

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SEVENTH DAY — SATURDAY, MAY 23, 2015

The house met at 10:34 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1337).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; 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, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; 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 — Peña; Reynolds.

The speaker recognized Representative Rose who introduced Patrick D. Parker, Sr., pastor, New Beginning Bible Fellowship Church, Dallas, who offered the invocation as follows:

To the all-powerful and merciful God, your glory and majesty is known throughout the universe. We thank you for your presence this morning in the Texas House of Representatives. We solicit your blessings and give honor to our God-fearing leader of the United States of America, President Barack Obama, and the first family, as well as the Governor of Texas, Greg Abbott, and his family.

We ask your sanctification on and give merit to every person and office who makes, amends, or repeals laws. God, please watch over our family, friends, and loved ones as we answer the call as legislators. Our duties are not more important than our loved ones, yet we are often absent from them in body but not in spirit.

Certainly God has been good to Texas. Therefore, we want to be careful to stand for justice and mercy throughout this big-hearted state. We pray for and forgive those that find fault in us as a people. Please forgive us for any misadventure among our trusted representatives as well. Protect Texas from the presence of evil. Your will is not our will. There were things we were not able to change. You did not grant us that power. So, Father, we pray that we will make a change where we can and give us the serenity to know the difference.

Certainly God has been good to Texas. We are building and making connections with the other celebrated states in these United States of America and other parts of the world. Sanction our execution as lawmakers and policyholders. Lord, let us work in unity, peace, and with respect for all mankind. You promised us you will divide the tares from the wheat in this holy land known as part of the "Bible Belt."

Texans know God is good. People from everywhere are excited and eager to experience that goodness found in our prosperous state. Certainly God has been good to Texas and to those whose motives are pure. And certainly it's "In God We Trust." Amen.

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

LEAVE OF ABSENCE GRANTED

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

Peña on motion of Minjarez.

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Ashby in the chair)

HR 2493 - ADOPTED (by Rose)

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 2493**.

The motion prevailed.

The following resolution was laid before the house:

HR 2493, In memory of D'Lisa Kelley of Dallas.

HR 2493 was read and was unanimously adopted by a rising vote.

On motion of Representatives Alonzo and Guerra, the names of all the members of the house were added to **HR 2493** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Rose who introduced family members of D'Lisa Kelley.

RULES SUSPENDED

Representative Geren moved to suspend all necessary rules to allow family members of our fallen heroes admittance to the floor of the house of representatives inside the rail for the purpose of honoring Texans killed while serving in the United States military.

The motion prevailed.

ON A MATTER OF PERSONAL PRIVILEGE

Representative Dale submitted the following on a matter of personal privilege for inclusion in the journal:

Mr. Speaker and members, as we gather today to honor our fallen service members for Memorial Day, please join me in remembering and praying for those who did not return home and for their families. Today, I remember and am especially saddened by the loss of Christopher Cooper, Air Force; Matthew Morris, Army; Nathan Chapman, Army Special Forces; and Matthew Vandegrift, Marine Corps. May the blessing of God's love give comfort to them and to their families.

HOUSE AT EASE

At 10:51 a.m., the chair announced that the house would stand at ease pending the arrival of guests.

(Speaker in the chair)

The speaker called the house to order at 11:09 a.m.

FALLEN HEROES MEMORIAL SERVICE (The House of Representatives and Senate in Joint Session)

In accordance with the provisions of **SCR 48**, convening a joint memorial session to honor Texans killed while serving in the United States military and commemorating Memorial Day 2015, Governor Greg Abbott, Lieutenant Governor Dan Patrick, and the honorable senators were announced at the door of the house and were admitted.

The Honorable Dan Patrick, president of the senate, called the senate to order at 11:11 a.m. and stated that a quorum of the senate was present.

The Honorable Joe Straus, speaker of the house, called the house to order at 11:11 a.m. and stated that a quorum of the house of representatives was present.

Speaker Straus stated that the two houses were in joint session pursuant to **SCR 48** in honor of Texans killed while serving in the United States military and welcomed Governor Abbott, Lieutenant Governor Patrick, members of the senate, and other state officials, and addressed the assemblage, speaking as follows:

As Texans, and as Americans, we benefit greatly from the courage of the men and women who step forward to serve this country in the military. Generations of Americans have bravely protected our freedom, liberated people

from oppression all over the world, and defended our country from those who would do it harm. There are many here today who have stood up and served, and others who are here to represent those defenders of freedom who did not return.

Those of us who serve in this Capitol are able to do so because of the valor of the soldiers, sailors, airmen, and marines in the U.S. Armed Forces. It is our duty as a grateful nation to remember and to recognize them for their actions. As poet Wallace Bruce wrote, "Who kept the faith and fought the fight; The glory theirs; the duty ours." So today we salute their service and we offer our profound gratitude to their loved ones.

Speaker Straus recognized Senator Campbell who addressed the joint session.

Specialist Carlos Meda sang the national anthem as the assemblage rose for the presentation of the colors.

Command Sergeant Major Mark A. Weedon led the assemblage in the pledges of allegiance to the United States and Texas flags.

Speaker Straus recognized Brigadier General Charles Edwards who offered the invocation.

Speaker Straus laid out and had read **SCR 48**, convening a joint memorial session to honor Texans killed while serving in the United States military and commemorating Memorial Day 2015.

The service medley was played and members rose as their respective branch's song was played.

Lieutenant Governor Patrick introduced Governor Abbott, who addressed the joint session and assemblage, speaking as follows:

Thank you Lieutenant Governor Patrick, Speaker Straus, members, and honored guests. It is fitting that we gather in this chamber and in this Capitol to remember and honor those who gave their lives for our country. For the past few months, this Capitol has been a battleground of democracy. The people who made that democratic process possible, the people who ensured we would have the freedom to fight about ideas are the men and women who have worn the uniform of the United States military. We are so grateful to all of those who have served, but today we particularly remember those who made the ultimate sacrifice for our country. At this service we recognize, especially, Texas service members killed in combat since the last legislative session.

Earlier this week, Texas hosted an event that adds context to our Memorial Day service. It was an event in San Antonio to unveil the upcoming miniseries titled *Texas Rising*. It tells about the Alamo and the rise of Texas. The story of the Alamo still captivates Americans because of the character demonstrated by the soldiers at the Alamo. Out-manned and out-gunned, they defiantly battled Santa Anna's army knowing they faced certain death. Their legacy lives on because they fought and died for a cause greater than themselves—the cause of liberty. It is the same cause fought for by the men and women we honor today. It is the cause fought for by Americans since the day our country began.

There is an arc in the story of America, and it bends toward freedom. From Valley Forge to Vicksburg, from the Civil War to Civil Rights, from the Cold War to the War on Terror, Americans always remember that freedom is worth fighting for. We honor the heroes who gave their all to fight for that freedom, those who went in harm's way to protect the American way, those who never came home, who offered their lives on the altar of freedom. They stood in the face of dangers known and unknown and protected us from all that threatened, sacrificing so much and asking for nothing in return other than the respect for the freedom they fought for.

For the families of the fallen with us here today, our words are small solace to the loss you have suffered. When I think of your loss, I'm reminded of the closing scene in the movie *Saving Private Ryan*. Captain Miller fought through brutal World War II battles to save Private Ryan, who was the last surviving brother of four servicemen. In the closing battle scene Captain Miller is mortally wounded. As he was dying, his last words were to Private Ryan, whose life he saved: "Earn this. Earn it." The movie then fast-forwards several decades later to an elderly Ryan standing at the grave of his rescuer. It was one in a sea of white crosses and Stars of David in a massive military cemetery. Ryan thinks back about his life and says, "I hope in your eyes I've earned all of what you've done for me." It is a metaphor for what all Americans feel about those who have sacrificed their lives for this nation; we hope we have earned what they did for us.

To the families who have lost a son or daughter, mother or father, sister or brother—speaking on behalf of all who work in this Capitol and on behalf of all Texans, we will work to earn what your family has done for us. We will continue on the homeland to fight for the freedom they died for on lands across this globe. On this day we thank you, and we remember those who served this country and who died for liberty. May God bless each and every one of you, and may God forever bless the United States of America.

Senator Campbell read the names of the following fallen soldiers:

Sergeant Rafael Aguilar, Army; Private Second Class Brandon Bennett, Army; Sergeant Stephanie Cardenas, Army; Specialist Kevin Cardoza, Army; Specialist Christian J. Chandler, Army; Specialist Charles Clark, Army; Specialist Kerry M. Danyluk, Army; Specialist James Flores, Army; Private First Class Nicolas Garcia, Army; Specialist Keith E. Grace, Army; Sergeant First Class Samuel C. Hairston, Army; First Sergeant Thomas Harper, Army; First Lieutenant Nien Jen Lee, Army; Private Alejandro Lopez, Army; Sergeant Anthony R. Maddox, Army; Specialist Anthony Morales, Army; Staff Sergeant Joe A. Nunez-Rodriguez, Army; Sergeant Sharon Oldaker, Army; Specialist Dominic Poydras, Army; First Sergeant Mario Quinones, Army; Private Wuilmer Rodriguez, Army; Staff Sergeant Alberto Segarra, Army; Specialist James Toliver, Army; Staff Sergeant Richard L. Vazquez, Army; Staff Sergeant Alex A. Viola, Army; Sergeant Dawniyale Williams, Army.

Governor Abbott presented flags flown over the Capitol to family members as Representative S. King read the names of the following fallen soldiers:

Private Timothy Dovel, Army; Specialist William R. Moody, Army; Captain Andrew M. Pedersen-Keel, Army; Private First Class Mariano M. Raymundo, Army; Staff Sergeant Job M. Reigoux, Army; Specialist Michael C. Roberts, Army; Staff Sergeant Michael H. Simpson, Army; Petty Officer First Class James L. Smith, Navy; Sergeant Thomas Z. Spitzer, Marine Corps.

The joint session and assemblage observed a moment of silence broken by "Amazing Grace" played by Mike Olsen, followed by a cannon salute offered by the Texas Army National Guard Salute Battery, and "Taps" played by Sergeant Christopher Wright.

Brigadier General Charles Edwards offered the benediction.

Speaker Straus recognized Representative S. King who addressed the families of the honored fallen soldiers.

Lieutenant Governor Patrick and Speaker Straus thanked the attendees of today's service.

SENATE ADJOURNMENT

At 12:06 p.m., Lieutenant Governor Patrick stated that the purpose for which the joint session was called had been completed and that the senate would, in accordance with a previous motion, stand adjourned until 6 p.m. tomorrow.

HOUSE AT EASE

At 12:06 p.m., the speaker announced that the house would stand at ease pending the departure of guests.

The speaker called the house to order at 12:10 p.m.

RECESS

At 12:10 p.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:40 p.m. and was called to order by the speaker.

LEAVES OF ABSENCE GRANTED

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

Kacal on motion of Metcalf.

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

Price on motion of Larson.

The following member was granted leave of absence for the remainder of today to attend a funeral:

S. Turner on motion of Allen.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 24).

MESSAGES FROM THE SENATE

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

LEAVE OF ABSENCE GRANTED

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

Frank on motion of Capriglione.

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 523 ON THIRD READING (Keffer - House Sponsor)

SB 523, A bill to be entitled An Act relating to the sunset review of river authorities.

SB 523 was passed by (Record 1338): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; 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.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — King, T.

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

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Button; Dukes.

STATEMENT OF VOTE

When Record No. 1338 was taken, I was in the house but away from my desk. I would have voted yes.

Button

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 1301 ON THIRD READING (Lucio - House Sponsor)

SB 1301, A bill to be entitled An Act relating to the governance and administration of the Texas Water Resources Finance Authority.

SB 1301 was passed by (Record 1339): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; 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.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Bernal; Dukes; King, S.; Nevárez.

SB 37 ON THIRD READING
(Naishtat - House Sponsor)

SB 37, A bill to be entitled An Act relating to requiring the Texas Higher Education Coordinating Board to collect and study data on the participation of persons with intellectual and developmental disabilities at public institutions of higher education.

SB 37 was passed by (Record 1340): 119 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Phelan; Phillips; Pickett; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Bell; Bonnen, G.; Burrows; Fallon; Goldman; Keough; Krause; Murr; Paul; Rinaldi; Schofield; Shaheen; Simpson; Spitzer; Springer; Stephenson; Stickland; Turner, E.S.; White, J.; Zedler.

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

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Dukes; King, S.; McClendon.

STATEMENTS OF VOTE

When Record No. 1340 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1340 was taken, I was shown voting yes. I intended to vote no.

Simmons

SB 935 ON THIRD READING
(Deshotel - House Sponsor)

SB 935, A bill to be entitled An Act relating to the establishment of a reading excellence team pilot program.

SB 935 was passed by (Record 1341): 128 Yeas, 11 Nays, 1 Present, not voting.

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

Nays — Craddick; Krause; Murr; Parker; Rinaldi; Schaefer; Spitzer; Stickland; Tinderholt; Turner, E.S.; White, M.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Dukes; King, S.; McClendon; Simmons.

SB 57 ON THIRD READING (Simmons - House Sponsor)

SB 57, A bill to be entitled An Act relating to information collected by a regional tollway authority, regional transportation authority, metropolitan rapid transit authority, or coordinated county transportation authority.

SB 57 was passed by (Record 1342): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; 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.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Dukes; King, S.; McClendon.

STATEMENT OF VOTE

When Record No. 1342 was taken, I was shown voting yes. I intended to vote present, not voting.

S. Thompson

SB 304 ON THIRD READING (Raymond - House Sponsor)

SB 304, A bill to be entitled An Act relating to certain violations committed by long-term care facilities, including violations that constitute the abuse and neglect of residents.

SB 304 was passed by (Record 1343): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; 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.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — White, J.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Darby; Dukes; King, S.; McClendon.

SB 972 ON THIRD READING
(Deshotel - House Sponsor)

SB 972, A bill to be entitled An Act relating to training academies for public school teachers who provide reading comprehension instruction to students in grades four and five.

SB 972 was passed by (Record 1344): 103 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Galindo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Isaac; Israel; Johnson; Keffer; King, K.; King, P.; King, T.; Klick; Koop; Larson; Laubenberg; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Meyer; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Phelan; Phillips; Pickett; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheets; Sheffield; Smith; Smithee; Stephenson; Thompson, S.; Turner, C.; Vo; Walle; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Bell; Bonnen, D.; Bonnen, G.; Button; Craddick; Fallon; Frullo; Geren; Goldman; Hunter; Keough; Krause; Kuempel; Landgraf; Leach; Metcalf; Miller, R.; Murr; Paul; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simmons; Simpson; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Dukes; King, S.; McClendon.

STATEMENT OF VOTE

When Record No. 1344 was taken, I was shown voting yes. I intended to vote no.

Parker

SB 807 ON THIRD READING
(Sheets - House Sponsor)

SB 807, A bill to be entitled An Act relating to occupational license application and examination fees for certain military service members, military veterans, and military spouses.

SB 807 was passed by (Record 1345): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; 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.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Dukes.

SB 2049 ON THIRD READING **(Bell - House Sponsor)**

SB 2049, A bill to be entitled An Act relating to qualifications of members of the board of directors of the Lone Star Groundwater Conservation District.

SB 2049 was passed by (Record 1346): 140 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Dukes; Schofield.

**SB 195 ON THIRD READING
(Crownover - House Sponsor)**

SB 195, A bill to be entitled An Act relating to prescriptions for certain controlled substances, access to information about those prescriptions, and the duties of prescribers and other entities registered with the Federal Drug Enforcement Administration; authorizing fees.

SB 195 was passed by (Record 1347): 122 Yeas, 18 Nays, 1 Present, not voting.

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

Nays — Bell; Fallon; Goldman; Keough; Krause; Leach; Riddle; Rinaldi; Schaefer; Shaheen; Simmons; Simpson; Spitzer; Springer; Stickland; Tinderholt; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Dukes; Hughes; Israel.

STATEMENTS OF VOTE

When Record No. 1347 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 1347 was taken, I was in the house but away from my desk. I would have voted yes.

Israel

When Record No. 1347 was taken, I was shown voting no. I intended to vote yes.

Simmons

**SB 519 ON THIRD READING
(Crownover - House Sponsor)**

SB 519, A bill to be entitled An Act relating to the registration of dental support organizations; imposing a fee; requiring an occupational registration; providing a civil penalty.

SB 519 was passed by (Record 1348): 94 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Bernal; Blanco; Bohac; Burns; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Keffer; King, S.; King, T.; Klick; Kuempel; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Paddie; Paul; Phelan; Phillips; Pickett; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheffield; Smith; Smithee; Stephenson; Thompson, S.; Turner, C.; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Craddick; Cyrier; Darby; Elkins; Fallon; Geren; Goldman; Hughes; Keough; King, K.; King, P.; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Murphy; Murr; Parker; Riddle; Rinaldi; Schaefer; Schofield; Shaheen; Sheets; Simmons; Simpson; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 1348 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 1348 was taken, I was shown voting yes. I intended to vote no.

Isaac

When Record No. 1348 was taken, I was shown voting yes. I intended to vote no.

Kuempel

When Record No. 1348 was taken, I was shown voting yes. I intended to vote no.

Phelan

When Record No. 1348 was taken, I was shown voting yes. I intended to vote no.

Smith

COMMITTEE GRANTED PERMISSION TO MEET

Representative Parker requested permission for the Committee on Investments and Financial Services to meet while the house is in session, at 1:55 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Investments and Financial Services, 1:55 p.m. today, 1W.14, for a formal meeting, to consider pending business.

SB 332 ON THIRD READING (Hunter - House Sponsor)

SB 332, A bill to be entitled An Act relating to the use of maximum allowable cost lists related to pharmacy benefits.

SB 332 was passed by (Record 1349): 138 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; 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.; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Dukes; Martinez Fischer; Wu.

STATEMENT OF VOTE

When Record No. 1349 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

SB 273 ON THIRD READING (Guillen - House Sponsor)

SB 273, A bill to be entitled An Act relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity; providing a civil penalty.

SB 273 was passed by (Record 1350): 116 Yeas, 23 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Herrero; Huberty; Hughes; Hunter; Isaac; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; Riddle; Rinaldi; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Davis, Y.; Deshotel; Dutton; Giddings; Hernandez; Howard; Israel; Johnson; McClendon; Miles; Rodriguez, E.; Rose; Turner, C.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent — Craddick; Dukes; Smith; Smithee.

STATEMENT OF VOTE

When Record No. 1350 was taken, I was shown voting yes. I intended to vote no.

Naishtat

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Investments and Financial Services:

Capriglione on motion of Isaac.

Stephenson on motion of Isaac.

SB 1129 ON THIRD READING **(Raymond - House Sponsor)**

SB 1129, A bill to be entitled An Act relating to the transportation of a person with a mental illness.

SB 1129 was passed by (Record 1351): 130 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; King, P.; King, S.; King, T.; Klick; Koop; Krause; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; 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.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Flynn; Frullo; Keough; King, K.; Kuempel; Landgraf; Murr; White, J.; Zedler.

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

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent, Excused, Committee Meeting — Capriglione; Stephenson.

Absent — Dukes.

SB 1171 ON THIRD READING **(Paddie - House Sponsor)**

SB 1171, A bill to be entitled An Act relating to the operation of certain oversize or overweight vehicles transporting timber, timber products, or forestry equipment on certain public roadways.

Amendment No. 1

Representative Paddie offered the following amendment to **SB 1171**:

Amend **SB 1171** as follows:

(1) On page 3, line 1 strike "forestry" and substitute "or forestry".

Amendment No. 1 was adopted.

SB 1171, as amended, was passed by (Record 1352): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; 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.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent, Excused, Committee Meeting — Capriglione; Stephenson.

Absent — Dukes; Naishtat.

STATEMENT OF VOTE

When Record No. 1352 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

SB 955 ON THIRD READING**(R. Miller and Shaheen - House Sponsors)**

SB 955, A bill to be entitled An Act relating to permissible locations of open-enrollment charter schools created by certain institutions of higher education.

SB 955 was passed by (Record 1353): 122 Yeas, 14 Nays, 1 Present, not voting.

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

Nays — Allen; Anchia; Blanco; Giddings; Howard; Israel; Márquez; Miles; Minjarez; Rose; Spitzer; Turner, C.; VanDeaver; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent, Excused, Committee Meeting — Capriglione; Stephenson.

Absent — Anderson, C.; Dukes; Longoria; Lucio; Simmons.

STATEMENTS OF VOTE

When Record No. 1353 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

When Record No. 1353 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1353 was taken, I was shown voting yes. I intended to vote no.

Collier

When Record No. 1353 was taken, I was shown voting no. I intended to vote yes.

Márquez

When Record No. 1353 was taken, I was shown voting yes. I intended to vote no.

J. Rodriguez

When Record No. 1353 was taken, I was absent because of important business. I would have voted yes.

Simmons

When Record No. 1353 was taken, I was shown voting no. I intended to vote yes.

Spitzer

SB 267 ON THIRD READING
(Huberty - House Sponsor)

SB 267, A bill to be entitled An Act relating to the regulation by a municipality or county of the rental or leasing of housing accommodations.

Representative Huberty moved to postpone consideration of **SB 267** until 2:10 p.m. today.

The motion prevailed.

SB 662 ON THIRD READING
(Alonzo - House Sponsor)

SB 662, A bill to be entitled An Act relating to the representation of certain indigent applicants for a writ of habeas corpus.

SB 662 was passed by (Record 1354): 135 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raymond; 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.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Murr.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent, Excused, Committee Meeting — Capriglione; Stephenson.

Absent — Davis, Y.; Dukes; Longoria; Lucio; Raney.

STATEMENT OF VOTE

When Record No. 1354 was taken, I was in the house but away from my desk. I would have voted yes.

Raney

SB 1367 ON THIRD READING (Anchia and Oliveira - House Sponsors)

SB 1367, A bill to be entitled An Act relating to certain obligations of and limitations on landlords.

SB 1367 was passed by (Record 1355): 135 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Paul; Phelan; Pickett; Raney; Raymond; 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.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Flynn; Murr; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent, Excused, Committee Meeting — Capriglione; Stephenson.

Absent — Dukes; Longoria; Parker.

STATEMENT OF VOTE

When Record No. 1355 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

SB 295 ON THIRD READING
(Guillen - House Sponsor)

SB 295, A bill to be entitled An Act relating to tracking career information for graduates of Texas medical schools and persons completing medical residency programs in Texas.

SB 295 was passed by (Record 1356): 136 Yeas, 4 Nays, 1 Present, not voting.

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

Nays — Keough; Rinaldi; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent, Excused, Committee Meeting — Capriglione; Stephenson.

Absent — Dukes.

SB 1436 ON THIRD READING
(Raymond - House Sponsor)

SB 1436, A bill to be entitled An Act relating to the setback requirements for a junkyard or an automotive wrecking and salvage yard; amending provisions subject to a criminal penalty.

SB 1436 was passed by (Record 1357): 96 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Bernal; Blanco; Bohac; Burkett; Burns; Canales; Coleman; Collier; Cook; Craddick; Crownover; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson; Keffer; King, P.; King, T.; Klick; Koop; Laubenberg; Longoria;

Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Phillips; Pickett; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheets; Sheffield; Smith; Smithee; Spitzer; Springer; Thompson, S.; Turner, C.; Villalba; Vo; Walle; White, M.; Workman; Wu; Zerwas.

Nays — Anderson, C.; Ashby; Bell; Bonnen, D.; Bonnen, G.; Burrows; Button; Clardy; Cyrier; Darby; Elkins; Fallon; Geren; Goldman; Harless; Hughes; Isaac; Keough; King, K.; Krause; Kuempel; Landgraf; Leach; Metcalf; Meyer; Miller, R.; Murr; Paul; Phelan; Rinaldi; Sanford; Schaefer; Simmons; Simpson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; White, J.; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Peña; Price; Reynolds; Turner, S.

Absent, Excused, Committee Meeting — Capriglione; Stephenson.

Absent — Dukes; King, S.; Larson.

STATEMENTS OF VOTE

When Record No. 1357 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1357 was taken, I was shown voting yes. I intended to vote no.

Springer

POSTPONED BUSINESS

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

SB 268 ON SECOND READING **(Anchia - House Sponsor)**

SB 268, A bill to be entitled An Act relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

SB 268 was read second time on May 12, postponed until May 18, postponed until May 19, postponed until May 20, and was again postponed until 6 a.m. today.

Representative Anchia moved to postpone consideration of **SB 268** until 6 a.m. tomorrow.

The motion prevailed.

SB 1173 ON SECOND READING
(Phillips - House Sponsor)

SB 1173, A bill to be entitled An Act relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; creating a criminal offense; amending provisions subject to a criminal penalty; authorizing fees.

SB 1173 was read second time on May 7, postponed until 6 a.m. May 11, postponed until 2 p.m. May 11, postponed until 3 p.m. May 11, postponed until May 15, postponed until May 20, postponed until May 21, postponed until 11 a.m. May 22, amendments were offered and disposed of, **SB 1173** was postponed until 3:45 p.m. May 22, and was again postponed until 1 p.m. today.

SB 1173 - POINT OF ORDER

Representative Tinderholt raised a point of order against further consideration of **SB 1173** under Rule 8, Section 1; Rule 11, Section 2; and Rule 11, Section 3 of the House Rules on the grounds that the bill caption is inaccurate, the amendment is not germane to the bill, and the amendment would change the original purpose of the bill.

The speaker sustained the point of order and submitted the following statement:

Representative Tinderholt raised a point of order against further consideration of **SB 1173** under Rule 8, Section 1; Rule 11, Section 2; and Rule 11, Section 3 of the House Rules arguing that adoption of Amendment No. 3, which was offered and adopted without objection, either impermissibly added a second subject or changed the original purpose of the bill. Amendment No. 3 removed the prohibitions on certain communication by operators of commercial motor vehicles and applied those prohibitions to any operator of a motor vehicle. Alternatively, Representative Tinderholt argued that, on the basis of the representations by both the amendment's author and the bill's sponsor during the discussion of the issues posed by the Rule 11 challenge, that the arguments regarding the amendment disclosed a fatal error in the caption under Rule 8, Section 1 of the House Rules. Specifically, both the amendment author and the bill's sponsor argued that the amendment was germane and did not violate the one-subject rule because the bill contained a number of references to the operation of passenger vehicles, specifically citing changes in Section 2 and Section 19 of the bill. In writing, the amendment's author noted "**SB 1173** contains multiple subjects dealing with commercial driver license holders, driver license holders, passenger vehicles, fines and fees, offenses and already includes a prohibition on texting." If the bill proponents' statements are correct, Representative Tinderholt argues that the caption of the bill is fatally flawed because it refers only to the operation of commercial motor vehicles and commercial driver's licenses and not to the numerous references of the operations of passenger vehicles or non-commercial driver's licenses. The failure of the caption to include a description means that it failed to convey to the public

reasonable notice of the subject of the proposed measure in violation of Rule 8, Section 1 of the House Rules. The point of order is sustained under Rule 8, Section 1 of the House Rules.

Relying solely on the assertions on the author of the amendment and the bill sponsor, it is clear that if the amendment was germane to be placed on the bill because of the reasons raised by the author and sponsor, then the caption failed to include those subjects of the proposed measure. In this case, without deciding the merits of issue, assuming the truth of the representations regarding the one-subject issue would necessarily indicate a deficiency in the caption.

The bill is returned to committee. As with all procedural deficiencies, the arguments attached to this incarnation of the bill are stripped away.

SB 1173 was returned to the Committee on Transportation.

(Capriglione and Stephenson now present)

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 204 ON SECOND READING
(Raymond - House Sponsor)**

CSSB 204, A bill to be entitled An Act relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties.

CSSB 204 - POINT OF ORDER

Representative S. King raised a point of order against further consideration of **CSSB 204** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order and submitted the following statement:

Representative S. King raised a point of order against further consideration of **CSSB 204** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis fails to properly identify rulemaking authority delegated by the bill. The point of order is respectfully overruled.

Representative S. King specifically argues that Section 43 of the bill, which adds amended Subchapter A-1, Chapter 161 to the Human Resources Code, is not included in the portion of the bill analysis that covers rulemaking authority. The cited provision stated that "a rule, policy, or form adopted by or on behalf of the department or council that relates to a function that is transferred. . . becomes a rule, policy, or form of the commission on the transfer of the related function. . ." This transfer of the rule from one agency to another is not a delegation of new, independent rulemaking authority and does not need to be reflected in the bill analysis. As we have previously noted, to be subject to Rule 4, Section 32(c)(3)'s requirement, the provision must be an express,

independent grant of new rulemaking authority. See 83 H.J. Reg 4053-4054 (2013) (Schaefer point of order on **SB 1079**); 83 H.J. Reg. 2651 (2013) (Miles point of order on **CSHB 500**) (treatment of existing rulemaking authority).

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Lucio on motion of Alonzo.

Miles on motion of Burrows.

Smithee on motion of Smith.

CSSB 204 - (consideration continued)

CSSB 204 - POINT OF ORDER

Representative S. King raised a point of order against further consideration of **CSSB 204** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The speaker overruled the point of order and submitted the following statement:

Representative S. King raised a point of order against further consideration of **CSSB 204** under Rule 4, Section 18 of the House Rules asserting that the committee minutes are inaccurate and incomplete. Specifically, Representative S. King observes that at the formal meeting of the Committee on Human Services on May 14, the chair laid out **CSSB 204** as pending business. Representative S. King argues that **CSSB 204** had never been posted for hearing or consideration by the committee, although she acknowledges that its companion, **HB 2699**, had been both posted and heard. The point of order is respectfully overruled.

Rule 4, Section 11(b) of the House Rules governs notice requirements for a committee to meet in a formal meeting or work session. The express language of this prohibits a committee from meeting "for the purpose of a formal meeting or work session during a regular or special session unless written notice has been posted and transmitted to each member of the committee two hours in advance of the meeting or an announcement has been filed with the journal clerk and read by the reading clerk while the house is in session." The requisite contents of that notice are not delineated by the rule. See 79 H. J. Reg. 2106 (2005) (parliamentary inquiry by Representative Dunnam). As a matter of house practice, notice for formal meetings has included the specific business a committee intends to consider, such as listing the bills by number or specifying that a committee will consider pending business. Assuming that this established practice rises to the level of a requirement, the chair notes that even for public hearings (the posting requirements for which are more onerous than those for formal meetings) "a public hearing on a senate bill which is substantially the same as house bill that has previously been the subject of a duly posted public hearing by the committee" does not require separate notice. Rule 4, Section 11(a) of the House Rules. Thus, senate bills the companion for which has already been considered may be listed, if they are listed at all, as pending business under the

house rules. Because **CSSB 204**'s house companion had already been heard by the committee, the chair determines that, even if notice of a bill to be considered in a formal meeting is required, this requirement was satisfied by the committee's notice that it was considering pending business.

CSSB 204 - POINT OF ORDER

Representative S. King raised a point of order against further consideration of **CSSB 204** under Rule 4, Section 32(c)(5) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order and submitted the following statement:

Representative S. King raised a point of order against further consideration of **CSSB 204** under Rule 4, Section 32(c)(5) of the House Rules on the grounds that the bill analysis fails to accurately state the substantial differences between the committee substitute and the original bill. The point of order is respectfully overruled.

Representative S. King objects to consideration of the bill because, when the bill was received from the senate, the caption read, "relating to the functions and operations of the Department of Aging and Disability Services; increasing penalties," but the caption was amended in a house committee, by way of a committee substitute to the bill, to read, "relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties." The chair determines that this change was not a substantive change that required separate analysis.

Representative Raymond moved to postpone consideration of **CSSB 204** until 2:30 p.m. today.

The motion prevailed.

POSTPONED BUSINESS

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

SB 267 ON THIRD READING (Huberty - House Sponsor)

SB 267, A bill to be entitled An Act relating to the regulation by a municipality or county of the rental or leasing of housing accommodations.

SB 267 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative T. King offered the following amendment to **SB 267**:

Amend **SB 267**, on third reading, on page 1, by striking "derives" and substituting "includes funding".

Amendment No. 1 was adopted.

SB 267, as amended, was passed by (Record 1358): 93 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycok; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Phillips; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Cyrier; Davis, Y.; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Longoria; Márquez; Martinez; Martinez Fischer; McClendon; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Phelan; Pickett; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Smithee; Turner, S.

Absent — Dukes; King, S.; Stephenson.

STATEMENTS OF VOTE

When Record No. 1358 was taken, I was shown voting no. I intended to vote yes.

Cyrier

When Record No. 1358 was taken, I was shown voting no. I intended to vote yes.

Phelan

When Record No. 1358 was taken, I was shown voting yes. I intended to vote no.

Sheffield

MAJOR STATE CALENDAR

(consideration continued)

CSSB 207 ON SECOND READING

(Gonzales and Raymond - House Sponsors)

CSSB 207, A bill to be entitled An Act relating to the authority and duties of the office of inspector general of the Health and Human Services Commission.

CSSB 207 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE P. KING: Representative Gonzales, I have a few questions on your bill, which I support, but would like some clarification on a few points, knowing how important the role of the Office of Inspector General is in reducing Medicaid fraud and abuse in our state. Representative Gonzales, the bill not only addresses the role of OIG, but addresses improving our procurement and contracting practices with a strong focus on information technology and utilizing the best available technology to not only investigate waste and abuse, but prevent it as well. Isn't that correct?

REPRESENTATIVE GONZALES: Yes, sir.

P. KING: And is it true that **CSSB 207** not only improves the process for dealing with known fraud and abuse, but specifically addresses preventing and detecting such fraud? Our state has in the past done a "pay and chase" model, as it's called?

GONZALES: We've done that as well, sir.

P. KING: And last—and thank you for this—isn't it true that the bill contains new statute language that would have the OIG follow trends in fraud, and this could move us away from chasing already paid claims and more so into preventing fraud?

GONZALES: Yes, sir.

(Márquez in the chair)

REMARKS ORDERED PRINTED

Representative P. King moved to print remarks between Representative Gonzales and Representative P. King.

The motion prevailed.

CSSB 207 was passed to third reading.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pickett requested permission for the Committee on Transportation to meet while the house is in session, at 2:55 p.m. today, in 3W.9, to consider **SB 93** and **SB 1173**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 2:55 p.m. today, 3W.9, for a formal meeting, to consider **SB 93** and **SB 1173**.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Transportation:

Harless on motion of Geren.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Frullo requested permission for the Committee on Insurance to meet while the house is in session, at 3 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 3 p.m. today, 1W.14, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, at 2:50 p.m. today, in 1W.14, to consider **SB 1908**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, 2:50 p.m. today, 1W.14, for a formal meeting, to consider **SB 1908**.

LEAVE OF ABSENCE GRANTED

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

Schubert on motion of Cyrier.

POSTPONED BUSINESS

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

**CSSB 204 ON SECOND READING
(Raymond - House Sponsor)**

CSSB 204, A bill to be entitled An Act relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties.

CSSB 204 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Raymond offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) in SECTION 43 of the bill by striking Subsection (h) (page 47, lines 22 through 24) and substituting the following appropriately lettered subsection:

() This section takes effect only if **SB 200** or **HB 2578**, 84th Legislature, Regular Session, 2015, does not become law.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Raymond offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) as follows:

(1) Strike page 39, line 27 through page 40, line 11 and substitute the following:

Sec. 161.402. DAY HABILITATION SERVICES PROVIDER INFORMATION TRACKING. (a) The department shall maintain, annually update, and make available to the public the following information concerning day habilitation services:

(1) the physical address of and contact information for each provider of day habilitation services in this state, and the year or years in which the provider has provided those services;

(2) the Internet website of each provider of day habilitation services in this state that maintains an Internet website, or a description of the services offered by the provider, if the provider does not maintain an Internet website; and

(3) the average number of individuals receiving services from each day habilitation services provider in this state, and the estimated maximum number of individuals each provider is able to serve in a day.

(2) On page 40, between lines 23 and 24, insert the following:

(d) The department may obtain information described by Subsection (a) from community-based intellectual and developmental disabilities services providers and intermediate care facilities as necessary to comply with that subsection.

(e) Subsection (a) does not require the department to maintain, annually update, or make available to the public information concerning individuals receiving in-home day habilitation services or individuals receiving day habilitation services in a facility licensed by the department under Chapter 103, Human Resources Code.

Amendment No. 2 was adopted.

Amendment No. 3

Representatives Workman, Dale, Blanco, C. Anderson, Israel, Murphy, Flynn, Darby, Crownover, S. King, Riddle, Faircloth, Howard, Pickett, Lucio, Ashby, Farney, Paul, Hughes, Frullo, Morrison, R. Miller, E. Rodriguez, Martinez Fischer, Zerwas, Parker, J. White, Rose, Isaac, Peña, Burrows, Galindo, Stephenson, Geren, P. King, Bell, Cyrier, Larson, Kacal, and Schubert offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) as follows:

(1) On page 25, line 20, strike "2017" and substitute "2019".

(2) On page 26, line 13, strike "2018" and substitute "2020".

(3) On page 26, line 18, strike "2018" and substitute "2020".

(4) On page 26, between lines 18 and 19, insert the following:

Sec. 555.204. AUSTIN STATE SUPPORTED LIVING CENTER STUDY.

(a) The department shall conduct a study of possible alternative uses for the Austin State Supported Living Center campus.

(b) In conducting the study, the department shall:

(1) determine the feasibility of colocating the Austin State Hospital and the Austin State Supported Living Center:

(A) on the current campus of the state hospital or the center; or

(B) at a location other than the current location of the state hospital or center that is less than 15 miles from the rotunda of the State Capitol;

(2) consider partnership opportunities for governmental organizations or health care organizations to lease or purchase portions of the campus for use for other purposes, including health care purposes, state agency purposes, or private use;

(3) consider sharing between the Austin State Hospital and the Austin State Supported Living Center the clinical or professional expertise and resources necessary to provide mental health services and intellectual and developmental disability services to residents of both the hospital and the living center, whether colocated together at one campus or located at two separate campuses, and to individuals who live in the community and receive community-based services under a Medicaid waiver program; and

(4) consider use of the Austin State Supported Living Center campus to serve individuals with intellectual and developmental disabilities who are residents of that campus and individuals with intellectual and developmental disabilities who live in the community and receive community-based services through a Medicaid waiver program.

(c) For purposes of considering opportunities described by Subsection (b), the department shall coordinate with the Department of State Health Services or its successor agency and the Texas Facilities Commission to examine potential costs and mitigation strategies, such as:

(1) partnerships for infrastructure improvements;

(2) partnerships for sharing resources to improve operational efficiency, including the sharing of administrative functions, staff resources, buildings, and land maintenance;

(3) potential revenue to be gained by the provision of health care services to individuals in community settings;

(4) potential revenue to be gained by leasing or selling portions of the campus or the whole campus;

(5) infrastructure needs; and

(6) capacity and demand needs of individuals with disabilities in the Central Texas area.

(d) Not later than December 1, 2016, the department shall prepare and submit a report containing the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget

Board, and the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over state finance, appropriations, and health and human services.

(e) This section expires September 1, 2017.

(Harless now present)

Amendment No. 3 was adopted by (Record 1359): 127 Yeas, 10 Nays, 1 Present, not voting.

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

Nays — Burkett; Dutton; Fallon; Gonzales; Klick; Raymond; Rinaldi; Shaheen; Spitzer; Stickland.

Present, not voting — Mr. Speaker.

Absent, Excused — Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent — Dukes; Morrison.

STATEMENTS OF VOTE

When Record No. 1359 was taken, I was shown voting yes. I intended to vote no.

Keough

When Record No. 1359 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

**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.)

CSSB 204 - (consideration continued)

Amendment No. 4

Representative Crossover offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report), on page 25 of the bill, by striking lines 7 through 9 and substituting "centers recommended for closure."

CSSB 204 - POINT OF ORDER

Representative Pickett raised a point of order against further consideration of **CSSB 204**.

The point of order was withdrawn.

Amendment No. 4 was adopted by (Record 1360): 125 Yeas, 8 Nays, 1 Present, not voting.

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

Nays — Anderson, R.; Burkett; Gonzales; Klick; Leach; Raymond; Rinaldi; Spitzer.

Present, not voting — Mr. Speaker.

Absent, Excused — Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent — Dukes; Fallon; King, T.; McClendon; Morrison; Raney.

Amendment No. 5

Representative Crossover offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report), on page 26, between lines 18 and 19, by adding the following:

Sec. 555.2035. STUDY OF FORMER RESIDENTS OF AUSTIN STATE SUPPORTED LIVING CENTER; REPORTS. (a) For each former resident relocated following the closure of the Austin State Supported Living Center, the department shall assess quarterly the health and well-being of the former resident, including whether the former resident has appropriate access to health and dental care.

(b) The department shall prepare quarterly a written report about each former resident of the Austin State Supported Living Center that contains the assessment of the former resident conducted under Subsection (a) and includes details concerning any reports of neglect, abuse, or death of the former resident. The department shall prepare the initial quarterly written reports about each former resident of the Austin State Supported Living Center, as required by this subsection, not later than three months after the date of the closure of that center. The department shall prepare the subsequent quarterly reports following the expiration of each three-month period following the date the initial quarterly written reports are produced.

(c) The department annually shall aggregate information contained in the four quarterly reports prepared for the preceding 12-month period in an annual report and submit that annual report to the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over intellectual and developmental disability issues, and the standing committees of the senate and house of representatives having primary jurisdiction over state finance issues. The department shall prepare and submit the initial annual report under this subsection not later than 12 months after the date of the closure of the Austin State Supported Living Center, and shall produce subsequent annual reports not later than the anniversary of that date each year.

(d) This section expires January 1, 2023.

Amendment No. 5 was adopted. (Rinaldi recorded voting no.)

Amendment No. 6

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.090 to read as follows:

Sec. 161.090. NEIGHBORHOOD AND COMMUNITY ENGAGEMENT PLANS FOR GROUP HOMES WORK GROUP. (a) For purposes of this section, "group home" means:

(1) a residence in which residential support or supervised living is provided through the Home and Community-Based Services waiver program; or

(2) a residence in which fewer than seven persons reside and in which services are provided through the intermediate care facility for individuals with an intellectual disability or related condition program.

(b) The department shall establish a temporary work group composed of all relevant stakeholders to:

(1) study and recommend best practices for keeping residents of group homes safe; and

(2) develop neighborhood and community engagement plans to:

(A) promote positive relationships between community members and residents of group homes;

(B) address barriers to and facilitate meaningful neighborhood and community interaction and involvement by residents of group homes;

(C) protect the civil rights of residents of group homes; and

(D) protect the rights to which residents of group homes are entitled under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and state and federal fair housing laws.

(c) Not later than September 1, 2016, the temporary work group established under this section shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over intellectual and developmental disability issues a report containing:

(1) recommendations of the work group concerning best practices examined under Subsection (b)(1) to keep residents of group homes safe; and

(2) the neighborhood and community engagement plan developed under Subsection (b)(2).

(d) The work group established under this section is abolished and this section expires September 1, 2016.

Amendment No. 6 was adopted. (Rinaldi recorded voting no.)

Amendment No. 7

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) by striking SECTION 41 of the bill (page 39, lines 2 through 10), and substituting the following:

SECTION 41. Section 161.080, Human Resources Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The executive commissioner by rule shall establish:

(1) a list of services a state supported living center may provide under a contract described by Subsection (a); and

(2) procedures for the department to create, maintain, and amend as needed a schedule of fees that a state supported living center may charge for a service included in the list established by rule of the executive commissioner.

(d) In creating a schedule of fees, the department shall use the reimbursement rate for the applicable service under the Medicaid program.

(e) Notwithstanding Subsection (c), a state supported living center, based on negotiations between the center and a managed care organization, as defined by Section 533.001, Government Code, may charge a fee for a service other than the fee provided by the schedule of fees created by the department under this section.

Amendment No. 7 was adopted. (Rinaldi recorded voting no.)

Amendment No. 8

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report), in added Section 555.201(c), Health and Safety Code (page 22, between lines 23 and 24), by inserting the following appropriately numbered subdivision, and renumbering subsequent subdivisions of that subsection, and cross-references to those subdivisions, accordingly:

() the economic impact of the center's closure on the municipality in which the center is located;

Amendment No. 8 was adopted. (Rinaldi recorded voting no.)

Amendment No. 9

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) as follows:

(1) On page 22, between lines 1 and 2, insert the following:

(b-1) An elected member of the legislature may propose to the restructuring commission the closure of a state supported living center located in the member's legislative district.

(2) In added Section 555.201(c), Health and Safety Code (page 22, line 2, through page 23, line 10), add the following appropriately numbered subdivision and renumber subsequent subdivisions of that subsection and any cross-references to those subdivisions accordingly:

() whether an elected member of the legislature has proposed closure of the center under Subsection (b-1);

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) on page 23, by striking line 23 and substituting the following:

centers, the repurposing of certain centers based on state or local needs, or the downsizing or consolidating of certain centers to build new, more modern facilities.

Amendment No. 10 was adopted. (Rinaldi recorded voting no.)

Amendment No. 11

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report), by striking added Section 555.201(b), Health and Safety Code (page 21, line 20 through page 22, line 1), and substituting the following:

(b) The restructuring commission consists of five members appointed by the governor and, as a nonvoting ex officio member, the executive commissioner or the executive commissioner's designee.

LEAVE OF ABSENCE GRANTED

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

Fallon on motion of Shaheen.

CSSB 204 - (consideration continued)

Amendment No. 11 failed of adoption by (Record 1361): 37 Yeas, 94 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Ashby; Aycock; Bernal; Burrows; Clardy; Coleman; Farias; Farrar; Flynn; Giddings; González; Guerra; Gutierrez; Herrero; Howard; Israel; Johnson; King, S.; Martinez; Martinez Fischer; Metcalf; Minjarez; Moody; Muñoz; Nevárez; Phelan; Pickett; Riddle; Rodriguez, J.; Romero; Stephenson; VanDeaver; Walle; Workman; Wray.

Nays — Alonzo; Anchia; Anderson, C.; Anderson, R.; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dutton; Elkins; Faircloth; Farney; Fletcher; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Hernandez; Hughes; Hunter; Isaac; Keffer; Keough; King, K.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Phillips; Raney; Raymond; Rinaldi; Rodriguez, E.; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Villalba; Vo; White, J.; White, M.; Wu; Zedler; Zerwas.

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

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent — Blanco; Deshotel; Dukes; Huberty; King, P.; McClendon.

STATEMENT OF VOTE

When Record No. 1361 was taken, I was shown voting yes. I intended to vote no.

Aycock

Amendment No. 12

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) as follows:

(1) On page 22, line 7, between "consider" and the underlined colon, insert ", in the following order of priority".

(2) Strike page 22, line 11, through page 23, line 10, and substitute the following:

(2) the availability and capacity of community resources and of community service providers who are capable of delivering at least the equivalent quality and level of services and care to each center resident that would be required following the center's closure;

(3) the availability of, level of regulatory compliance of, and quality of services of community service providers in the area served by the center;

(4) the specialty services provided at the center and the ability of the center to serve alleged offenders or high-risk residents or to provide special or unique services to residents;

(5) comments about the center from the parents or guardians of the center's residents;

(6) the center's compliance with the 2009 settlement agreement, as amended, between the department and the United States Department of Justice regarding services provided to individuals with an intellectual or developmental disability in state-operated facilities and the center's incremental progress toward compliance as measured by the department;

(7) the availability of employment opportunities for center employees if the center closes;

(8) whether closure of the center would adversely affect the geographic distribution of centers in the state;

(9) the costs of operating the center and the closure costs; and

(10) any infrastructure deficiency costs relating to the center.

(3) On page 23, between lines 14 and 15, insert the following:

(c-2) In determining the quality of services provided by a center as required under Subsection (c)(1), the restructuring commission shall contract with an institution of higher education with expertise in evaluating quality of care to assist the restructuring commission in that determination.

Amendment No. 12 was adopted. (Rinaldi recorded voting no.) (The vote was reconsidered later today, and Amendment No. 12 was amended and was adopted.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Phillips requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 4:05 p.m. today, in 1W.14, to consider **SB 1398**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, 4:05 p.m. today, 1W.14, for a formal meeting, to consider **SB 1398**.

CSSB 204 - (consideration continued)**Amendment No. 13**

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report), on page 24, line 5, between "have a" and "financial interest", by inserting "current or future".

Amendment No. 13 was adopted. (Rinaldi recorded voting no.)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Homeland Security and Public Safety:

Burns on motion of Guillen.

Dale on motion of Guillen.

Johnson on motion of Guillen.

Metcalf on motion of Guillen.

Nevárez on motion of Guillen.

Phillips on motion of Guillen.

M. White on motion of Guillen.

Wray on motion of Guillen.

The following member was granted leave of absence for the remainder of today to attend a meeting of the Committee on Homeland Security and Public Safety:

Moody on motion of Guillen.

CSSB 204 - (consideration continued)**Amendment No. 14**

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report), in added Section 555.201(c), Health and Safety Code (page 22, line 2, through page 23, line 10), by adding the following appropriately numbered subdivision to that subsection, and renumbering subsequent subdivisions of that subsection, and any cross-references to those subdivisions, accordingly:

() input from parents or guardians of residents of the center;

Amendment No. 14 was adopted. (Rinaldi recorded voting no.)

Amendment No. 15

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report), on page 23, line 14, after the underlined period, by adding the following:

The restructuring commission must hold a public hearing at each of the state supported living centers in this state.

Amendment No. 15 was adopted. (Rinaldi recorded voting no.)

Amendment No. 16

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) on page 23, by striking lines 16-23 and substituting the following:
commission shall:

(1) submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each other member of the legislature a report detailing:

(A) the restructuring commission's evaluation of each state supported living center; and

(B) if applicable, the restructuring commission's proposal to close certain centers and the basis for each proposed closure; and

(2) provide an electronic copy of the report described by Subdivision (1) to the department for posting on the department's Internet website.

Amendment No. 16 was adopted. (Rinaldi recorded voting no.)

Amendment No. 17

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report), on page 25, between lines 15 and 16, by inserting the following:

Sec. 555.2025. TRACKING MORTALITY OF FORMER RESIDENTS OF STATE SUPPORTED LIVING CENTERS. (a) Following the closure of a state supported living center under legislation described by Section 555.202(a) or under Section 555.203 and for a period adopted as provided by Subsection (b), the department periodically shall assess the health of each former resident of that center for the purpose of tracking mortality information for those individuals. The department shall maintain and make available on request a record that indicates the number of former residents of each state supported living center that have died since that center closed.

(b) The executive commissioner shall adopt rules as necessary to implement this section, including a rule specifying the period of time, which may not be shorter than five years, during which the department is required to record mortality information for each former resident of a state supported living center, as described by Subsection (a), following the closure of that center under legislation described by Section 555.202(a) or under Section 555.203.

Amendment No. 17 was adopted. (Rinaldi recorded voting no.)

Amendment No. 18

On behalf of Representative Peña, Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee printing) on page 26, between lines 18 and 19, by adding the following appropriately numbered section to added Subchapter F, Chapter 555, Health and Safety Code:

Sec. 555._____. MEDICAID SERVICE OPTIONS EDUCATION INITIATIVE. (a) In this section, "Section 1915(c) waiver program" has the meaning assigned by Section 531.001, Government Code.

(b) In connection with the closing of a state supported living center closed under legislation described by Section 555.202(a) or under Section 555.203, the department, in cooperation with the commission, shall educate the parent or guardian of a former resident of a state supported living center on:

(1) the availability of home and community-based services under a Medicaid state plan program, including the primary home care and community attendant services programs, and under a Section 1915(c) waiver program; and

(2) the various service delivery options available under the Medicaid program, including the consumer direction models available to recipients under Section 531.051, Government Code.

Amendment No. 18 was adopted. (The vote was reconsidered later today, and Amendment No. 18 was amended and was adopted.)

Amendment No. 19

Representative Martinez Fischer offered the following amendment to **CSSB 204**:

Please amend **CSSB 204** by adding the following new section to the bill and renumbering the other sections appropriately:

SECTION _____. Sec._____. DEPARTMENT OF AGING AND DISABILITY SERVICES. Notwithstanding another provision of this Act, the department retains the authority to direct, manage, amend, or nullify any provision relating to the organization, powers, regulation, and management of the department, any office created by the department, or the management or direction of any advisory committees created under this Act.

Amendment No. 19 was withdrawn.

SB 13 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Aycock, Representative Cyrier was authorized as a house sponsor to **SB 13**.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, at 4:25 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 4:25 p.m. today, 3W.9, for a formal meeting, to consider pending business.

(Speaker pro tempore in the chair)

LEAVES OF ABSENCE GRANTED

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

Cook on motion of Otto.

Craddick on motion of Otto.

Farney on motion of Otto.

Geren on motion of Otto.

Harless on motion of Otto.

Huberty on motion of Otto.

Kuempel on motion of Otto.

(Metcalf, M. White, and Wray now present)

SB 347 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Zerwas, Representative Spitzer was authorized as a house sponsor to **SB 347**.

CSSB 204 - (consideration continued)

Amendment No. 20

Representative S. King offered the following amendment to **CSSB 204**:

Amend **CSSB 204** (house committee report) as follows:

(1) On page 22, between lines 1 and 2, insert the following:

(b-1) An elected member of the legislature may propose to the restructuring commission the closure of a state supported living center located in the member's legislative district.

(2) In added Section 555.201(c), Health and Safety Code (page 22, line 2, through page 23, line 10), add the following appropriately numbered subdivision and renumber subsequent subdivisions of that subsection and any cross-references to those subdivisions accordingly:

() whether an elected member of the legislature has proposed closure of the center under Subsection (b-1);

Amendment No. 21

Representative Bernal offered the following amendment to Amendment No. 20:

Amend Amendment No. 20 by S. King, on page 1, by striking lines 11 and 12, and substituting the following:

() whether an elected member of the legislature in whose legislative district the center is located supports closure of the center;

Amendment No. 21 was adopted.

Amendment No. 20, as amended, was adopted. (Rinaldi recorded voting no.)

CSSB 204 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 204** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Raymond moved to postpone consideration of **CSSB 204** until 4:45 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 1664 ON SECOND READING
(Burkett - House Sponsor)**

CSSB 1664, A bill to be entitled An Act relating to the establishment of the Texas Achieving a Better Life Experience (ABLE) Program; authorizing the imposition of fees.

Amendment No. 1

Representative Burkett offered the following amendment to **CSSB 1664**:

Amend **CSSB 1664** (house committee report) as follows:

(1) On page 14, line 13, immediately following the underlined period, insert "The program may be terminated only by the legislature.".

(2) On page 14, line 18, strike "ABLE program is terminated" and substitute "legislature terminates the ABLE program".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Burkett offered the following amendment to **CSSB 1664**:

Amend **CSSB 1664** (house committee report) as follows:

(1) On page 14, line 27, strike "the members of" and substitute "at least five and not more than seven members to".

(2) On page 15, line 1, between "including" and the underlined colon, insert "at least one member from each of the following groups".

Amendment No. 2 was adopted.

CSSB 1664, as amended, was passed to third reading.

**SB 1899 ON SECOND READING
(Martinez, Springer, and Guillen - House Sponsors)**

SB 1899, A bill to be entitled An Act relating to the regulation of emergency medical services.

Amendment No. 1

Representative Martinez offered the following amendment to **SB 1899**:

Amend **SB 1899** (house committee printing) on page 7, between lines 20-21, by adding the following appropriately lettered subsection and relettering subsequent subsections of added Section 773.0605, Health and Safety Code, and any cross references to those subsections accordingly:

() The department may not include in the report required by Subsection (d) any information, including personal information, that could be used to identify an individual involved in or the location of a complaint that has been dismissed or has not reached a final determination.

Amendment No. 1 was adopted.

SB 1899 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HOWARD: Representative Martinez, we considered the house companion that you had for this bill last week, did we not?

REPRESENTATIVE MARTINEZ: Absolutely. Yes, ma'am.

HOWARD: And during the floor consideration of that bill, **HB 2020**, you and I had a discussion regarding legislative intent, is that correct?

MARTINEZ: Yes, ma'am. That is correct.

HOWARD: And would it be correct to say that the intent discussion that we had for **HB 2020** also applies to **SB 1899**?

MARTINEZ: Yes, ma'am. That is correct.

REMARKS ORDERED PRINTED

Representative Howard moved to print remarks between Representative Martinez and Representative Howard.

The motion prevailed.

(Craddick now present)

SB 1899, as amended, was passed to third reading.

(Burns, Dale, and Harless now present)

**SB 1396 ON SECOND READING
(Paddie - House Sponsor)**

SB 1396, A bill to be entitled An Act relating to the sales and use taxation of aircraft.

SB 1396 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SCHOFIELD: Mr. Paddie, I want to thank you for your work on this bill. I know that there's been uncertainty about the interpretation of the current law in this area, and I think your bill should clear that up and should help the state avoid a lot of needless litigation. To that end, I'd like to ask you a couple of questions for legislative intent, if I might? Is my understanding correct

that your bill is the result of working with the stakeholders in the comptroller's office to clear up the interpretation of the current law in the Tax Code regarding aircraft transactions that's been unclear?

REPRESENTATIVE PADDIE: That is correct. This bill does not change any current tax law.

SCHOFIELD: My understanding is that the previous comptroller's staff gave an interpretation of the Tax Code that didn't seem to comport with the wording of that section and that all your bill does is give the comptroller the tools necessary to ensure that his staff understands and enforces the Tax Code as the legislature enacted it. Is that correct?

PADDIE: I would agree with that clarity on both the comptroller's side as well as the taxpayer's side.

SCHOFIELD: So is it true that this bill does not create a new tax cut or a tax shift or a tax abatement?

PADDIE: Absolutely not—does not create any new exemptions, does not change current tax law.

SCHOFIELD: In fact, it has a zero fiscal note?

PADDIE: Absolutely. In fact, I would absolutely argue that it might have a positive one and that it will eliminate these litigations going forward.

SCHOFIELD: This bill does not grant any new rulemaking authority and is only meant to clarify and give direction on how the legislature intends the existing Tax Code section to apply on aircraft transactions without the necessity of any new rulemaking. Is that your understanding?

PADDIE: That is my understanding as well. Again, there is no change to current tax law.

SCHOFIELD: Finally, since the bill simply seeks to clarify the legislature's intent regarding the interpretation of the current section of the code, it should apply to transactions that are in the mix now.

PADDIE: Yes. This is prospective, so it would have no effect on existing cases.

SCHOFIELD: This is just an understanding of the interpretation of how the law has always been since it was originally enacted?

PADDIE: Correct.

REMARKS ORDERED PRINTED

Representative Schofield moved to print remarks between Representative Paddie and Representative Schofield.

The motion prevailed.

SB 1396 was passed to third reading.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 4:40 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 4:40 p.m. today, 3W.9, for a formal meeting, to set a calendar.

CSSB 530 ON SECOND READING

(Parker - House Sponsor)

CSSB 530, A bill to be entitled An Act relating to the licensing of vehicles for hire and passenger transportation services by certain airport governing boards; authorizing the imposition of fees; expanding the authorization to require an occupational license; amending a provision subject to a criminal penalty.

(Cook, Geren, Huberty, Johnson, Kuempel, and Nevárez now present)

LEAVES OF ABSENCE GRANTED

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

Alonzo on motion of Muñoz.

Cook on motion of Muñoz.

S. Davis on motion of Muñoz.

Geren on motion of Muñoz.

Harless on motion of Muñoz.

Huberty on motion of Muñoz.

Hunter on motion of Muñoz.

Johnson on motion of Muñoz.

K. King on motion of Muñoz.

Larson on motion of Muñoz.

Riddle on motion of Muñoz.

E. Rodriguez on motion of Muñoz.

The following member was granted leave of absence for the remainder of today to attend a meeting of the Committee on Calendars:

Giddings on motion of Muñoz.

CSSB 530 - (consideration continued)

CSSB 530 was passed to third reading.

SB 100 ON SECOND READING
(Murphy - House Sponsor)

SB 100, A bill to be entitled An Act relating to the enterprise zone program.

SB 100 was passed to third reading.

SB 1326 ON SECOND READING
(Herrero - House Sponsor)

SB 1326, A bill to be entitled An Act relating to the maximum cumulative period allowed for restoration of a defendant's competency to stand trial and to certain time credits awarded against that cumulative period.

SB 1326 was passed to third reading.

SB 1168 ON SECOND READING
(Villalba - House Sponsor)

SB 1168, A bill to be entitled An Act relating to the operation of certain property owners' associations.

Amendment No. 1

Representative Villalba offered the following amendment to **SB 1168**:

Amend **SB 1168** (house committee printing) as follows:

(1) On page 5, strike lines 1-12 and substitute the following:

SECTION 8. Section 209.0041, Property Code, is amended by amending Subsection (h) and adding Subsections (h-1) and (h-2) to read as follows:

(h) Except as provided by Subsection (h-1) or (h-2) [~~this subsection~~], a declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners entitled to vote on the amendment of the declaration [~~in the property owners' association~~], in addition to any governmental approval required by law.

(h-1) If the declaration contains a lower percentage than prescribed by Subsection (h), the percentage in the declaration controls.

(h-2) If the declaration is silent as to voting rights for an amendment, the declaration may be amended by a vote of owners owning 67 percent of the lots subject to the declaration.

(2) On page 17, line 23, between "fine or suspension" and "[~~unless~~]", insert "if the violation is of a curable nature and does not pose a threat to public health or safety".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Villalba offered the following amendment to **SB 1168**:

Amend **SB 1168** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 11, Property Code, is amended by adding Chapter 213 to read as follows:

CHAPTER 213. MODIFICATION OR TERMINATION OF RESTRICTIONS
IN CERTAIN REAL ESTATE DEVELOPMENTS BY PROPERTY OWNERS'
ASSOCIATION OR PROPERTY OWNER PETITION

Sec. 213.001. DEFINITIONS. In this chapter:

(1) "Amenity property" means real property the use of which is restricted by a dedicatory instrument to use as a golf course or country club.

(2) "Council of owners" has the meaning assigned by Section 81.002 as it relates to an existing condominium in a development.

(3) "Dedicatory instrument" means a governing instrument that:

(A) restricts amenity property to use as amenity property;

(B) designates real property in the development, other than amenity property, as a beneficiary of a restriction described by Paragraph (A); and

(C) addresses the establishment, maintenance, and operation of amenity property.

(4) "Development" means:

(A) amenity property; and

(B) all real property designated as beneficiary property in the dedicatory instrument.

(5) "Owner" means a person, or the person's personal representative, who holds record title to:

(A) a lot or parcel of real property in a development; or

(B) a unit or apartment of a condominium in the development.

(6) "Petition circulator" means a person authorized to circulate a petition under Section 213.005.

(7) "Property owners' association" means an incorporated or unincorporated association that:

(A) is designated as the representative of the owners of lots or parcels of real property in a development;

(B) has a membership primarily consisting of those owners; and

(C) manages or regulates all or part of the development for the benefit of those owners.

(8) "Restrictions" means one or more restrictive covenants contained or incorporated by reference in a properly recorded map, plat, replat, declaration, or other instrument filed in the real property records or map or plat records. The term includes any amendment or extension of the restrictions.

(9) "Restrictive covenant" means any covenant, condition, or restriction contained in a dedicatory instrument, whether mandatory, prohibitive, permissive, or administrative.

(10) "Unit owners' association" means an association of unit owners organized under Section 82.101 for a condominium in a development.

Sec. 213.002. FINDINGS AND PURPOSE. (a) The legislature finds that:

(1) a restriction on the use of an amenity property may create uncertainty if the owners of an amenity property are reluctant or unable to properly maintain or operate the amenity property;

(2) such uncertainty may discourage investment and negatively impact property values in the development;

(3) investors may be reluctant to or will not invest funds to revitalize an amenity property burdened with a restriction on its use;

(4) financial institutions may be reluctant to or will not provide financing to revitalize an amenity property burdened with a restriction on its use;
and

(5) establishing a procedural option to allow for the modification or termination of the restriction would alleviate the uncertainty and encourage revitalization of the amenity property.

(b) The purpose of this chapter is to provide a procedural option for the modification or termination of a restriction on the use of an amenity property.

Sec. 213.003. MODIFICATION OR TERMINATION BY PETITION. (a) Except as provided by Subsection (b), a restriction on the use of an amenity property may be modified or terminated by petition in accordance with this chapter.

(b) This chapter does not apply if:

(1) a dedicatory instrument includes a procedure to modify or terminate a restriction on the use of an amenity property on approval of the owners of less than 75 percent of, as applicable, the lots or parcels of land and units or apartments of condominiums in the development; or

(2) a restriction on the use of an amenity property may be modified or terminated under the procedures of Chapter 81, 82, 201, or 209.

Sec. 213.004. PREREQUISITES FOR CIRCULATION. A petition may not be circulated under this chapter unless:

(1) for a continuous period of at least 36 months, the amenity property has not been in operation; and

(2) if zoning regulations apply to the amenity property, the owner of the amenity property has received all required zoning approvals for any proposed redevelopment of the amenity property.

Sec. 213.005. PETITION CIRCULATOR. A petition authorized by Section 213.003 may be circulated by:

(1) an owner;

(2) a property owners' association that owns and manages the amenity property; or

(3) a unit owners' association or council of owners that owns and manages the amenity property.

Sec. 213.006. CONTENTS OF PETITION. (a) The petition must include all relevant information about the proposed modification or termination, including:

(1) the name of the development, if any;

(2) the name of the amenity property, if any;

(3) the recording information of the restriction to be modified or terminated;

(4) the text of the restriction subject to modification or termination;

(5) the text of the restriction as modified or terminated; and

(6) a comparison of the original language of the restriction and the restriction as modified or terminated, showing any insertion and deletion of language or punctuation.

(b) The petition must state:

(1) reasonable times and dates the petition circulator will be available at a location in the development to receive a signed statement required by Section 213.008;

(2) a mailing address, e-mail address, and facsimile number to which a signed statement may be delivered; and

(3) the date by which a signed statement must be received to be counted.

Sec. 213.007. CIRCULATION PROCEDURE. (a) A petition circulator shall deliver a copy of the petition to:

(1) all owners of:

(A) each lot or parcel of real property in the development; and

(B) each unit or apartment of each condominium, if any, in the development; and

(2) each property owners' association, unit owners' association, and council of owners in the development.

(b) The petition circulator may deliver a copy of the petition in any reasonable manner, including:

(1) by regular mail or certified mail, return receipt requested, to the last known address of the owners or entities described by Subsections (a)(1) and (2);

(2) personal delivery to the owners or entities described by Subsections (a)(1) and (2); or

(3) at a regular meeting of a property owners' association, unit owners' association, or council of owners.

(c) If the petition circulator acts in good faith in determining ownership and delivering copies of the petition as required by this section, an owner's lack of receipt of a copy of the petition does not affect the application of a modification or termination of a restriction under this chapter to the amenity property.

Sec. 213.008. VOTE ON PROPOSAL. (a) The modification or termination of the restriction is adopted if the owners of at least 75 percent of the total number, as applicable, of the lots or parcels of land and the units or apartments of condominiums in the development, including the owner of the amenity property, vote in favor of the modification or termination of the restriction.

(b) An owner may cast a vote only by delivering to the petition circulator in accordance with Section 213.009 a signed statement that includes:

(1) the owner's name, the legal description or street address of the owner's property, and the owner's mailing address;

(2) a statement that the owner holds record title to the property;

(3) if more than one person owns an interest in the property, the name and mailing address of each co-owner; and

(4) a statement indicating whether the owner is in favor of or against the modification or termination proposed by the petition.

(c) An owner may vote only in favor of or against the modification or termination as proposed in the petition.

(d) If more than one person owns an interest in a lot or parcel of land or a unit or apartment of a condominium, the owners may cast only one vote for that lot, parcel, unit, or apartment. Except as otherwise provided by this subsection, the vote of multiple owners in favor of or against the modification or termination may be reflected by the signatures of a majority of the co-owners who return a signed statement. The vote of owners who are married may be reflected by the signature of only one of those owners.

(e) A person whose only property interest in a lot or parcel of land or unit or apartment of a condominium is that of a contract purchaser, lienholder, or mineral interest holder may not cast a vote for that property under this chapter.

(f) A vote may be counted only if the vote is received before the deadline stated in the petition as required by Section 213.006(b).

(g) The signed statement of an owner conclusively establishes that:

(1) the petition was received by the owner in accordance with Section 213.007; and

(2) the statement accurately reflects the vote of the owner.

Sec. 213.009. DELIVERY OF SIGNED STATEMENT. (a) The petition circulator must accept a signed statement described by Section 213.008 that is delivered:

(1) in person under Section 213.006(b) or otherwise;

(2) by first class mail to an address stated in the petition;

(3) by e-mail to an address stated in the petition; or

(4) by facsimile to a facsimile number stated in the petition.

(b) This section supersedes any contrary provision in a dedicatory instrument.

Sec. 213.010. CERTIFICATION OF RESULTS BY RECORDED AFFIDAVIT. (a) The petition circulator shall certify the result of the votes by filing an affidavit with the county clerk of the county in which the restriction modified or terminated is recorded.

(b) The affidavit required by Subsection (a) must state:

(1) the name of the development, if any;

(2) the name of the amenity property, if any;

(3) the recording information of the restriction that was modified or terminated;

(4) the text of the restriction before modification or termination;

(5) the text of the restriction as modified or terminated;

(6) the number of votes in favor of and against the proposed modification or termination;

(7) the name and address of the petition circulator; and

(8) the name, address, and telephone number of the person maintaining the documents in accordance with Section 213.013.

(c) The petition circulator must affirm in the affidavit that the petition was delivered in accordance with Section 213.007.

Sec. 213.011. NOTICE. (a) The recording of the affidavit required by Section 213.010 constitutes notice that the restriction is modified or terminated.

(b) Notwithstanding Subsection (a), the petition circulator must deliver to each person who resides within 200 feet of the boundary of the amenity property a copy of the affidavit. The affidavit may be delivered by regular mail, by certified mail, return receipt requested, or by personal delivery.

Sec. 213.012. EFFECTIVE DATE OF MODIFICATION OR TERMINATION. The modification or termination of the restriction takes effect on the later of:

(1) the date the affidavit required by Section 213.010 is filed with the county clerk; or

(2) the date, if any, specified as the effective date in the petition.

Sec. 213.013. DOCUMENTATION AVAILABLE. At least one year after the date the affidavit is filed with the county clerk, the petition circulator shall make available for inspection and copying the original petition, the signed statements described by Section 213.008, and the affidavit required by Section 213.010.

Sec. 213.014. EXPIRATION. This chapter expires September 1, 2021.

SECTION ____. Chapter 213, Property Code, as added by this Act, does not apply to a petition circulated before the effective date of this Act.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Villalba offered the following amendment to **SB 1168**:

Amend **SB 1168** (house committee printing) as follows:

(1) Strike page 1, line 4, through page 2, line 4.

(2) On page 3, strike lines 23-25, and substitute the following:

(14) all fees payable to the association or an agent of the association that are associated with the transfer of ownership, including a description of each fee, to whom the fee is paid, and the amount of the fee.

(3) Renumber SECTIONS of the bill appropriately.

Amendment No. 3 was adopted.

(Farney now present)

Amendment No. 4

Representative Villalba offered the following amendment to **SB 1168**:

Amend **SB 1168** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 11, Property Code, is amended by adding Chapter 213 to read as follows:

CHAPTER 213. MODIFICATION OR TERMINATION OF RESTRICTIONS IN CERTAIN REAL ESTATE DEVELOPMENTS BY PROPERTY OWNERS' ASSOCIATION OR PROPERTY OWNER PETITION

Sec. 213.001. DEFINITIONS. In this chapter:

(1) "Amenity property" means real property the use of which is restricted by a dedicatory instrument to use as a golf course or country club.

(2) "Council of owners" has the meaning assigned by Section 81.002 as it relates to an existing condominium in a development.

(3) "Dedicatory instrument" means a governing instrument that:

(A) restricts amenity property to use as amenity property;

(B) designates real property in the development, other than amenity property, as a beneficiary of a restriction described by Paragraph (A); and

(C) addresses the establishment, maintenance, and operation of amenity property.

(4) "Development" means:

(A) amenity property; and

(B) all real property designated as beneficiary property in the dedicatory instrument.

(5) "Owner" means a person, or the person's personal representative, who holds record title to:

(A) a lot or parcel of real property in a development; or

(B) a unit or apartment of a condominium in the development.

(6) "Petition circulator" means a person authorized to circulate a petition under Section 213.005.

(7) "Property owners' association" means an incorporated or unincorporated association that:

(A) is designated as the representative of the owners of lots or parcels of real property in a development;

(B) has a membership primarily consisting of those owners; and

(C) manages or regulates all or part of the development for the benefit of those owners.

(8) "Restrictions" means one or more restrictive covenants contained or incorporated by reference in a properly recorded map, plat, replat, declaration, or other instrument filed in the real property records or map or plat records. The term includes any amendment or extension of the restrictions.

(9) "Restrictive covenant" means any covenant, condition, or restriction contained in a dedicatory instrument, whether mandatory, prohibitive, permissive, or administrative.

(10) "Unit owners' association" means an association of unit owners organized under Section 82.101 for a condominium in a development.

Sec. 213.002. FINDINGS AND PURPOSE. (a) The legislature finds that:

(1) a restriction on the use of an amenity property may create uncertainty if the owners of an amenity property are reluctant or unable to properly maintain or operate the amenity property;

(2) such uncertainty may discourage investment and negatively impact property values in the development;

(3) investors may be reluctant to or will not invest funds to revitalize an amenity property burdened with a restriction on its use;

(4) financial institutions may be reluctant to or will not provide financing to revitalize an amenity property burdened with a restriction on its use; and

(5) establishing a procedural option to allow for the modification or termination of the restriction would alleviate the uncertainty and encourage revitalization of the amenity property.

(b) The purpose of this chapter is to provide a procedural option for the modification or termination of a restriction on the use of an amenity property.

Sec. 213.003. MODIFICATION OR TERMINATION BY PETITION. (a) Except as provided by Subsection (b), a restriction on the use of an amenity property may be modified or terminated by petition in accordance with this chapter.

(b) This chapter does not apply if:

(1) a dedicatory instrument includes a procedure to modify or terminate a restriction on the use of an amenity property on approval of the owners of less than 75 percent of, as applicable, the lots or parcels of land and units or apartments of condominiums in the development; or

(2) a restriction on the use of an amenity property may be modified or terminated under the procedures of Chapter 81, 82, 201, or 209.

Sec. 213.004. PREREQUISITES FOR CIRCULATION. A petition may not be circulated under this chapter unless:

(1) for a continuous period of at least 36 months, the amenity property has not been in operation; and

(2) if zoning regulations apply to the amenity property, the owner of the amenity property has received all required zoning approvals for any proposed redevelopment of the amenity property.

Sec. 213.005. PETITION CIRCULATOR. A petition authorized by Section 213.003 may be circulated by:

(1) an owner;

(2) a property owners' association that owns and manages the amenity property; or

(3) a unit owners' association or council of owners that owns and manages the amenity property.

Sec. 213.006. CONTENTS OF PETITION. (a) The petition must include all relevant information about the proposed modification or termination, including:

(1) the name of the development, if any;

(2) the name of the amenity property, if any;

(3) the recording information of the restriction to be modified or terminated;

(4) the text of the restriction subject to modification or termination;

(5) the text of the restriction as modified or terminated; and

(6) a comparison of the original language of the restriction and the restriction as modified or terminated, showing any insertion and deletion of language or punctuation.

(b) The petition must state:

(1) reasonable times and dates the petition circulator will be available at a location in the development to receive a signed statement required by Section 213.008;

(2) a mailing address, e-mail address, and facsimile number to which a signed statement may be delivered; and

(3) the date by which a signed statement must be received to be counted.

Sec. 213.007. CIRCULATION PROCEDURE. (a) A petition circulator shall deliver a copy of the petition to:

(1) all owners of:

(A) each lot or parcel of real property in the development; and

(B) each unit or apartment of each condominium, if any, in the development; and

(2) each property owners' association, unit owners' association, and council of owners in the development.

(b) The petition circulator may deliver a copy of the petition in any reasonable manner, including:

(1) by regular mail or certified mail, return receipt requested, to the last known address of the owners or entities described by Subsections (a)(1) and (2);

(2) personal delivery to the owners or entities described by Subsections (a)(1) and (2); or

(3) at a regular meeting of a property owners' association, unit owners' association, or council of owners.

(c) If the petition circulator acts in good faith in determining ownership and delivering copies of the petition as required by this section, an owner's lack of receipt of a copy of the petition does not affect the application of a modification or termination of a restriction under this chapter to the amenity property.

Sec. 213.008. VOTE ON PROPOSAL. (a) The modification or termination of the restriction is adopted if the owners of at least 75 percent of the total number, as applicable, of the lots or parcels of land and the units or apartments of condominiums in the development, including the owner of the amenity property, vote in favor of the modification or termination of the restriction.

(b) An owner may cast a vote only by delivering to the petition circulator in accordance with Section 213.009 a signed statement that includes:

(1) the owner's name, the legal description or street address of the owner's property, and the owner's mailing address;

(2) a statement that the owner holds record title to the property;

(3) if more than one person owns an interest in the property, the name and mailing address of each co-owner; and

(4) a statement indicating whether the owner is in favor of or against the modification or termination proposed by the petition.

(c) An owner may vote only in favor of or against the modification or termination as proposed in the petition.

(d) If more than one person owns an interest in a lot or parcel of land or a unit or apartment of a condominium, the owners may cast only one vote for that lot, parcel, unit, or apartment. Except as otherwise provided by this subsection, the vote of multiple owners in favor of or against the modification or termination may be reflected by the signatures of a majority of the co-owners who return a signed statement. The vote of owners who are married may be reflected by the signature of only one of those owners.

(e) A person whose only property interest in a lot or parcel of land or unit or apartment of a condominium is that of a contract purchaser, lienholder, or mineral interest holder may not cast a vote for that property under this chapter.

(f) A vote may be counted only if the vote is received before the deadline stated in the petition as required by Section 213.006(b).

(g) The signed statement of an owner conclusively establishes that:

(1) the petition was received by the owner in accordance with Section 213.007; and

(2) the statement accurately reflects the vote of the owner.

Sec. 213.009. DELIVERY OF SIGNED STATEMENT. (a) The petition circulator must accept a signed statement described by Section 213.008 that is delivered:

(1) in person under Section 213.006(b) or otherwise;

(2) by first class mail to an address stated in the petition;

(3) by e-mail to an address stated in the petition; or

(4) by facsimile to a facsimile number stated in the petition.

(b) This section supersedes any contrary provision in a dedicatory instrument.

Sec. 213.010. CERTIFICATION OF RESULTS BY RECORDED AFFIDAVIT. (a) The petition circulator shall certify the result of the votes by filing an affidavit with the county clerk of the county in which the restriction modified or terminated is recorded.

(b) The affidavit required by Subsection (a) must state:

(1) the name of the development, if any;

(2) the name of the amenity property, if any;

(3) the recording information of the restriction that was modified or terminated;

(4) the text of the restriction before modification or termination;

(5) the text of the restriction as modified or terminated;

(6) the number of votes in favor of and against the proposed modification or termination;

(7) the name and address of the petition circulator; and

(8) the name, address, and telephone number of the person maintaining the documents in accordance with Section 213.013.

(c) The petition circulator must affirm in the affidavit that the petition was delivered in accordance with Section 213.007.

Sec. 213.011. NOTICE. (a) The recording of the affidavit required by Section 213.010 constitutes notice that the restriction is modified or terminated.

(b) Notwithstanding Subsection (a), the petition circulator must deliver to each person who resides within 200 feet of the boundary of the amenity property a copy of the affidavit. The affidavit may be delivered by regular mail, by certified mail, return receipt requested, or by personal delivery.

Sec. 213.012. EFFECTIVE DATE OF MODIFICATION OR TERMINATION. The modification or termination of the restriction takes effect on the later of:

(1) the date the affidavit required by Section 213.010 is filed with the county clerk; or

(2) the date, if any, specified as the effective date in the petition.

Sec. 213.013. DOCUMENTATION AVAILABLE. At least one year after the date the affidavit is filed with the county clerk, the petition circulator shall make available for inspection and copying the original petition, the signed statements described by Section 213.008, and the affidavit required by Section 213.010.

Sec. 213.014. EXPIRATION. This chapter expires September 1, 2021.

SECTION ____. Chapter 213, Property Code, as added by this Act, does not apply to a petition circulated before the effective date of this Act.

Amendment No. 4 was adopted.

(Alonzo, Cook, S. Davis, Harless, Hunter, Johnson, K. King, Larson, Riddle, and E. Rodriguez now present)

Amendment No. 5

Representative Bohac offered the following amendment to **SB 1168**:

Amend **SB 1168** (house committee printing) on page 17, line 14, by striking "verified [~~certified~~]" and substituting "certified".

(Geren now present)

Representative Villalba moved to table Amendment No. 5.

The motion to table was lost.

Amendment No. 5 was adopted.

(Phillips now present)

Amendment No. 6

Representative Bohac offered the following amendment to **SB 1168**:

Amend **SB 1168** (house committee printing) as follows:

(1) On page 11, line 5, strike "and".

(2) On page 13, line 7, between "cast" and the underscored period, insert the following:
; and

(3) in any election for the board, each candidate may name one person to observe the counting of the ballots, provided that this does not entitle any observer to see the name of the person who case any ballot, and that any disruptive observer may be removed

Amendment No. 6 was adopted.

Amendment No. 7

Representative D. Miller offered the following amendment to **SB 1168**:

Amend **SB 1168** (house committee printing) by adding the following appropriately SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 209.0059, Property Code, is amended by adding Subsection (c) to read as follows:

(c) A person may not vote in a property owners' association election unless the person is subject to a dedicatory instrument governing the association through which the association exercises its authority.

Amendment No. 7 was adopted.

SB 1168, as amended, was passed to third reading.

SB 188 ON SECOND READING
(Muñoz - House Sponsor)

SB 188, A bill to be entitled An Act relating to certain insurers' insurance rating and underwriting practices based on certain consumer inquiries.

SB 188 was passed to third reading.

SB 1007 ON SECOND READING
(Kuempel - House Sponsor)

SB 1007, A bill to be entitled An Act relating to the practices and professions regulated by the Texas Appraiser Licensing and Certification Board.

SB 1007 - POINT OF ORDER

Representative M. White raised a point of order against further consideration of **SB 1007** under Rule 7, Section 15 of the House Rules on the grounds that the bill is out of order.

The chair sustained the point of order and submitted the following statement:

Representative M. White raised a point of order against further consideration of the calendar for May 23, 2015, under Rule 7, Section 15 of the House Rules on the grounds that the house was proceeding with business out of order. The point of order under Rule 7, Section 15 of the House Rules is sustained, but the defect does not bar consideration of the calendar; rather, the remedy is for the house to proceed in order.

Rule 7, Section 15 of the House Rules states that a "bill or proposition postponed to a day certain shall be laid before the house at the time on the calendar day to which it was postponed. . . ." and that "the postponed matter shall be deferred until the pending business is disposed of without prejudice otherwise to its right of priority." Earlier in the day, **CSSB 204** had been considered and, to allow members to discuss issues related to the bill and amendments so that they could reach a reasoned compromise, the bill was postponed until 4:45 p.m. Shortly before 5:30 p.m., the house finished up a matter then pending and laid out the next bill listed on the calendar, **SB 1007**. Representative M. White raised a

point of order against the calendar, observing that under Rule 7, Section 15 of the House Rules, **CSSB 204** should have had priority over **SB 1007**. The chair agrees with Representative M. White that under Rule 7, Section 15 of the House Rules, **CSSB 204** had priority beginning at 4:45 p.m. and that, strictly speaking, the house was proceeding out of order and was subject to correction by Representative M. White or any other member.

The chair notes that as a matter of house practice, the membership often allows matters to be taken up out of their regular order to allow for more efficient or collegial conduct of house business. For example, the house takes up postponed matters later than the time for which they are postponed so that proponents and opponents of these matters have time to negotiate. When, however, a member wishes to compel the body to adhere to the restrictions contained within the rules, the chair is compelled to enforce the rules. See Rule 1, Section 1 of the House Rules. In most instances where the objection is that the chair has taken up matters in contravention of the rules governing the house's order of business, the remedy is for the house to proceed in order. As a result, the house cured the defect observed by Representative M. White by proceeding to consider **CSSB 204**.

POSTPONED BUSINESS

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

CSSB 204 ON SECOND READING (Raymond - House Sponsor)

CSSB 204, A bill to be entitled An Act relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties.

CSSB 204 was read second time earlier today, postponed until 2:30 p.m., amendments were offered and disposed of, and **CSSB 204** was postponed until this time.

Representative Raymond moved to postpone consideration of **CSSB 204** until 6 p.m. today.

The motion prevailed.

GENERAL STATE CALENDAR (consideration continued)

SB 1007 ON SECOND READING (Kuempel - House Sponsor)

SB 1007, A bill to be entitled An Act relating to the practices and professions regulated by the Texas Appraiser Licensing and Certification Board.

SB 1007 was passed to third reading.

SB 1032 ON SECOND READING
(Israel - House Sponsor)

SB 1032, A bill to be entitled An Act relating to authority for certain state employees to work flexible hours and to work from home or other authorized alternative work sites.

SB 1032 was passed to third reading by (Record 1362): 75 Yeas, 49 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bernal; Blanco; Burns; Canales; Clardy; Coleman; Cook; Cyrier; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Frullo; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Hunter; Isaac; Israel; Johnson; Keffer; King, K.; King, P.; King, S.; Koop; Krause; Kuempel; Larson; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; Meyer; Minjarez; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Phillips; Pickett; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Sheffield; Simpson; Thompson, S.; Turner, C.; VanDeaver; Vo; Walle; White, M.; Workman; Wray; Wu.

Nays — Anderson, C.; Anderson, R.; Bell; Bohac; Bonnen, G.; Burkett; Burrows; Button; Capriglione; Craddick; Crownover; Davis, S.; Elkins; Fletcher; Flynn; Galindo; Geren; Goldman; Harless; Hughes; Keough; Landgraf; Laubenberg; Metcalf; Miller, R.; Murphy; Murr; Otto; Parker; Paul; Phelan; Riddle; Rinaldi; Schofield; Shaheen; Sheets; Simmons; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; Villalba; White, J.; Zedler; Zerwas.

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

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Collier; Darby; Dukes; Faircloth; King, T.; Klick; Leach; McClendon; Miller, D.

STATEMENTS OF VOTE

When Record No. 1362 was taken, I was in the house but away from my desk. I would have voted yes.

Collier

When Record No. 1362 was taken, I was shown voting present, not voting. I intended to vote yes.

Dale

When Record No. 1362 was taken, my vote failed to register. I would have voted no.

Faircloth

When Record No. 1362 was taken, I was shown voting no. I intended to vote yes.

Galindo

When Record No. 1362 was taken, I was shown voting yes. I intended to vote no.

Koop

When Record No. 1362 was taken, I was shown voting yes. I intended to vote no.

Paddie

SB 1070 ON SECOND READING
(Moody - House Sponsor)

SB 1070, A bill to be entitled An Act relating to allowing certain defendants to successfully complete education at a substance abuse treatment facility in lieu of attending an education program; changing required conditions of community supervision for certain defendants.

Amendment No. 1

Representative Bell offered the following amendment to **SB 1070**:

Amend **SB 1070** (house committee report) as follows:

(1) On page 1, line 13, strike "attend and" and substitute "attend and".

(2) On page 1, line 21, following "intoxicated." insert the following:

An educational program provided online may be given approval under this subsection.

(3) On page 2, line 23, strike "attend" and substitute "successfully complete attend".

(4) On page 4, line 9, strike "attend and" and substitute "attend and".

(5) On page 4, line 11, following the period, insert the following:

An educational program provided online may be given approval under this subsection.

(6) On page 5, line 7, strike "attend" and substitute "successfully complete attend".

(7) On page 6, line 20, strike "attend" and substitute "successfully complete attend".

Amendment No. 1 was withdrawn.

Representative Martinez moved to postpone consideration of **SB 1070** until 7 a.m. tomorrow.

The motion prevailed.

SB 135 ON SECOND READING
(Dutton - House Sponsor)

SB 135, A bill to be entitled An Act relating to the organization of a grand jury.

Amendment No. 1

Representative Dutton offered the following amendment to **SB 135**:

Amend **SB 135** (house committee report) on page 5, lines 8-11, by striking the following:

In selecting the grand jurors and the alternate grand jurors, the court shall consider the county's demographics related to race, ethnicity, sex, and age.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Burrows offered the following amendment to **SB 135**:

Amend **SB 135** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Article 19.01, Code of Criminal Procedure, is amended to read as follows:

Art. 19.01. METHODS OF APPOINTMENT OF GRAND JURY [COMMISSIONERS; SELECTION WITHOUT JURY COMMISSION]. (a) Except as provided by Subsection (b), a grand jury may only be appointed by a district judge directing that 20 to 125 prospective grand jurors be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts under Subchapter A, Chapter 62, Government Code. The judge shall try the qualifications for and excuses from service of a grand juror selected under this subsection and impanel the completed grand jury in the same manner as provided by this chapter for grand jurors selected by a jury commission.

(b) On a written finding by the district judge of specific circumstances that result in the method of appointing the grand jury under Subsection (a) being inadequate, the [The] district judge, at or during any term of court, may [shall] appoint not less than three, nor more than five persons to perform the duties of jury commissioners, and shall cause the sheriff to notify them of their appointment, and when and where they are to appear. The district judge shall, in the order appointing such commissioners, designate whether such commissioners shall serve during the term at which selected or for the next succeeding term. The [Such] commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they must [shall] possess the following qualifications:

1. Be intelligent citizens of the county and able to read and write the English language;
2. Be qualified jurors in the county;
3. Have no suit in said court which requires intervention of a jury;
4. Be residents of different portions of the county; and
5. The same person shall not act as jury commissioner more than once in any 12-month period.

(b) In lieu of the selection of prospective jurors by means of a jury commission, the district judge may direct that 20 to 125 prospective grand jurors be selected and summoned, with return on summons, in the same manner as for

~~the selection and summons of panels for the trial of civil cases in the district courts. The judge shall try the qualifications for and excuses from service as a grand juror and impanel the completed grand jury in the same manner as provided for grand jurors selected by a jury commission.]~~

SECTION 2. Article 19.23, Code of Criminal Procedure, is amended to read as follows:

Art. 19.23. MODE OF TEST. In trying the qualifications of any person to serve as a grand juror, the person [he] shall be asked:

1. Are you a citizen of this state and county, and qualified to vote in this county, under the Constitution and laws of this state?
2. Are you able to read and write?
3. Have you ever been convicted of misdemeanor theft or of any [a] felony?
4. Are you under indictment or other legal accusation for misdemeanor theft or for any felony?

SECTION 3. Article 19.26, Code of Criminal Procedure, is amended to read as follows:

Art. 19.26. JURY IMPANELED. (a) When at least fourteen qualified jurors are found to be present, the court shall select twelve fair and impartial persons to serve as grand jurors and two additional persons to serve as alternate grand jurors.

(b) The court shall proceed to impanel the grand jury, unless a challenge is made, which may be to the array or to any particular person presented to serve as a grand juror or an alternate.

~~[(b) The grand jury is composed of not more than twelve qualified jurors.]~~
In addition, the court shall [qualify and] impanel [not more than] two alternates to serve on disqualification or unavailability of a juror during the term of the grand jury. On learning that a grand juror has become disqualified or unavailable during the term of the grand jury, the attorney representing the state shall prepare an order for the court identifying the disqualified or unavailable juror, stating the basis for the disqualification or unavailability, dismissing the disqualified or unavailable juror from the grand jury, and naming one of the alternates as a member of the grand jury. The procedure established by this subsection may be used on disqualification or unavailability of a second grand juror during the term of the grand jury. For purposes of this subsection, a juror is unavailable if the juror is unable to participate fully in the duties of the grand jury because of the death of the juror, ~~[or]~~ a physical or mental illness of the juror, or any other reason the court determines constitutes good cause for dismissing the juror.

SECTION 4. Article 19.30, Code of Criminal Procedure, is amended to read as follows:

Art. 19.30. CHALLENGE TO "ARRAY". A challenge to the "array" shall be made in writing for these causes only:

1. That those summoned as grand jurors are not in fact those selected by the method provided by Article 19.01(a) ~~[19.01(b)]~~ of this chapter or by the jury commissioners; and

2. In case of grand jurors summoned by order of the court, that the officer who summoned them had acted corruptly in summoning any one or more of them.

SECTION 5. This Act applies only to a grand jury for which the term of the grand jury commences on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2015.

Amendment No. 2 - Point of Order

Representative Walle raised a point of order against further consideration of Amendment No. 2.

The point of order was withdrawn.

Amendment No. 2 was withdrawn.

SB 135, as amended, was passed to third reading. (Cook and Phillips recorded voting no.)

SB 1071 ON SECOND READING (S. Thompson - House Sponsor)

SB 1071, A bill to be entitled An Act relating to requiring notice of the scheduling of an execution date and the issuance of a warrant of execution.

Amendment No. 1

Representative S. Thompson offered the following amendment to **SB 1071**:

Amend **SB 1071** (house committee report) by striking page 1, lines 5 through 18, and substituting the following:

SECTION 1. Article 43.141, Code of Criminal Procedure, is amended by adding Subsections (b-1) and (b-2) and amending Subsection (c) to read as follows:

(b-1) Not later than the second day after the date on which the convicting court enters an order setting the execution date, a copy of the order must be provided to:

(1) the attorney who represented the condemned person in the most recently concluded stage of a state or federal postconviction proceeding; and

(2) the office of capital writs established under Subchapter B, Chapter 78, Government Code.

(b-2) The exclusive remedy for a failure to comply with Subsection (b-1) is the resetting of the execution date under this article.

(c) An [The first] execution date may not be earlier than the 91st day after the date the convicting court enters the order setting the execution date. [A subsequent execution date may not be earlier than the 31st day after the date the convicting court enters the order setting the execution date.]

Amendment No. 1 was adopted.

SB 1071, as amended, was passed to third reading.

CSSB 1560 ON SECOND READING
(Lozano - House Sponsor)

CSSB 1560, A bill to be entitled An Act relating to the regulation of chemical dependency treatment facilities and certain other facilities.

CSSB 1560 was passed to third reading.

SB 316 ON SECOND READING
(Leach - House Sponsor)

SB 316, A bill to be entitled An Act relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case.

SB 316 was passed to third reading.

SB 1467 ON SECOND READING
(Gonzales - House Sponsor)

SB 1467, A bill to be entitled An Act relating to authorizing the collection of a service charge on certain electronic toll collection customer account payments.

SB 1467 was passed to third reading.

(Kuempel in the chair)

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 52
(by Guillen, Flynn, and Kuempel)

HCR 52, Authorizing the State Preservation Board, subject to state law and rules of the board, to approve and permit the relocation of the Texas Game Warden Memorial to a site at the State Capitol, south of the Sam Houston Building, just outside of the historical grounds.

HCR 52 was adopted by (Record 1363): 127 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Hughes; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Longoria; Lozano; Márquez; Martínez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer;

Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Dukes; Hunter; Leach; Martinez; McClendon; Naishtat; Shaheen.

STATEMENTS OF VOTE

When Record No. 1363 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

When Record No. 1363 was taken, I was in the house but away from my desk. I would have voted yes.

Shaheen

SCR 5

(Flynn - House Sponsor)

SCR 5, Urging Congress to reimburse the State of Texas for bearing the financial burden of the federal government's responsibility to secure the Texas-Mexico international border.

SCR 5 was considered in lieu of **HCR 61**.

SCR 5 was adopted by (Record 1364): 99 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Dutton; Elkins; Faircloth; Farney; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; Gonzales; Guerra; Guillen; Harless; Hughes; Hunter; Isaac; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel(C); Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Murr; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Collier; Davis, Y.; Deshotel; Farias; Farrar; González; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Márquez; Martinez; Martinez Fischer; Minjarez; Naishtat; Nevárez; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Turner, C.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker.

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Burrows; Dukes; King, S.; McClendon.

STATEMENT OF VOTE

When Record No. 1364 was taken, my vote failed to register. I would have voted yes.

Burrows

HCR 61 - LAID ON THE TABLE SUBJECT TO CALL

Representative Flynn moved to lay **HCR 61** on the table subject to call.

The motion prevailed.

HR 1835 (by Capriglione)

HR 1835, Expressing support for the implementation of the Next Generation Air Transportation System.

HR 1835 was adopted by (Record 1365): 125 Yeas, 4 Nays, 2 Present, not voting.

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

Nays — Rinaldi; Schaefer; Stickland; Tinderholt.

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

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Burrows; Dukes; Faircloth; McClendon; White, M.

STATEMENTS OF VOTE

When Record No. 1365 was taken, my vote failed to register. I would have voted yes.

Burrows

When Record No. 1365 was taken, my vote failed to register. I would have voted yes.

Faircloth

When Record No. 1365 was taken, I was shown voting no. I intended to vote yes.

Schaefer

HB 801 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 801, A bill to be entitled An Act relating to planning for the use of and liability resulting from prescribed burns by the Parks and Wildlife Department.

Representative K. King moved to concur in the senate amendments to **HB 801**.

The motion to concur in the senate amendments to **HB 801** prevailed by (Record 1366): 129 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Bell; Dukes; Hunter; King, S.; Oliveira.

STATEMENTS OF VOTE

When Record No. 1366 was taken, my vote failed to register. I would have voted yes.

Bell

When Record No. 1366 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

Senate Committee Substitute

CSHB 801, A bill to be entitled An Act relating to planning for the use of and liability resulting from prescribed burns by the Parks and Wildlife Department.

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

SECTION 1. Chapter 11, Parks and Wildlife Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. PRESCRIBED BURNS

Sec. 11.351. DEFINITIONS. In this subchapter:

(1) "Landowner" includes any person who owns, has a property interest in, or leases a parcel of privately owned land or improvements on the land.

(2) "Utility infrastructure" means any facility owned by:

(A) an electric utility as "electric utility" is defined by Section 31.002, Utilities Code;

(B) a telecommunications utility as "telecommunications utility" is defined by Section 51.002, Utilities Code;

(C) a gas utility as "gas utility" is defined by Section 101.003 or 121.001, Utilities Code;

(D) an electric cooperative as "electric cooperative" is defined by Section 11.003, Utilities Code; or

(E) a municipally owned utility as "municipally owned utility" is defined by Section 11.003, Utilities Code.

Sec. 11.352. APPLICABILITY. This subchapter applies only to prescribed burns conducted by the department on state land managed by the department.

Sec. 11.353. GENERAL AND SPECIFIC PLAN REQUIREMENTS. (a) The commission by rule shall adopt and shall require the department to implement a general plan for the use of beneficial prescribed burns in the management of department land. The general plan must include standards that meet or exceed the standards for a prescribed burn set out in Section 153.047, Natural Resources Code.

(b) The general plan must include variations as needed for different areas of the state.

(c) The general plan must be reviewed by the Prescribed Burning Board within the Department of Agriculture.

(d) The department may not conduct a prescribed burn under this subchapter before the general plan has been adopted by the commission.

(e) For a particular prescribed burn, a site-specific plan tailored to the designated area must be completed and approved by a person designated by the director to review prescribed burn plans. In addition to any site-specific information required under the general plan, a site-specific plan must include:

- (1) the planned start and end dates of the prescribed burn;
- (2) a map of the designated burn area, including the location of any utility infrastructure within the designated burn area;
- (3) the names and contact numbers for:

 - (A) the prescribed burn manager;
 - (B) the nearest fire departments or emergency service providers;
- and
- (C) all landowners whose property neighbors the designated burn area; and
- (4) written documentation that applicable prescribed burn notification and approval requirements of the Texas Commission on Environmental Quality have been met.

Sec. 11.354. NOTICE REQUIREMENTS. (a) The department shall provide adequate advance notice of the department's intent to conduct a prescribed burn to each neighboring landowner and appropriate local officials in the vicinity of the designated burn area.

- (b) The landowner's notice must include:

 - (1) the planned start and end dates of the prescribed burn;
 - (2) any safety precautions the landowner should take to ensure the safety of the landowner's property before, during, and after the burn;
 - (3) a map of the prescribed burn area, including the location of any utility infrastructure within the designated burn area;
 - (4) the methods proposed for use in conducting the burn; and
 - (5) contact information for the prescribed burn manager and the department.

(c) The department shall publish advance notice of a planned prescribed burn in a newspaper of general circulation in the county or counties in which the burn will be conducted.

Sec. 11.355. INSURANCE. The department shall purchase liability insurance or establish a self-insurance fund as provided by Subchapter B, Chapter 2259, Government Code, for liability coverage for money damages in the amounts specified by Section 153.082, Natural Resources Code, to protect the department and the department's employees against claims under this subchapter resulting from:

- (1) bodily injury or death resulting from a prescribed burn; or
- (2) injury to or destruction of property resulting from a prescribed burn.

Sec. 11.356. LIABILITY. The department is liable for actual damages for:

- (1) injury to or destruction of property, bodily injury, or death proximately caused by the wrongful act or omission or the negligence of an employee acting within the scope of employment if:

(A) the injury to or destruction of property, bodily injury, or death arises from the escape of fire from a prescribed burn conducted by the department; and

(B) the employee would be personally liable to the claimant according to Texas law;

(2) injury to or destruction of property, bodily injury, or death so caused by the escape of fire from a prescribed burn conducted by the department if the department would, were it a private person, be liable to the claimant according to Texas law; and

(3) injury to or destruction of utility infrastructure caused by a prescribed burn.

Sec. 11.357. LIMITATION ON AMOUNT OF LIABILITY. Liability of the department under this subchapter is limited to money damages in an amount not to exceed the amount of insurance coverage required by Section 11.355.

Sec. 11.358. APPLICATION OF TORT CLAIMS ACT. (a) A claim asserted under this subchapter may not also be asserted against the department under Subchapter B, Chapter 101, Civil Practice and Remedies Code, or against a department employee.

(b) Subchapter D, Chapter 101, Civil Practice and Remedies Code, applies to a suit brought under this subchapter.

Sec. 11.359. WAIVER OF GOVERNMENTAL IMMUNITY; PERMISSION TO SUE. (a) Sovereign immunity to suit is waived and abolished to the extent of liability created by this subchapter.

(b) A person having a claim under this subchapter may sue the department for damages allowed by this subchapter.

SECTION 2. The Parks and Wildlife Commission shall adopt a general plan for prescribed burns on land managed by the Parks and Wildlife Department as provided by Section 11.353, Parks and Wildlife Code, as added by this Act, not later than January 1, 2016.

SECTION 3. This Act applies only to a claim for damages resulting from a prescribed burn conducted by the Parks and Wildlife Department on or after the effective date of this Act. A claim for damages resulting from a prescribed burn conducted by the Parks and Wildlife Department before the effective date of this Act is governed by the law in effect on the first day of the prescribed burn, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

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

Amend **CSHB 801** in SECTION 1 of the bill, in added Section 11.357, Parks and Wildlife Code (senate committee report, page 2, line 69, through page 3, line 1), by striking "of insurance coverage required by Section 11.355" and substituting "paid by the insurance provider described by Section 11.355 to the claimant".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 801** (senate committee printing) in SECTION 1 of the bill, in added Section 11.354(a), Parks and Wildlife Code (page 2, line 21), by striking "area" and substituting "area, including water utility officials with water facilities within two miles of the prescribed burn".

**HB 2679 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative D. Bonnen called up with senate amendments for consideration at this time,

HB 2679, A bill to be entitled An Act relating to the powers of a public facility corporation.

Representative D. Bonnen moved to concur in the senate amendments to **HB 2679**.

The motion to concur in the senate amendments to **HB 2679** prevailed by (Record 1367): 130 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Dukes; Hughes; King, S.; McClendon.

STATEMENT OF VOTE

When Record No. 1367 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

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

Amend **HB 2679** (senate committee report version) by adding the following new sections, appropriately numbered, and renumbering subsequent sections accordingly:

SECTION _____. Section 303.003(7), Local Government Code, is amended to read as follows:

(7) "Public facility" means any real, personal, or mixed property, or an interest in property devoted or to be devoted to public use, and authorized to be financed, refinanced, or provided by sponsor obligations or bonds issued under this chapter.

SECTION _____. Section 303.042, Local Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding Subsections (a) and (b), during the period of time that a corporation owns a particular public facility, a leasehold or other possessory interest in the real property of the public facility granted by the corporation shall be treated in the same manner as a leasehold or other possessory interest in real property granted by an authority under Section 379B.011(b).

POSTPONED BUSINESS

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

**CSSB 204 ON SECOND READING
(Raymond - House Sponsor)**

CSSB 204, A bill to be entitled An Act relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties.

CSSB 204 was read second time earlier today, amendments were offered and disposed of, **CSSB 204** was postponed until 4:45 p.m. today, and was again postponed until this time.

CSSB 204 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 204** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Amendment No. 12 - Vote Reconsidered

Representative S. King moved to reconsider the vote by which Amendment No. 12 was adopted.

The motion to reconsider prevailed.

Amendment No. 22

Representatives S. King, Bernal, Coleman, Crownover, Walle, E. Rodriguez, Martinez Fischer, Workman, and M. White offered the following amendment to Amendment No. 12:

Amend Amendment No. 12 by S. King by striking the text of the amendment and substituting the following:

Amend **CSSB 204** (house committee report) as follows:

(1) Strike page 21, line 15 through page 26 line 18, and substitute the following:

SUBCHAPTER F. AUSTIN STATE SUPPORTED LIVING CENTER STUDY

(2) In SECTION 45 of the bill, strike Subsection (b) (page 48, lines 16 through 19) and redesignate subsequent subsections of that SECTION accordingly.

Amendment No. 22 was adopted.

Amendment No. 12, as amended, was adopted. (Rinaldi recorded voting no.)

Amendment No. 18 - Vote Reconsidered

Representative S. King moved to reconsider the vote by which Amendment No. 18 was adopted.

The motion to reconsider prevailed.

Amendment No. 23

On behalf of Representative Peña, Representative Rose offered the following amendment to Amendment No. 18:

Amend Floor Amendment No. 18 by Peña to **CSSB 204** (house committee report) to read as follows:

1) On line 15 of the amendment delete the words "and community attendant services programs"

2) On line 19 of the amendment after the word "Code" insert the words "and intermediate care facilities under Section 252, Health and Safety Code"

Amendment No. 23 was adopted.

Amendment No. 18, as amended, was adopted.

CSSB 204, as amended, was passed to third reading by (Record 1368): 122 Yeas, 3 Nays, 3 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; Gonzales; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Márquez; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield;

Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; White, J.; White, M.; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Farrar; Pickett.

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

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Coleman; Dukes; Herrero; Hughes; Martinez Fischer; McClendon; Walle; Workman.

STATEMENTS OF VOTE

When Record No. 1368 was taken, I was shown voting no. I intended to vote yes.

Allen

When Record No. 1368 was taken, I was in the house but away from my desk. I would have voted yes.

Coleman

When Record No. 1368 was taken, I was shown voting no. I intended to vote yes.

Farrar

When Record No. 1368 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 1368 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1368 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

When Record No. 1368 was taken, my vote failed to register. I would have voted yes.

Workman

HB 1454 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1454, A bill to be entitled An Act relating to notice, reporting, and records requirements for holders of certain personal property that is or may be presumed abandoned.

Representative Raney moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1454**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1454**: Raney, chair; Parker, Kacal, Capriglione, and Guerra.

HB 484 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 484, A bill to be entitled An Act relating to the eligibility of a person to be a candidate for or holder of certain public elective offices.

Representative Capriglione moved to concur in the senate amendments to **HB 484**.

The motion to concur in the senate amendments to **HB 484** prevailed by (Record 1369): 129 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Simpson; Stickland.

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

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Dukes; Hughes; McClendon.

STATEMENT OF VOTE

When Record No. 1369 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

Senate Committee Substitute

CSHB 484, A bill to be entitled An Act relating to the eligibility of a person to be a candidate for or holder of certain public elective offices.

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

SECTION 1. Section 141.001, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

- (1) be a United States citizen;
- (2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;
- (3) have not been determined by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;

(5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

(A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made;

[~~and~~]

(6) on the date described by Subdivision (5), be registered to vote in the territory from which the office is elected; and

(7) satisfy any other eligibility requirements prescribed by law for the office.

(d) Subsection (a)(6) does not apply to a member of the governing body of a district created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution.

SECTION 2. Chapter 601, Government Code, is amended by adding Section 601.009 to read as follows:

Sec. 601.009. ELECTED OFFICER MUST BE REGISTERED VOTER.

(a) A person may not qualify for a public elective office unless the person is a registered voter.

(b) Subsection (a) does not apply to an office for which the federal or state constitution prescribes exclusive qualification requirements.

(c) Subsection (a) does not apply to a member of the governing body of a district created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution.

SECTION 3. The changes in law made by this Act apply only to the eligibility and qualification requirements for a candidate or officer whose term of office will begin on or after the effective date of this Act. The eligibility and qualification requirements for a candidate or officer whose term of office will begin before the effective date of this Act are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

(Speaker in the chair)

HB 3342 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3342, A bill to be entitled An Act relating to interstate compacts and cooperative agreements relating to state purchasing.

Representative Kuempel moved to concur in the senate amendments to **HB 3342**.

The motion to concur in the senate amendments to **HB 3342** prevailed by (Record 1370): 125 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Shaheen; Sheets; Sheffield; Simmons; Smith;

Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.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 — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Aycock; Dukes; Hughes; McClendon.

STATEMENT OF VOTE

When Record No. 1370 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

Senate Committee Substitute

CSHB 3342, A bill to be entitled An Act relating to interstate compacts and cooperative agreements relating to state purchasing.

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

SECTION 1. Section 2156.181, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The commission may enter into one or more compacts, interagency agreements, or cooperative purchasing agreements directly with one or more state governments, agencies of other states, or other governmental entities or may participate in, sponsor, or administer a cooperative purchasing agreement through an entity that facilitates those agreements for the purchase of goods or services if the commission determines that the [entering into an] agreement would be in the best interest of the state.

(a-1) A compact or agreement described by this section may not be used to purchase services that are defined as part of the practice of engineering under Section 1001.003, Occupations Code, or architecture under Section 1051.001, Occupations Code.

SECTION 2. This Act takes effect September 1, 2015.

HB 2428 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2428, A bill to be entitled An Act relating to the adoption of the Texas Uniform Disclaimer of Property Interests Act.

Representative Wray moved to concur in the senate amendments to **HB 2428**.

The motion to concur in the senate amendments to **HB 2428** prevailed by (Record 1371): 131 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Dukes; McClendon; Shaheen; Workman.

STATEMENTS OF VOTE

When Record No. 1371 was taken, I was in the house but away from my desk. I would have voted yes.

Shaheen

When Record No. 1371 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

Senate Committee Substitute

CSHB 2428, A bill to be entitled An Act relating to the adoption of the Texas Uniform Disclaimer of Property Interests Act.

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

SECTION 1. Section 24.002(12), Business & Commerce Code, is amended to read as follows:

(12) "Transfer" means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance. The term does not include a transfer under a disclaimer filed under Chapter 240, [Section 37A, Texas Probate Code, or Section 112.010,] Property Code.

SECTION 2. The heading to Subchapter A, Chapter 122, Estates Code, is amended to read as follows:

SUBCHAPTER A. ~~[GENERAL PROVISIONS RELATING TO]~~ DISCLAIMER
OF INTEREST OR POWER

SECTION 3. Sections 122.001 and 122.002, Estates Code, are amended to read as follows:

Sec. 122.001. DEFINITIONS. In this subchapter ~~[chapter, other than Subchapter E]~~:

(1) "Beneficiary" includes a person who would have been entitled, if the person had not made a disclaimer, to receive property as a result of the death of another person:

(A) by inheritance;

(B) under a will;

(C) by an agreement between spouses for community property with a right of survivorship;

(D) by a joint tenancy with a right of survivorship;

(E) by a survivorship agreement, account, or interest in which the interest of the decedent passes to a surviving beneficiary;

(F) by an insurance, annuity, endowment, employment, deferred compensation, or other contract or arrangement; or

(G) under a pension, profit sharing, thrift, stock bonus, life insurance, survivor income, incentive, or other plan or program providing retirement, welfare, or fringe benefits with respect to an employee or a self-employed individual.

(2) "Disclaim" and "disclaimer" have the meanings assigned by Section 240.002, Property Code ~~["Disclaimer" includes renunciation]~~.

~~[(3) "Property" includes all legal and equitable interests, powers, and property, present or future, vested or contingent, and beneficial or burdensome, in whole or in part.]~~

Sec. 122.002. DISCLAIMER ~~[WHO MAY DISCLAIM]~~. ~~[(a)]~~ A person who may be entitled to receive property as a beneficiary may disclaim the person's interest in or power over the property in accordance with Chapter 240, Property Code ~~[who on or after September 1, 1977, intends to irrevocably disclaim all or any part of the property shall evidence the disclaimer as provided by this chapter]~~.

~~[(b) Subject to Subsection (c), the legally authorized representative of a person who may be entitled to receive property as a beneficiary who on or after September 1, 1977, intends to irrevocably disclaim all or any part of the property on the beneficiary's behalf shall evidence the disclaimer as provided by this chapter.]~~

~~[(c) A disclaimer made by a legally authorized representative described by Subsection (d)(1), (2), or (3), other than an independent executor, must be made with prior court approval of the court that has or would have jurisdiction over the legally authorized representative. A disclaimer made by an independent executor on behalf of a decedent may be made without prior court approval.]~~

~~[(d) In this section, "legally authorized representative" means:~~

~~[(1) a guardian if the person entitled to receive the property as a beneficiary is an incapacitated person;~~

~~[(2) a guardian ad litem if the person entitled to receive the property as a beneficiary is an unborn or unascertained person;~~

~~[(3) a personal representative, including an independent executor, if the person entitled to receive the property as a beneficiary is a decedent; or~~

~~[(4) an attorney in fact or agent appointed under a durable power of attorney authorizing disclaimers if the person entitled to receive the property as a beneficiary executed the power of attorney as a principal.]~~

SECTION 4. Section 122.201, Estates Code, is amended to read as follows:

Sec. 122.201. ASSIGNMENT. A person who is entitled to receive property or an interest in property from a decedent under a will, by inheritance, or as a beneficiary under a life insurance contract, and does not disclaim the property under Chapter 240, Property Code, ~~[this chapter]~~ may assign the property or interest in property to any person.

SECTION 5. Section 122.202, Estates Code, is amended to read as follows:

Sec. 122.202. FILING OF ASSIGNMENT. An assignment may, at the request of the assignor, be ~~delivered or~~ filed as provided for the delivery or filing of a disclaimer under Subchapter C, Chapter 240, Property Code ~~[B]~~.

SECTION 6. Section 122.204, Estates Code, is amended to read as follows:

Sec. 122.204. FAILURE TO COMPLY. Failure to comply with Chapter 240, Property Code, ~~[Subchapters A, B, C, and D]~~ does not affect an assignment.

SECTION 7. Section 122.205, Estates Code, is amended to read as follows:

Sec. 122.205. GIFT. An assignment under this subchapter is a gift to the assignee and is not a disclaimer under Chapter 240, Property Code ~~[Subchapters A, B, C, and D]~~.

SECTION 8. Section 124.004, Estates Code, is amended to read as follows:

Sec. 124.004. EFFECT OF DISCLAIMERS. This subchapter shall be applied after giving effect to any disclaimers made in accordance with Chapter 240, Property Code ~~[Subchapters A, B, C, and D, Chapter 122]~~.

SECTION 9. Section 814.005(a), Government Code, is amended to read as follows:

(a) A person may, on a form prescribed by and filed with the retirement system, waive all or a portion of any benefits from the retirement system to which the person is entitled. The retirement system also shall give effect as a waiver to a full or partial disclaimer executed in accordance with Chapter 240, Property ~~[Section 37A, Texas Probate]~~ Code, unless the benefit to be disclaimed is a lifetime annuity. A person may revoke a waiver of benefits in the same manner as the original waiver was made, unless the original waiver by its terms was made irrevocable.

SECTION 10. Section 834.005, Government Code, is amended to read as follows:

Sec. 834.005. DISCLAIMER OF BENEFITS. The retirement system shall give effect to a full or partial disclaimer of benefits executed in accordance with Chapter 240, Property ~~[Section 37A, Texas Probate]~~ Code, unless the benefit to be disclaimed is a lifetime annuity.

SECTION 11. Section 839.004, Government Code, is amended to read as follows:

Sec. 839.004. DISCLAIMER OF BENEFITS. The retirement system shall give effect to a full or partial disclaimer of benefits executed in accordance with Chapter 240, Property [~~Section 37A, Texas Probate~~] Code, unless the benefit to be disclaimed is a lifetime annuity.

SECTION 12. Section 1551.259(e), Insurance Code, is amended to read as follows:

(e) The board of trustees shall give effect to a full or partial disclaimer of benefits executed in accordance with Chapter 240, Property [~~Section 37A, Texas Probate~~] Code.

SECTION 13. The heading to Section 112.010, Property Code, is amended to read as follows:

Sec. 112.010. PRESUMED ACCEPTANCE [~~OR DISCLAIMER~~] BY [~~OR ON BEHALF OF~~] BENEFICIARY; DISCLAIMER.

SECTION 14. Section 112.010(b), Property Code, is amended to read as follows:

(b) A disclaimer of an interest in or power over trust property is governed by Chapter 240 [~~If a trust is created by will, a beneficiary may disclaim an interest in the manner and with the effect for which provision is made in the applicable probate law~~].

SECTION 15. The Property Code is amended by adding Title 13 to read as follows:

TITLE 13. DISCLAIMER OF PROPERTY INTERESTS
CHAPTER 240. TEXAS UNIFORM DISCLAIMER OF PROPERTY
INTERESTS ACT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 240.001. SHORT TITLE. This chapter may be cited as the Texas Uniform Disclaimer of Property Interests Act.

Sec. 240.002. DEFINITIONS. In this chapter:

(1) "Current beneficiary" and "presumptive remainder beneficiary" have the meanings assigned by Section 112.071.

(2) "Disclaim" means to refuse to accept an interest in or power over property, including an interest or power the person is entitled to:

(A) by inheritance;

(B) under a will;

(C) by an agreement between spouses for community property with a right of survivorship;

(D) by a joint tenancy with a right of survivorship;

(E) by a survivorship agreement, account, or interest in which the interest of the decedent passes to a surviving beneficiary;

(F) by an insurance, annuity, endowment, employment, deferred compensation, or other contract or arrangement;

(G) under a pension, profit sharing, thrift, stock bonus, life insurance, survivor income, incentive, or other plan or program providing retirement, welfare, or fringe benefits with respect to an employee or a self-employed individual; or

(H) by an instrument creating a trust.

(3) "Disclaimant" means:

(A) the person to whom a disclaimed interest or power would have passed had the disclaimer not been made;

(B) the estate to which a disclaimed interest or power would have passed had the disclaimer not been made by the personal representative of the estate; or

(C) the trust into which a disclaimed interest or power would have passed had the disclaimer not been made by the trustee of the trust.

(4) "Disclaimed interest" means the interest that would have passed to the disclaimant had the disclaimer not been made.

(5) "Disclaimed power" means the power that would have been possessed by the disclaimant had the disclaimer not been made.

(6) "Disclaimer" means the refusal to accept an interest in or power over property.

(7) "Estate" has the meaning assigned by Section 22.012, Estates Code.

(8) "Fiduciary" means a personal representative, a trustee, an attorney in fact or agent acting under a power of attorney, or any other person authorized to act as a fiduciary with respect to the property of another person.

(9) "Guardian" has the meaning assigned by Section 1002.012, Estates Code.

(10) Notwithstanding Section 311.005, Government Code, "person" means an individual, corporation, including a public corporation, business trust, partnership, limited liability company, association, joint venture, governmental entity, including a political subdivision, agency, or instrumentality, or any other legal entity.

(11) "Personal representative" has the meanings assigned by Sections 22.031 and 1002.028, Estates Code.

(12) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, recognized by federal law or formally acknowledged by a state.

(13) "Survivorship property" means property held in the name of two or more persons under an arrangement in which, on the death of one of the persons, the property passes to and is vested in the other person or persons. The term includes:

(A) property held by an agreement described in Section 111.001, Estates Code;

(B) property held by a community property survivorship agreement defined in Section 112.001, Estates Code; and

(C) property in a joint account held by an agreement described in Section 113.151, Estates Code.

(14) "Trust" has the meaning assigned by Section 111.003.

(15) "Ward" has the meaning assigned by Section 22.033, Estates Code.

Sec. 240.003. APPLICABILITY OF CHAPTER. This chapter applies to disclaimers of any interest in or power over property, whenever created.

Sec. 240.004. CHAPTER SUPPLEMENTED BY OTHER LAW. (a) Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

(b) This chapter does not limit any right of a person to waive, release, disclaim, or renounce an interest in or power over property under a statute other than this chapter.

Sec. 240.005. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law, with respect to the subject matter of this chapter, among states that enact a law based on the uniform act on which this chapter is based.

Sec. 240.006. POWER TO DISCLAIM BY PERSON OTHER THAN FIDUCIARY. (a) A person other than a fiduciary may disclaim, in whole or in part, any interest in or power over property, including a power of appointment.

(b) A person other than a fiduciary may disclaim an interest or power under this section even if the creator of the interest or power imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim.

Sec. 240.007. POWER TO DISCLAIM POWER HELD IN FIDUCIARY CAPACITY BY PERSON DESIGNATED TO SERVE AS OR SERVING AS FIDUCIARY. (a) Subject to Subsection (b) and except to the extent the person's right to disclaim is expressly restricted or limited by a law of this state or by the instrument creating the fiduciary relationship, a person designated to serve or serving as a fiduciary may disclaim, in whole or in part, any power over property, including a power of appointment and the power to disclaim, held in a fiduciary capacity.

(b) If a power being disclaimed under Subsection (a) by a person designated to serve or serving as a trustee affects the distributive rights of any beneficiary of the trust:

(1) the person may disclaim only on or after accepting the trust;

(2) the disclaimer must be compatible with the trustee's fiduciary obligations; and

(3) if the disclaimer is made on accepting the trust, the trustee is considered to have never possessed the power disclaimed.

(c) A person designated to serve or serving as a fiduciary may disclaim a power under this section even if the creator of the power imposed a spendthrift provision or similar restriction on transfer.

Sec. 240.008. POWER TO DISCLAIM BY FIDUCIARY ACTING IN FIDUCIARY CAPACITY. (a) Subject to this section and except to the extent the fiduciary's right to disclaim is expressly restricted or limited by a law of this state or by the instrument creating the fiduciary relationship, a fiduciary acting in a fiduciary capacity may disclaim, in whole or in part, any interest in or power over property, including a power of appointment and the power to disclaim, that would have passed to the ward, estate, trust, or principal with respect to which the fiduciary was acting had the disclaimer not been made even if:

(1) the creator of the interest or power imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim; or

(2) an instrument other than the instrument that created the fiduciary relationship imposed a restriction or limitation on the right to disclaim.

(b) Except as provided by Subsection (c), (d), or (f), a disclaimer by a fiduciary acting in a fiduciary capacity does not require court approval to be effective unless the instrument that created the fiduciary relationship requires court approval.

(c) The following disclaimers by a fiduciary acting in a fiduciary capacity are not effective unless approved by a court of competent jurisdiction:

(1) a disclaimer by a personal representative who is not an independent administrator or independent executor;

(2) a disclaimer by the trustee of a management trust created under Chapter 1301, Estates Code;

(3) a disclaimer by the trustee of a trust created under Section 142.005;

or

(4) a disclaimer that would result in an interest in or power over property passing to the person making the disclaimer.

(d) A trustee acting in a fiduciary capacity may not disclaim an interest in property that would cause the interest in property not to become trust property unless:

(1) a court of competent jurisdiction approves the disclaimer; or

(2) the trustee provides written notice of the disclaimer in accordance with Section 240.0081.

(e) In the absence of a court-appointed guardian, without court approval, a natural guardian as described by Section 1104.051, Estates Code, may disclaim on behalf of a minor child of the natural guardian, in whole or in part, any interest in or power over property, including a power of appointment, that the minor child is to receive solely as a result of another disclaimer, but only if the disclaimed interest or power does not pass to or for the benefit of the natural guardian as a result of the disclaimer.

(f) Unless a court of competent jurisdiction approves the disclaimer, a disclaimer by a fiduciary acting in a fiduciary capacity must be compatible with the fiduciary's fiduciary obligations. A disclaimer by a fiduciary acting in a fiduciary capacity is not a per se breach of the fiduciary's fiduciary obligations.

(g) Possible remedies for a breach of fiduciary obligations do not include declaring an otherwise effective disclaimer void or granting other legal or equitable relief that would make the disclaimer ineffective.

Sec. 240.0081. NOTICE REQUIRED BY TRUSTEE DISCLAIMING CERTAIN INTERESTS IN PROPERTY; EFFECT OF NOTICE. (a) A trustee acting in a fiduciary capacity may disclaim an interest in property that would cause the interest in property not to become trust property without court approval if the trustee provides written notice of the disclaimer to all of the current beneficiaries and presumptive remainder beneficiaries of the trust.

(b) For the purpose of determining who is a current beneficiary or presumptive remainder beneficiary entitled to the notice under Subsection (a), a beneficiary is determined as of the date the notice is sent.

(c) In addition to the notice required under Subsection (a), the trustee shall give written notice of the trustee's disclaimer to the attorney general if:

(1) a charity is entitled to notice;

(2) a charity entitled to notice is no longer in existence;

(3) the trustee has the authority to distribute trust assets to one or more charities that are not named in the trust instrument; or

(4) the trustee has the authority to make distributions for a charitable purpose described in the trust instrument, but no charity is named as a beneficiary for that purpose.

(d) If the beneficiary has a court-appointed guardian or conservator, the notice required to be given by this section must be given to that guardian or conservator. If the beneficiary is a minor for whom no guardian or conservator has been appointed, the notice required to be given by this section must be given to a parent of the minor.

(e) The trustee is not required to provide the notice to a beneficiary who:

(1) is known to the trustee and cannot be located by the trustee after reasonable diligence;

(2) is not known to the trustee;

(3) waives the requirement of the notice under this section; or

(4) is a descendant of a beneficiary to whom the trustee has given notice if the beneficiary and the beneficiary's ancestor have similar interests in the trust and no apparent conflict of interest exists between them.

(f) The notice required under Subsection (a) must:

(1) include a statement that:

(A) the trustee intends to disclaim an interest in property;

(B) if the trustee makes the disclaimer, the property will not become trust property and will not be available to distribute to the beneficiary from the trust;

(C) the beneficiary has the right to object to the disclaimer; and

(D) the beneficiary may petition a court to approve, modify, or deny the disclaimer;

(2) describe the interest in property the trustee intends to disclaim;

(3) specify the earliest date the trustee intends to make the disclaimer;

(4) include the name and mailing address of the trustee;

(5) be given not later than the 30th day before the date the disclaimer is made; and

(6) be sent by personal delivery, first-class mail, facsimile, e-mail, or any other method likely to result in the notice's receipt.

(g) A beneficiary is not considered to have accepted the disclaimed interest solely because the beneficiary acts or does not act on receipt of a notice provided under this section.

(h) If the trustee makes the disclaimer for which notice is provided under this section, the beneficiary does not lose the beneficiary's right, if any, to sue the trustee for breach of the trustee's fiduciary obligations in connection with making the disclaimer. Section 240.008(g) applies to remedies sought in connection with the alleged breach.

Sec. 240.009. POWER TO DISCLAIM; GENERAL REQUIREMENTS; WHEN IRREVOCABLE. (a) To be effective, a disclaimer must:

(1) be in writing;

(2) declare the disclaimer;

(3) describe the interest or power disclaimed;

(4) be signed by the person making the disclaimer; and

(5) be delivered or filed in the manner provided by Subchapter C.

(b) A partial disclaimer may be expressed as a fraction, percentage, monetary amount, term of years, limitation of a power, or any other interest or estate in the property.

(c) A disclaimer is irrevocable on the later of the date the disclaimer:

(1) is delivered or filed under Subchapter C; or

(2) takes effect as provided in Sections 240.051-240.056.

(d) A disclaimer made under this chapter is not a transfer, assignment, or release.

SUBCHAPTER B. TYPE AND EFFECT OF DISCLAIMER

Sec. 240.051. DEFINITION. In this subchapter, "future interest" means an interest that:

(1) takes effect in possession or enjoyment, if at all, later than the time at which the instrument creating the interest becomes irrevocable; and

(2) passes to the holder of the interest at the time of the event that causes the taker of the interest to be finally ascertained and the interest to be indefeasibly vested.

Sec. 240.051. DISCLAIMER OF INTEREST IN PROPERTY. (a) This section and Sections 240.0511 and 240.0512 apply to a disclaimer of an interest in property other than a disclaimer subject to Section 240.052 or 240.053.

(b) If an interest in property passes because of the death of a decedent:

(1) a disclaimer of the interest:

(A) takes effect as of the time of the decedent's death; and

(B) relates back for all purposes to the time of the decedent's death;

and

(2) the disclaimed interest is not subject to the claims of any creditor of the disclaimant.

(c) If an interest in property passes because of an event not related to the death of a decedent:

(1) a disclaimer of the interest:

(A) takes effect:

(i) as of the time the instrument creating the interest became irrevocable; or

(ii) in the case of an irrevocable transfer made without an instrument, at the time of the irrevocable transfer; and

(B) relates back for all purposes to the time the instrument became irrevocable or the time of the irrevocable transfer, as applicable; and

(2) the disclaimed interest is not subject to the claims of any creditor of the disclaimant.

(d) A disclaimed interest passes according to any provision in the instrument creating the interest that provides for:

(1) the disposition of the interest if the interest were to be disclaimed;

or

(2) the disposition of disclaimed interests in general.

(e) If the instrument creating the disclaimed interest does not contain a provision described by Subsection (d) and:

(1) if the disclaimant is not an individual, the disclaimed interest passes as if the disclaimant did not exist; or

(2) if the disclaimant is an individual:

(A) except as provided by Section 240.0511, if the interest is passing because of the death of a decedent, the disclaimed interest passes as if the disclaimant had died immediately before the time as of which the disclaimer takes effect under Subsection (b); or

(B) except as provided by Section 240.0512, if the interest is passing because of an event not related to the death of a decedent, the disclaimed interest passes as if the disclaimant had died immediately before the time as of which the disclaimer takes effect under Subsection (c).

(f) A disclaimed interest that passes by intestacy passes as if the disclaimant died immediately before the decedent.

Sec. 240.0511. DISPOSITION OF INTEREST PASSING BECAUSE OF DECEDENT'S DEATH AND DISCLAIMED BY INDIVIDUAL. (a) Subject to Subsection (b):

(1) if by law or under the instrument creating the disclaimed interest the descendants of a disclaimant of an interest passing because of the death of a decedent would share in the disclaimed interest by any method of representation under Section 240.051(e)(2)(A), the disclaimed interest passes only to the descendants of the disclaimant who survive the decedent; or

(2) if the disclaimed interest would have passed to the disclaimant's estate under Section 240.051(e)(2)(A), the disclaimed interest instead passes by representation to the descendants of the disclaimant who survive the decedent.

(b) If no descendant of the disclaimant survives the decedent, the disclaimed interest passes to those persons, including the state but excluding the disclaimant, and in such shares as would succeed to the transferor's intestate

estate under the intestate succession law of the transferor's domicile had the transferor died immediately before the decedent, except that if the transferor's surviving spouse is living but remarried before the decedent's death, the transferor is considered to have died unmarried immediately before the decedent's death.

(c) On the disclaimer of a preceding interest, a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died immediately before the decedent, but a future interest held by the disclaimant is not accelerated in possession or enjoyment.

Sec. 240.0512. DISPOSITION OF INTEREST PASSING BECAUSE OF EVENT OTHER THAN DECEDENT'S DEATH AND DISCLAIMED BY INDIVIDUAL. (a) Subject to Subsection (b):

(1) if by law or under the instrument creating the disclaimed interest the descendants of a disclaimant of an interest passing because of an event not related to the death of a decedent would share in the disclaimed interest by any method of representation under Section 240.051(e)(2)(B), the disclaimed interest passes only to the descendants of the disclaimant living at the time of the event that causes the interest to pass; or

(2) if the disclaimed interest would have passed to the disclaimant's estate under Section 240.051(e)(2)(B), the disclaimed interest instead passes by representation to the descendants of the disclaimant living at the time of the event that causes the interest to pass.

(b) If no descendant of the disclaimant is living at the time of the event described by Subsection (a)(1), the disclaimed interest passes to those persons, including the state but excluding the disclaimant, and in such shares as would succeed to the transferor's intestate estate under the intestate succession law of the transferor's domicile had the transferor died immediately before the event described by Subsection (a)(1), except that if the transferor's surviving spouse is living but remarried before the event, the transferor is considered to have died unmarried immediately before the event.

(c) On the disclaimer of a preceding interest, a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died immediately before the time the disclaimer takes effect under Section 240.051(c)(1)(A), but a future interest held by the disclaimant is not accelerated in possession or enjoyment.

Sec. 240.052. DISCLAIMER OF RIGHTS IN SURVIVORSHIP PROPERTY. (a) On the death of a holder of survivorship property, a surviving holder may disclaim, in whole or in part, an interest in the property of the deceased holder that would have otherwise passed to the surviving holder by reason of the deceased holder's death.

(b) If an interest in survivorship property is disclaimed by a surviving holder of the property:

(1) the disclaimer:

(A) takes effect as of the time of the deceased holder's death; and

(B) relates back for all purposes to the time of the deceased

holder's death; and

(2) the disclaimed interest is not subject to the claims of any creditor of the disclaimant.

(c) An interest in survivorship property disclaimed by a surviving holder of the property passes as if the disclaimant predeceased the holder to whose death the disclaimer relates.

Sec. 240.053. DISCLAIMER OF INTEREST BY TRUSTEE. (a) If a trustee disclaims an interest in property that otherwise would have become trust property:

(1) the interest does not become trust property;

(2) the disclaimer:

(A) takes effect as of the time the trust became irrevocable; and

(B) relates back for all purposes to the time the trust became irrevocable; and

(3) the disclaimed interest is not subject to the claims of any creditor of the trustee, the trust, or any trust beneficiary.

(b) If the instrument creating the disclaimed interest contains a provision that provides for the disposition of the interest if the interest were to be disclaimed, the disclaimed interest passes according to that provision.

(c) If the instrument creating the disclaimed interest does not contain a provision described by Subsection (b), the disclaimed interest passes as if:

(1) all of the current beneficiaries, presumptive remainder beneficiaries, and contingent beneficiaries of the trust affected by the disclaimer who are individuals died before the trust became irrevocable; and

(2) all beneficiaries of the trust affected by the disclaimer who are not individuals ceased to exist without successor organizations and without substitution of beneficiaries under the cy pres doctrine before the trust became irrevocable.

(d) Subsection (c) applies only for purposes of determining the disposition of an interest in property disclaimed by a trustee that otherwise would have become trust property and applies only with respect to the trust affected by the disclaimer. Subsection (c) does not apply with respect to other trusts governed by the instrument and does not apply for other purposes under the instrument or under the laws of intestacy.

Sec. 240.054. DISCLAIMER OF POWER OF APPOINTMENT OR OTHER POWER NOT HELD IN FIDUCIARY CAPACITY. (a) If a holder disclaims a power of appointment or other power not held in a fiduciary capacity, this section applies.

(b) If the holder:

(1) has not exercised the power, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable; or

(2) has exercised the power and the disclaimer is of a power other than a presently exercisable general power of appointment, the disclaimer takes effect immediately after the last exercise of the power.

(c) The instrument creating the power is construed as if the power had expired when the disclaimer became effective.

Sec. 240.055. DISCLAIMER BY APPOINTEE OF, OR OBJECT OR TAKER IN DEFAULT OF EXERCISE OF, POWER OF APPOINTMENT. (a) A disclaimer of an interest in property by an appointee of a power of appointment takes effect as of the time the instrument by which the holder exercises the power becomes irrevocable.

(b) A disclaimer of an interest in property by an object or taker in default of an exercise of a power of appointment takes effect as of the time the instrument creating the power becomes irrevocable.

Sec. 240.056. DISCLAIMER OF POWER HELD IN FIDUCIARY CAPACITY. (a) If a person designated to serve or serving as a fiduciary disclaims a power held or to be held in a fiduciary capacity that has not been exercised, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(b) If a person designated to serve or serving as a fiduciary disclaims a power held or to be held in a fiduciary capacity that has been exercised, the disclaimer takes effect immediately after the last exercise of the power.

(c) A disclaimer subject to this section is effective as to another person designated to serve or serving as a fiduciary if:

(1) the disclaimer provides that it is effective as to another person designated to serve or serving as a fiduciary; and

(2) the person disclaiming has the authority to bind the estate, trust, or other person for whom the person is acting.

Sec. 240.057. TAX QUALIFIED DISCLAIMER. (a) In this section, "Internal Revenue Code" has the meaning assigned by Section 111.004.

(b) Notwithstanding any other provision of this chapter, if, as a result of a disclaimer or transfer, the disclaimed or transferred interest is treated under the Internal Revenue Code as never having been transferred to the disclaimant, the disclaimer or transfer is effective as a disclaimer under this chapter.

Sec. 240.058. PARTIAL DISCLAIMER BY SPOUSE. A disclaimer by a decedent's surviving spouse of an interest in property transferred as the result of the death of the decedent is not a disclaimer by the surviving spouse of any other transfer from the decedent to or for the benefit of the surviving spouse, regardless of whether the interest that would have passed under the disclaimed transfer passes because of the disclaimer to or for the benefit of the surviving spouse by the other transfer.

SUBCHAPTER C. DELIVERY OR FILING

Sec. 240.101. DELIVERY OR FILING GENERALLY. (a) Subject to applicable requirements of this subchapter, a disclaimant may deliver a disclaimer by personal delivery, first-class mail, facsimile, e-mail, or any other method likely to result in the disclaimer's receipt.

(b) If a disclaimer is mailed to the intended recipient by certified mail, return receipt requested, at an address the disclaimant in good faith believes is likely to result in the disclaimer's receipt, delivery is considered to have occurred on the date of mailing regardless of receipt.

Sec. 240.102. DISCLAIMER OF INTEREST CREATED UNDER INTESTATE SUCCESSION OR WILL. In the case of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust:

(1) a disclaimer must be delivered to the personal representative of the decedent's estate; or

(2) if no personal representative is then serving, a disclaimer must be filed in the official public records of any county in which the decedent:

(A) was domiciled on the date of the decedent's death; or

(B) owned real property.

Sec. 240.103. DISCLAIMER OF INTEREST IN TESTAMENTARY TRUST. In the case of an interest in a testamentary trust:

(1) a disclaimer must be delivered to the trustee then serving;

(2) if no trustee is then serving, a disclaimer must be delivered to the personal representative of the decedent's estate; or

(3) if no trustee or personal representative is then serving, a disclaimer must be filed in the official public records of any county in which the decedent:

(A) was domiciled on the date of the decedent's death; or

(B) owned real property.

Sec. 240.104. DISCLAIMER OF INTEREST IN INTER VIVOS TRUST. In the case of an interest in an inter vivos trust:

(1) a disclaimer must be delivered to the trustee then serving, or, if no trustee is then serving, a disclaimer must be filed:

(A) with a court having jurisdiction to enforce the trust; or

(B) in the official public records of the county in which:

(i) the situs of administration of the trust is maintained; or

(ii) the settlor is domiciled or was domiciled on the date of the settlor's death; and

(2) if a disclaimer is made before the time the instrument creating the trust becomes irrevocable, a disclaimer must be delivered to the settlor of a revocable trust or the transferor of the interest.

Sec. 240.105. DISCLAIMER OF INTEREST CREATED BY BENEFICIARY DESIGNATION. (a) In this section, "beneficiary designation" means an instrument, other than an instrument creating a trust, naming the beneficiary of:

(1) an annuity or insurance policy;

(2) an account with a designation for payment on death;

(3) a security registered in beneficiary form;

(4) a pension, profit-sharing, retirement, or other employment-related benefit plan; or

(5) any other nonprobate transfer at death.

(b) In the case of an interest created by a beneficiary designation that is disclaimed before the designation becomes irrevocable, the disclaimer must be delivered to the person making the beneficiary designation.

(c) In the case of an interest created by a beneficiary designation that is disclaimed after the designation becomes irrevocable:

(1) a disclaimer of an interest in personal property must be delivered to the person obligated to distribute the interest; and

(2) a disclaimer of an interest in real property must be recorded in the official public records of the county where the real property that is the subject of the disclaimer is located.

Sec. 240.106. DISCLAIMER BY SURVIVING HOLDER OF SURVIVORSHIP PROPERTY. In the case of a disclaimer by a surviving holder of survivorship property, the disclaimer must be delivered to the person to whom the disclaimed interest passes.

Sec. 240.107. DISCLAIMER BY OBJECT OR TAKER IN DEFAULT OF EXERCISE OF POWER OF APPOINTMENT. In the case of a disclaimer by an object or taker in default of an exercise of a power of appointment at any time after the power was created:

(1) the disclaimer must be delivered to the holder of the power or to the fiduciary acting under the instrument that created the power; or

(2) if no fiduciary is then serving, the disclaimer must be filed:

(A) with a court having authority to appoint the fiduciary; or

(B) in the official public records of the county in which the creator of the power is domiciled or was domiciled on the date of the creator's death.

Sec. 240.108. DISCLAIMER BY CERTAIN APPOINTEES. In the case of a disclaimer by an appointee of a nonfiduciary power of appointment:

(1) the disclaimer must be delivered to the holder, the personal representative of the holder's estate, or the fiduciary under the instrument that created the power; or

(2) if no fiduciary is then serving, the disclaimer must be filed:

(A) with a court having authority to appoint the fiduciary; or

(B) in the official public records of the county in which the creator of the power is domiciled or was domiciled on the date of the creator's death.

Sec. 240.109. DISCLAIMER BY CERTAIN FIDUCIARIES. In the case of a disclaimer by a fiduciary of a power over a trust or estate, the disclaimer must be delivered as provided by Section 240.102, 240.103, or 240.104 as if the power disclaimed were an interest in property.

Sec. 240.110. DISCLAIMER OF POWER BY AGENT. In the case of a disclaimer of a power by an agent, the disclaimer must be delivered to the principal or the principal's representative.

Sec. 240.111. RECORDING OF DISCLAIMER. If an instrument transferring an interest in or power over property subject to a disclaimer is required or authorized by law to be filed, recorded, or registered, the disclaimer may be filed, recorded, or registered as that instrument. Except as otherwise provided by Section 240.105(c)(2), failure to file, record, or register the disclaimer does not affect the disclaimer's validity between the disclaimant and persons to whom the property interest or power passes by reason of the disclaimer.

SUBCHAPTER D. DISCLAIMER BARRED OR LIMITED

Sec. 240.151. WHEN DISCLAIMER BARRED OR LIMITED. (a) A disclaimer is barred by a written waiver of the right to disclaim.

(b) A disclaimer of an interest in property is barred if any of the following events occur before the disclaimer becomes effective:

(1) the disclaimant accepts the interest sought to be disclaimed by:

(A) taking possession of the interest; or

(B) exercising dominion and control over the interest;

(2) the disclaimant voluntarily assigns, conveys, encumbers, pledges, or transfers the interest sought to be disclaimed or contracts to do so; or

(3) the interest sought to be disclaimed is sold under a judicial sale.

(c) The acceptance of an interest in property by a person in the person's fiduciary capacity is not an acceptance of the interest in the person's individual capacity and does not bar the person from disclaiming the interest in the person's individual capacity.

(d) A disclaimer, in whole or in part, of the future exercise of a power held in a fiduciary capacity is not barred by the previous exercise of the power.

(e) A disclaimer, in whole or in part, of the future exercise of a power not held in a fiduciary capacity is not barred by the previous exercise of the power unless the power is exercisable in favor of the disclaimant.

(f) A disclaimer of:

(1) a power over property that is barred by this section is ineffective;

and

(2) an interest in property that is barred by this section takes effect as a transfer of the interest disclaimed to the persons who would have taken the interest under Subchapter B had the disclaimer not been barred.

(g) A disclaimer by a child support obligor is barred as to disclaimed property that could be applied to satisfy the disclaimant's child support obligations if those obligations have been:

(1) administratively determined by the Title IV-D agency as defined by Section 101.033, Family Code, in a Title IV-D case as defined by Section 101.034, Family Code; or

(2) confirmed and reduced to judgment as provided by Section 157.263, Family Code.

(h) If Subsection (g) applies, the child support obligee to whom child support arrearages are owed may enforce the child support obligation against the disclaimant as to disclaimed property by a lien or by any other remedy provided by law.

SECTION 16. The following provisions are repealed:

(1) Sections 122.003, 122.004, and 122.005, Estates Code;

(2) Subchapters B, C, and D, Chapter 122, Estates Code;

(3) Section 122.203, Estates Code; and

(4) Sections 112.010(c), (c-1), (c-2), (d), and (e), Property Code.

SECTION 17. Title 13, Property Code, as added by this Act, applies to an interest in or power over property existing on or after the effective date of this Act if the time for delivering or filing a disclaimer under former law, including the time for filing a written memorandum of disclaimer under Section 122.055, Estates Code, the time for delivering notice of the disclaimer under Section 122.056, Estates Code, or the time for delivering a written memorandum

of disclaimer under Section 112.010, Property Code, as those sections existed immediately before the effective date of this Act, has not elapsed. If the time for filing or delivering notice of a written memorandum of disclaimer under former law has elapsed, the former law applies and is continued in effect for that purpose.

SECTION 18. Sections 122.201, 122.202, 122.204, and 122.205, Estates Code, as amended by this Act, apply to property or an interest in or power over property existing on or after the effective date of this Act if the time for delivering or filing an assignment under former law, including the time for filing an assignment under Section 122.202, Estates Code, or the time for delivering notice of the filing of assignment under Section 122.203, Estates Code, as those sections existed immediately before the effective date of this Act, has not elapsed. If the time for filing or delivering notice of an assignment under former law has elapsed, the former law applies and is continued in effect for that purpose.

SECTION 19. This Act takes effect September 1, 2015.

HB 3291 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 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.

Representative Raymond moved to concur in the senate amendments to **HB 3291**.

The motion to concur in the senate amendments to **HB 3291** prevailed by (Record 1372): 128 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Simpson; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Dukes; Hughes; McClendon; Simmons.

STATEMENT OF VOTE

When Record No. 1372 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

Senate Committee Substitute

CSHB 3291, A bill to be entitled An Act relating to transactions involving oil, gas, or condensate; creating a criminal offense.

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

SECTION 1. Subchapter K, Chapter 85, Natural Resources Code, is amended by adding Section 85.390 to read as follows:

Sec. 85.390. TRANSACTION WITHOUT APPROVAL, AUTHORIZATION, OR PERMIT. (a) A person who is not a pipeline operator or gatherer authorized to operate by the commission commits an offense if the person recklessly possesses, transports, removes, delivers, accepts, purchases, sells, or physically moves oil, gas, or condensate as part of a transaction for which the commission requires a permit or commission approval or authorization unless the commission has:

(1) issued a permit, approval, or authorization for the transaction; or

(2) received a request for a permit, approval, or authorization for the transaction and the request is pending before the commission.

(b) An offense under this section is a felony of the second degree.

SECTION 2. This Act takes effect September 1, 2015.

HB 4003 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4003, A bill to be entitled An Act relating to the redaction of personally identifiable information of victims from juvenile court records.

Representative Laubenberg moved to concur in the senate amendments to **HB 4003**.

The motion to concur in the senate amendments to **HB 4003** prevailed by (Record 1373): 128 Yeas, 0 Nays, 1 Present, not voting.

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

Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Herrero; Howard; Hunter; Isaac; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Rane; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Huberty; Moody.

Absent — Anderson, C.; Dukes; Hernandez; Hughes; Longoria; McClendon; Romero.

STATEMENT OF VOTE

When Record No. 1373 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

Senate Committee Substitute

CSHB 4003, A bill to be entitled An Act relating to the redaction of personally identifiable information of victims from juvenile court records.

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

SECTION 1. Subchapter A, Chapter 58, Family Code, is amended by adding Section 58.004 to read as follows:

Sec. 58.004. REDACTION OF VICTIM'S PERSONALLY IDENTIFIABLE INFORMATION. (a) Notwithstanding any other law, before disclosing any juvenile court record or file of a child as authorized by this chapter or other law, the custodian of the record or file must redact any personally identifiable information about a victim of the child's delinquent conduct or conduct indicating a need for supervision who was under 18 years of age on the date the conduct occurred.

(b) This section does not apply to information that is:

(1) necessary for an agency to provide services to the victim;

(2) necessary for law enforcement purposes; or

(3) shared within the statewide juvenile information and case management system established under Subchapter E.

SECTION 2. This Act applies to information and documents relating to juvenile court cases without regard to whether the conduct that is the basis of the case occurred before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.

(Huberty now present)

**HB 2066 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2066, A bill to be entitled An Act relating to the rescission of nonjudicial foreclosure sales.

Representative Oliveira moved to concur in the senate amendments to **HB 2066**.

The motion to concur in the senate amendments to **HB 2066** prevailed by (Record 1374): 130 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Moody.

Absent — Davis, S.; Dukes; Huberty; Hughes; McClendon.

STATEMENT OF VOTE

When Record No. 1374 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

Senate Committee Substitute

CSHB 2066, A bill to be entitled An Act relating to the rescission of nonjudicial foreclosure sales.

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

SECTION 1. Chapter 51, Property Code, is amended by adding Section 51.016 to read as follows:

Sec. 51.016. RESCISSION OF NONJUDICIAL FORECLOSURE SALES.

(a) This section applies only to a nonjudicial foreclosure sale of residential real property conducted under Section 51.002. In this subsection, "residential real property" means:

(1) a single family home, duplex, triplex, or quadraplex; or

(2) a unit in a multiunit residential structure in which title to an individual unit is transferred to the owner of the unit under a condominium or cooperative system.

(b) Not later than the 15th calendar day after the date of a foreclosure sale, a mortgagee, trustee, or substitute trustee may rescind the sale under this section if:

(1) the statutory requirements for the sale were not satisfied;

(2) the default leading to the sale was cured before the sale;

(3) a receivership or dependent probate administration involving the property was pending at the time of sale;

(4) a condition specified in the conditions of sale prescribed by the trustee or substitute trustee before the sale and made available in writing to prospective bidders at the sale was not met;

(5) the mortgagee or mortgage servicer and the debtor agreed before the sale to cancel the sale based on an enforceable written agreement by the debtor to cure the default; or

(6) at the time of the sale, a court-ordered or automatic stay of the sale imposed in a bankruptcy case filed by a person with an interest in the property was in effect.

(c) On or before the 15th calendar day after the date of the sale, the party rescinding the sale shall:

(1) serve a written notice of rescission that describes the reason for the rescission and includes recording information for any affected trustee's or substitute trustee's deed that was recorded on:

(A) the purchaser, if the mortgagee is not the purchaser; and

(B) each debtor who, according to the records of the mortgage servicer of the debt, is obligated to pay the debt; and

(2) file each notice for recording in the real property records of the county in which all or a part of the property is located.

(d) A notice required by Subsection (c) must be served by certified mail. Service of the notice is complete when the notice is deposited in the United States mail, postage prepaid and addressed to the purchaser or debtor, as applicable, at the purchaser's or debtor's last known address, as applicable. The affidavit of a person knowledgeable of the facts to the effect that service was completed is prima facie evidence of service.

(e) Not later than the fifth calendar day after the date a foreclosure sale is rescinded under this section, the mortgagee shall return to the purchaser by certified mail, electronic or wire transfer, or courier service with delivery tracking the amount of the bid paid by the purchaser for the property at the sale. The

debtor shall return to the trustee the amount of any excess proceeds received by the debtor from the sale. The return of the bid amount is considered made on the date:

(1) the bid amount is deposited postage prepaid in the United States mail or with the courier service addressed to the purchaser at the purchaser's last known address; or

(2) the electronic or wire transfer is ordered.

(f) The rescinding mortgagee, trustee, or substitute trustee shall cause to be filed for recording in the real property records of the county where the notice required under Subsection (c) was recorded an affidavit stating the date the bid amount was returned together with the certified mail, electronic or wire transfer, or courier service delivery tracking information.

(g) An affidavit executed and filed in accordance with Subsection (f) is prima facie evidence of the return of the bid amount and of the authority of the maker of the affidavit. A bona fide purchaser, lender, or other person acquiring an interest in the property or an insurer of title is entitled to rely conclusively on the record of the filed affidavit and notice, and any subsequent purchaser in good faith and for value is entitled to bona fide purchaser protection.

(h) The rescission of a foreclosure sale under this section restores the mortgagee and the debtor to their respective title, rights, and obligations under any instrument relating to the foreclosed property that existed immediately prior to the sale.

(i) A rescission of a foreclosure sale under this section is void as to a creditor or to a subsequent purchaser for a valuable consideration without notice unless notice of the rescission has been acknowledged, sworn to, or proved and filed for recording as required by law. A rescission of a foreclosure sale under this section evidenced by an unrecorded instrument is binding on a party to the instrument, on the party's heirs, and on a subsequent purchaser who does not pay a valuable consideration or who has notice of the instrument.

(j) No action challenging the effectiveness of a rescission under this section may be commenced unless the action is filed on or before the 30th calendar day after the date the notices of rescission required by Subsection (c) are filed for recording. A lis pendens notice based on the rescission not recorded within that period has no effect. This subsection does not affect the limitations period for an action claiming damages resulting from the rescission.

(k) If the foreclosure sale is rescinded under this section for a reason listed in Subsection (b), other than a stay described by Subsection (b)(6), the court in a civil action filed by the purchaser challenging the effectiveness of the rescission or claiming damages resulting from the rescission may only award as damages to the purchaser the amount of the bid paid for the property by the purchaser at the sale that has not been refunded to the purchaser, plus interest on that amount at the rate of 10 percent per year. Notwithstanding any other law, the court may not order specific performance of the sale as a remedy for the purchaser. Interest awarded under this subsection ceases to accrue on the fourth day after the date the mortgagee deposits the amount of the damages awarded in the United States mail or with a courier for delivery to the purchaser.

(l) If a foreclosure sale is rescinded under this section for a reason provided by Subsection (b)(6), the court in a civil action filed by the purchaser challenging the effectiveness of the rescission or claiming damages resulting from the rescission may only award as damages to the purchaser the amount of the bid paid for the property by the purchaser at the sale that has not been refunded to the purchaser.

(m) Nothing in this section prohibits the rescission of a sale by agreement of the affected parties on other terms or a suit to rescind a sale not rescinded under this section.

SECTION 2. The changes in law made by this Act apply only to a foreclosure sale that occurs on or after the effective date of this Act. A foreclosure sale that occurred before the effective date of this Act is governed by the law applicable to the foreclosure sale immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

HB 1779 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1779, A bill to be entitled An Act relating to the confidentiality of a physician's patient information in certain judicial proceedings.

Representative Murr moved to concur in the senate amendments to **HB 1779**.

The motion to concur in the senate amendments to **HB 1779** prevailed by (Record 1375): 129 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Moody.

Absent — Davis, S.; Dukes; Faircloth; Huberty; McClendon; Oliveira; Phillips.

STATEMENT OF VOTE

When Record No. 1375 was taken, I was in the house but away from my desk. I would have voted yes.

Faircloth

Senate Committee Substitute

CSHB 1779, A bill to be entitled An Act relating to the disclosure in certain judicial proceedings of confidential communications between a physician and a patient and confidential patient records.

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

SECTION 1. Section 159.002, Occupations Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) Notwithstanding any other provision of this chapter other than Sections 159.003(a)(10) and (c), a communication or record that is otherwise confidential and privileged under this section may be disclosed or released by a physician without the patient's authorization or consent if the disclosure or release is related to a judicial proceeding in which the patient is a party and the disclosure or release is requested under a subpoena issued under:

- (1) the Texas Rules of Civil Procedure;
- (2) the Code of Criminal Procedure; or
- (3) Chapter 121, Civil Practice and Remedies Code.

(g) Subsection (f) does not prevent a physician from claiming, or otherwise limit the authority of a physician to claim, the privilege of confidentiality on behalf of a patient.

SECTION 2. Section 159.003(a), Occupations Code, is amended to read as follows:

(a) An exception to the privilege of confidentiality in a court or administrative proceeding exists:

- (1) in a proceeding brought by a patient against a physician, including:
 - (A) a malpractice proceeding; or
 - (B) a criminal proceeding or license revocation proceeding in which the patient is a complaining witness and disclosure is relevant to a claim or defense of the physician;
- (2) if the patient or a person authorized to act on the patient's behalf submits a written consent to the release of confidential information as provided by Section 159.005;
- (3) in a proceeding to substantiate and collect on a claim for medical services provided to the patient;

(4) in a civil action or administrative proceeding, if relevant, brought by the patient or a person on the patient's behalf, if the patient or person is attempting to recover monetary damages for a physical or mental condition including the patient's death;

(5) in a disciplinary investigation or proceeding conducted under this subtitle, if the board protects the identity of any patient whose billing or medical records are examined other than a patient:

(A) for whom an exception exists under Subdivision (1); or

(B) who has submitted written consent to the release of the billing or medical records as provided by Section 159.005;

(6) in a criminal investigation of a physician in which the board is participating, or assisting in the investigation or proceeding by providing certain billing or medical records obtained from the physician, if the board protects the identity of a patient whose billing or medical records are provided in the investigation or proceeding other than a patient:

(A) for whom an exception exists under Subdivision (1); or

(B) who has submitted written consent to the release of the billing or medical records as provided by Section 159.005;

(7) in an involuntary civil commitment proceeding, proceeding for court-ordered treatment, or probable cause hearing under Chapter 462, 574, or 593, Health and Safety Code;

(8) if the patient's physical or mental condition is relevant to the execution of a will;

(9) if the information is relevant to a proceeding brought under Section 159.009;

(10) in a criminal prosecution in which the patient is a victim, witness, or defendant;

(11) to satisfy a request for billing or medical records of a deceased or incompetent person under Section 74.051(e), Civil Practice and Remedies Code; or

(12) to a court or a party to an action under a court order [~~or court subpoena~~].

SECTION 3. This Act takes effect September 1, 2015.

HB 1463 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1463, A bill to be entitled An Act relating to the procedure for canceling an exemption from ad valorem taxation of the residence homestead of an individual who is 65 years of age or older.

Representative Raymond moved to concur in the senate amendments to **HB 1463**.

The motion to concur in the senate amendments to **HB 1463** prevailed by (Record 1376): 134 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Moody.

Absent — Dukes; McClendon.

Senate Committee Substitute

CSHB 1463, A bill to be entitled An Act relating to the procedure for canceling an exemption from ad valorem taxation of the residence homestead of an individual who is 65 years of age or older.

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

SECTION 1. Section 1.07(d), Tax Code, is amended to read as follows:

(d) A notice required by Section 11.43(q), 11.45(d), 23.44(d), 23.46(c), 23.54(e), 23.541(c), 23.55(e), 23.57(d), 23.76(e), 23.79(d), or 23.85(d) must be sent by certified mail.

SECTION 2. Section 11.43, Tax Code, is amended by amending Subsections (c) and (h) and adding Subsection (q) to read as follows:

(c) An exemption provided by Section 11.13, 11.131, 11.132, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19, 11.20, 11.21, 11.22, 11.23(h), (j), or (j-1), 11.231, 11.254, 11.271, 11.29, 11.30, 11.31, or 11.315, once allowed, need not be claimed in subsequent years, and except as otherwise provided by Subsection (e), the exemption applies to the property until it changes ownership or the person's qualification for the exemption changes. However, the chief appraiser may require a person allowed one of the exemptions in a prior year to file a new application to confirm the person's current qualification for the exemption by delivering a written notice that a new application is required, accompanied by an appropriate application form, to the person previously allowed the exemption. If the person previously allowed the exemption is 65 years of age or older, the chief

appraiser may not cancel the exemption due to the person's failure to file the new application unless the chief appraiser complies with the requirements of Subsection (q), if applicable.

(h) If the chief appraiser learns of any reason indicating that an exemption previously allowed should be canceled, the chief appraiser ~~he~~ shall investigate. Subject to Subsection (q), if the chief appraiser ~~if he~~ determines that the property should not be exempt, the chief appraiser ~~he~~ shall cancel the exemption and deliver written notice of the cancellation within five days after the date the exemption is canceled ~~he makes the cancellation~~.

(q) A chief appraiser may not cancel an exemption under Section 11.13 that is received by an individual who is 65 years of age or older without first providing written notice of the cancellation to the individual receiving the exemption. The notice must include a form on which the individual may indicate whether the individual is qualified to receive the exemption and a self-addressed postage prepaid envelope with instructions for returning the form to the chief appraiser. The chief appraiser shall consider the individual's response on the form in determining whether to continue to allow the exemption. If the chief appraiser does not receive a response on or before the 60th day after the date the notice is mailed, the chief appraiser may cancel the exemption on or after the 30th day after the expiration of the 60-day period, but only after making a reasonable effort to locate the individual and determine whether the individual is qualified to receive the exemption. For purposes of this subsection, sending an additional notice of cancellation that includes, in bold font equal to or greater in size than the surrounding text, the date on which the chief appraiser is authorized to cancel the exemption to the individual receiving the exemption immediately after the expiration of the 60-day period by first class mail in an envelope on which is written, in all capital letters, "RETURN SERVICE REQUESTED," or another appropriate statement directing the United States Postal Service to return the notice if it is not deliverable as addressed, or providing the additional notice in another manner that the chief appraiser determines is appropriate, constitutes a reasonable effort on the part of the chief appraiser. This subsection does not apply to an exemption under Section 11.13(c) or (d) for an individual 65 years of age or older that is canceled because the chief appraiser determines that the individual receiving the exemption no longer owns the property subject to the exemption.

SECTION 3. The change in law made by this Act applies only to an action taken by a chief appraiser to cancel a residence homestead exemption from ad valorem taxation that is received by an individual who is 65 years of age or older on or after the effective date of this Act. An action taken by a chief appraiser to cancel a residence homestead exemption from ad valorem taxation that is received by an individual who is 65 years of age or older before the effective date of this Act is governed by the law in effect on the date the action was taken, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

**HB 21 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 21, A bill to be entitled An Act relating to authorizing patients with certain terminal illnesses to access certain investigational drugs, biological products, and devices that are in clinical trials.

Representative K. King moved to concur in the senate amendments to **HB 21**.

The motion to concur in the senate amendments to **HB 21** prevailed by (Record 1377): 134 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Moody.

Absent — Dukes; McClendon.

Senate Committee Substitute

CSHB 21, A bill to be entitled An Act relating to authorizing patients with certain terminal illnesses to access certain investigational drugs, biological products, and devices that are in clinical trials.

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

SECTION 1. (a) This Act shall be known as the Right To Try Act.

(b) The legislature finds that:

(1) the process for the approval of investigational drugs, biological products, and devices in the United States takes many years;

(2) patients with a terminal illness do not have the luxury of waiting until an investigational drug, biological product, or device receives final approval from the United States Food and Drug Administration;

(3) the standards of the United States Food and Drug Administration for the use of investigational drugs, biological products, and devices may deny the benefits of potentially life-saving treatments to terminally ill patients;

(4) patients with a terminal illness have a fundamental right to attempt to pursue the preservation of their own lives by accessing available investigational drugs, biological products, and devices;

(5) the use of available investigational drugs, biological products, and devices is a decision that should be made by the patient with a terminal illness in consultation with the patient's physician to pursue the preservation of the patient's own life and is not a decision to be made by the government; and

(6) the decision to use an investigational drug, biological product, or device should be made with full awareness of the potential risks, benefits, and consequences to the patient with a terminal illness and the patient's family.

(c) It is the intent of the legislature to allow for patients with a terminal illness to use potentially life-saving investigational drugs, biological products, and devices.

SECTION 2. Subtitle C, Title 6, Health and Safety Code, is amended by adding Chapter 489 to read as follows:

CHAPTER 489. ACCESS TO INVESTIGATIONAL TREATMENTS FOR
PATIENTS WITH TERMINAL ILLNESSES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 489.001. DEFINITIONS. In this chapter:

(1) "Investigational drug, biological product, or device" means a drug, biological product, or device that has successfully completed phase one of a clinical trial but has not yet been approved for general use by the United States Food and Drug Administration and remains under investigation in the clinical trial.

(2) "Terminal illness" means an advanced stage of a disease with an unfavorable prognosis that, without life-sustaining procedures, will soon result in death or a state of permanent unconsciousness from which recovery is unlikely.

SUBCHAPTER B. ACCESS TO INVESTIGATIONAL DRUGS,
BIOLOGICAL PRODUCTS, AND DEVICES FOR PATIENTS WITH
TERMINAL ILLNESSES

Sec. 489.051. PATIENT ELIGIBILITY. A patient is eligible to access and use an investigational drug, biological product, or device under this chapter if:

(1) the patient has a terminal illness, attested to by the patient's treating physician; and

(2) the patient's physician:

(A) in consultation with the patient, has considered all other treatment options currently approved by the United States Food and Drug Administration and determined that those treatment options are unavailable or unlikely to prolong the patient's life; and

(B) has recommended or prescribed in writing that the patient use a specific class of investigational drug, biological product, or device.

Sec. 489.052. INFORMED CONSENT. (a) Before receiving an investigational drug, biological product, or device, an eligible patient must sign a written informed consent. If the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian may provide informed consent on the patient's behalf.

(b) The executive commissioner of the Health and Human Services Commission by rule may adopt a form for the informed consent under this section.

Sec. 489.053. PROVISION OF INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE BY MANUFACTURER. (a) A manufacturer of an investigational drug, biological product, or device may make available the manufacturer's investigational drug, biological product, or device to eligible patients in accordance with this chapter if the patient provides to the manufacturer the informed consent required under Section 489.052.

(b) This chapter does not require that a manufacturer make available an investigational drug, biological product, or device to an eligible patient.

(c) If a manufacturer makes available an investigational drug, biological product, or device to an eligible patient under this subchapter, the manufacturer must provide the investigational drug, biological product, or device to the eligible patient without receiving compensation.

Sec. 489.054. NO CAUSE OF ACTION CREATED. This chapter does not create a private or state cause of action against a manufacturer of an investigational drug, biological product, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product, or device for any harm done to the eligible patient resulting from the investigational drug, biological product, or device.

Sec. 489.055. STATE MAY NOT INTERFERE WITH ACCESS TO INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE. An official, employee, or agent of this state may not block or attempt to block an eligible patient's access to an investigational drug, biological product, or device under this chapter.

SUBCHAPTER C. HEALTH INSURANCE

Sec. 489.101. EFFECT ON HEALTH CARE COVERAGE FOR CLINICAL TRIAL ENROLLEES. This chapter does not affect the coverage of enrollees in clinical trials under Chapter 1379, Insurance Code.

SUBCHAPTER D. PHYSICIANS

Sec. 489.151. ACTION AGAINST PHYSICIAN'S LICENSE PROHIBITED. Notwithstanding any other law, the Texas Medical Board may not revoke, fail to renew, suspend, or take any action against a physician's license under Subchapter B, Chapter 164, Occupations Code, based solely on the physician's recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product, or device, provided that the recommendations made to the patient meet the medical standard of care.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

HB 2135 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative D. Bonnen called up with senate amendments for consideration at this time,

HB 2135, A bill to be entitled An Act relating to the purchasing of a firearm of an honorably retired or deceased peace officer.

Representative D. Bonnen moved to concur in the senate amendments to **HB 2135**.

The motion to concur in the senate amendments to **HB 2135** prevailed by (Record 1378): 134 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Moody.

Absent — Dukes; McClendon.

Senate Committee Substitute

CSHB 2135, A bill to be entitled An Act relating to the purchasing of a firearm of an honorably retired or deceased peace officer.

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

SECTION 1. The heading to Subchapter D, Chapter 614, Government Code, is amended to read as follows:

SUBCHAPTER D. PURCHASE OF [~~AGENCY ISSUED~~] FIREARM OF HONORABLY RETIRED OR DECEASED PEACE OFFICER

SECTION 2. Subchapter D, Chapter 614, Government Code, is amended by adding Section 614.0505 to read as follows:

Sec. 614.0505. DEFINITION. In this subchapter, "governmental entity" means a state agency, a county, a municipality, or a joint board for which the constituent agencies are populous home-rule municipalities.

SECTION 3. Section 614.051, Government Code, is amended to read as follows:

Sec. 614.051. PURCHASE OF FIREARM BY HONORABLY RETIRED PEACE OFFICER. (a) An individual may purchase a firearm from a governmental entity [~~state agency~~] if:

(1) the individual was a peace officer commissioned by the entity [~~agency~~];

(2) the individual was honorably retired from the individual's commission by the entity [~~state~~];

(3) the firearm had been previously issued to the individual by the entity [agency]; and

(4) the firearm is not a prohibited weapon under Section 46.05, Penal Code.

(b) An individual may purchase only one firearm from a governmental entity [state agency] under this section.

SECTION 4. Section 614.052(a), Government Code, is amended to read as follows:

(a) An individual listed under Subsection (b) may purchase a firearm from a governmental entity [state agency] if:

(1) the firearm had been previously issued by the entity [agency] to a peace officer commissioned by the entity [agency] who died while commissioned, without regard to whether the officer died while discharging the officer's official duties; and

(2) the firearm is not a prohibited weapon under Section 46.05, Penal Code.

SECTION 5. Section 614.053, Government Code, is amended to read as follows:

Sec. 614.053. PURCHASE PRICE OF FIREARM. A governmental entity [state agency] shall establish the amount, which may not exceed fair market value, for which a firearm may be purchased under this subchapter.

SECTION 6. The heading to Section 614.054, Government Code, is amended to read as follows:

Sec. 614.054. WHEN FIREARM MAY BE PURCHASED [~~FROM STATE AGENCY~~]; DELAY OF SALE BY GOVERNMENTAL ENTITY [~~AGENCY~~].

SECTION 7. Section 614.054(b), Government Code, is amended to read as follows:

(b) A governmental entity [state agency] that cannot immediately replace the firearm may delay the sale of the firearm until the entity [agency] can replace the firearm.

SECTION 8. Section 170.002, Local Government Code, is repealed.

SECTION 9. This Act takes effect September 1, 2015.

SB 20 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Kuempel, the house granted the request of the senate for the appointment of a Conference Committee on **SB 20**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 20**: Price, chair; Cook, Raymond, Kuempel, and Farney.

SB 55 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative D. Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 55**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 55**: S. King, chair; Sheets, R. Miller, Blanco, and Coleman.

**SB 1593 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative D. Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1593**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1593**: Lucio, chair; Ashby, Huberty, Bernal, and Walle.

**HB 1036 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1036, A bill to be entitled An Act relating to reporting requirements for certain injuries or deaths caused by peace officers and for certain injuries or deaths of peace officers.

Representative Johnson moved to concur in the senate amendments to **HB 1036**.

The motion to concur in the senate amendments to **HB 1036** prevailed by (Record 1379): 133 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Frank; Kacal; Lucio; Miles; Peña; Price; Reynolds; Schubert; Smithee; Turner, S.

Absent, Excused, Committee Meeting — Giddings; Moody.

Absent — Dukes; McClendon; Raney.

Senate Committee Substitute

CSHB 1036, A bill to be entitled An Act relating to reporting requirements for certain injuries or deaths caused by peace officers and for certain injuries or deaths of peace officers.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.139 and 2.1395 to read as follows:

Art. 2.139. REPORTS REQUIRED FOR OFFICER-INVOLVED INJURIES OR DEATHS. (a) In this article:

(1) "Deadly weapon" means:

(A) a firearm or any object manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or

(B) any object that in the manner of its use or intended use is capable of causing death or serious bodily injury.

(2) "Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

(b) The office of the attorney general by rule shall create a written and electronic form for the reporting by law enforcement agencies of an officer-involved injury or death. The form must include spaces to report only the following information:

(1) the date on which the incident occurred;

(2) the location where the incident occurred;

(3) the age, gender, and race or ethnicity of each peace officer involved in the incident;

(4) if known, the age, gender, and race or ethnicity of each injured or deceased person involved in the incident;

(5) whether the person was injured or died as a result of the incident;

(6) whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident;

(7) whether each peace officer involved in the incident was on duty during the incident;

(8) whether each peace officer involved in the incident was responding to an emergency call or a request for assistance and, if so, whether the officer responded to that call or request with one or more other peace officers; and

(9) whether the incident occurred during or as a result of:

(A) the execution of a warrant; or

(B) a hostage, barricade, or other emergency situation.

(c) Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report, using the form created under Subsection (b), to the office of the attorney general and, if the agency maintains an Internet website, post a copy of the report on the agency's website. The report must include all information described in Subsection (b).

(d) Not later than the fifth day after the date of receipt of a report submitted under Subsection (c), the office of the attorney general shall post a copy of the report on the office's Internet website.

(e) Not later than February 1 of each year, the office of the attorney general shall submit a report regarding all officer-involved injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

(1) the total number of officer-involved injuries or deaths;

(2) a summary of the reports submitted to the office under this article;

and

(3) a copy of each report submitted to the office under this article.

Art. 2.1395. REPORTS REQUIRED FOR CERTAIN INJURIES OR DEATHS OF PEACE OFFICERS. (a) The office of the attorney general by rule shall create a written and electronic form for the reporting by law enforcement agencies of incidents in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer. The form must include spaces to report only the following information:

- (1) the date on which the incident occurred;
- (2) the location where the incident occurred;
- (3) the age, gender, and race or ethnicity of each injured or deceased peace officer involved in the incident;
- (4) if known, the age, gender, and race or ethnicity of each person who discharged a firearm and caused injury or death to a peace officer involved in the incident; and
- (5) whether the officer or any other person was injured or died as a result of the incident.

(b) Not later than the 30th day after the date of the occurrence of an incident described by Subsection (a), the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report, using the form created under that subsection, to the office of the attorney general and, if the agency maintains an Internet website, post a copy of the report on the agency's website. The report must include all information described in Subsection (a).

(c) Not later than February 1 of each year, the office of the attorney general shall submit a report regarding all incidents described by Subsection (a) that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

- (1) the total number of incidents that occurred;
 - (2) a summary of the reports submitted to the office under this article;
- and

- (3) a copy of each report submitted to the office under this article.

SECTION 2. Not later than October 1, 2015, the office of the attorney general shall create the reporting forms required under Articles 2.139 and 2.1395, Code of Criminal Procedure, as added by this Act.

SECTION 3. This Act takes effect September 1, 2015.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, upon adjournment today, 1W.14, for a formal meeting, to consider **SB 531**.

ADJOURNMENT

Representative Rose moved that the house adjourn until 1 p.m. tomorrow in memory of D'Lisa Kelley of Dallas.

The motion prevailed.

The house accordingly, at 6:36 p.m., adjourned until 1 p.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

SB 531 to Judiciary and Civil Jurisprudence.

SB 1010 to Criminal Jurisprudence.

SB 1398 to Homeland Security and Public Safety.

SB 1894 to Natural Resources.

SB 2074 to Special Purpose Districts.

SCR 44 to Defense and Veterans' Affairs.

SIGNED BY THE SPEAKER

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

House List No. 24

HB 163, HB 197, HB 315, HB 655, HB 792, HB 833, HB 942, HB 1221, HB 1251, HB 1878, HB 1902, HB 1992, HB 2033, HB 2261, HB 2455, HB 3003, HB 3545, HB 3680, HCR 110, HCR 127

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 23, 2015 - 1

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 9

Flynn

SPONSOR: Huffman

Relating to member contributions to the Employees Retirement System of Texas.
(Amended)

HB 311 Canales SPONSOR: Lucio
Relating to an executory contract for the conveyance of real property; providing a civil penalty.
(Committee Substitute/Amended)

HB 382 Canales SPONSOR: Lucio
Relating to public junior college district branch campuses, including a requirement that the South Texas Community College District establish an extension facility in a certain location.
(Amended)

HB 499 Guillen SPONSOR: Garcia
Relating to the public transportation advisory committee.

HB 685 Sheets SPONSOR: Hancock
Relating to the production of public information under the public information law.
(Committee Substitute/Amended)

HB 700 Giddings SPONSOR: Seliger
Relating to the repeal of the Texas B-On-time student loan program.

HB 855 Sanford SPONSOR: Taylor, Van
Relating to the compatibility of state agency websites with certain devices and Internet browsers.

HB 943 Thompson, Senfronia SPONSOR: Rodríguez
Relating to the applicability of a wage and salary presumption to an incarcerated person for purposes of determining child support obligations.

HB 1080 Hughes SPONSOR: Taylor, Van
Relating to the definition of a state judge for purposes of state driver's license and personal identification laws.

HB 1119 Hernandez SPONSOR: Garcia
Relating to a study assessing the statewide need for the replacement of mile markers on certain highways.

HB 1217 Thompson, Senfronia SPONSOR: Uresti
Relating to reporting information for certain foster children who are missing or are victims of sex trafficking.
(Amended)

HB 1305 Bonnen, Greg SPONSOR: Taylor, Larry
Relating to a program to provide a free or reduced-price breakfast to eligible students attending a public school and the method of determining the number of educationally disadvantaged students.
(Committee Substitute)

HB 1309 Turner, Sylvester SPONSOR: Schwertner
Relating to the notification of certain legislators of the death of a child in foster care.
(Amended)

HB 1311 McClendon SPONSOR: Menéndez
Relating to the confidentiality of personal information concerning certain employees currently or formerly involved in the Texas juvenile justice system.

HB 1338 Naishtat SPONSOR: Menéndez
Relating to training for peace officers and first responders on certain persons affected by trauma.
(Committee Substitute)

HB 1492 Miller, Doug SPONSOR: Schwertner
Relating to consideration of asbestos or silica trust claims in certain actions asserting asbestos- or silica-related injuries.

HB 1692 Sheets SPONSOR: Huffman
Relating to the doctrine of forum non conveniens.

HB 1915 Herrero SPONSOR: Hinojosa
Relating to the allocation of state hotel occupancy tax revenue to certain barrier island coastal municipalities.
(Amended)

HB 2035 Raymond SPONSOR: Zaffirini
Relating to regulation by certain alcohol-related businesses based on the amount of alcohol sold.

HB 2049 Darby SPONSOR: Eltife
Relating to indemnification and duties of engineers and architects under certain governmental contracts.
(Committee Substitute)

HB 2068 Coleman SPONSOR: Garcia
Relating to automatic employee participation in and administration of a deferred compensation plan provided by certain hospital districts.

HB 2084 Muñoz, Jr. SPONSOR: Hinojosa
Relating to transparency in the rate-setting processes for the Medicaid managed care and child health plan programs.
(Amended)

HB 2182 Clardy SPONSOR: Creighton
Relating to the collection and refunding of certain fees and deposits by a county clerk or district clerk; increasing certain fees.
(Committee Substitute)

HB 2187 Smith SPONSOR: Taylor, Larry
Relating to the regulation of metal recycling entities; imposing an administrative penalty; amending provisions subject to a criminal penalty.
(Amended)

HB 2396 Howard SPONSOR: Seliger
Relating to eliminating requirements that certain public institutions of higher education set aside portions of tuition for student loan repayment programs for certain physicians and state attorneys.

HB 2430 Kuempel SPONSOR: Menéndez
Relating to food and beverage consumption in certain public swimming pools.

HB 2481 Smith SPONSOR: Eltife
Relating to the licensing and regulation of auctioneers, associate auctioneers, and auctions; requiring an occupational license; requiring a fee.
(Committee Substitute)

HB 2789 Raymond SPONSOR: Zaffirini
Relating to trauma-informed care training for certain employees of state supported living centers and intermediate care facilities.
(Committee Substitute)

HB 2812 Springer SPONSOR: Taylor, Van
Relating to the limit on junior college courses that a high school student may enroll in for dual credit.
(Amended)

HB 3014 Parker SPONSOR: West
Relating to the administration of "pay for success" contracts for state agencies.
(Committee Substitute)

HB 3024 Guerra SPONSOR: Hinojosa
Relating to coordination of dental benefits under certain insurance policies.

HB 3185 Raney SPONSOR: Lucio
Relating to the creation and operations of health care provider participation programs in certain counties.

HB 3225 Murr SPONSOR: Garcia
Relating to lane restrictions for certain motor vehicles in highway construction or maintenance work zones.

HB 3405 Isaac SPONSOR: Campbell
Relating to the territory, jurisdiction, board composition, elections, and powers of the Barton Springs-Edwards Aquifer Conservation District, including its authority to regulate certain wells for the production of groundwater; imposing a cap on certain fees.
(Committee Substitute/Amended)

HB 3729 Farias SPONSOR: Menéndez
Relating to inclusion of family members of veterans court program participants in the treatment and services provided to the participants under the program.

HB 4001 Raymond SPONSOR: Schwertner
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.
(Amended)

SB 1010 Taylor, Van
Relating to the use of money paid as restitution to or on behalf of certain individuals depicted in child pornography.

SCR 44 Campbell
Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to Cleto L. Rodriguez in recognition of his valiant service during World War II.

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

- SB 169** (31 Yeas, 0 Nays)
SB 481 (29 Yeas, 2 Nays)
SB 837 (18 Yeas, 13 Nays)
SB 934 (30 Yeas, 1 Nay)
SB 1057 (31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 459

Senate Conferees: Lucio - Chair/Creighton/Eltife/Estes/Zaffirini

SB 652

Senate Conferees: Schwertner - Chair/Eltife/Fraser/Nelson/Uresti

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 923

Senate Conferees: Taylor, Van - Chair/Burton/Garcia/Hall/Huffines

HB 1378

Senate Conferees: Bettencourt - Chair/Creighton/Hancock/Huffines/Lucio

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Saturday, May 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:
LOCAL AND UNCONTESTED CALENDAR

HB 127 McClendon SPONSOR: Ellis

Relating to the issuance of specialty license plates to honor recipients of the Commendation Medal.

HB 394 McClendon SPONSOR: West
Relating to the information in ad valorem tax appraisal records that may not be posted on the Internet by an appraisal district.

HB 418 Wu SPONSOR: Huffman
Relating to child victims of trafficking who are placed in secure foster homes.

HB 606 Davis, Sarah SPONSOR: Huffman
Relating to a study on the benefits of prenatal surgical procedures to treat birth defects.

HB 635 Price SPONSOR: Nelson
Relating to the disposition of fetal remains.

HB 735 Israel SPONSOR: Ellis
Relating to the collection of information regarding the number of alternatively fueled vehicles registered in this state.

HB 763 King, Susan SPONSOR: Perry
Relating to a petition to a state agency for adoption of rules.

HB 764 King, Susan SPONSOR: Rodríguez
Relating to the use, collection, and security of health care data collected by the Department of State Health Services.

HB 804 Geren SPONSOR: Seliger
Relating to the forms of payment that the operator of a vehicle storage facility must accept.

HB 830 Larson SPONSOR: Campbell
Relating to the issuance of Alamo specialty license plates.
(Committee Substitute)

HB 1044 Fallon SPONSOR: Nelson
Relating to the designation of a segment of Farm-to-Market Road 423 in Denton County as the U.S. Army Sergeant Enrique Mondragon Memorial Highway.

HB 1049 Rodriguez, Eddie SPONSOR: Rodríguez
Relating to the classification of licensed massage therapy programs as postsecondary education programs.

HB 1079 Thompson, Senfronia SPONSOR: Perry
Relating to the distribution of certain civil penalties, payments, and civil restitution received by the attorney general.

HB 1111 Farney SPONSOR: Schwertner
Relating to the powers and duties of the Williamson County Municipal Utility District No. 23; providing authority to issue bonds; providing authority to impose fees and taxes.

HB 1273 Farias SPONSOR: Uresti
Relating to certain military specialty license plates.
(Committee Substitute)

HB 1321 Bonnen, Dennis SPONSOR: Huffman

Relating to route designation for the issuance of a permit for the movement of oversized and overweight vehicles in certain counties.

HB 1336 Bonnen, Dennis SPONSOR: Huffman
Relating to fees of office for the Velasco Drainage District.

HB 1464 Raymond SPONSOR: Zaffirini
Relating to the procedure for determining that certain land is no longer eligible for appraisal for ad valorem tax purposes as agricultural or open-space land.

HB 1542 Paddie SPONSOR: Creighton
Relating to the use of digital message display systems in certain public facilities.

HB 1665 Bonnen, Dennis SPONSOR: Kolkhorst
Relating to notice of water level fluctuations to purchasers of real property adjoining an impoundment of water.

HB 1717 Oliveira SPONSOR: Lucio
Relating to the use of municipal hotel occupancy taxes by certain municipalities for ecological and space exploration-related tourism.

HB 1741 Lucio III SPONSOR: Lucio
Relating to route designation for the issuance of a permit for the movement of oversized and overweight vehicles in certain counties.

HB 1853 Button SPONSOR: Huffines
Relating to the removal of a tenant's personal property after a writ of possession has been issued in an eviction suit.

HB 1874 Zerwas SPONSOR: Huffman
Relating to the establishment of the Palliative Care Interdisciplinary Advisory Council.

HB 1881 Capriglione SPONSOR: Creighton
Relating to authorizing certain private schools to charge fees for processing or handling certain payments or payment transactions.

HB 2193 Smithee SPONSOR: Seliger
Relating to the office of a public defender appointed by the Commissioners Court of Randall County.

HB 2332 Miller, Doug SPONSOR: Fraser
Relating to the naming by the Texas Historical Commission of certain areas without historical value that are on historic sites.

HB 2340 Sheffield SPONSOR: Lucio
Relating to regulation of prescribed pediatric extended care centers; amending a provision subject to a criminal penalty.

HB 2354 Farney SPONSOR: Schwertner
Relating to changing the date of the May uniform election.

HB 2401 Isaac SPONSOR: Zaffirini
Relating to the powers of the Crosswinds Municipal Utility District; providing authority to issue bonds for road projects.

HB 2533 Goldman SPONSOR: Seliger

Relating to the repeal of an offense prohibiting offensive noise on a premises covered by an alcoholic beverage license or permit.

HB 2578 Price SPONSOR: Nelson
Relating to the efficiency of and consolidation of powers and duties within the health and human services system.
(Committee Substitute)

HB 2747 Landgraf SPONSOR: Creighton
Relating to qualifications to serve as a petit juror.

HB 2776 Murphy SPONSOR: Estes
Relating to certain premium discounts and rating programs for certain residential property insurance policies.

HB 2778 Elkins SPONSOR: Bettencourt
Relating to the elections for which federal postcard applicant voters may be sent ballots by e-mail.

HB 3060 Anchia SPONSOR: West
Relating to functions of a municipal building and standards commission panel.

HB 3160 Alonzo SPONSOR: West
Relating to an exception to the period of filing an application for the grant of letters testamentary or of administration of a decedent's estate.

HB 3286 Miller, Doug SPONSOR: Campbell
Relating to the dissolution of the Rebecca Creek Municipal Utility District.

HB 3433 Sheffield SPONSOR: Kolkhorst
Relating to level of care designations for hospitals that provide neonatal and maternal care.

HB 3610 Collier SPONSOR: West
Relating to the issuance of Texas Juneteenth specialty license plates.
(Committee Substitute)

HB 3747 Phillips SPONSOR: Estes
Relating to the issuance of a concealed handgun license to certain retired judicial officers.

HB 4086 Muñoz, Jr. SPONSOR: Rodríguez
Relating to the right to a de novo hearing before the referring court regarding a temporary order rendered by an associate judge in certain family law proceedings.

HB 4097 Hunter SPONSOR: Kolkhorst
Relating to seawater desalination projects.
(Committee Substitute)

HB 4112 Burns SPONSOR: Perry
Relating to the rights of an owner of groundwater.

HB 4131 Wu SPONSOR: Ellis
Relating to competitive bidding procedures and election requirements for the Westchase District.

HB 4152 Zerwas SPONSOR: Kolkhorst

Relating to the board of directors of the Fulshear Town Center Management District.

SB 2074 Campbell

Relating to the creation of the Legacy Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 22

County Affairs - **SB 1575, SB 1950, SB 2020**

Criminal Jurisprudence - **SB 236, SB 715, SB 740, SB 923, SB 965, SB 1086, SB 1317, SB 1517, SB 1864, SB 2019**

Culture, Recreation, and Tourism - **SB 1132**

Economic and Small Business Development - **SB 632, SB 633**

Elections - **SB 1073**

Environmental Regulation - **SB 394, SB 911, SB 1242**

Higher Education - **SB 1624**

Human Services - **SB 206, SB 1928, SB 1999**

Judiciary and Civil Jurisprudence - **SB 1369, SB 1964, SB 2068**

Juvenile Justice and Family Issues - **SB 108, SB 550, SB 1630**

Licensing and Administrative Procedures - **SB 1287**

Natural Resources - **SB 1101, SB 1345**

Public Education - **SB 107, SB 168, SB 265, SB 313, SB 382, SB 471, SB 507, SB 674, SB 945, SB 968, SB 1200, SB 1241, SB 1771, SB 1867, SB 2062**

Public Health - **SB 1583**

Special Purpose Districts - **SB 234, SB 1362, SB 1363, SB 2008, SB 2015, SB 2035, SB 2037, SB 2047, SB 2064, SB 2066**

State and Federal Power and Responsibility, Select - **HCR 120, SCR 5, SCR 37**

State Affairs - **HCR 37, SB 668, SB 913, SJR 52**

Ways and Means - **SB 1364**

ENGROSSED

May 22 - HB 2622, HB 3099, HB 3116, HB 4138, HB 4202, HB 4203, HB 4205, HB 4211, HB 4212, HCR 75, HCR 122

ENROLLED

May 22 - HB 163, HB 197, HB 315, HB 655, HB 792, HB 833, HB 942, HB 1221, HB 1251, HB 1878, HB 1902, HB 1992, HB 2033, HB 2261, HB 2455, HB 3003, HB 3078, HB 3545, HB 3680, HCR 110, HCR 127

SENT TO THE GOVERNOR

May 22 - HB 104, HB 120, HB 121, HB 122, HB 157, HB 184, HB 219, HB 239, HB 369, HB 426, HB 441, HB 473, HB 497, HB 574, HB 598, HB 671, HB 706, HB 716, HB 721, HB 745, HB 797, HB 826, HB 875, HB 904, HB 968, HB 973, HB 978, HB 995, HB 1022, HB 1040, HB 1052, HB 1062, HB 1146, HB 1187, HB 1235, HB 1261, HB 1264, HB 1293, HB 1331, HB 1372, HB 1415, HB 1417, HB 1422, HB 1428, HB 1466, HB 1500, HB 1560, HB 1596, HB 1707, HB 1725, HB 1771, HB 1790, HB 1814, HB 1819, HB 1833, HB 1890, HB 1925, HB 1953, HB 1963, HB 2038, HB 2050, HB 2052, HB 2115, HB 2145, HB 2167, HB 2179, HB 2181, HB 2189, HB 2207, HB 2230, HB 2244, HB 2293, HB 2339, HB 2466, HB 2507, HB 2515, HB 2519, HB 2536, HB 2552, HB 2557, HB 2628, HB 2667, HB 2717, HB 2732, HB 2735, HB 2767, HB 2788, HB 2853, HB 2900, HB 3062, HB 3067, HB 3211, HB 3236, HB 3245, HB 3337, HB 3513, HB 3536, HB 3538, HB 3555, HB 3741, HB 3868, HB 4127, HCR 65, HCR 69, HCR 70, HCR 121, HCR 129

SIGNED BY THE GOVERNOR

May 22 - HB 3858, HB 4126, HCR 116, HCR 129

FILED WITHOUT THE GOVERNOR'S SIGNATURE

May 22 - HB 2092, HB 4129, HB 4132