthew B. Thebeau of the Corpus Christi Police Department.

**HR 1669** (by Herrero), Paying tribute to the life of Lieutenant Stuart J. Alexander of the Corpus Christi Police Department.

**HR 1670** (by Herrero), Paying tribute to the life of Officer Luther B. Prather of the Corpus Christi Police Department.

**HR 1671** (by Herrero), Paying tribute to the life of City Marshal Elias T. Mussett, Jr., of the Corpus Christi Police Department.

**HR 1672** (by Herrero), Commemorating the 100th anniversary of the Corpus Christi Rotary Club.

**HR 1673** (by Herrero), Commemorating the 40th anniversary of the Instituto de Cultura Hispánica de Corpus Christi in 2016.

**HR 1674** (by Farney), Commemorating the 50th anniversary of the Georgetown Public Library.

**HR 1675** (by J. White), Congratulating David J. Waxman of Jasper on being named Mr. East Texas 2015.

**HR 1676** (by J. White), Congratulating Joli Timm of Livingston High School on her receipt of a President's Volunteer Service Award.

**HR 1677** (by Laubenberg, Leach, Shaheen, and Fallon), Recognizing March 31 and April 1, 2015, as Plano Legislative Days at the State Capitol.

**HR 1678** (by Canales), Commemorating the TEAM MARIO Superheroes 5K Run for Autism and Buddy Fun Walk.

**HR 1680** (by Lucio), Commemorating the second annual HinoPalooza BBQ Cook-off in Mercedes.

**HR 1681** (by Lucio), Recognizing professional golfer Esteban Toledo for his athletic accomplishments and his charitable work.

**HR 1683** (by J. White), Congratulating Christian Lewis and Brett May of West Hardin High School in Saratoga on their performance in the UIL 2015 Cross-Examination Debate State Meet.

**HR 1684** (by J. White), Congratulating Conley Todd, Jr., on his retirement from First Financial Bank in Newton.

**HR 1688** (by Flynn), Congratulating Amanda Rucker on her graduation from East Texas Baptist University.

**HR 1689** (by Darby), Congratulating Robert and Lisa Modglin of Katy on their 35th wedding anniversary.

**HR 1690** (by S. Davis), Congratulating Dr. Richard Brown of West University Place on his receipt of the 2015 George T. Caldwell Award from the Texas Society of Pathologists.

**HR 1693** (by S. Davis), Congratulating Cletus and Betty Wark of West University Place on their 66th wedding anniversary.

**HR 1697** (by Israel), Commemorating the 15th anniversary of the Pflugerville Recreation Center.

**HR 1698** (by González and Sheffield), Honoring Darren Turley of Dublin for his longtime service to the dairy industry.

**HR 1701** (by J. White), Congratulating Grayland Arnold, Justin Harper, Michael McCain, and Kreston Richardson on being named to the 2015 Texas Association of Basketball Coaches All-State Basketball Team.

**HR 1702** (by Meyer), Commemorating the 100th anniversary of Southern Methodist University.

**HR 1704** (by González), Recognizing Eduardo Blanc of El Paso for his accomplishments.

**HR 1705** (by Márquez, Pickett, Moody, González, and Blanco), Commemorating the 50th anniversary of the Texas Western College basketball team's victory in the 1966 NCAA national championship game.

**HR 1706** (by Tinderholt), Commending the Peters family of Arlington for its generous support of local schools.

**HR 1708** (by Tinderholt), Congratulating Officer Jonathan Sosa on his receipt of the Police Officer's Award from the Arlington Police Department.

**HR 1713** (by Tinderholt), Commemorating the 120th anniversary of The University of Texas at Arlington.

**HR 1716** (by Bell), Congratulating Prairie View A&M University on winning the 2015 Honda Campus All-Star Challenge National Championship Tournament.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 1656** (by Anchia), In memory of Amelia Ramirez Canales.

**HR 1679** (by Clardy), In memory of Kenneth Melvin, mayor of Jacksonville.

**HR 1691** (by S. Davis), In memory of Walter Kase of Houston.

**HR 1692** (by S. Davis), In memory of Jeremy Davis Brown of Austin.

**HR 1694** (by S. Davis), In memory of Larry Richard Larsen of Houston.

**HR 1695** (by S. Davis), In memory of Robert Crayford Lee of Houston.

**HR 1700** (by Anchia), In memory of Maria del Carmen Zendejas Barrera.

**HR 1707** (by Sheffield), In memory of Robert L. "Tie" Lasater of Stephenville.

The resolutions were unanimously adopted by a rising vote.

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

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

(Sheets in the chair)

**ADJOURNMENT**

Representative Burns moved that the house adjourn until 10 a.m. Monday, April 27 in memory of Steve Aston of Waco.

The motion prevailed.

The house accordingly, at 6:34 p.m., adjourned until 10 a.m. Monday, April 27.

---

**ADDENDUM**

---

**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 4200** (By Smith), Relating to the boundaries of the Harris County Fresh Water Supply District No. 58.

To Natural Resources.

**HB 4201** (By Smith), Relating to the creation of the Harris County Municipal Utility District No. 544; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 4204** (By Farney), Relating to the creation of the Williamson County Municipal Utility District No. 33; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 4205** (By Bell), Relating to powers and duties of the Porter Special Utility District; granting a limited power of eminent domain in the defined areas or designated property; providing authority to establish defined areas or designated property, to issue bonds, and to impose taxes for the benefit of defined areas or designated property.

To Special Purpose Districts.

**HB 4206** (By Riddle), Relating to the powers and duties of the Dowdell Public Utility District; providing authority to issue bonds; providing authority to impose fees and taxes.

To Special Purpose Districts.

**HCR 114** (By Johnson), Recognizing the Operation Blue Shield initiative.

To Rules and Resolutions.

**HCR 115** (By Dutton), Requesting the Texas Supreme Court to study ways to eliminate court filing fees.

To Judiciary and Civil Jurisprudence.

**SB 57** to Transportation.

**SB 60** to Juvenile Justice and Family Issues.

**SB 125** to Human Services.

**SB 308** to Higher Education.

**SB 413** to Natural Resources.

**SB 415** to Transportation.

**SB 679** to Transportation.

**SB 774** to State Affairs.

**SB 804** to State Affairs.

**SB 860** to Business and Industry.

**SB 901** to Business and Industry.

**SB 949** to Juvenile Justice and Family Issues.

**SB 1024** to Corrections.

**SB 1032** to State Affairs.

**SB 1287** to Licensing and Administrative Procedures.

**SB 1452** to Ways and Means.

### MESSAGES FROM THE SENATE

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

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 23, 2015 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 925** Kolkhorst

Relating to providing training academies for public school teachers who provide reading instruction to students in kindergarten through grade three.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 23, 2015 - 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:

**SB 107** Whitmire

Relating to the designation of campus behavior coordinators to serve at public school campuses and issues to be considered when removing a student from class.

**SB 295** Schwertner

Relating to tracking career information for graduates of Texas medical schools and persons completing medical residency programs in Texas.

**SB 662** Rodríguez

Relating to the representation of certain indigent applicants for a writ of habeas corpus.

**SB 836** Watson  
Relating to management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

**SB 849** Bettencourt  
Relating to access to and fees associated with binding arbitration of appraisal review board orders.

**SB 873** Rodríguez  
Relating to the courts authorized to hear certain matters relating to a *capias pro fine*.

**SB 1574** Uresti  
Relating to emergency response employees or volunteers and others exposed or potentially exposed to certain diseases or parasites.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 23, 2015 - 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:

**SB 69** Ellis  
Relating to a notification requirement if a public school campus or open-enrollment charter school does not have a nurse assigned to the campus during all instructional hours.

**SB 934** Kolkhorst  
Relating to providing training academies for public school teachers who provide mathematics instruction to students in kindergarten through grade three.

**SB 935** Kolkhorst  
Relating to the establishment of a reading excellence team pilot program.

**SB 988** Perry  
Relating to the prohibited disposition of a decedent's remains by a person charged with certain criminal conduct against the decedent; providing an administrative penalty.

**SB 1073** Zaffirini

Relating to the provision of a candidate's campaign mailing address and electronic mail address in the candidate's application for a place on the ballot.

**SB 1353** Hinojosa

Relating to the provision and administration of indigent defense services.

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 1**

Senate Conferees: Nelson - Chair/Hinojosa/Huffman/Kolkhorst/Schwertner

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, April 23, 2015 - 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:

**SB 158** West

Relating to a body worn camera program for certain law enforcement agencies in this state; creating a criminal offense; authorizing a fee.

**SB 746** Whitmire

Relating to the civil commitment of sexually violent predators; amending provisions subject to criminal penalties.

**SB 795** Perry

Relating to establishing an interstate voter registration crosscheck program.

**SB 888** Hinojosa

Relating to the appeal of waiver of jurisdiction and transfer to criminal court in juvenile cases.

**SB 972** Kolkhorst

Relating to training academies for public school teachers who provide reading comprehension instruction to students in grades four and five.

**SB 1149** Watson

Relating to the commitment of certain juveniles to local post-adjudication secure correctional facilities in certain counties and to the release under supervision of those juveniles.

**SB 1282** Eltife

Relating to the regulation of consumer credit transactions and the regulatory authority of the Office of Consumer Credit Commissioner; amending provisions subject to a criminal penalty.

**SB 1308** Menéndez

Relating to veterans services information provided to veterans who receive driver's licenses and personal identification certificates.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

---

## APPENDIX

---

### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 22**

Agriculture and Livestock - **HB 1900, HB 2119, HB 2704, HB 3764**

Business and Industry - **HB 760, HB 860, HB 1668, HB 1862, HB 2739**

Corrections - **HB 210, HB 618, HB 1083**

County Affairs - **HB 2894**

Criminal Jurisprudence - **HB 189, HB 282, HB 326, HB 461, HB 478, HB 496, HB 510, HB 561, HB 1441, HB 2438, HB 2499**

Defense and Veterans' Affairs - **HB 867, HB 1639, HB 1640, HB 1762, HB 2123, HB 2232, HB 3729, HCR 46**

Economic and Small Business Development - **HB 27**

Energy Resources - **HB 1633**

Environmental Regulation - **HB 281, HB 1269**

Government Transparency and Operation - **HB 327**

Higher Education - **HB 298**

Homeland Security and Public Safety - **HB 1997**

Judiciary and Civil Jurisprudence - **HB 1436, HB 3003**

Licensing and Administrative Procedures - **HB 2546, HB 3325, HB 4069**

Natural Resources - **HB 930, HCR 74**

Public Education - **HB 742, HB 1170, HB 1171, HB 1706, HB 2812, HB 3106, HB 3562**

Public Health - **HB 2131**

Ways and Means - **HB 31, HB 32, HB 2114, HB 2826, HB 3629, SB 1985**

**April 23**

Appropriations - **HB 3077, HB 3601**

Corrections - **HB 1855**

County Affairs - **HB 65, HB 1307, HB 2599, HB 3067**

Elections - **HB 258, HB 621, HB 1927, HB 2754, HB 2762, HB 2900, HB 2925, HB 2986, HB 3880**

Energy Resources - **HB 1125**

Environmental Regulation - **HB 912, HB 2187**

Homeland Security and Public Safety - **HB 3016**

Human Services - **HB 1260, HB 2697, HB 3036, HB 3624**

Insurance - **HB 2198, HB 2219**

Investments and Financial Services - **HB 156, HB 3231, HB 3938**

Land and Resource Management - **HB 2221**

Natural Resources - **HB 950, HB 1232, HB 3407**

Pensions - **HB 681, HB 3182, HB 3453, HB 4080, SB 463**

Public Education - **HB 1474, HB 2293, HB 2323**

Public Health - **HB 869, HB 1409, HB 1670, HB 2004, HB 2023, HB 2079, HB 2340, HB 2696, HB 2849, HB 3476**

Urban Affairs - **HB 274, HB 2688, HB 3244, HB 3358**

Ways and Means - **HB 158, HB 619, HB 633, HB 682, HB 849, HB 1250, HB 1915, HB 2095, HB 2112**

#### ENGROSSED

**April 22 - HB 21, HB 39, HB 275, HB 369, HB 445, HB 655, HB 806, HB 941, HB 994, HB 1038, HB 2066, HB 2113, HB 2360, HB 2702, HB 2813, HB 3308, HJR 75**

**April 23 - HB 229, HB 280, HB 311, HB 520, HB 578, HB 698, HB 744, HB 804, HB 824, HB 943, HB 1040, HB 1042, HB 1049, HB 1050, HB 1061, HB 1080, HB 1129, HB 1246, HB 1261, HB 1287, HB 1290, HB 1309, HB 1321, HB 1331, HB 1418, HB 1560, HB 1595, HB 1717, HB 1740, HB 1804, HB 1814, HB 1833, HB 1912, HB 1937, HB 1964, HB 2033, HB 2038, HB 2050, HB 2051, HB 2089, HB 2133, HB 2134, HB 2152, HB 2167, HB 2201, HB 2213, HB 2278, HB 2332, HB 2410, HB 2464, HB 2472, HB 2476, HB 2491, HB 2494, HB 2508, HB 2509, HB 2533,**

**HB 2538, HB 2552, HB 2628, HB 2630, HB 2679, HB 2717, HB 2789,  
HB 2809, HB 2828, HB 2935, HB 3031, HB 3081, HB 3091, HB 3132,  
HB 3286, HB 3545, HB 3707, HB 3742, HB 3911, HB 4127, HB 4131**

**ENROLLED**

**April 23 - HCR 99**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**April 23 - HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143,  
HB 4145, HB 4146, HB 4147, HB 4148, HB 4149, HB 4150**