

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-NINTH DAY — MONDAY, MAY 25, 2015

The house met at 10:05 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1432).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycoc; 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; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez 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; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Harless; King, S.; Laubenberg.

Absent — Peña.

The speaker recognized Representative Farrar who introduced Reverend James M. L. Grace, rector, St. Andrew's Episcopal Church, Houston, who offered the invocation as follows:

God, we remember, first of all, the women and men who are currently serving in the armed forces, and we pray for their safe return. We also acknowledge that there are women and men who will not return, and we grieve their death in our prayers. We pause to honor their service and their sacrifice. Those of us who have not served in the armed forces cannot fully imagine the experience of war, but we do know war's aftermath and the toll it can take on the human heart. This day remembers and acknowledges loss, and so we remember

those whom we have loved and lost. We hold their names and faces in our mind's eye. We recall the gifts they gave to us through the strength of their being, the depth of their love, the courage of their dying, and the fullness of their living.

O Lord, our governor, bless the leaders of this land, including our president, Barack, and our governor, Greg. May we be a people at peace among ourselves and a blessing to other nations upon the Earth. To senators, representatives, and those who make our laws in the State of Texas, cities, and towns, give courage, wisdom, and foresight to provide for the needs of all our people and to fulfill our obligations in the community of nations. To the judges and officers of our courts, give understanding and integrity, that human rights may be safeguarded and justice served. And finally, teach our people to rely on your strength and to accept their responsibilities to their fellow citizens, that they may elect trustworthy leaders and make wise decisions for the well-being of our society, that we may serve you faithfully in our generation and honor your holy name. Amen.

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of family business:

S. King on motion of Burns.

Peña on motion of Minjarez.

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

Harless on motion of Otto.

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

Laubenberg on motion of Sheets.

(Kacal in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Dale who presented Dr. Lamia Kadir of Austin as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 3175 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 3175**.

The motion prevailed.

The following resolution was laid before the house:

HR 3175, Congratulating former state representative Bennie Bock II and Katharyn Bock of New Braunfels on their 50th wedding anniversary.

HR 3175 was read and was adopted.

On motion of Representative Ashby, the names of all the members of the house were added to **HR 3175** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Miller who introduced the Honorable Bennie Bock II, Katharyn Bock, and their daughter, Lucretia.

HR 3194 - ADOPTED
(by Minjarez)

Representative Minjarez moved to suspend all necessary rules to take up and consider at this time **HR 3194**.

The motion prevailed.

The following resolution was laid before the house:

HR 3194, Congratulating Harmony Science Academy in San Antonio on its ranking as the 78th best high school in Texas by U.S. News and World Report.

HR 3194 was adopted.

On motion of Representatives J. Rodriguez and Galindo, the names of all the members of the house were added to **HR 3194** as signers thereof.

(Phillips in the chair)

RESOLUTIONS ADOPTED

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 3048 (by Naishtat), Commending Alycia Welch for her service as a legislative intern in the office of State Representative Elliott Naishtat.

HR 3049 (by Naishtat), Commending Nick Kincaid for his service as a legislative intern in the office of State Representative Elliott Naishtat.

HR 3050 (by Naishtat), Commending Kiefer Odell for his service as a legislative intern in the office of State Representative Elliott Naishtat.

HR 3051 (by Naishtat), Commending Alison Mohr for her service as a legislative intern in the office of State Representative Elliott Naishtat.

The resolutions were adopted.

(Speaker in the chair)

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 200 ON THIRD READING

(Price, Raymond, Dutton, Burkett, and Gonzales - House Sponsors)

SB 200, A bill to be entitled An Act relating to the continuation and functions of the Health and Human Services Commission and the provision of health and human services in this state.

SB 200 was passed by (Record 1433): 143 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; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; 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; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; 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.

Nays — Schubert.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harless; King, S.; Laubenberg; Peña.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 1433 was taken, I was excused because of important business. I would have voted yes.

Harless

When Record No. 1433 was taken, I was shown voting no. I intended to vote yes.

Schubert

SB 202 ON THIRD READING

(Price, Raymond, Dutton, Burkett, and Gonzales - House Sponsors)

SB 202, A bill to be entitled An Act relating to the transfer of certain occupational regulatory programs and the deregulation of certain activities and occupations.

Amendment No. 1

Representative Price offered the following amendment to **SB 202**:

Amend **SB 202** on third reading as follows:

(1) In the SECTION of the bill amending Section 351.005, Occupations Code, strike added Subsection (a-1) and cross-references to that subsection.

(2) Strike the SECTION of the bill adding Section 158.001(a-1), Occupations Code.

Amendment No. 1 was adopted.

SB 202, as amended, was passed by (Record 1434): 143 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; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; 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; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler.

Nays — Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harless; King, S.; Laubenberg; Peña.

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1434 was taken, I was excused because of important business. I would have voted yes.

Harless

SB 1 ON THIRD READING (D. Bonnen, et al. - House Sponsors)

SB 1, A bill to be entitled An Act relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district, a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect the increased exemption amount, and the protection of school districts against the resulting loss in state and local revenue.

Representative G. Bonnen moved to postpone consideration of **SB 1** until 11:25 a.m. today.

The motion prevailed.

SB 900 ON THIRD READING (G. Bonnen - House Sponsor)

SB 900, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association.

Amendment No. 1

Representative Sheets offered the following amendment to **SB 900**:

Amend **SB 900** on third reading in added Section 2210.704, Insurance Code, by adding the following appropriately lettered subsection and relettering subsequent subsections of Section 2210.704, Insurance Code, and any cross references to those subsections accordingly:

() An insurer that offers to renew a policy under Section 2210.703 shall allow the policyholder's agent to enter into a limited service agreement with the insurer for the agent to continue to provide services to the policyholder.

Amendment No. 1 was adopted.

SB 900 - POINT OF ORDER

Representative Tinderholt raised a point of order against further consideration of **SB 900** under Rule 11, Section 6(e) of the House Rules on the grounds that an amendment was improperly filed.

The point of order was withdrawn.

SB 900, as amended, was passed by (Record 1435): 97 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Coleman; Collier; Cook; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Fallon; Farrar; Fletcher; Flynn; Frank; Geren; Giddings;

Goldman; Gonzales; Guerra; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Keough; King, P.; Klick; Koop; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Meyer; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Riddle; Rodríguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Sheets; Simmons; Smith; Springer; Stephenson; Thompson, E.; Turner, C.; Turner, S.; Villalba; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Ashby; Aycok; Bell; Burrows; Clardy; Craddick; Crownover; Elkins; Farias; Farney; Frullo; Galindo; González; Hughes; Kacal; Keffer; King, K.; King, T.; Krause; Kuempel; Landgraf; Larson; Leach; Metcalf; Miller, R.; Murr; Paddie; Price; Rinaldi; Rodríguez, J.; Schaefer; Shaheen; Sheffield; Simpson; Smithee; Spitzer; Stickland; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.; Wray.

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

Absent, Excused — Harless; King, S.; Laubenberg; Peña.

Absent — Dukes; Guillen; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1435 was taken, I was shown voting no. I intended to vote yes.

Crownover

When Record No. 1435 was taken, I was excused because of important business. I would have voted yes.

Harless

When Record No. 1435 was taken, I was shown voting no. I intended to vote yes.

J. White

REASON FOR VOTE

On the third reading of **SB 900**, I voted nay because of the concerns with transparency and very technical insurance issues dealing with the Texas Windstorm Insurance Association. As late as Friday of last week, various stakeholder groups (some of which are in my district) were strongly opposed. Apparently, these stakeholders continued to engage on **SB 900**, and therefore, positions on the bill have changed. Of course, the recent weather events have also influenced the flow of communication. I will change my vote to aye. However, I will also go on record and state that **SB 900** is not comprehensive. TWIA needs a process that addresses liability exposure, administrative actions post-weather event, and a transparent process with regard to surcharges and insurer assessments. The refusal to include some of the transparency provisions authored by Chairman Smithee are concerning.

J. White

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 1070 ON THIRD 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.

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

The motion prevailed.

**SB 1735 ON THIRD READING
(Zerwas - House Sponsor)**

SB 1735, A bill to be entitled An Act relating to tuition and fee exemptions at public institutions of higher education for certain military personnel and their dependents.

SB 1735 was passed by (Record 1436): 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; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; 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; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; 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.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harless; King, S.; Laubenberg; Peña.

Absent — Dukes; Guerra; Guillen; Romero; White, M.

STATEMENTS OF VOTE

When Record No. 1436 was taken, I was in the house but away from my desk. I would have voted yes.

Guerra

When Record No. 1436 was taken, I was excused because of important business. I would have voted yes.

Harless

POSTPONED BUSINESS

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

SB 1 ON THIRD READING**(D. Bonnen, et al. - House Sponsors)**

SB 1, A bill to be entitled An Act relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district, a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect the increased exemption amount, and the protection of school districts against the resulting loss in state and local revenue.

SB 1 was read third time earlier today and was postponed until this time.

SB 1 was passed by (Record 1437): 141 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; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; 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; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harless; King, S.; Laubenberg; Peña.

Absent — Dukes; Guerra; King, P.; Romero.

STATEMENTS OF VOTE

When Record No. 1437 was taken, I was in the house but away from my desk. I would have voted yes.

Guerra

When Record No. 1437 was taken, I was excused because of important business. I would have voted yes.

Harless

When Record No. 1437 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

When Record No. 1437 was taken, I was in the house but away from my desk. I would have voted yes.

Romero

GENERAL STATE CALENDAR
(consideration continued)

SB 983 ON THIRD READING
(Schofield - House Sponsor)

SB 983, A bill to be entitled An Act relating to restrictions on the assessment of the fee charged for issuance of certain birth records.

SB 983 was passed by (Record 1438): 142 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; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; 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; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harless; King, S.; Laubenberg; Peña.

Absent — Dukes; Dutton; King, K.

STATEMENT OF VOTE

When Record No. 1438 was taken, I was excused because of important business. I would have voted yes.

Harless

REASONS FOR VOTE

We voted for **SB 983** because it is a minimal step in the right direction to fix a broken photo voter ID system. Unfortunately, the bill did not move until after the Fifth Circuit Court of Appeals asked during oral arguments in the ongoing photo voter ID trial why the Texas Legislature had not done anything to fix the deficiencies in the state's photo voter ID law.

SB 983 is a limited step that does not address all of the costs imposed on Texans for the purpose of obtaining an election identification certificate. The bill does not address the cost that Texans who were born out of the state have to incur for obtaining their birth certificate in order to vote. It also does not address the fact that many voters do not have a car and will have to rely on public transportation to travel to a faraway Texas Department of Public Safety office to obtain an election identification certificate. Nor does it address the fact that many voters may have to miss work or arrange for daycare to obtain a so-called free ID because DPS offices are not open at night and on the weekend. Most importantly, **SB 983** does not remedy the disenfranchisement of voting rights that has taken place as a result of the photo voter ID law. The U.S. District Court of the Southern District of Texas found the photo voter ID law creates an "unconstitutional burden on the right to vote, has an impermissible discriminatory effect against Hispanics and African Americans, and was imposed with an unconstitutional discriminatory purpose."

If we truly want to ensure that all Texans have the ability to have their voice heard via the ballot box, the Texas Legislature should be passing legislation that expands the right to vote instead of making minor fixes to a photo voter ID law that has already been proven to have a discriminatory intent and effect.

Allen, Alonzo, Canales, Y. Davis, Miles, Reynolds,
Rose, C. Turner, S. Turner, Walle, and Wu

SB 158 ON THIRD READING

(Fletcher and J. White - House Sponsors)

SB 158, A bill to be entitled An Act relating to a body worn camera program for certain law enforcement agencies in this state; creating a criminal offense; authorizing a fee.

SB 158 was passed by (Record 1439): 135 Yeas, 4 Nays, 2 Present, not voting.

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

Nays — Isaac; Metcalf; Murr; Spitzer.

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

Absent, Excused — Harless; King, S.; Laubenberg; Peña.

Absent — Anchia; Dukes; Faircloth; Hughes; Israel.

STATEMENTS OF VOTE

When Record No. 1439 was taken, my vote failed to register. I would have voted yes.

Faircloth

When Record No. 1439 was taken, I was excused because of important business. I would have voted yes.

Harless

When Record No. 1439 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 1439 was taken, I was in the house but away from my desk. I would have voted yes.

Israel

LEAVE OF ABSENCE GRANTED

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

Pickett on motion of Bernal.

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. 26).

POSTPONED BUSINESS

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

SB 1032 ON THIRD 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 read third time on May 24 and was postponed until 8 a.m. today.

SB 1032 was passed by (Record 1440): 77 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Bernal; Blanco; Burkett; Burns; Canales; Coleman; Collier; Cook; Cyrier; Dale; Darby; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Hunter; Israel; Johnson; Keffer; King, T.; Koop; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; Meyer; Miles; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Sheffield; Simpson; Smith; Spitzer; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burrows; Button; Capriglione; Clardy; Craddick; Crownover; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Huberty; Hughes; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Krause; Landgraf; Leach; Metcalf; Miller, D.; Miller, R.; Murphy; Murr; Paddie; Parker; Paul; Phelan; Phillips; Price; Riddle; Rinaldi; Schofield; Schubert; Shaheen; Sheets; Simmons; Smithee; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harless; King, S.; Laubenberg; Peña; Pickett.

Absent — Dukes; Kuempel; Larson; McClendon.

STATEMENTS OF VOTE

When Record No. 1440 was taken, I was shown voting no. I intended to vote yes.

Farney

When Record No. 1440 was taken, I was excused because of important business. I would have voted no.

Harless

When Record No. 1440 was taken, I was shown voting no. I intended to vote yes.

Isaac

SB 824 ON SECOND READING
(Clardy - House Sponsor)

SB 824, A bill to be entitled An Act relating to the number of jurors required in certain civil cases pending in a statutory county court.

SB 824 was read second time on May 22 and was postponed until 8 a.m. today.

Representative Clardy moved to postpone consideration of **SB 824** until 10 a.m. Saturday, July 4.

The motion prevailed.

SB 844 ON SECOND READING
(Meyer - House Sponsor)

SB 844, A bill to be entitled An Act relating to the expiration of licenses for insurance agents and adjusters.

SB 844 was read second time on May 22 and was postponed until 3 p.m. today.

Representative Meyer moved to postpone consideration of **SB 844** until 3:30 p.m. today.

The motion prevailed.

MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING

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

CSSB 208 ON SECOND READING
(Burkett - House Sponsor)

CSSB 208, A bill to be entitled An Act relating to the continuation and functions of the Texas Workforce Commission.

Amendment No. 1

Representative Burkett offered the following amendment to **CSSB 208**:

Amend **CSSB 208** (house committee printing) as follows:

(1) On page 34, line 24, strike "and".

(2) On page 34, line 26, between "programs" and the underlined period, insert the following:

; and

(7) a strategy for exchanging data with other state agencies that refer clients for vocational rehabilitation services

(3) On page 39, line 19, strike "and".

(4) On page 39, line 21, between "programs" and the underlined period, insert the following:
; and

(7) a strategy for exchanging data with other state agencies that refer clients for vocational rehabilitation services

Amendment No. 1 was adopted.

Amendment No. 2

Representative Farrar offered the following amendment to **CSSB 208**:

Amend **CSSB 208** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 61, Labor Code, is amended by adding Section 61.006 to read as follows:

Sec. 61.006. NOTICE LANGUAGES. The commission shall:

(1) make available any notice the commission is required to provide to an employee under this chapter in the two languages that are most commonly spoken in this state; and

(2) ensure that employees are notified of an employee's ability to request from the commission notice in either language described by Subdivision (1).

SECTION _____. Section 61.051, Labor Code, is amended by adding Subsection (e) to read as follows:

(e) The commission shall ensure that employees are notified of an employee's ability to request from the commission a wage claim form in either language described by Section 61.006.

Amendment No. 2 was adopted. (Phillips, Rinaldi, and Spitzer recorded voting no.)

CSSB 208, as amended, was passed to third reading.

CONSTITUTIONAL AMENDMENTS CALENDAR SENATE JOINT RESOLUTIONS SECOND READING

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

SJR 52 ON SECOND READING (Otto - House Sponsor)

SJR 52, A joint resolution proposing a constitutional amendment repealing the requirement that state officers elected by voters statewide reside in the state capital.

SJR 52 was passed to third reading by (Record 1441): 94 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Clardy; Coleman; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farney; Farrar; Frank; Geren; Giddings; Goldman; Gonzales; Guillen; Hernandez; Herrero; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Leach; Lozano; Lucio; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, M.; Workman; Wray; Zerwas.

Nays — Bell; Bernal; Blanco; Burrows; Capriglione; Collier; Cook; Craddick; Darby; Farias; Fletcher; Flynn; Frullo; Galindo; González; Guerra; Gutierrez; Howard; Israel; Johnson; Keough; Landgraf; Larson; Longoria; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Murr; Nevárez; Price; Rodriguez, J.; Rose; Sheffield; Smithee; Turner, C.; Turner, S.; Vo; Walle; White, J.; Wu; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harless; King, S.; Laubenberg; Peña; Pickett.

Absent — Dukes; Krause; Romero; Sanford.

STATEMENTS OF VOTE

When Record No. 1441 was taken, I was shown voting no. I intended to vote yes.

Bell

When Record No. 1441 was taken, I was shown voting no. I intended to vote yes.

Capriglione

When Record No. 1441 was taken, I was shown voting yes. I intended to vote no.

Giddings

When Record No. 1441 was taken, I was shown voting no. I intended to vote yes.

Guerra

When Record No. 1441 was taken, I was excused because of important business. I would have voted yes.

Harless

When Record No. 1441 was taken, I was shown voting no. I intended to vote yes.

Longoria

When Record No. 1441 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1441 was taken, I was shown voting no. I intended to vote yes.

Murr

When Record No. 1441 was taken, I was shown voting yes. I intended to vote no.

Naishtat

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 1337 ON SECOND READING
(Lucio - House Sponsor)**

SB 1337, A bill to be entitled An Act relating to the authority of the Texas Water Development Board to provide financial assistance to political subdivisions for water supply projects.

Representative Lucio moved to postpone consideration of **SB 1337** until 11:50 a.m. today.

The motion prevailed.

**SB 1496 ON SECOND READING
(Naishtat and Peña - House Sponsors)**

SB 1496, A bill to be entitled An Act relating to background checks conducted by the Department of Family and Protective Services for certain child-care providers.

SB 1496 was passed to third reading.

(Márquez in the chair)

**CSSB 1336 ON SECOND READING
(Keffer - House Sponsor)**

CSSB 1336, A bill to be entitled An Act relating to the powers and duties, the construction of laws, and the election dates of certain groundwater conservation districts.

Amendment No. 1

Representative Minjarez offered the following amendment to **CSSB 1336**:

Amend **CSSB 1336** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. BEXAR METROPOLITAN WATER DISTRICT. Section 52(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended to read as follows:

(a) Not later than January 1, 2017 [~~five years after the date the election results were certified in favor of dissolution under Article 2 or 2A of the Act enacting this section~~], the System shall integrate the services and infrastructure of the District into the System in a reasonable and orderly manner. The Commission for good cause may grant an extension to complete integration of not more than three additional years. The System shall base the integration on the consideration of relevant information, including:

- (1) the location and condition of the infrastructure;
- (2) debt obligations;
- (3) prudent utility practices and fiscal policies;
- (4) costs and revenue; and
- (5) potential impacts on the customers of the District and the System.

Amendment No. 1 was adopted.

Amendment No. 2

Representative R. Anderson offered the following amendment to **CSSB 1336**:

Amend **CSSB 1336** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. AMENDMENT TO WATER CODE. Section 36.0151(f), Water Code, is amended to read as follows:

(f) Before September 1, 2021 [~~2015~~], the commission may not create a groundwater conservation district under this section in a county:

- (1) in which the annual amount of surface water used is more than 50 times the annual amount of groundwater produced;
- (2) that is located in a priority groundwater management area; and
- (3) that has a population greater than 2.3 million.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Paddie offered the following amendment to **CSSB 1336**:

Amend **CSSB 1336** as follows:

(1) Add new appropriately numbered SECTION to the bill to read as follows:

SECTION _____. Chapter 141, Local Government Code, is amended by adding new Section 141.011 to read as follows:

Section 141.011. MUNICIPAL APPOINTEES TO CERTAIN DISTRICTS. A director of a conservation and reclamation district created under Article XVI, Section 59, Texas Constitution, who is appointed by the governing body of a municipality serves at the pleasure of the governing body and may be removed at any time without cause.

(2) Renumber remaining sections accordingly.

Amendment No. 3 was adopted. (The vote was reconsidered later today, and Amendment No. 3 was withdrawn.)

CSSB 1336, as amended, was passed to third reading. (The vote was reconsidered later today, and **CSSB 1336**, as amended, was passed to third reading.)

POSTPONED BUSINESS

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

SB 1337 ON SECOND READING (Lucio - House Sponsor)

SB 1337, A bill to be entitled An Act relating to the authority of the Texas Water Development Board to provide financial assistance to political subdivisions for water supply projects.

SB 1337 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Lucio offered the following amendment to **SB 1337**:

Amend **SB 1337** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 17.001(17), Water Code, is amended to read as follows:

(17) "Financial assistance" means:

(A) any loan of funds from the water supply account, the water quality enhancement account, or the flood control account to a political subdivision for construction of a water supply project, including projects referenced in the state water plan, treatment works, or flood control measures through the purchase of bonds or other obligations of the political subdivision;

(B) ~~any~~ any loan of funds the source of which is the proceeds from water financial assistance bonds; and

(C) financial assistance under Subchapter G or H, Chapter 15, but solely for purposes of the applicability of Section 17.183 to the project for which the financial assistance is provided.

SECTION _____. Section 17.172, Water Code, is amended to read as follows:

Sec. 17.172. APPLICABILITY. (a) This subchapter applies to financial assistance made available from the water supply account, the water quality enhancement account, the flood control account, and the economically distressed areas account under Subchapters D, F, G, and K of this chapter.

(b) In addition to applying to a project for which financial assistance is made available from an account described by Subsection (a) of this section, Section 17.183 applies to a project for which financial assistance is made available under Subchapter G or H, Chapter 15.

Amendment No. 1 was adopted. (Keffer recorded voting present, not voting.)

Amendment No. 2

Representative Phillips offered the following amendment to **SB 1337**:

Amend **SB 1337** (house committee printing) as follows:

(1) On page 2, line 1, strike "and" and substitute "[~~and~~"].

(2) On page 2, line 3, between "filed" and the period, insert the following:

; and

(4) in the case of a project that is to be constructed by a political subdivision outside the political subdivision's boundaries, the board finds that the project has been approved by the commissioners court of the county in which the project is to be constructed as shown by an order adopted by that court

Amendment No. 2 was withdrawn.

SB 1337, as amended, was passed to third reading.

GENERAL STATE CALENDAR
(consideration continued)

CSSB 1213 ON SECOND READING
(Oliveira - House Sponsor)

CSSB 1213, A bill to be entitled An Act relating to prohibiting the reidentification of certain deidentified information and the release of reidentified information; creating a criminal offense; providing a civil penalty.

CSSB 1213 was passed to third reading.

SB 776 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Cook, Representatives Clardy and Paddie were authorized as house sponsors to **SB 776**.

CSSB 776 ON SECOND READING
(Kacal, Cook, Clardy, and Paddie - House Sponsors)

CSSB 776, A bill to be entitled An Act relating to the operations of a municipally owned utility or municipal power agency; providing authority to issue bonds.

CSSB 776 was passed to third reading.

SB 699 ON SECOND READING
(Kuempel - House Sponsor)

SB 699, A bill to be entitled An Act relating to the Texas Real Estate Commission and the regulation of certain real estate professionals.

Amendment No. 1

Representative Kuempel offered the following amendment to **SB 699**:

Amend **SB 699** (house committee report) on page 21, by striking lines 7 and 8 and substituting the following:
chapter or [~~and~~] Chapter 1102.

(b-1) The commission may not prohibit correspondence or alternative delivery courses and programs in real estate inspection offered as continuing education by accredited colleges and universities. This subsection expires August 31, 2017.

Amendment No. 1 was adopted.

(Harless now present)

Amendment No. 2

Representative Elkins offered the following amendment to **SB 699**:

Amend **SB 699** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 1101, Occupations Code, is amended by adding Section 1101.3591 to read as follows:

Sec. 1101.3591. ELIGIBILITY REQUIREMENT FOR CERTAIN DEGREE HOLDERS. (a) Notwithstanding any other provision of this chapter, an applicant who holds a bachelor's degree in business with a major in real estate from an accredited college or university is eligible to take the examination for a broker license without complying with any of the education or training requirements of this chapter. On successful completion of the examination, the commission shall issue a broker license to the applicant.

(b) A broker licensed under Subsection (a) may not sponsor a sales agent unless the broker:

(1) has acted as a broker for not less than four years; and

(2) meets the requirements of Section 1101.356.

Amendment No. 2 failed of adoption by (Record 1442): 32 Yeas, 101 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Bohac; Capriglione; Coleman; Cook; Elkins; Faircloth; Fallon; Frank; Harless; Hughes; Hunter; Isaac; Johnson; Keough; King, T.; Leach; Phillips; Raney; Riddle; Rinaldi; Schaefer; Schofield; Simpson; Smithee; Spitzer; Stickland; Thompson, E.; Tinderholt; White, J.; White, M..

Nays — Alonzo; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Canales; Clardy; Collier; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Gonzales; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Kacal; Keffer; King, K.; King, P.; Koop; Krause; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Price; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Springer; Stephenson; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — King, S.; Laubenberg; Peña; Pickett.

Absent — Button; Dukes; Goldman; González; Guillen; Huberty; Klick; McClendon; Miller, D.; Raymond; Turner, E.S.

STATEMENTS OF VOTE

When Record No. 1442 was taken, I was shown voting yes. I intended to vote no.

Alvarado

When Record No. 1442 was taken, I was shown voting yes. I intended to vote no.

Faircloth

When Record No. 1442 was taken, I was temporarily out of the house chamber. I would have voted no.

Goldman

When Record No. 1442 was taken, I was shown voting no. I intended to vote yes.

Krause

When Record No. 1442 was taken, I was shown voting no. I intended to vote yes.

Meyer

When Record No. 1442 was taken, I was shown voting no. I intended to vote present, not voting.

Phelan

When Record No. 1442 was taken, I was shown voting no. I intended to vote yes.

Sanford

SB 699, as amended, was passed to third reading. (Rinaldi recorded voting no.)

SB 1934 ON SECOND READING

(R. Miller - House Sponsor)

SB 1934, A bill to be entitled An Act relating to requirements for the issuance of a driver's license or personal identification certificate.

SB 1934 - POINT OF ORDER

Representative González raised a point of order against further consideration of **SB 1934** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative R. Miller moved to postpone consideration of **SB 1934** until 12:30 p.m. today.

The motion prevailed.

SB 724 ON SECOND READING
(Craddick, Frullo, Israel, Parker, et al. - House Sponsors)

SB 724, A bill to be entitled An Act relating to the motor vehicle sales tax applicable to motor vehicles used by transportation companies for certain purposes.

SB 724 was passed to third reading.

(Speaker in the chair)

CSSB 424 ON SECOND READING
(Zerwas - House Sponsor)

CSSB 424, A bill to be entitled An Act relating to the licensing and regulation of hospitals in this state; increasing the amount of administrative penalties assessed or imposed against certain hospitals; authorizing the imposition of a fee.

CSSB 424 - POINT OF ORDER

Representative K. King raised a point of order against further consideration of **CSSB 424** under Article III, Section 5 of the Texas Constitution on the grounds that the bill is out of order.

LEAVE OF ABSENCE GRANTED

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

Isaac on motion of Frank.

CSSB 424 - (consideration continued)

CSSB 424 - POINT OF ORDER DISPOSITION

The point of order was withdrawn.

Representative Zerwas moved to postpone consideration of **CSSB 424** until 1:30 p.m. today.

The motion prevailed.

SB 759 ON SECOND READING
(Wray - House Sponsor)

SB 759, A bill to be entitled An Act relating to the repeal of certain state taxes.

Amendment No. 1

Representative Wray offered the following amendment to **SB 759**:

Amend **SB 759** (house committee report) as follows:

(1) Strike SECTIONS 2.01, 2.02, 2.03, 2.04, 2.05, and 2.06 of the bill (page 7, line 24, through page 11, line 26).

(2) Add the following appropriately numbered SECTIONS in ARTICLE 2 of the bill:

SECTION 2.____. Sections 162.001(38), (39), and (42), Tax Code, are amended to read as follows:

(38) "License holder" means a person licensed by the comptroller under Section 162.105, 162.205, [~~162.304, 162.305, 162.306,~~] 162.357, or 162.358.

(39) "Liquefied gas" means all combustible gases that exist in the gaseous state at 60 degrees Fahrenheit and at a pressure of 14.7 pounds per square inch absolute, but does not include compressed natural gas, liquefied natural gas, gasoline, or diesel fuel. Liquefied gas is considered a special fuel for purposes of Section 151.308.

(42) "Motor fuel" means gasoline, diesel fuel, [~~liquefied gas,~~] gasoline blended fuel, compressed natural gas, liquefied natural gas, and other products that are offered for sale, sold, used, or capable of use as fuel for a gasoline-powered engine or a diesel-powered engine.

SECTION 2.____. Section 162.356, Tax Code, is amended to read as follows:

Sec. 162.356. EXEMPTIONS. (a) The tax imposed by this subchapter does not apply to compressed natural gas or liquefied natural gas delivered into the fuel supply tank of:

(1) a motor vehicle operated exclusively by the United States, provided that the exemption does not apply with respect to fuel delivered into the fuel supply tank of a motor vehicle of a person operating under a contract with the United States;

(2) a motor vehicle operated exclusively by a public school district in this state;

(3) a motor vehicle operated exclusively by a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that provides public school transportation services to a school district under Section 34.008, Education Code, and that uses the fuel only to provide those services;

(4) a motor vehicle operated exclusively by a volunteer fire department in this state;

(5) a motor vehicle operated exclusively by a municipality or county in this state;

(6) a motor vehicle operated exclusively by a nonprofit electric cooperative corporation organized under Chapter 161, Utilities Code;

(7) a motor vehicle operated exclusively by a nonprofit telephone cooperative corporation organized under Chapter 162, Utilities Code;

(8) a motor vehicle that is not registered for use on the public highways of this state and that is used exclusively off-highway; ~~or~~

(9) off-highway equipment, a stationary engine, a motorboat, an aircraft, equipment used solely for servicing aircraft and used exclusively off-highway, a locomotive, or any device other than a motor vehicle operated or intended to be operated on the public highways; or

(10) except as provided by Subsection (b), a motor vehicle:

(A) used to provide the services of a transit company, including a metropolitan rapid transit authority under Chapter 451, Transportation Code, or a regional transportation authority under Chapter 452, Transportation Code; and

(B) operated by a person who on January 1, 2015, paid tax on compressed natural gas or liquefied natural gas as provided by Section 162.312, as that section existed on that date.

(b) The exemption provided by Subsection (a)(10) does not apply to compressed natural gas or liquefied natural gas delivered into the fuel supply tank of a motor vehicle from a refueling facility accessible to motor vehicles other than those described by Subsection (a)(10)(A).

SECTION 2. ____ . Section 162.365(a), Tax Code, is amended to read as follows:

(a) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license under this subchapter may file a refund claim with the comptroller if the license holder or person paid tax on compressed natural gas or liquefied natural gas and the license holder or person:

(1) is the United States government and the fuel was delivered into the fuel supply tank of a motor vehicle operated exclusively by the United States, provided that a credit or refund is not allowed for fuel delivered into the fuel supply tank of a motor vehicle operated by a person operating under a contract with the United States;

(2) is a public school district in this state and the fuel was delivered into the fuel supply tank of a motor vehicle operated exclusively by the district;

(3) is a commercial transportation company that provides public school transportation services to a school district under Section 34.008, Education Code, and the fuel was delivered into the fuel supply tank of a motor vehicle used to provide those services;

(4) is a volunteer fire department in this state and the fuel was delivered into the fuel supply tank of a motor vehicle operated exclusively by the department;

(5) is a municipality or county in this state and the fuel was delivered into the fuel supply tank of a motor vehicle operated exclusively by the municipality or county;

(6) is a nonprofit electric cooperative corporation organized under Chapter 161, Utilities Code, and the fuel was delivered into the fuel supply tank of a motor vehicle operated exclusively by the electric cooperative;

(7) is a nonprofit telephone cooperative corporation organized under Chapter 162, Utilities Code, and the fuel was delivered into the fuel supply tank of a motor vehicle operated exclusively by the telephone cooperative;

(8) uses the fuel in off-highway equipment, in a stationary engine, in a motorboat, in an aircraft, in equipment used solely for servicing aircraft and used exclusively off-highway, in a locomotive, or for other nonhighway purposes and not in a motor vehicle operated or intended to be operated on the public highways; or

(9) uses the fuel in a motor vehicle that is operated exclusively off-highway, except for incidental travel on the public highways as determined by the comptroller, provided that a credit or refund may not be allowed for the portion used in the incidental highway travel.

SECTION 2.____. Section 162.404, Tax Code, is amended to read as follows:

Sec. 162.404. CRIMINAL OFFENSES: SPECIAL PROVISIONS AND EXCEPTIONS. (a) A person does not commit an offense under Section 162.403 unless the person intentionally or knowingly engaged in conduct as the definition of the offense requires, except that no culpable mental state is required for an offense under Section 162.403(5) [~~162.403(6)~~].

(b) Each day that a refusal prohibited under Section 162.403(8), (9), or (10) [~~162.403(13), (14), or (15)~~] continues is a separate offense.

(c) The prohibition under Section 162.403(27) [~~162.403(32)~~] does not apply to the tax-free sale or distribution of diesel fuel authorized by Section 162.204(1), (2), or (3).

(d) The prohibition under Section 162.403(28) [~~162.403(33)~~] does not apply to the tax-free sale or distribution of gasoline under Section 162.104(1), (2), or (3).

SECTION 2.____. Section 162.405, Tax Code, is amended to read as follows:

Sec. 162.405. CRIMINAL PENALTIES. (a) An offense under Section 162.403(1), (2), (3), (4), (5), [~~(6)~~], or (7) [~~(8)~~] is a Class C misdemeanor.

(b) An offense under Section 162.403(8), (9) [~~162.403(9)~~], (10), (11), (12), (13), (35), or (36) [~~(14), (15), (16), (17), (18), (40), or (41)~~] is a Class B misdemeanor.

(c) An offense under Section 162.403(14), (15), or (16) [~~162.403(19), (20), or (21)~~] is a Class A misdemeanor.

(d) An offense under Section 162.403(6), (17), (18), (19), (20), (21) [~~162.403(7)~~], (22), (23), or (24) [~~(25), (26), (27), (28), or (29)~~] is a felony of the third degree.

(e) An offense under Section 162.403(25), (26), (27), (28), (29), (30) [~~162.403(30)~~], (31), (32), (33), or (34) [~~(35), (36), (37), (38), or (39)~~] is a felony of the second degree.

(f) Violations of three or more separate offenses under the following sections committed pursuant to one scheme or continuous course of conduct may be considered as one offense and punished as a felony of the second degree:

(1) Section 162.403(6) [~~162.403(7)~~];

(2) Sections 162.403(8) [~~162.403(13)~~] through (11) [~~(16)~~]; or

(3) Sections 162.403(17) [~~162.403(22)~~] through (24) [~~(29)~~].

SECTION 2. _____. Section 548.051(a), Transportation Code, is amended to read as follows:

(a) A motor vehicle, trailer, semitrailer, pole trailer, or mobile home, registered in this state, must have the following items inspected at an inspection station or by an inspector:

- (1) tires;
- (2) wheel assembly;
- (3) safety guards or flaps, if required by Section 547.606;
- (4) brake system, including power brake unit;
- (5) steering system, including power steering;
- (6) lighting equipment;
- (7) horns and warning devices;
- (8) mirrors;
- (9) windshield wipers;
- (10) sunscreening devices, unless the vehicle is exempt from sunsreen device restrictions under Section 547.613;
- (11) front seat belts in vehicles on which seat belt anchorages were part of the manufacturer's original equipment;
- (12) ~~[tax decal, if required by Section 548.104(d)(1);~~
- ~~[(13)]~~ exhaust system;
- ~~[(14)]~~ exhaust emission system;
- ~~[(15)]~~ fuel tank cap, using pressurized testing equipment approved by department rule; and
- ~~[(16)]~~ emissions control equipment as designated by department rule.

(3) Strike SECTION 2.10 of the bill (page 20, line 26, through page 21, line 5) and substitute the following appropriately numbered SECTION in ARTICLE 2 of the bill:

SECTION 2. _____. The following provisions of the Tax Code are repealed:

- (1) Section 162.001(40);
- (2) Subchapter D, Chapter 162; and
- (3) Section 162.505.
- (4) In SECTION 2.12 of the bill (page 21, lines 12-13), strike "The change in law made by this article to Section 162.403, Tax Code, applies" and substitute "The changes in law made by this article to Sections 162.403, 162.404, and 162.405, Tax Code, apply".
- (5) Renumber the SECTIONS of the bill appropriately.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Wray offered the following amendment to **SB 759**:

Amend **SB 759** (house committee report) by striking SECTION 2.13 of the bill (page 21, lines 20 through 26), substituting the following appropriately numbered SECTION in ARTICLE 2 of the bill, and renumbering the other SECTIONS of the ARTICLE as appropriate:

SECTION 2.____. The comptroller of public accounts shall issue to a person who holds a liquefied gas tax decal license under Section 162.305, Tax Code, that is valid on or after the effective date of this Act a pro rata refund of the unused portion of the advanced taxes paid for the period after the effective date of this Act.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Sheets offered the following amendment to **SB 759**:

Amend **SB 759** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 191.144, Tax Code, is amended to read as follows:

Sec. 191.144 EXEMPTIONS. The tax imposed by this subchapter does not apply to:

- (1) an attorney who is 70 years of age or older; [~~or~~]
- (2) an attorney who has assumed inactive status under rules governing the licensing of attorneys in this state; or
- (3) an attorney who provides only pro bono legal services for which the attorney does not receive compensation.

Representative Wray moved to table Amendment No. 3.

The motion to table was lost by (Record 1443): 21 Yeas, 113 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Blanco; Burns; Canales; Capriglione; Davis, S.; Galindo; Howard; Israel; Landgraf; Larson; Longoria; Murr; Naishtat; Oliveira; Sheffield; VanDeaver; Vo; White, J.; Wray; Wu.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Ashby; Aycock; Bell; Bernal; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, Y.; Deshotel; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Herrero; Huberty; Hughes; Hunter; Johnson; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Leach; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Muñoz; Nevárez; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Walle; White, M.; Workman; Zedler; Zerwas.

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

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Dukes; Dutton; Hernandez; Keffer; McClendon; Morrison; Murphy; Raney; Rodriguez, E.

STATEMENT OF VOTE

When Record No. 1443 was taken, I was shown voting yes. I intended to vote no.

Wu

Amendment No. 3 was adopted.

Amendment No. 4

Representative K. King offered the following amendment to **SB 759**:

Amend **SB 759** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 162.227, Tax Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license may file a refund claim with the comptroller, if the license holder or person paid tax on diesel fuel and the diesel fuel is used in this state by auxiliary power units or power take-off equipment on any motor vehicle. If the quantity of that diesel fuel can be accurately measured while the motor vehicle is stationary by any metering or other measuring device or method designed to measure the fuel separately from fuel used to propel the motor vehicle, the comptroller may approve and adopt the use of the device as a basis for determining the quantity of diesel fuel consumed in those operations for a tax credit or tax refund. If there is no separate metering device or other approved measuring method, the license holder may take the credit and the person who does not hold a license may claim the refund on a percentage of the diesel fuel consumed by each motor vehicle equipped with an auxiliary power unit or power take-off equipment. The comptroller shall determine the percentage of the credit or refund. The climate-control air conditioning or heating system of a motor vehicle that has a primary purpose of providing for the convenience or comfort of the operator or passengers is not a power take-off system, and a credit or refund may not be allowed for the tax paid on any portion of the diesel fuel that is used for that purpose. A credit or refund may not be allowed for the diesel fuel tax paid on that portion of the diesel fuel that is used for idling.

SECTION 2. This Act takes effect September 1, 2015.

(Sheets in the chair)

Representative Wray moved to table Amendment No. 4.

The motion to table prevailed by (Record 1444): 99 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Canales; Coleman; Collier; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farrar; Fletcher; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Herrero; Howard; Israel; Johnson; Keffer; Keough; Koop; Krause; Leach; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Muñoz; Murphy; Murr; Nevárez; Oliveira; Otto; Paul; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Burkett; Capriglione; Clardy; Craddick; Crownover; Fallon; Farney; Flynn; Frank; Guillen; Huberty; Hughes; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Landgraf; Larson; Lozano; Metcalf; Morrison; Paddie; Parker; Phelan; Price; Schofield; Shaheen; Stephenson; Thompson, S.; White, J.; Zedler.

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

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Cook; Dukes; Hunter; Naishtat; Phillips; Raney; Rinaldi.

STATEMENTS OF VOTE

When Record No. 1444 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 1444 was taken, I was shown voting no. I intended to vote yes.

Metcalf

When Record No. 1444 was taken, I was in the house but away from my desk. I would have voted no.

Rinaldi

Amendment No. 5

Representative S. Thompson offered the following amendment to **SB 759**:

Amend **SB 759** as follows:

(1) On page 2 strike lines 3 through 6 and insert in lieu thereof:

"(2) a financial loss to this state [~~which includes a license holder's failure to remit taxes under Section 2001.501 or prize fee payments under Section 2001.502 to the commission as required by those sections~~]."

(2) On page 3, strike line 4 and insert in lieu thereof the following:

SUBCHAPTER K. ~~[TAXES AND]~~ PRIZE TAX ~~[FEES]~~

(2) On page 3, between lines 4 and 5, insert a new appropriately numbered SECTION to read as follows:

SECTION _____. Section 2001.502, Occupations Code, is amended to read as follows:

Sec. 2001.502. PRIZE TAX ~~[FEE]~~. (a) A licensed authorized organization shall:

~~[(1)]~~ collect from a person who wins a cash bingo prize of more than \$5 a tax ~~[fee]~~ in the amount of five percent of the amount ~~[or value]~~ of the prize. Each quarter, the licensed authorized organization shall:

(1) if a county or municipality in which the bingo game is conducted voted to impose the prize tax before November 1, 2015: ~~[-and]~~

(A) ~~[(2)]~~ remit a tax ~~[to the commission a fee]~~ in the amount of 50 ~~[five]~~ percent of the amount collected as the prize tax under this subsection to:

(i) the county in which the bingo game is conducted, if the county voted to impose the tax by that date and the location at which bingo game is conducted is not within the limits of a municipality that voted to impose the tax before that date;

(ii) the municipality in which the bingo game is conducted, if the municipality voted to impose the tax by that date and the county in which the bingo game is conducted did not vote to impose the tax before that date; or

(iii) in equal shares, the county and the municipality in which the bingo game is conducted, if the county and the municipality each voted to impose the tax before that date; and

(B) deposit the remainder of the taxes collected under this subsection in the general fund of the organization or, if the licensed authorized organization is member of a unit, deposit the taxes collected in each unit member's general fund in the proportion governed by the unit agreement; or

(2) if a county or municipality is not entitled to a percentage of the amount of taxes collected under this subsection, deposit the taxes collected in the general fund of the organization ~~[or value of all bingo prizes awarded]~~.

(b) A county or municipality is entitled to vote to impose the tax described by Subsection (a) if the county or municipality:

(1) imposed a gross receipts tax on the conduct of bingo as of January 1, 1993; and

(2) the governing body of the county or the municipality voted before November 1, 2015, to impose the tax.

(c) A governing body of a county or municipality that voted to impose the prize tax under Subsection (a) may at any time vote to discontinue the imposition of the tax.

(d) No later than October 1, 2015, the commission or its successor shall notify each county and municipality that was eligible to receive a share of the prize fee required by law prior to September 1, 2015, that the governing body of the county or municipality must vote before November 1, 2015, if the county or municipality will impose the tax after January 1, 2016. A governing body that

votes before November 1, 2015, to impose the prize tax required by Subsection (a) shall notify each licensed authorized organization that conducts bingo within the county or municipality of the governing body's decision and the address and department or official to whom the tax shall be remitted.

(e) The tax required under Subsection (a) does not apply to a merchandise prize, including bingo cards, bingo pull-tabs, use of a card-minder, bingo daubers, and other bingo merchandise awarded as a prize for winning a bingo game.

(f)(1) A county and municipality that imposes the tax required by Subsection (a) has a cause of action for collection of the prize tax if all or part of the prize tax is unpaid within 30 days of the end of the calendar quarter in which the prize tax was collected.

(2) If the commission or its successor audits a licensed authorized organization, the commission shall report to a county or municipality any discrepancy between the amount of the prize tax remitted to the county or municipality under this section and the amount of prizes awarded during the conduct of bingo in a calendar quarter times the rate of the tax.

(4) Strike SECTIONS 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15 and 1.16.

(5) On page 7, strike lines 21 and 22 and insert in lieu thereof the following:

SECTION 1. _____. The following sections of Chapter 2001, Occupations Code, are repealed:

- (1) 2001.501
- (2) 2001.503
- (3) 2001.504
- (4) 2001.507
- (5) 2001.508
- (6) 2001.509
- (7) 2001.510
- (8) 2001.511
- (9) 2001.512
- (10) 2001.513
- (11) 2001.514; and
- (12) 2001.515

Representative Wray moved to table Amendment No. 5.

The motion to table was lost by (Record 1445): 1 Yeas, 137 Nays, 2 Present, not voting.

Yeas — Wray.

Nays — 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; Cyrier; Dale; Darby; Davis, S.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Israel; Johnson; Kacal; Keffer; Keough;

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

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

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Burrows; Crownover; Davis, Y.; Dukes; Hunter.

STATEMENT OF VOTE

When Record No. 1445 was taken, I was temporarily out of the house chamber. I would have voted no.

Hunter

Amendment No. 5 was adopted.

Amendment No. 6

Representatives P. King and Raymond offered the following amendment to **SB 759**:

Amend **SB 759** by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 222.002(c), Insurance Code, is amended to read as follows:

(c) The following are not included in determining an insurer's taxable gross premiums or a health maintenance organization's taxable gross revenues:

- (1) returned premiums or revenues;
- (2) dividends applied to purchase paid-up additions to insurance or to shorten the endowment or premium payment period;
- (3) premiums received from an insurer for reinsurance;
- (4) premiums or revenues received from the treasury of the United States for insurance or benefits contracted for by the federal government in accordance with or in furtherance of Title XVIII of the Social Security Act (42 U.S.C. Section 1395c et seq.) and its subsequent amendments;
- (5) premiums or revenues paid on group health, accident, and life policies or contracts in which the group covered by the policy or contract consists of a single nonprofit trust established to provide coverage primarily for employees of:

(A) a municipality, county, or hospital district in this state; or

(B) a county or municipal hospital, without regard to whether the employees are employees of the county or municipality or of an entity operating the hospital on behalf of the county or municipality; ~~[or]~~

(6) premiums or revenues excluded by another law of this state; or

(7) additional premiums, revenues, or fees related to an insurer's recoupment of the health insurance providers fee imposed under Section 9010 of the federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152), whether the premiums, revenues, or fees are stated separately or included in the rates charged for coverage.

SECTION _____. Section 257.003(b), Insurance Code, is amended to read as follows:

(b) The gross premiums on which an assessment is based under this chapter may not include:

(1) premiums received from the United States for insurance contracted for by the United States in accordance with or in furtherance of Title XVIII of the Social Security Act (42 U.S.C. Section 1395c et seq.) and its subsequent amendments; ~~[or]~~

(2) premiums paid on group health, accident, and life policies in which the group covered by the policy consists of a single nonprofit trust established to provide coverage primarily for employees of:

(A) a municipality, county, or hospital district in this state; or

(B) a county or municipal hospital, without regard to whether the employees are employees of the county or municipality or of an entity operating the hospital on behalf of the county or municipality; or

(3) additional premiums, revenues, or fees related to an insurer's recoupment of the health insurance providers fee imposed under Section 9010 of the federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152), whether the premiums, revenues, or fees are stated separately or included in the rates charged for coverage.

SECTION _____. Sections 222.002(c) and 257.003(b), Insurance Code, as amended by this Act, apply only to a tax liability accruing on or after January 1, 2013.

SECTION _____. The comptroller of public accounts shall adopt rules necessary to implement Sections 222.002(c) and 257.003(b), Insurance Code, as amended by this Act.

Amendment No. 7

Representatives P. King and Raymond offered the following amendment to Amendment No. 6:

Amend Floor Amendment No. 6 by P. King to **SB 759** as follows:

(1) On page 1, strike lines 4 through 5, and substitute the following:

SECTION _____. Section 222.002, Insurance Code, is amended by amending Subsection (c) and adding Subsections (e) and (f) to read as follows:

(2) On page 2, strike lines 1 through 7, and substitute the following:

(7) additional premiums, revenues, or fees specific to the recoupment of health insurance provider fees due and paid for under the federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152), whether separately stated or built into the rates charged for coverage, equal to the amount of the fee paid directly to the United States treasury that is proportional to Texas premium in relation to all United States premium.

(e) An entity described by Section 222.001 that is liable for the health insurance provider fees and reported premium tax on premium receipts under Subsection (c)(7) is entitled to a refund or credit of the amounts paid for tax years beginning January 1, 2013.

(f) An entity described by Section 222.001 that is liable for the health insurance provider fees must elect to report the amount of premium subject to the recoupment under Subsection (c)(7), whether separately stated or built into the rates charged for coverage. The method elected must be used by all companies in a group of insurers under common control.

(3) On page 2, strike lines 8 through 9, and substitute the following:

SECTION _____. Section 257.003, Insurance Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(3) Strike page 2, line 26 through page 3, line 1, and substitute the following:

(3) additional premiums, revenues, or other fees specific to the recoupment of health insurance provider fees due and paid under the federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152), whether separately stated or built into the rates charged for coverage, equal to the amount of the fee paid directly to the United States treasury that is proportional to this Texas premium in relation to all United States premium.

(c) An entity described by Section 257.001 that is liable for the health insurance provider fees and reported maintenance tax on premium receipts under Subsection (b)(3) is entitled to a refund or credit of the amounts paid for tax years beginning January 1, 2013.

(d) An entity described by Section 257.001 that is liable for the health insurance provider fees must elect to report the amount of premium subject to the recoupment under Subsection (b)(3), whether separately stated or built into the rates charged for coverage. The method elected must be used by all companies in a group of insurers under common control.

Amendment No. 7 was adopted.

Amendment No. 6 - Point of Order

Representative C. Turner raised a point of order against further consideration of Amendment No. 6, as amended, under Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution on the grounds that the amendment is not germane to the bill and the amendment would change the original purpose of the bill.

The point of order was withdrawn.

Representative Wray moved to postpone consideration of **SB 759** until 3 p.m. today.

The motion prevailed.

POSTPONED BUSINESS

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

SB 1934 ON SECOND READING (R. Miller - House Sponsor)

SB 1934, A bill to be entitled An Act relating to requirements for the issuance of a driver's license or personal identification certificate.

SB 1934 was read second time earlier today and was postponed until this time.

SB 1934 - POINT OF ORDER

Representative González raised a point of order against further consideration of **SB 1934** under Rule 4, Section 32(c)(1) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative González raised a point of order against further consideration of **SB 1934** under Rule 4, Section 32(c)(1) of the House Rules arguing that the "Background and Purpose" section of the bill analysis is incorrect and misleading. The point of order is respectfully overruled.

The bill analysis states that interested parties "contend that the law governing the issuance of identification cards is not as stringent as the law governing the issuance of a driver's license. **SB 1934** seeks to remedy this situation by aligning the requirements for the issuance of an identification card with those of a driver's license." Representative González asserts that the requirements are already aligned, such that the bill analysis language is incorrect and misleading in suggesting that the requirements are different. Under current statutes, the Department of Transportation may require applicants to provide their social security numbers for limited purposes. Current statutes also say that the department "may" require applicants for identification cards to furnish certain information that driver license applicants must provide to obtain a license. In addition, Representative González provided the chair with a copy of the application that those seeking a driver license or an identification card must fill out, which state's the department's policy on requiring social security numbers: "Disclosure of your social security number is mandatory for driver license applicants, but voluntary for identification card applicants." Thus, under statutes governing issuance of driver licenses and identification cards and under the department's policy, there are greater mandatory requirements for obtaining a driver license than for obtaining an identification card. **SB 1934** appears to align some requirements related to driver licenses and identification cards in that the department enter an applicant's social security number in its database, but prohibits the department from printing that number on either a driver license or

identification card. In that respect, it aligns this one requirement relating to the department's treatment of driver licenses and identification cards. Having carefully reviewed the bill, the analysis, and the statutes and application provided by Representative González, the chair determines that the Background and Purpose does not violate Rule 4, Section 32(c)(1) of the House Rules.

Amendment No. 1

Representative Deshotel offered the following amendment to **SB 1934**:

Amend **SB 1934** (house committee report) as follows:

(1) On page 3, line 23, strike "The changes" and substitute "(a) Except as provided by Subsection (b), the changes".

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

(b) The Department of Public Safety shall grant an application for a renewal of a driver's license or personal identification certificate if the applicant's original driver's license or personal identification certificate was issued before the effective date of this Act and the application meets all statutory and regulatory requirements, except that an applicant described by this subsection is not required to comply with a requirement described by or established under Section 521.142(g), Transportation Code.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE DESHOTEL: What this amendment allows is—currently in Texas, as of the last few years, you have to have a social security number in order to get a driver's license. This bill would not really affect those individuals, but there are a number of people in Texas who had a driver's license prior to that time. And this bill would allow them to be grandfathered in, basically saying that if you have a Texas driver's license and did not have a social security card, you can still renew your driver's license when it expires.

REPRESENTATIVE ALONZO: Mr. Deshotel, thanks for bringing this amendment. Now, prior to you presenting this amendment we spoke with Representative Miller, correct?

DESHOTEL: Correct.

ALONZO: Representative Miller indicates that right now if you don't have a social security number, you can present proof that you don't have it, correct?

DESHOTEL: Correct.

ALONZO: And in that conversation he indicated that you could do an affidavit to show that you don't have a social security number.

DESHOTEL: That's correct.

ALONZO: So in that case, indicating that if you go to DPS right now, you're able to follow the process by showing proof—is that correct?

DESHOTEL: That's correct, and I'm looking at a copy of what's called a social security affidavit for the Texas Department of Public Safety. So I think we have in place what we were trying to do with our amendment.

ALONZO: And what you're trying to do with your amendment is, just to be sure, that that is followed, correct?

DESHOTEL: That is correct, and if you want to put that in the record, I'll withdraw the amendment.

Amendment No. 1 was withdrawn.

REMARKS ORDERED PRINTED

Representative Deshotel moved to print all remarks on Amendment No. 1.

The motion prevailed.

Amendment No. 2

Representative Canales offered the following amendment to **SB 1934**:

Amend **SB 1934** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the other SECTIONS of the bill accordingly:

SECTION _____. Chapter 411, Government Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 411.951. STUDY ON DIGITAL IDENTIFICATION AND PROOF OF LICENSURE. (a) The department shall conduct a study:

(1) determining the feasibility of altering state requirements for the issuance of a driver's license to allow a person to use a digital form of a driver's license displayed on an electronic device to prove that the person has a driver's license;

(2) evaluating risks to personal information security that a system described by Subdivision (1) might create; and

(3) surveying and evaluating electronic driver's license policies in other states.

(b) Not later than September 1, 2016, the department shall submit a detailed report of its findings and recommendations to the legislature.

(c) This section expires January 1, 2017.

Amendment No. 2 was adopted.

SB 1934 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ALONZO: You're letting the body know that when this legislation passes, it does not prohibit a person that does not have a social security number to get a driver's license or an ID card. Is that correct?

REPRESENTATIVE R. MILLER: That's correct. They have to fill out that affidavit. They have to fill that out and turn it in to DPS.

ALONZO: It is the intent of this legislation that if you don't have a social security number and you provide an affidavit that you do not have a social security number, an undocumented individual can get a driver's license or an ID. Is that correct?

R. MILLER: I don't know, to the depth of the law, that question. I don't know how to answer that question.

ALONZO: That's why we're having this conversation—to make it clear to the body with the intent.

R. MILLER: If that affidavit is approved by DPS, they would be able to get a driver's license or an ID card.

REMARKS ORDERED PRINTED

Representative Alonzo moved to print remarks between Representative R. Miller and Representative Alonzo.

The motion prevailed.

SB 1934, as amended, was passed to third reading by (Record 1446): 91 Yeas, 47 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Turner, C.; Turner, S.; Vo; Walle.

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

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Dukes; Guillen; Hunter; Paddie; Raymond.

STATEMENTS OF VOTE

When Record No. 1446 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 1446 was taken, I was shown voting yes. I intended to vote no.

Wu

GENERAL STATE CALENDAR
(consideration continued)

SB 1743 ON SECOND READING
(Herrero - House Sponsor)

SB 1743, A bill to be entitled An Act relating to expanding the powers and duties of the office of capital writs and renaming the office of capital writs the office of capital and forensic writs.

Amendment No. 1

Representative Muñoz offered the following amendment to **SB 1743**:

Amend **SB 1743** (house committee report) as follows:

(1) On page 8, line 22, strike "or 11.073".

(2) On page 8, line 25, strike "or 11.073".

(3) On page 9, strike lines 3-4, and substitute the following:

(4) is conducted under Article 11.073, Code of Criminal Procedure, or is collateral to the preparation of an application under Article 11.073, Code of Criminal Procedure, if the case was referred in writing to the office by the Texas Forensic Science Commission under Section 4(h), Article 38.01, Code of Criminal Procedure.

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

SECTION _____. Section 2, Article 38.01, Code of Criminal Procedure, is amended by adding Subdivision (5) to read as follows:

(5) "Office of capital and forensic writs" means the office of capital and forensic writs established under Subchapter B, Chapter 78, Government Code.

SECTION _____. Section 4, Article 38.01, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) The commission may review and refer cases that are the subject of an investigation under Subsection (a)(3) or (a-1) to the office of capital and forensic writs in accordance with Section 78.054(b), Government Code.

Amendment No. 1 was adopted.

SB 1743, as amended, was passed to third reading.

SB 133 ON SECOND READING
(Coleman - House Sponsor)

SB 133, A bill to be entitled An Act relating to mental health first aid training for school district employees and school resource officers.

SB 133 was passed to third reading. (Keough recorded voting no.)

SB 1025 ON SECOND READING
(Smithee - House Sponsor)

SB 1025, A bill to be entitled An Act relating to supplemental compensation paid to certain county judges.

SB 1025 was passed to third reading by (Record 1447): 136 Yeas, 2 Nays, 3 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; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murr; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Simpson.

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

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Dukes; Hunter; Naishtat; Raney.

STATEMENTS OF VOTE

When Record No. 1447 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 1447 was taken, I was shown voting yes. I intended to vote no.

Keough

When Record No. 1447 was taken, I was temporarily out of the house chamber. I would have voted yes.

Naishtat

CSSB 593 ON SECOND READING (Darby - House Sponsor)

CSSB 593, A bill to be entitled An Act relating to pretrial settlement discussions during ad valorem tax appeals.

CSSB 593 was passed to third reading.

CSSB 197 ON SECOND READING (Keffer - House Sponsor)

CSSB 197, A bill to be entitled An Act relating to the financial self-sufficiency of the Cancer Prevention and Research Institute of Texas.

CSSB 197 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 197**.

The point of order was withdrawn.

Representative Keffer moved to postpone consideration of **CSSB 197** until 1:30 p.m. today.

The motion prevailed.

**SB 1408 ON SECOND READING
(T. King - House Sponsor)**

SB 1408, A bill to be entitled An Act relating to the establishment of a matching grant program for community development in certain municipalities and counties.

SB 1408 failed to pass to third reading by (Record 1448): 62 Yeas, 70 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **SB 1408** was passed to third reading.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Clardy; Coleman; Collier; Cook; Darby; Davis, S.; Davis, Y.; Dutton; Elkins; Faircloth; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Kacal; Keffer; King, T.; Landgraf; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Moody; Muñoz; Murphy; Murr; Nevárez; Phillips; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Spitzer; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Nays — Anderson, R.; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Canales; Capriglione; Craddick; Crownover; Cyrier; Dale; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Larson; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Price; Raney; Sanford; Schaefer; Schubert; Shaheen; Simmons; Simpson; Smith; Smithee; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Burkett; Deshotel; Dukes; Hunter; McClendon; Minjarez; Naishtat; Riddle; Rinaldi; Schofield; Stephenson.

STATEMENTS OF VOTE

When Record No. 1448 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 1448 was taken, I was in the house but away from my desk. I would have voted no.

Burkett

When Record No. 1448 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1448 was taken, I was shown voting no. I intended to vote yes.

Galindo

When Record No. 1448 was taken, I was temporarily out of the house chamber. I would have voted no.

Hunter

When Record No. 1448 was taken, I was in the house but away from my desk. I would have voted yes.

Minjarez

When Record No. 1448 was taken, I was shown voting yes. I intended to vote no.

Murphy

When Record No. 1448 was taken, I was temporarily out of the house chamber. I would have voted yes.

Naishtat

When Record No. 1448 was taken, I was shown voting no. I intended to vote yes.

Paddie

When Record No. 1448 was taken, my vote failed to register. I would have voted no.

Schofield

**CSSB 1243 ON SECOND READING
(Sheffield and Klick - House Sponsors)**

CSSB 1243, A bill to be entitled An Act relating to a pilot program for donation and redistribution of certain unused prescription medications; authorizing a fee.

CSSB 1243 was passed to third reading.

**SB 1406 ON SECOND READING
(Dutton - House Sponsor)**

SB 1406, A bill to be entitled An Act relating to the protection of certain children through the operation of the child safety check alert list.

Amendment No. 1

Representative Farney offered the following amendment to **SB 1406**:

Amend **SB 1406** (house committee printing) by striking page 1, line 7, through page 3, line 15, and substituting the following:

Sec. 261.3022. CHILD SAFETY CHECK ALERT LIST. (a) ~~The [Subject to the availability of funds, the]~~ Department of Public Safety of the State of Texas shall maintain [create] a child safety check alert list as part of the Texas Crime Information Center to help locate a child or the child's family for purposes of:

(1) investigating a report of child abuse or neglect;

(2) providing protective services to a family receiving family-based support services; or

(3) providing protective services to the family of a child in the managing conservatorship of the department.

(b) If [the child safety check alert list is established and] the department is unable to locate a child or the child's family for a purpose described by Subsection (a) after the department has attempted to locate the child for not more than 20 days, the department shall notify the Texas Department of Public Safety that the department is unable to locate the child or the child's family. The notice must include the information required by Subsections (c)(1)-(10).

(c) On receipt of the notice from the department, the Texas Department of Public Safety shall [purposes of investigating a report of child abuse or neglect, after the department has exhausted all means available to the department for locating the family, the department may seek assistance under this section from the appropriate county attorney, district attorney, or criminal district attorney with responsibility for representing the department as provided by Section 264.009.

~~[(e) If the department requests assistance, the county attorney, district attorney, or criminal district attorney, as applicable, may file an application with the court requesting the issuance of an ex parte order requiring the Texas Crime Information Center to place the members of the family the department is attempting to locate on a child safety check alert list. The application must include a summary of:~~

~~[(1) the report of child abuse or neglect the department is attempting to investigate; and~~

~~[(2) the department's efforts to locate the family.~~

~~[(d) If the court determines after a hearing that the department has exhausted all means available to the department for locating the family, the court shall approve the application and order the appropriate law enforcement agency to] notify the Texas Crime Information Center to place the child and the child's family on a child safety check alert list. The alert list must include the following information if known or readily available:~~

(1) the name, sex, race, date of birth, any known identifying numbers, including social security number and driver's license number, and personal descriptions of the family member alleged to have abused or neglected a child according to the report the department is attempting to investigate;

(2) the name, sex, race, date of birth, any known identifying numbers, including social security number and driver's license number, and personal descriptions of any parent, managing conservator, or guardian of the child who cannot be located for the purposes described by Subsection (a);

(3) the name, sex, race, date of birth, any known identifying numbers, including social security number and driver's license number, and personal descriptions of the child who is the subject of the report or is receiving services described by Subsection (a)(2) or (3);

(4) if applicable, [~~(3)~~] a code identifying the type of child abuse or neglect alleged or determined to have been committed against the child;

(5) [~~(4)~~] the family's last known address; [~~and~~]

(6) any known description of the motor vehicle, including the vehicle's make, color, style of body, model year, and vehicle identification number, in which the child is suspected to be transported;

(7) the case number assigned by the department;

(8) the department's dedicated law-enforcement telephone number for statewide intake;

(9) the date and time when and the location where the child was last seen; and

(10) any other information required [~~(5) the minimum criteria~~] for an entry as established by the center.

Amendment No. 1 was adopted.

SB 1406, as amended, was passed to third reading.

SB 496 ON SECOND READING
(Howard - House Sponsor)

SB 496, A bill to be entitled An Act relating to Foundation School Program funding for students enrolled in an optional flexible school day program.

Representative Howard moved to postpone consideration of **SB 496** until 6 a.m. tomorrow.

The motion prevailed by (Record 1449): 99 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Burkett; Button; Canales; Capriglione; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Israel; Johnson; Keffer; King, K.; Klick; Kuempel; Larson; Leach; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Phelan; Price; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheets(C); Sheffield; Simmons; Smith; Smithee; Springer; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Bell; Bonnen, G.; Burns; Burrows; Cyrier; Fallon; Frank; Hughes; Kacal; Keough; Koop; Krause; Landgraf; Lozano; Metcalf; Murr; Paul; Phillips; Rinaldi; Schaefer; Shaheen; Spitzer; Stickland; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Wray.

Present, not voting — Mr. Speaker.

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Bonnen, D.; Clardy; Dukes; Elkins; Hunter; King, P.; King, T.; McClendon; Morrison; Parker; Raney; Schofield; Simpson; Stephenson.

STATEMENTS OF VOTE

When Record No. 1449 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 1449 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1449 was taken, I was in the house but away from my desk. I would have voted no.

Parker

POSTPONED BUSINESS

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

CSSB 424 ON SECOND READING

(Zerwas - House Sponsor)

CSSB 424, A bill to be entitled An Act relating to the licensing and regulation of hospitals in this state; increasing the amount of administrative penalties assessed or imposed against certain hospitals; authorizing the imposition of a fee.

CSSB 424 was read second time earlier today and was postponed until this time.

Representative Zerwas moved to postpone consideration of **CSSB 424** until 6 p.m. today.

The motion prevailed.

CSSB 197 ON SECOND READING

(Keffer - House Sponsor)

CSSB 197, A bill to be entitled An Act relating to the financial self-sufficiency of the Cancer Prevention and Research Institute of Texas.

CSSB 197 was read second time earlier today and was postponed until this time.

Representative Ashby moved to postpone consideration of **CSSB 197** until 6 p.m. today.

The motion prevailed.

SB 1408 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, Representative Springer gave notice that he would, in one hour, move to reconsider the vote by which **SB 1408** failed to pass to third reading.

GENERAL STATE CALENDAR

(consideration continued)

SB 881 ON SECOND READING

(Springer and Murphy - House Sponsors)

SB 881, A bill to be entitled An Act relating to the dedication of certain wine-related revenue.

SB 881 was passed to third reading. (Rinaldi recorded voting no.)

SB 159 ON SECOND READING

(Márquez - House Sponsor)

SB 159, A bill to be entitled An Act relating to certification requirements for teachers in bilingual education.

Representative Márquez moved to postpone consideration of **SB 159** until 10 a.m. Friday, December 25.

The motion prevailed.

CSSB 1296 ON SECOND READING

(Giddings - House Sponsor)

CSSB 1296, A bill to be entitled An Act relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 83rd Legislature to other Acts of that legislature.

CSSB 1296 was passed to third reading.

CSSB 10 ON SECOND READING

(P. King - House Sponsor)

CSSB 10, A bill to be entitled An Act relating to the prosecution of offenses against public administration, including ethics offenses.

Representative P. King moved to postpone consideration of **CSSB 10** until 9 a.m. tomorrow.

The motion prevailed.

**CSSB 1287 ON SECOND READING
(Geren and Herrero - House Sponsors)**

CSSB 1287, A bill to be entitled An Act relating to the Texas Forensic Science Commission, the accreditation of crime laboratories, and the licensing and regulation of forensic analysts; authorizing fees; requiring an occupational license.

CSSB 1287 was passed to third reading by (Record 1450): 83 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bernal; Blanco; Bohac; Canales; Clardy; Coleman; Collier; Cook; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Geren; Giddings; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Hunter; Israel; Johnson; Kacal; Keffer; King, K.; King, T.; Kuempel; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Miller, D.; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Paddie; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Smith; Smithee; Stephenson; Thompson, S.; Turner, C.; Turner, S.; Villalba; Vo; Walle; White, J.; Workman; Wu; Zedler; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Craddick; Cyrier; Faircloth; Fallon; Farney; Frank; Galindo; Goldman; Gonzales; Hughes; King, P.; Koop; Krause; Landgraf; Larson; Leach; Metcalf; Meyer; Miller, R.; Murphy; Murr; Parker; Paul; Phelan; Phillips; Price; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Simpson; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; White, M.; Wray.

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

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Capriglione; Dukes; Huberty; Keough; Klick; McClendon; Morrison.

STATEMENTS OF VOTE

When Record No. 1450 was taken, I was in the house but away from my desk. I would have voted no.

Capriglione

When Record No. 1450 was taken, I was shown voting yes. I intended to vote no.

Dale

When Record No. 1450 was taken, I was shown voting no. I intended to vote yes.

Galindo

When Record No. 1450 was taken, I was in the house but away from my desk. I would have voted no.

Huberty

When Record No. 1450 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1450 was taken, I was shown voting yes. I intended to vote no.

Keffer

When Record No. 1450 was taken, I was in the house but away from my desk. I would have voted no.

Keough

When Record No. 1450 was taken, I was shown voting yes. I intended to vote no.

Paddie

When Record No. 1450 was taken, I was shown voting yes. I intended to vote no.

Villalba

CSSB 265 ON SECOND READING
(S. Davis - House Sponsor)

CSSB 265, A bill to be entitled An Act relating to student use of sunscreen products in public schools.

CSSB 265 was passed to third reading.

SB 1630 ON SECOND READING
(S. Turner - House Sponsor)

SB 1630, A bill to be entitled An Act relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments.

Amendment No. 1

Representative S. Turner offered the following amendment to **SB 1630**:

Amend **SB 1630** (house committee printing) as follows:

- (1) On page 4, line 17, strike "and".
- (2) On page 4, line 20, strike ":" and substitute ";".
- (3) On page 4, between lines 20 and 21, insert the following:

(3) include sufficient mechanisms to divert at least:
(A) 30 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2015; and
(B) 150 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2016; and

(4) for the state fiscal year beginning September 1, 2017, and each subsequent state fiscal year, include any savings that are generated by the decreases in the population of the secure facilities operated by the department under Subtitle C that exceed the cost of implementing the plan.

(4) On page 5, between lines 14 and 15, insert the following:

(i) The regionalization plan developed under this section must be finalized not later than August 31, 2016.

(j) For the state fiscal years beginning September 1, 2015, and September 1, 2016, the legislature shall appropriate funds necessary to develop and initiate the implementation of the regionalization plan. Funds appropriated for this purpose may not be offset by projected savings generated by the decreases in the population of the secure facilities operated by the department under Subtitle C. This subsection and Subsection (i) expire September 1, 2017.

(5) On page 7, between lines 9 and 10, insert the following:

(e) The department may not adversely impact the state aid for a juvenile board or a juvenile probation department that does not enter into a contract to serve youth from other counties, or does not act as a regional facility.

(f) A juvenile board or juvenile probation department may not be required to accept a child for commitment to a post-adjudication correctional facility, unless the child is subject to an order issued by a juvenile court served by that board or department.

Amendment No. 1 was adopted.

Amendment No. 2

Representative S. Turner offered the following amendment to **SB 1630**:

Amend **SB 1630** (house committee printing) as follows:

(1) On page 3, lines 22-24, strike "community, as documented in a validated needs assessment conducted by the juvenile probation department serving the court." and substitute "community. The court should consider the findings of a validated risk and needs assessment and the findings of any other appropriate professional assessment available to the court."

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

(b) The department shall consult with juvenile probation departments in developing a regionalization plan, including the identification of:

(1) post-adjudication facility capacity that may be dedicated to support the plan; and

(2) resources needed to implement the plan.

(3) On page 4, line 9, between "counties," and "or", insert "halfway houses,".

(4) On page 5, line 1, strike "developed regional model" and substitute "regionalization plan".

(5) On page 5, line 24, strike "may" and substitute "shall".

(6) On page 6, lines 1-2, strike "probation or parole, or otherwise released under supervision" and substitute "parole, or discharged from the department".

(7) On page 6, between lines 7 and 8, insert the following:

(e) The department or any local probation department may not use or contract with a facility that was constructed or previously used for the confinement of adult offenders, or a facility that resembles a facility used for the confinement of adult offenders.

(8) On page 6, line 21, between "initiate" and "the", insert "and support".

(9) On page 7, line 10, strike "Section 261.101(e), Human Resources Code, is" and substitute "Sections 261.101(a) and (e), Human Resources Code, are".

(10) On page 7, between lines 11 and 12, insert the following:

(a) The independent ombudsman shall:

(1) review the procedures established by the board and evaluate the delivery of services to children to ensure that the rights of children are fully observed;

(2) review complaints filed with the independent ombudsman concerning the actions of the department and investigate each complaint in which it appears that a child may be in need of assistance from the independent ombudsman;

(3) conduct investigations of complaints, other than complaints alleging criminal behavior, if the office determines that:

(A) a child committed to the department or the child's family may be in need of assistance from the office; or

(B) a systemic issue in the department's provision of services is raised by a complaint;

(4) review or inspect periodically the facilities and procedures of any institution or residence in which a child has been placed by the department, whether public or private, to ensure that the rights of children are fully observed;

(5) provide assistance to a child or family who the independent ombudsman determines is in need of assistance, including advocating with an agency, provider, or other person in the best interests of the child;

(6) review court orders as necessary to fulfill its duties;

(7) recommend changes in any procedure relating to the treatment of children committed to the department;

(8) make appropriate referrals under any of the duties and powers listed in this subsection;

(9) supervise assistants who are serving as advocates in their representation of children committed to the department in internal administrative and disciplinary hearings;

(10) review reports received by the department relating to complaints regarding juvenile probation programs, services, or facilities and analyze the data contained in the reports to identify trends in complaints; ~~and~~

(11) report a possible standards violation by a local juvenile probation department to the appropriate division of the department; and

(12) immediately report the findings of any investigation related to the operation of a post-adjudication correctional facility in a county to the chief juvenile probation officer and the juvenile board of the county.

Amendment No. 2 was adopted.

Amendment No. 3

Representative S. Turner offered the following amendment to **SB 1630**:

Amend **SB 1630** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 221.003, Human Resources Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Any risk and needs assessment instrument or process that is provided or approved by the department for a juvenile probation department to use under Subsection (b) must be a validated instrument or process.

Amendment No. 3 was adopted.

Amendment No. 4

Representative S. Turner offered the following amendment to **SB 1630**:

Amend **SB 1630** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2021 [~~2017~~].

Amendment No. 4 was adopted.

Amendment No. 5

Representatives Wu, Larson, Rose, J. White, Riddle, Leach, Simpson, Moody, Canales, Minjarez, and Sanford offered the following amendment to **SB 1630**:

Amend **SB 1630** (house committee printing) as follows:

On page ____, line ____, insert the following new SECTIONS and renumber remaining sections as appropriate:

SECTION _____. Section 51.02(2), Family Code, is amended to read as follows:

(2) "Child" means a person who is:

(A) ten years of age or older and under 18 [~~17~~] years of age; or

(B) eighteen [~~seventeen~~] years of age or older and under 20 [~~18~~] years of age who is:

(1) alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 18 [~~17~~] years of age; and

(ii) under the jurisdiction of a juvenile court.

SECTION _____. Section 8.02, Penal Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Unless the juvenile court waives jurisdiction under Section 54.02, Family Code, and certifies the individual for criminal prosecution or the juvenile court has previously waived jurisdiction under that section and certified the individual for criminal prosecution, a person may not be prosecuted for or convicted of any offense committed before reaching 18 [~~17~~] years of age except an offense described by Subsections (a)(1)-(5).

(b-1) Notwithstanding any other provision of law, any criminal offense that requires as an element of the offense that the person not be a child applies only to persons 18 years of age or older.

(b-2) Notwithstanding any other provision of law, once invoked, a juvenile court retains jurisdiction over a child until:

(1) the child's 19th birthday; or

(2) the child's 20th birthday if the child receives a determinate sentence.

SECTION _____. On page 7, line 21 strike "by Section 54.04(d), Family Code" and substitute "by Sections 51.02(2) and 54.04(d), Family Code, and Sections 8.07(b), (b-1) and (b-2), Penal Code".

Amendment No. 5 was adopted by (Record 1451): 89 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Bonnen, D.; Burkett; Burns; Canales; Capriglione; Coleman; Collier; Cook; Craddick; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Frank; Frullo; Galindo; Geren; Giddings; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Israel; Johnson; Keffer; Keough; King, K.; King, P.; Klick; Kuempel; Larson; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Smith; Smithee; Thompson, S.; Turner, C.; Turner, S.; Vo; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Bell; Bohac; Bonnen, G.; Burrows; Button; Clardy; Cyrier; Dale; Elkins; Fletcher; Flynn; Goldman; Gonzales; Kacal; King, T.; Koop; Krause; Landgraf; Leach; Lozano; Metcalf; Meyer; Miller, R.; Murr; Paul; Phelan; Phillips; Price; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; Walle; White, M.; Zedler.

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

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Dukes; Fallon.

STATEMENTS OF VOTE

When Record No. 1451 was taken, I was shown voting no. I intended to vote yes.

Sheffield

When Record No. 1451 was taken, I was shown voting no. I intended to vote yes.

Walle

SB 1630, as amended, was passed to third reading by (Record 1452): 131 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; 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; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Israel; Johnson; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Ashby; Fallon; Krause; Murr; Phillips; Rinaldi; Schofield; Spitzer.

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

Absent, Excused — Isaac; King, S.; Laubenberg; Peña; Pickett.

Absent — Dukes; Kacal; Metcalf; Miles.

STATEMENTS OF VOTE

When Record No. 1452 was taken, I was in the house but away from my desk. I would have voted yes.

Metcalf

When Record No. 1452 was taken, I was shown voting yes. I intended to vote no.

Springer

CSSB 933 ON SECOND READING (Cook and Kacal - House Sponsors)

CSSB 933, A bill to be entitled An Act relating to the authority of the Public Utility Commission of Texas to review transmission interconnections that enable imports or exports from the ERCOT power grid.

CSSB 933 - POINT OF ORDER

Representative Márquez raised a point of order against further consideration of **CSSB 933** under Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution on the grounds that the amendment is not germane to the bill and the amendment would change the original purpose of the bill.

The point of order was withdrawn.

Representative Cook moved to postpone consideration of **CSSB 933** until 3:15 p.m. today.

The motion prevailed.

SB 932 ON SECOND READING (Cook - House Sponsor)

SB 932, A bill to be entitled An Act relating to the authority of the Public Utility Commission of Texas to retain assistance for federal proceedings affecting certain electric utilities and consumers.

SB 932 was passed to third reading.

(Speaker in the chair)

CSSB 277 ON SECOND READING (Sheffield - House Sponsor)

CSSB 277, A bill to be entitled An Act relating to certain health-related and other task forces and advisory committees.

Amendment No. 1

Representative Sheffield offered the following amendment to **CSSB 277**:

Amend **CSSB 277** (house committee printing) as follows:

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

SECTION 1. ____. Section 40.030, Human Resources Code, is amended to read as follows:

Sec. 40.030. ADVISORY COMMITTEES. (a) The executive commissioner or the executive commissioner's designee may appoint advisory committees in accordance with Chapter 2110, Government Code.

(b) The executive commissioner shall adopt rules, in compliance with Chapter 2110, Government Code, regarding the purpose, structure, and use of advisory committees by the department. The rules may include provisions governing:

(1) an advisory committee's size and quorum requirements;

(2) qualifications for membership of an advisory committee, including:

(A) requirements relating to experience and geographic representation; and

(B) requirements for the department to include as members of advisory committees youth who have aged out of foster care and parents who have successfully completed family service plans and whose children were returned to the parents, as applicable;

(3) appointment procedures for an advisory committee;

(4) terms for advisory committee members; and

(5) compliance with Chapter 551, Government Code.

(2) On page 45, line 14, between the period and "(a)", add the following appropriately lettered subsection and reletter the subsections of SECTION 2.39 accordingly:

(___) Section 162.309, Family Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

(3) On page 47, line 9, strike "is" and substitute "and Section 40.073, Human Resources Code, are".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Sheffield offered the following amendment to **CSSB 277**:

Amend **CSSB 277** (house committee printing) as follows:

(1) On page 45, strike line 27 and renumber subsequent subdivisions of SECTION 2.39(a) of the bill accordingly.

(2) On page 48, strike line 21 and renumber subsequent subdivisions of SECTION 2.40 of the bill accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Burkett offered the following amendment to **CSSB 277**:

Amend **CSSB 277** (house committee printing) as follows:

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

SECTION 1.____. (a) The Texas Institute of Health Care Quality and Efficiency is abolished.

(b) Section 98.1046(a), Health and Safety Code, is amended to read as follows:

(a) The [~~In consultation with the Texas Institute of Health Care Quality and Efficiency under Chapter 1002, the~~] department, using data submitted under Chapter 108, shall publicly report for hospitals in this state risk-adjusted outcome rates for those potentially preventable complications and potentially preventable readmissions that the department[~~, in consultation with the institute,~~] has determined to be the most effective measures of quality and efficiency.

(c) Section 98.1047(a), Health and Safety Code, is amended to read as follows:

(a) The [~~In consultation with the Texas Institute of Health Care Quality and Efficiency under Chapter 1002, the~~] department shall study which adverse health conditions commonly occur in long-term care facilities and, of those health conditions, which are potentially preventable.

(d) Section 98.1065, Health and Safety Code, is amended to read as follows:

Sec. 98.1065. STUDY OF INCENTIVES AND RECOGNITION FOR HEALTH CARE QUALITY. The department[~~, in consultation with the Texas Institute of Health Care Quality and Efficiency under Chapter 1002,~~] shall conduct a study on developing a recognition program to recognize exemplary health care facilities for superior quality of health care and make recommendations based on that study.

(e) The following provisions are repealed:

(1) Chapter 1002, Health and Safety Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015; and

(2) Section 848.001(7), Insurance Code.

(2) Strike page 42, line 11 through page 43, line 15 and renumber subsequent SECTIONS of that ARTICLE accordingly.

(3) Strike page 46, line 24 through page 47, line 7 and substitute the following:

(6) Subchapter B, Chapter 92; and

(7) Chapter 115.

Amendment No. 3 was adopted.

CSSB 277, as amended, was passed to third reading.

SB 1880 ON SECOND READING
(Raymond - House Sponsor)

SB 1880, A bill to be entitled An Act relating to the authority of the Department of Family and Protective Services to investigate abuse, neglect, or exploitation of individuals receiving services from certain providers.

SB 1880 was passed to third reading.

CSSB 313 ON SECOND READING
(Aycock - House Sponsor)

CSSB 313, A bill to be entitled An Act relating to the essential knowledge and skills of the required public school curriculum, the administration of and reports relating to assessment instruments administered to public school students, the instructional materials allotment, and proclamations for the production of instructional materials.

Amendment No. 1

Representative Aycock offered the following amendment to **CSSB 313**:

Amend **CSSB 313** (house committee report) by striking page 3, line 18, through page 4, line 11, and renumbering remaining SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Keough offered the following amendment to **CSSB 313**:

Amend **CSSB 313** (house committee report) on page 2, between lines 26 and 27, by inserting the following:

(c-1) The review and modification of the essential knowledge and skills for the foundation curriculum conducted by the State Board of Education under this section may not result in a need for the adoption of new instructional materials in any subject other than English language arts.

Amendment No. 2 was adopted.

CSSB 313 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE M. WHITE: I got notice from Concerned Women for America and Donna Gardner, who I believe you're familiar with, from Waco who had some concerns with this bill. They think the bill is unnecessary, that SBOE is already working on reducing the number of texts taught.

REPRESENTATIVE AYCOCK: I hope they are. We want to encourage them to do so with this bill.

M. WHITE: This bill, you think, would encourage them?

AYCOCK: I think this bill will encourage them to continue that process.

M. WHITE: It exposes our outstanding Type 1 English language arts, reading text, math text, and pro-American social studies text to being, maybe, rewritten?

AYCOCK: Actually, the first amendment should address most of that. It only leaves the English language arts as we move forward. They have just completed work on those other topics and that first amendment says they don't have to go back and redo that. We're hoping they will narrow the—

M. WHITE: I didn't hear you. I'm sorry, Chairman Aycock.

AYCOCK: The first amendment, I hope, addresses that issue. With the exception of English language arts, which they will have to do moving forward.

M. WHITE: And you don't think this will hurt the text revision in any way?

AYCOCK: No. Those revisions that have already been done in recent years were just taken care of in that first amendment that Representative Keough offered.

REMARKS ORDERED PRINTED

Representative Tinderholt moved to print remarks between Representative Aycock and Representative M. White.

The motion prevailed.

CSSB 313, as amended, was passed to third reading. (Bohac and Hunter recorded voting no.)

SB 1580 ON SECOND READING (S. Turner and Peña - House Sponsors)

SB 1580, A bill to be entitled An Act relating to a study on homeless veterans.

Amendment No. 1

Representative S. Turner offered the following amendment to **SB 1580**:

Amend **SB 1580** (house committee report) as follows:

- (1) On page 1, strike lines 7-23.
- (2) On page 1, line 24, strike "2306.1102" and substitute "2306.1101".
- (3) On page 2, strike lines 4 through 18 and substitute the following:
 - (b) The report prepared under this section must:
 - (1) include a summary of the information resulting from the study;
 - (2) note any significant assumptions made in preparing the report, including the definition of "homelessness" that was used to prepare the report and the reason that definition was used;
 - (3) summarize the status of the homeless veteran population in this state and note any trends observed in the previous three calendar years;
 - (4) based on input from the Texas Veterans Commission and the Texas Interagency Council for the Homeless, describe the statewide and major local entities serving homeless veteran populations, and the funding sources of those entities; and

(5) provide recommendations, including recommendations made by the Texas Interagency Council for the Homeless, to improve the effectiveness of this state's approach to addressing homelessness among veterans, including any recommended changes to state law.

(4) On page 2, line 21, strike "section" and substitute "subchapter".

Amendment No. 1 was adopted.

SB 1580, as amended, was passed to third reading. (Rinaldi recorded voting no.)

CSSB 1474 ON SECOND READING
(Farias - House Sponsor)

CSSB 1474, A bill to be entitled An Act relating to the redesignation of veterans court programs as veterans treatment court programs and the eligibility for participation in and administration of those programs.

CSSB 1474 was passed to third reading.

SB 494 ON SECOND READING
(Muñoz - House Sponsor)

SB 494, A bill to be entitled An Act relating to the availability of certain property and casualty insurance forms on the Internet.

SB 494 was passed to third reading. (Hunter recorded voting no.)

CSSB 1876 ON SECOND READING
(Smithee - House Sponsor)

CSSB 1876, A bill to be entitled An Act relating to the appointment of attorneys ad litem, guardians ad litem, mediators, and guardians.

Amendment No. 1

Representative Smithee offered the following amendment to **CSSB 1876**:

Amend **CSSB 1876** (house committee report) on page 3 by striking lines 23-24 and substituting the following:
person:

- (1) possesses relevant specialized education, training, certification, skill, language proficiency, or knowledge of the subject matter of the case;
- (2) has relevant prior involvement with the parties or case; or
- (3) is in a relevant geographic location.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Murr offered the following amendment to **CSSB 1876**:

Amend **CSSB 1876** (house committee printing) on page 1, line 11, between "statute" and the underlined period by inserting "that is located in a county with a population of 100,000 or more".

Amendment No. 2 was adopted.

CSSB 1876, as amended, was passed to third reading.

SB 1101 ON SECOND READING
(Paddie - House Sponsor)

SB 1101, A bill to be entitled An Act relating to the authority to determine the supply of groundwater in certain regional water plans.

Amendment No. 1

Representative Paddie offered the following amendment to **SB 1101**:

Amend **SB 1101** as follows:

(1) On page 1, line 24; add the following language after "purposes;":

The Texas Water Development Board shall review and approve, prior to inclusion in the regional water plan, that the groundwater supply for the regional planning group without a groundwater conservation district in its area is physically compatible, using the Board's groundwater availability models, with the desired future conditions adopted under Section 36.108 for the relevant aquifers in the groundwater management area that are regulated by groundwater conservation districts.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Simpson offered the following amendment to **SB 1101**:

Amend **SB 1101** (house committee printing) as follows:

(1) On page 1, line 5, strike "Section 16.053(e), Water Code, is" and substitute "Sections 16.053(e) and (e-1), Water Code, are".

(2) On page 4, between lines 8 and 9, insert the following:

(e-1) A regional water plan may not include a proposal for the construction of a water project in another regional water planning area unless at least two-thirds of the members of the regional water planning group for that area have consented to the inclusion of the proposal in the plan [~~On request of the Texas Water Advisory Council, a regional planning group shall provide the council a copy of that planning group's regional water plan~~].

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

SECTION _____. Section 16.053(h)(4), Water Code, is amended to read as follows:

(4) After the regional water plan is initially prepared, the regional water planning group shall submit a copy of the plan to the board. The board shall submit comments on the regional water plan as to whether the plan meets the requirements of Subsections (e) and (e-1) [~~Subsection (e) of this section~~].

SECTION _____. Section 16.053(j), Water Code, is amended to read as follows:

(j) The board may provide financial assistance to political subdivisions under Subchapters E and F of this chapter, Subchapters C, D, E, F, J, O, Q, and R, Chapter 15, and Subchapters D, I, K, and L, Chapter 17, for water supply projects only if:

(1) the board determines that the needs to be addressed by the project will be addressed in a manner that is consistent with the state water plan;

(2) beginning January 5, 2002~~[, the board]~~:

(A) the board has approved a regional water plan as provided by Subsection (i), and any required updates of the plan, for the region of the state that includes the area benefiting from the proposed project; ~~and~~

(B) if the proposed project is to be constructed in a regional water planning area other than the area benefiting from the proposed project, at least two-thirds of the members of the regional water planning group for the area in which the proposed project is to be constructed have consented to the inclusion in that regional water plan of the proposal to construct the project as required by Subsection (e-1); and

(C) the board determines that the needs to be addressed by the project will be addressed in a manner that is consistent with that regional water plan; and

(3) the board finds that the water audit required under Section 16.0121 has been completed and filed.

Amendment No. 2 was adopted.

SB 1101, as amended, was passed to third reading. (The vote was reconsidered later today, and **SB 1101** was further amended and was passed to third reading.)

CSSB 1462 ON SECOND READING
(Johnson and Alvarado - House Sponsors)

CSSB 1462, A bill to be entitled An Act relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of suspected opioid overdoses.

CSSB 1462 was passed to third reading.

SB 1517 ON SECOND READING
(Coleman - House Sponsor)

SB 1517, A bill to be entitled An Act relating to the appointment of counsel to represent indigent defendants in criminal cases.

SB 1517 was passed to third reading.

SB 1049 ON SECOND READING
(Sheets, Bohac, and D. Bonnen - House Sponsors)

SB 1049, A bill to be entitled An Act relating to an exemption from the franchise tax and certain filing fees for certain businesses owned by veterans during an initial period of operation in the state.

Representative Springer moved to postpone consideration of **SB 1049** until 2:55 p.m. today.

The motion prevailed.

(Laubenberg now present)

SB 1408 - VOTE RECONSIDERED

Representative Springer moved to reconsider the vote by which **SB 1408** failed to pass to third reading by Record No. 1448.

The motion to reconsider prevailed by (Record 1453): 109 Yeas, 30 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Bonnen, G.; Capriglione; Dale; Fallon; Goldman; Gonzales; Keough; Krause; Leach; Metcalf; Meyer; Miller, R.; Murphy; Paul; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simmons; Simpson; Spitzer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; Villalba; Zedler.

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

Absent, Excused — Isaac; King, S.; Peña; Pickett.

Absent — Burkett; Dukes; Keffer; Raney; Workman.

STATEMENTS OF VOTE

When Record No. 1453 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

When Record No. 1453 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

SB 1408 ON SECOND READING (T. King - House Sponsor)

The speaker laid before the house, on its second reading and passage to third reading,

SB 1408, A bill to be entitled An Act relating to the establishment of a matching grant program for community development in certain municipalities and counties.

SB 1408 was read second time earlier today and failed to pass to third reading by Record No. 1448.

SB 1408 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SIMMONS: Representative King, thank you for taking the time to explain this and for the information that you've gathered. The caucus doesn't do a score sheet, but we had originally come out against the bill because it was a new program for \$4.5 million in projected money that it looks like is going to be spent. It wasn't in the original budget, but I think you said it was in a rider. Or was it in the original?

REPRESENTATIVE T. KING: There is a contingency rider. Yes, sir. To be perfectly candid with you, I don't know exactly where that is in the conference committee process, but I know there was a rider. This program, by the way—if you look at the end of the bill, Section 23.007, EXPIRATION PROVISION, it does say that this chapter expires on September 1, 2021. So we are not setting up some kind of ongoing deal. This program that the TDA is going to set up is going to be in place if funding is available.

SIMMONS: I know that, like you mentioned, federal funds have gone down in a lot of areas. Probably, and I don't know this for sure, but I would imagine that the HUD grants that were going to cities that were over 50,000 and counties over 200,000—those have probably gone down, too. I would guess. I don't know that.

T. KING: I don't know that either.

SIMMONS: But we could assume that. Do you know of any state programs that have been set up for—I mean, my counties are bigger than that so I've obviously got an interest for my counties just like you have for all the counties that you represent. Do you know whether or not there's been additional state funding, like you're asking for here, that's been allotted to those areas as well?

T. KING: I do not know the answer to that.

SIMMONS: So we don't know whether or not, but we know that this program is looking specifically at small counties. And would you tell me again a little bit about what you anticipate this money being used for?

T. KING: Well, aging infrastructure is what we use it for—I think was your question, I didn't hear, I was reading something here—but it's used for the aging infrastructure. Did you know that the average age of the infrastructure and sewer and pipes in these small communities is 65 years? And it needs to be replaced. It's a tremendous capital expense that a lot of the small communities are not in a position to do. Your larger cities, a lot of times, have a bigger tax base so they're able to sell bonds and do those types of things in order to do infrastructure projects.

SIMMONS: When we say non-entitlement, sometimes that makes us think that a community or a county may have not done something they should have to be entitled. But this entitlement, in your opinion, or what you're saying, is strictly based on population size, which is what makes a city or county entitled versus not?

T. KING: Yes, sir. That's not my terminology. That is the terminology that HUD uses, and we're just simply piggybacking on that same definition.

SIMMONS: As you know, Representative King—and I know you feel the same way—is that there's always a caution when we start new programs even when they say they're going to end in 2021. One of your colleagues might be coming back in 2019 and say—you know, we did this earlier this year. This didn't really work, but we need to extend it a little bit longer anyway. That's always a concern that we have. It seems like we get into a lot of battles here on this house floor between rural and suburban/urban, and I don't like doing that, honestly. My deskmate probably leads the legislature in carving out things for rural communities. I commend him for working on that—but when we set up situations that benefit one area that the state's paying for versus another area, it just causes concern for me. And that's why I wanted to ask you a few questions, and I appreciate you answering them for me.

T. KING: I understand your concern.

REMARKS ORDERED PRINTED

Representative Faircloth moved to print remarks between Representative T. King and Representative Simmons.

The motion prevailed.

SB 1408 was passed to third reading. (Rinaldi recorded voting no.)

POSTPONED BUSINESS

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

SB 1049 ON SECOND READING

(Sheets, Bohac, and D. Bonnen - House Sponsors)

SB 1049, A bill to be entitled An Act relating to an exemption from the franchise tax and certain filing fees for certain businesses owned by veterans during an initial period of operation in the state.

SB 1049 was read second time earlier today and was postponed until this time.

SB 1049 was passed to third reading. (Rinaldi recorded voting no.)

SB 759 ON SECOND READING

(Wray - House Sponsor)

SB 759, A bill to be entitled An Act relating to the repeal of certain state taxes.

SB 759 was read second time earlier today, amendments were offered and disposed of, and **SB 759** was postponed until this time. Amendment No. 6 was pending at the time of postponement.

Amendment No. 6 - Point of Order

Representative C. Turner raised a point of order against further consideration of Amendment No. 6, as amended, under Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution on the grounds that the amendment is not germane to the bill and the amendment would change the original purpose of the bill.

The point of order was withdrawn.

Representative Wray moved to postpone consideration of **SB 759** until 4 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR
(consideration continued)**

**SB 236 ON SECOND READING
(Farney - House Sponsor)**

SB 236, A bill to be entitled An Act relating to the punishment of certain controlled substance offenses committed in a drug-free zone.

SB 236 was passed to third reading.

**CSSB 633 ON SECOND READING
(Isaac - House Sponsor)**

CSSB 633, A bill to be entitled An Act relating to certain event trust funds and the abolishment of the special event trust fund.

Representative Capriglione moved to postpone consideration of **CSSB 633** until 3:30 p.m. today.

The motion prevailed.

**CSSB 632 ON SECOND READING
(Button - House Sponsor)**

CSSB 632, A bill to be entitled An Act relating to the abolishment of the Texas emerging technology fund.

CSSB 632 was passed to third reading.

**SB 374 ON SECOND READING
(Dale - House Sponsor)**

SB 374, A bill to be entitled An Act relating to requiring state agencies to participate in the federal electronic verification of employment authorization program, or E-verify.

SB 374 was passed to third reading by (Record 1454): 96 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Anderson, C.; Anderson, R.; Ashby; Aycok; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Elkins; Faircloth; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Kacal; Keffer; Keough; King, P.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Murr; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Bernal; Blanco; Coleman; Collier; Davis, Y.; Dutton; Farias; Galindo; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; King, K.; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Naishtat; Nevárez; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isaac; King, S.; Peña; Pickett.

Absent — Bell; Dukes; King, T.; Longoria; Sheets; Thompson, E.

STATEMENTS OF VOTE

When Record No. 1454 was taken, my vote failed to register. I would have voted no.

Longoria

When Record No. 1454 was taken, I was in the house but away from my desk. I would have voted yes.

Sheets

When Record No. 1454 was taken, I was shown voting no. I intended to vote yes.

Simpson

When Record No. 1454 was taken, my vote failed to register. I would have voted yes.

E. Thompson

SB 1135 ON SECOND READING (González - House Sponsor)

SB 1135, A bill to be entitled An Act relating to civil and criminal liability for the unlawful disclosure or promotion of certain intimate visual material; creating an offense.

SB 1135 was passed to third reading.

SB 923 ON SECOND READING
(Zedler - House Sponsor)

SB 923, A bill to be entitled An Act relating to the prosecution of the offense of obstruction or retaliation; creating a criminal offense.

SB 923 was passed to third reading.

SB 1877 ON SECOND READING
(Galindo - House Sponsor)

SB 1877, A bill to be entitled An Act relating to the development and maintenance by each state agency of a data use agreement for the state agency's employees and to training related to that agreement.

Amendment No. 1

Representative Galindo offered the following amendment to **SB 1877**:

Amend **SB 1877** (house committee report) as follows:

(1) On page 1, line 18, between "agency" and the underlined period, insert "who handle sensitive information, including financial, medical, personnel, or student data".

(2) On page 1, line 18, strike "An employee of the agency" and substitute "The employee".

(3) On page 1, line 21, strike "of the agency" and substitute "described by Subsection (c)".

Amendment No. 1 was adopted.

SB 1877, as amended, was passed to third reading.

RESOLUTIONS CALENDAR

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

HCR 36

(by Burkett, Flynn, Geren, Laubenberg, Parker, et al.)

HCR 36, Urging Congress to propose and submit to the states for ratification the Parental Rights Amendment to the U.S. Constitution.

HCR 36 was adopted by (Record 1455): 136 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycocock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Israel; Kacal; 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; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; 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.

Nays — Collier; Farrar; González; Johnson; Nevárez; Rodriguez, E.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isaac; King, S.; Peña; Pickett.

Absent — Deshotel; Dukes; McClendon.

STATEMENTS OF VOTE

When Record No. 1455 was taken, I was shown voting yes. I intended to vote no.

Naishtat

When Record No. 1455 was taken, I was shown voting yes. I intended to vote no.

Rose

POSTPONED BUSINESS

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

CSSB 933 ON SECOND READING (Cook and Kacal - House Sponsors)

CSSB 933, A bill to be entitled An Act relating to the authority of the Public Utility Commission of Texas to review transmission interconnections that enable imports or exports from the ERCOT power grid.

CSSB 933 was read second time earlier today and was postponed until this time.

(Pickett now present)

CSSB 933 was passed to third reading.

CSSB 1336 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37 of the House Rules, Representative Keffer gave notice that he would, in one hour, move to reconsider the vote by which **CSSB 1336**, as amended, passed to third reading.

(Márquez in the chair)

RESOLUTIONS ADOPTED

Representative Wu moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 2989 (by Wu), Congratulating Michael Julian, salutatorian of the Sharpstown High School Class of 2015.

HR 2990 (by Wu), Congratulating Pedro Portillo, valedictorian of the Sharpstown High School Class of 2015.

HR 3102 (by Wu), Congratulating Emir Oliverio Zamudio, valedictorian of the Class of 2015 at Sharpstown International School in Houston.

HR 3103 (by Wu), Congratulating Maduabuchi Akoma, salutatorian of the Class of 2015 at Sharpstown International School in Houston.

The resolutions were adopted.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

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

(Isaac now present)

SB 844 ON SECOND READING (Meyer - House Sponsor)

SB 844, A bill to be entitled An Act relating to the expiration of licenses for insurance agents and adjusters.

SB 844 was read second time on May 22, postponed until 3 p.m. today, and was again postponed until this time.

Representative Meyer moved to postpone consideration of **SB 844** until 3:30 p.m. tomorrow.

The motion prevailed.

CSSB 633 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Button, Representatives Villalba, Bell, E. Rodriguez, Alvarado, and C. Anderson were authorized as house sponsors to **CSSB 633**.

CSSB 633 ON SECOND READING (Isaac, Villalba, Bell, E. Rodriguez, Alvarado, et al. - House Sponsors)

CSSB 633, A bill to be entitled An Act relating to certain event trust funds and the abolishment of the special event trust fund.

CSSB 633 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Isaac offered the following amendment to **CSSB 633**:

Amend **CSSB 633** (house committee printing) as follows:

(1) Strike page 1, line 5, through page 2, line 10, and substitute the following appropriately numbered SECTIONS:

SECTION _____. Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by adding Section 3A to read as follows:

Sec. 3A. RULES. The office of the governor shall adopt rules consistent with this Act to ensure efficient administration of the trust funds established under this Act, including rules related to application and receipt requirements.

SECTION _____. Sections 4(b), (c), (d), (f), (h), (j), (k), and (m), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) If a site selection organization selects a site for the games in this state pursuant to an application by a local organizing committee acting on behalf of an endorsing municipality, after the first occurrence of a measurable economic impact in this state as a result of the preparation for the games, as determined by the department [comptroller], but in no event later than one year before the scheduled opening event of the games, the department [comptroller] shall determine for each subsequent calendar quarter, in accordance with procedures developed by the department [comptroller]:

(1) the incremental increase in the receipts to the state from the taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events;

(2) the incremental increase in the receipts collected by the state on behalf of the endorsing municipality from the sales and use tax imposed by the endorsing municipality under Section 321.101(a), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events; and

(3) the incremental increase in the receipts collected by the endorsing municipality from the municipality's hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events.

(c) For the purposes of Subsection (b)(1) of this section, the department [comptroller] shall designate as a market area for the games each area in which the department [comptroller] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the games and related events, including areas likely to provide venues, accommodations, and services in connection with the games based on the proposal provided by the local organizing committee under Section 7 of this Act. The department [comptroller] shall determine the geographic boundaries of each market area. The endorsing municipality that has been selected as the site for the games must be included in a market area for the games.

(d) The comptroller, at the direction of the department, shall retain, for the purpose of guaranteeing the joint obligations of the state and the endorsing municipality under a games support contract and this Act, the amount of municipal sales and use tax revenue determined under Subsection (b)(2) of this section from the amounts otherwise required to be sent to the municipality under Section 321.502, Tax Code, beginning with the first distribution of that tax revenue that occurs after the date the department [~~comptroller~~] makes the determination of the amount of municipal sales and use tax revenue under Subsection (b)(2). The comptroller shall discontinue retaining municipal sales and use tax revenue under this subsection on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date the amount of municipal sales and use tax revenue and municipal hotel occupancy tax revenue in the Pan American Games trust fund equals 14 percent of the maximum amount of state and municipal tax revenue that may be transferred to or deposited in the trust fund under Subsection (m) of this section.

(f) Subject to Subsection (m) of this section, the comptroller, at the direction of the department, shall deposit into a trust fund designated as the Pan American Games trust fund the amount of municipal sales and use tax revenue retained under Subsection (d) of this section and, at the same time, shall transfer to the fund a portion of the state tax revenue determined by the department under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of that municipal sales and use tax revenue. Subject to Subsection (m) of this section, the endorsing municipality shall deposit into the trust fund the amount of the endorsing municipality's hotel occupancy tax revenue determined by the department under Subsection (b)(3) of this section. The endorsing municipality shall deposit that hotel occupancy tax revenue into the trust fund at least quarterly. When the endorsing municipality makes a deposit of its hotel occupancy tax revenue, the comptroller, at the direction of the department, shall transfer to the fund [~~deposit~~] at the same time a portion of the state tax revenue determined under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of that municipal hotel occupancy tax revenue. The Pan American Games trust fund is established outside the treasury but is held in trust by the comptroller for the administration of this Act. Money in the trust fund may be spent by the department without appropriation only as provided by this Act. The comptroller shall discontinue transferring [~~depositing~~] into the trust fund any state tax revenue determined by the department under Subsection (b)(1) of this section on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date on which the amount of state revenue in the Pan American Games trust fund equals 86 percent of the maximum amount of state and municipal tax revenue that may be transferred to or deposited in the trust fund under Subsection (m) of this section.

(h) A local organizing committee shall provide information required by the department [comptroller] to enable the department [comptroller] to fulfill the department's [comptroller's] duties under this Act, including annual audited statements of the local organizing committee's financial records required by a site selection organization and data obtained by the local organizing committee relating to attendance at the games and to the economic impact of the games. A local organizing committee must provide an annual audited financial statement required by the department [comptroller] not later than the end of the fourth month after the date the period covered by the financial statement ends.

(j) The department may not make a disbursement from the Pan American Games trust fund unless the department [comptroller] certifies that the disbursement is for a purpose for which the state and the endorsing municipality are jointly obligated under a games support contract or other agreement described by Subsection (g) of this section.

(k) If the department [comptroller] certifies under Subsection (j) of this section that a disbursement may be made from the Pan American Games trust fund, the obligation shall be satisfied first out of municipal revenue deposited in the trust fund and any interest earned on that municipal revenue. If the municipal revenue is not sufficient to satisfy the entire deficit, state revenue transferred [deposited] into the trust fund and any interest earned on that state revenue shall be used to satisfy the portion of the deficit not covered by the municipal revenue.

(m) In no event may:

(1) the total amount of state and municipal tax revenue transferred to or deposited in the Pan American Games trust fund exceed \$20 million; or

(2) the joint liability of the state and the endorsing municipality under a joinder agreement and any other games support contracts entered into pursuant to this Act exceed the lesser of:

(A) \$20 million; or

(B) the total amount of revenue transferred to or deposited in the Pan American Games trust fund and interest earned on the fund.

SECTION _____. Sections 4(i) and (l), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as amended by Chapters 579 (**HB 1675**) and 814 (**SB 275**), Acts of the 78th Legislature, Regular Session, 2003, are reenacted and amended to read as follows:

(i) The department [comptroller] shall provide an estimate not later than September [December] 1 [~~2003,~~] of the year that is eight years before the year in which the games would be held in this state of the total amount of state and municipal tax revenue that would be transferred to or deposited in the Pan American Games trust fund before January 1 [~~2012,~~] of the year following the year in which the games would be held, if the games were to be held in this state at a site selected pursuant to an application by a local organizing committee. The department [comptroller] shall provide the estimate on request to a local organizing committee. A local organizing committee may submit the department's [comptroller's] estimate to a site selection organization.

(l) On January 1 [~~2013~~] of the second year following the year in which the games are held in this state, the comptroller, at the direction of the department, shall transfer to the general revenue fund any money remaining in the Pan American Games trust fund, not to exceed the amount of state revenue remaining in the trust fund, plus any interest earned on that state revenue. The comptroller shall remit to the endorsing municipality any money remaining in the trust fund after the required amount is transferred to the general revenue fund.

SECTION _____. Sections 5(b), (c), (d), (f), (h), (i), (j), (k), (l), and (m), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) If a site selection organization selects a site for the games in this state pursuant to an application by a local organizing committee, after the first occurrence of a measurable economic impact in this state as a result of the preparation for the games, as determined by the department [~~comptroller~~], but in no event later than one year before the scheduled opening event of the games, the department [~~comptroller~~] shall determine for each subsequent calendar quarter, in accordance with procedures developed by the department [~~comptroller~~]:

(1) the incremental increase in the receipts to the state from the taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [~~comptroller~~], to the preparation for and presentation of the games and related events;

(2) the incremental increase in the receipts collected by the state on behalf of each endorsing municipality from the sales and use tax imposed by the endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by the endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [~~comptroller~~], to the preparation for and presentation of the games and related events;

(3) the incremental increase in the receipts collected by the state on behalf of each endorsing county from the sales and use tax imposed by the county under Section 323.101(a), Tax Code, and the mixed beverage tax revenue to be received by the endorsing county under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [~~comptroller~~], to the preparation for and presentation of the games and related events;

(4) the incremental increase in the receipts collected by each endorsing municipality from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [~~comptroller~~], to the preparation for and presentation of the games and related events; and

(5) the incremental increase in the receipts collected by each endorsing county from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the department [~~comptroller~~], to the preparation for and presentation of the games and related events.

(c) For the purposes of Subsection (b)(1) of this section, the department [~~comptroller~~] shall designate as a market area for the games each area in which the department [~~comptroller~~] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the games and related events, including areas likely to provide venues, accommodations, and services in connection with the games based on the proposal provided by the local organizing committee under Section 7 of this Act. The department [~~comptroller~~] shall determine the geographic boundaries of each market area. Each endorsing municipality or endorsing county that has been selected as the site for the games must be included in a market area for the games.

(d) Subject to Section 6 of this Act, the comptroller, at the direction of the department, shall retain, for the purpose of guaranteeing the joint obligations of the state and an endorsing municipality or endorsing county under a games support contract and this Act, the amount of sales and use tax revenue and mixed beverage tax revenue determined under Subsection (b)(2) or (b)(3) of this section from the amounts otherwise required to be sent to the municipality under Section 183.051(b) or 321.502, Tax Code, or to the county under Section 183.051(b) or 323.502, Tax Code, beginning with the first distribution of that tax revenue that occurs after the date the department [~~comptroller~~] makes the determination of the amount of sales and use tax revenue and mixed beverage tax revenue under Subsection (b)(2) or (b)(3) of this section. The comptroller shall discontinue retaining sales and use tax revenue and mixed beverage tax revenue under this subsection on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date the amount of local sales and use tax revenue and mixed beverage tax revenue in the Olympic Games trust fund equals 14 percent of the maximum amount of state and local tax revenue that may be transferred to or deposited in the trust fund under Subsection (m) of this section.

(f) Subject to Subsection (m) of this section, each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller, at the direction of the department, shall deposit into a trust fund designated as the Olympic Games trust fund, on a quarterly basis, the amount of the municipality's or county's hotel occupancy tax revenue determined by the department under Subsection (b)(4) or (b)(5) of this section, as applicable. Subject to Section 6 of this Act and Subsection (m) of this section, the comptroller, at the direction of the department, shall deposit into the trust fund the amount of sales and use tax revenue and mixed beverage tax revenue retained under Subsection (d) of this section for the same calendar quarter and, at the same time, shall transfer to the fund the state tax revenue determined by the department under Subsection (b)(1) of this section for the quarter. The Olympic Games trust fund is established outside the treasury but is held in trust by the comptroller for the administration of this Act. Money in the trust fund may be spent by the department without appropriation only as provided by this Act. The comptroller shall discontinue transfer [~~deposit~~] of the amount of state tax revenue determined by the department under Subsection (b)(1) of this section on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date the amount of state revenue in the Olympic Games trust fund equals 86 percent of the maximum amount of state, municipal, and county tax revenue that may be transferred to or deposited in the trust fund under Subsection (m) of this section.

(h) A local organizing committee shall provide information required by the department [comptroller] to enable the department [comptroller] to fulfill the department's [comptroller's] duties under this Act, including annual audited statements of the local organizing committee's financial records required by a site selection organization and data obtained by the local organizing committee relating to attendance at the games and to the economic impact of the games. A local organizing committee must provide an annual audited financial statement required by the department [comptroller] not later than the end of the fourth month after the date the period covered by the financial statement ends.

(i) The department [comptroller] shall provide an estimate before August 31 of the year that is 12 years before the year in which the games would be held in this state, or as soon as practical after that date, of the total amount of state, municipal, and county tax revenue that would be transferred to or deposited in the Olympic Games trust fund if the games were to be held in this state at a site selected pursuant to an application by a local organizing committee. The department [comptroller] shall provide the estimate on request to a local organizing committee. A local organizing committee may submit the department's [comptroller's] estimate to a site selection organization.

(j) The department may not make a disbursement from the Olympic Games trust fund unless the department [comptroller] certifies that the disbursement is for a purpose for which the state and each endorsing municipality or endorsing county are jointly obligated under a games support contract or other agreement described by Subsection (g) of this section. A disbursement may not be made from the trust fund that the department determines would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

(k) If the department [comptroller] certifies under Subsection (j) of this section that a disbursement may be made from the Olympic Games trust fund, the obligation shall be satisfied proportionately from the state and municipal or county revenue in the trust fund.

(l) Two years after the closing event of the games, the department [comptroller] shall transfer to the general revenue fund any money remaining in the Olympic Games trust fund, not to exceed the amount of state revenue remaining in the trust fund, plus any interest earned on that state revenue. The department [comptroller] shall remit to each endorsing entity in proportion to the amount contributed by the entity any money remaining in the trust fund after the required amount is transferred to the general revenue fund.

(m) In no event may:

(1) the total amount of state, municipal, and county tax revenue transferred to or deposited in the Olympic Games trust fund exceed \$100 million;
or

(2) the joint liability of the state and an endorsing municipality or county under a joinder agreement and any other games support contracts entered into pursuant to this Act exceed the lesser of:

(A) \$100 million; or

(B) the total amount of revenue transferred to or deposited in the Olympic Games trust fund and interest earned on the fund.

SECTION _____. Section 5A(a), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (1), (2), and (4) and Subdivision (5), as amended by **SB 293**, Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(1) "Endorsing county" means:

(A) a county that contains a site selected by a site selection organization for one or more events; or

(B) a county that:

(i) does not contain a site selected by a site selection organization for an event;

(ii) is included in the market area for the event as designated by the department [~~comptroller~~]; and

(iii) is a party to an event support contract.

(2) "Endorsing municipality" means:

(A) a municipality that contains a site selected by a site selection organization for one or more events; or

(B) a municipality that:

(i) does not contain a site selected by a site selection organization for an event;

(ii) is included in the market area for the event as designated by the department [~~comptroller~~]; and

(iii) is a party to an event support contract.

(2) On page 4, strike lines 8 through 16, and substitute the following appropriately numbered SECTIONS:

SECTION _____. Section 5A, Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by amending Subsections (a-1), (a-2), (b), (b-1), (c), (d), (d-1), (e), (f), (i), (j), (k), (l), (m), (p), (v), (w), and (y) and adding Subsection (a-3) to read as follows:

(a-1) An event not listed in Subsection (a)(4) of this section is ineligible for funding under this section. A listed event may receive funding under this section only if:

(1) a site selection organization selects a site located in this state for the event to be held one time or, for an event scheduled to be held each year for a period of years under an event contract, or an event support contract, one time each year for the period of years, after considering, through a highly competitive selection process, one or more sites that are not located in this state;

(2) a site selection organization selects a site in this state as:

(A) the sole site for the event; or

(B) the sole site for the event in a region composed of this state and one or more adjoining states;

(3) the event is held not more than one time in any year; and

(4) the amount of the incremental increase in tax receipts determined by the department [~~comptroller~~] under Subsection (b) of this section equals or exceeds \$1 million, provided that for an event scheduled to be held each year for a period of years under an event contract or event support contract, the incremental increase in tax receipts shall be calculated as if the event did not occur in the prior year.

(a-2) Subsection (a-1)(1) of this section does not apply to an event that is the largest event held each year at a sports entertainment venue in this state with a permanent seating capacity, including grandstand and premium seating, of not less than 125,000. If an endorsing municipality or endorsing county requests the department [~~comptroller~~] to make a determination under Subsection (b) of this section for an event described by this subsection, the provisions of this section apply to that event as if it satisfied the eligibility requirements for an event under Subsection (a-1)(1) of this section.

(a-3) For purposes of Subsection (a-1) of this section, each presidential general election debate in a series of presidential debates before a general election is considered a separate, single event.

(b) If a site selection organization selects a site for an event in this state pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county, upon request of a local organizing committee, endorsing municipality, or endorsing county, the department [~~comptroller~~] shall determine for a one-year period that begins two months before the date on which the event will begin, in accordance with procedures developed by the department [~~comptroller~~]:

(1) the incremental increase in the receipts to the state from taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [~~comptroller~~], to the preparation for and presentation of the event and related activities;

(2) the incremental increase in the receipts collected by the state on behalf of each endorsing municipality in the market area from the sales and use tax imposed by each endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [~~comptroller~~], to the preparation for and presentation of the event and related activities;

(3) the incremental increase in the receipts collected by the state on behalf of each endorsing county in the market area from the sales and use tax imposed by each endorsing county under Section 323.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing county under

Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(4) the incremental increase in the receipts collected by each endorsing municipality in the market area from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities; and

(5) the incremental increase in the receipts collected by each endorsing county in the market area from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities.

(b-1) A request for a determination of the amount of incremental increase in tax receipts specified by Subsection (b) of this section must be submitted to the department [comptroller] not earlier than one year and not later than 45 days before the date the event begins. The department [comptroller] shall base the determination specified by Subsection (b) of this section on information submitted by the local organizing committee, endorsing municipality, or endorsing county, and must make the determination not later than the 30th day after the date the department [comptroller] receives the request and related information.

(c) For the purposes of Subsection (b)(1) of this section, the department [comptroller] shall designate as a market area for the event each area in which the department [comptroller] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the event and related activities, including areas likely to provide venues, accommodations, and services in connection with the event based on the proposal provided by the local organizing committee to the department [comptroller]. The department [comptroller] shall determine the geographic boundaries of each market area. An endorsing municipality or endorsing county that has been selected as the site for the event must be included in a market area for the event.

(d) Each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller shall deposit into a trust fund created by the comptroller, at the direction of the department, and designated as the Major Events trust fund the amount of the municipality's or county's hotel occupancy tax revenue determined by the department under Subsection (b)(4) or (b)(5) of this section, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller, at the direction of the department, shall retain the amount of sales and use tax revenue and mixed beverage tax revenue determined by the department under Subsection (b)(2) or (b)(3) of this section from the amounts otherwise required to be sent to the municipality under Sections 321.502 and 183.051(b), Tax Code, or to the county under Sections 323.502 and 183.051(b), Tax Code, and deposit into the trust fund the

tax revenues, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller shall begin retaining and depositing the local tax revenues with the first distribution of that tax revenue that occurs after the first day of the one-year period described by Subsection (b) of this section or at a time otherwise determined to be practicable by the department [~~comptroller~~] and shall discontinue retaining the local tax revenues under this subsection when the amount of the applicable tax revenue determined by the department under Subsection (b)(2) or (b)(3) of this section has been retained. The Major Events trust fund is established outside the state treasury and is held in trust by the comptroller for administration of this Act. Money in the trust fund may be disbursed by the department [~~comptroller~~] without appropriation only as provided by this section.

(d-1) Not later than the 90th day after the last day of an event and in lieu of the local tax revenues remitted [~~to~~] or retained [~~by the comptroller~~] under Subsection (d) of this section, a municipality or county may remit to the department [~~comptroller~~] for deposit in the Major Events trust fund other local funds in an amount equal to the total amount of local tax revenue determined by the department under Subsections (b)(2) through (5) of this section. The amount deposited by the department [~~comptroller~~] into the Major Events trust fund under this subsection is subject to Subsection (f) of this section.

(e) In addition to the tax revenue deposited in the Major Events trust fund under Subsection (d) of this section, an endorsing municipality or endorsing county may guarantee its obligations under an event support contract and this section by pledging surcharges from user fees, including parking or ticket fees, charged in connection with the event. An endorsing municipality or endorsing county may collect and remit to the department [~~comptroller~~] surcharges and user fees attributable to the event for deposit into the Major Events trust fund.

(f) The comptroller, at the direction of the department, shall transfer [~~deposit~~] into the Major Events trust fund a portion of the state tax revenue not to exceed the amount determined by the department under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of the local revenue retained or remitted under this section, including:

- (1) local sales and use tax revenue;
- (2) mixed beverage tax revenue;
- (3) hotel occupancy tax revenue; and
- (4) surcharge and user fee revenue.

(i) A local organizing committee, endorsing municipality, or endorsing county shall provide information required by the department [~~comptroller~~] to enable the department [~~comptroller~~] to fulfill the department's [~~comptroller's~~] duties under this section, including annual audited statements of any financial records required by a site selection organization and data obtained by the local organizing committee, an endorsing municipality, or an endorsing county relating to attendance at the event, including an estimate of the number of people expected to attend the event who are not residents of this state, and to the economic impact of the event. A local organizing committee, endorsing

municipality, or endorsing county must provide an annual audited financial statement required by the department [comptroller], if any, not later than the end of the fourth month after the date the period covered by the financial statement ends. After the conclusion of an event and on the department's [comptroller's] request, a local organizing committee, endorsing municipality, or endorsing county must provide information relating to the event, such as attendance figures, including an estimate of the number of attendees at the event who are not residents of this state, financial information, or other public information held by the local organizing committee, endorsing municipality, or endorsing county that the department [comptroller] considers necessary.

(j) Not later than the 30th day after the date a request of a local organizing committee, endorsing municipality, or endorsing county is submitted to the department [comptroller] under Subsection (b-1) of this section, the department [comptroller] shall provide an estimate of the total amount of tax revenue that would be deposited in the Major Events trust fund under this section in connection with that event, if the event were to be held in this state at a site selected pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county. A local organizing committee, endorsing municipality, or endorsing county may submit the department's [comptroller's] estimate to a site selection organization.

(k) The department [comptroller] may make a disbursement from the Major Events trust fund on the prior approval of each contributing endorsing municipality or endorsing county for a purpose for which a local organizing committee, an endorsing municipality, or an endorsing county or the state is obligated under a game support contract or event support contract. If an obligation is incurred under a games support contract or event support contract to make a structural improvement to the site or to add a fixture to the site for purposes of an event and that improvement or fixture is expected to derive most of its value in subsequent uses of the site for future events, a disbursement from the trust fund made for purposes of that obligation is limited to five percent of the cost of the improvement or fixture and the remainder of the obligation is not eligible for a disbursement from the trust fund, unless the improvement or fixture is for a publicly owned facility. In considering whether to make a disbursement from the trust fund, the department [comptroller] may not consider a contingency clause in an event support contract as relieving a local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract. A disbursement may not be made from the trust fund that the department [comptroller] determines would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

(l) If a disbursement is made from the Major Events trust fund under Subsection (k) of this section, the obligation shall be satisfied proportionately from the state and local revenue in the trust fund.

(m) On payment of all state, municipal, or county obligations under a game support contract or event support contract related to the location of any particular event in the state, the department [~~comptroller~~] shall remit to each endorsing entity, in proportion to the amount contributed by the entity, any money remaining in the trust fund.

(p) The department [~~comptroller~~] may not undertake any of the responsibilities or duties set forth in this section unless:

(1) a request is submitted by the municipality or the county in which the event will be located;

(2) the event meets all the requirements for funding under this section, including Subsection (a-1) of this section; and

(3) the request is accompanied by documentation from a site selection organization selecting the site for the event.

(v) The department [~~comptroller~~] may adopt rules necessary to implement this section.

(w) Not later than 10 months after the last day of an event eligible for disbursements from the Major Events trust fund for costs associated with the event, the department [~~comptroller~~] using existing resources shall complete a study in the market area of the event on the measurable economic impact directly attributable to the preparation for and presentation of the event and related activities. The department [~~comptroller~~] shall post on the department's [~~comptroller's~~] Internet website:

(1) the results of the study conducted under this subsection, including any source documentation or other information relied on by the department [~~comptroller~~] for the study;

(2) the amount of incremental increase in tax receipts for the event determined by the department under Subsection (b) of this section;

(3) the site selection organization documentation described in Subsection (p)(3) of this section;

(4) any source documentation or information described under Subsection (i) of this section that was relied on by the department [~~comptroller~~] in making the determination of the amount of incremental increase in tax receipts under Subsection (b) of this section; and

(5) documentation verifying that:

(A) a request submitted by a local organizing committee, endorsing municipality, or endorsing county under Subsection (p) of this section is complete and certified as such by the department [~~comptroller~~];

(B) the determination on the amount of incremental increases in tax receipts under Subsection (b) of this section considered the information submitted by a local organizing committee, endorsing municipality, or endorsing county as required under Subsection (b-1) of this section; and

(C) each deadline established under this section was timely met.

(y) After the conclusion of an event, the department [~~comptroller~~] shall compare information on the actual attendance figures provided to the department [~~comptroller~~] under Subsection (i) of this section with the estimated attendance numbers used to determine the incremental increase in tax receipts under

Subsection (b) of this section. If the actual attendance figures are significantly lower than the estimated attendance numbers, the department [comptroller] may reduce the amount of a disbursement for an endorsing entity under the Major Events trust fund in proportion to the discrepancy between the actual and estimated attendance and in proportion to the amount contributed to the fund by the entity. The department [comptroller] by rule shall define "significantly lower" for purposes of this subsection and provide the manner in which a disbursement may be proportionately reduced. This subsection does not affect the remittance of any money remaining in the fund in accordance with Subsection (m) of this section.

SECTION _____. Sections 5B(b), (c), (d), (f), (g), (i), (j), (k), (m), and (o), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) If a site selection organization selects a site for a motor sports racing event in this state pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county, not later than three months before the date of the motor sports racing event, the department [comptroller] shall determine for the 30-day period that ends at the end of the day after the date on which the racing event will be held, in accordance with procedures developed by the department [comptroller]:

(1) the incremental increase in the receipts to the state from taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event;

(2) the incremental increase in the receipts collected by the state on behalf of each endorsing municipality in the market area from the sales and use tax imposed by each endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event;

(3) the incremental increase in the receipts collected by the state on behalf of each endorsing county in the market area from the sales and use tax imposed by each endorsing county under Section 323.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing county under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event;

(4) the incremental increase in the receipts collected by each endorsing municipality in the market area from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event; and

(5) the incremental increase in the receipts collected by each endorsing county in the market area from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event.

(c) For the purposes of Subsection (b)(1) of this section, the department [comptroller] shall designate as a market area for the motor sports racing event each area in which the department [comptroller] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the racing event, including areas likely to provide venues, accommodations, and services in connection with the racing event based on a proposal or other information provided by an endorsing municipality, endorsing county, or local organizing committee to the department [comptroller]. The department [comptroller] shall determine the geographic boundaries of each market area. An endorsing municipality or endorsing county that has been selected as the site for the racing event must be included in a market area for the racing event.

(d) Each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller shall deposit into a trust fund created by the comptroller, at the direction of the department, and designated as the Motor Sports Racing trust fund for the particular event the amount of the municipality's or county's hotel occupancy tax revenue determined by the department under Subsection (b)(4) or (5) of this section, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller, at the direction of the department, shall retain the amount of sales and use tax revenue and mixed beverage tax revenue determined by the department under Subsection (b)(2) or (3) of this section from the amounts otherwise required to be sent to the municipality under Sections 321.502 and 183.051(b), Tax Code, or to the county under Sections 323.502 and 183.051(b), Tax Code, and deposit into the trust fund the tax revenues, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller shall begin retaining and depositing the local tax revenues with the first distribution of that tax revenue that occurs after the first day of the 30-day period described by Subsection (b) of this section and shall discontinue retaining the local tax revenues under this subsection when the amount of the applicable tax revenue determined under Subsection (b)(2) or (3) of this section has been retained. The Motor Sports Racing trust fund is established outside the state treasury and is held in trust by the comptroller for administration of this section. Money in the trust fund may be disbursed by the department [comptroller] without appropriation only as provided by this section.

(f) The comptroller, at the direction of the department, shall transfer [deposit] a portion of the state tax revenue determined by the department under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of

the local sales and use tax revenue and mixed beverage tax revenue retained and the hotel occupancy tax revenue remitted by an endorsing municipality or endorsing county under Subsection (d) of this section.

(g) To meet its obligations under a motor sports racing event support contract or event support contract to improve, renovate, or acquire facilities or to acquire equipment, an endorsing municipality by ordinance or an endorsing county by order may authorize the issuance of notes. An endorsing municipality or endorsing county may provide that the notes be paid from and secured by amounts on deposit or amounts to be transferred or deposited into the Motor Sports Racing trust fund or surcharges from user fees, including parking or ticket fees, charged in connection with the racing event. Any note issued must mature not later than seven years from its date of issuance.

(i) A local organizing committee, endorsing municipality, or endorsing county shall provide information required by the department [comptroller] to enable the department [comptroller] to fulfill the department's [comptroller's] duties under this section, including annual audited statements of any financial records required by a site selection organization and data obtained by the local organizing committee, an endorsing municipality, or an endorsing county relating to attendance at the motor sports racing event and to the economic impact of the racing event. A local organizing committee, endorsing municipality, or endorsing county must provide an annual audited financial statement required by the department [comptroller], if any, not later than the end of the fourth month after the date the period covered by the financial statement ends.

(j) The department [comptroller] shall provide an estimate not later than three months before the date of a motor sports racing event of the total amount of tax revenue that would be transferred to or deposited in the Motor Sports Racing trust fund under this section in connection with that racing event, if the racing event were to be held in this state at a site selected pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county. The department [comptroller] shall provide the estimate on request to a local organizing committee, endorsing municipality, or endorsing county. A local organizing committee, endorsing municipality, or endorsing county may submit the department's [comptroller's] estimate to a site selection organization.

(k) The department [comptroller] may make a disbursement from the Motor Sports Racing trust fund on the prior approval of each contributing endorsing municipality or endorsing county for a purpose for which an endorsing municipality or endorsing county or the state is obligated under a motor sports racing event support contract or event support contract. A disbursement may not be made from the trust fund that the department [comptroller] determines would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

(m) On payment of all state, municipal, or county obligations under a motor sports racing support contract or event support contract related to the location of any particular racing event in the state, the department [comptroller] shall remit to each endorsing entity, in proportion to the amount contributed by the entity, any money remaining in the trust fund.

(o) The department [comptroller] may not undertake any of the responsibilities or duties set forth in this section unless a request is submitted by the municipality and the county in which the motor sports racing event will be held. The request must be accompanied by documentation from a site selection organization selecting the site for the racing event.

SECTION _____. Sections 5C(b), (b-1), (c), (c-1), (d), (d-1), (e), (f), (g), (i), (j), (k), (k-1), (m), (o), (p), (q), (r), and (t), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) If a site selection organization selects a site for an event in this state pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county, not later than three months before the date of the event, the department [comptroller] shall determine for the 30-day period that ends at the end of the day after the date on which the event will be held or, if the event occurs on more than one day, after the last date on which the event will be held, in accordance with procedures developed by the department [comptroller]:

(1) the incremental increase in the receipts to this state from taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(2) the incremental increase in the receipts collected by this state on behalf of each endorsing municipality in the market area from the sales and use tax imposed by each endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(3) the incremental increase in the receipts collected by this state on behalf of each endorsing county in the market area from the sales and use tax imposed by each endorsing county under Section 323.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing county under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(4) the incremental increase in the receipts collected by each endorsing municipality in the market area from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities; and

(5) the incremental increase in the receipts collected by each endorsing county in the market area from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities.

(b-1) The number of requests for funding under this section that may be submitted by an endorsing county or endorsing municipality during any 12-month period for an event for which the department [~~comptroller~~] determines that the total amount of the incremental increase in tax receipts under Subsection (b) of this section is less than \$200,000 is limited to, during any 12-month period, not more than 10 events, only three of which may be non sporting events.

(c) For the purposes of Subsection (b)(1) of this section, the department [~~comptroller~~] shall designate as a market area for the event each area in which the department [~~comptroller~~] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the event and related activities, including areas likely to provide venues, accommodations, and services in connection with the event based on the proposal provided by the local organizing committee to the department [~~comptroller~~]. The department [~~comptroller~~] shall determine the geographic boundaries of each market area. An endorsing municipality or endorsing county that has been selected as the site for the event must be included in a market area for the event.

(c-1) The department [~~comptroller~~] shall base the determination specified by Subsection (b) of this section on information submitted by the local organizing committee, endorsing municipality, or endorsing county, and must make the determination not later than the 30th day after the date the department [~~comptroller~~] receives the information.

(d) Each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller shall deposit into a trust fund created by the comptroller, at the direction of the department, and designated as the Events trust fund the amount of the municipality's or county's hotel occupancy tax revenue determined by the department under Subsection (b)(4) or (5) of this section, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller, at the direction of the department, shall retain the amount of sales and use tax revenue and mixed beverage tax revenue determined by the department under Subsection (b)(2) or (3) of this section from the amounts otherwise required to be sent to the municipality under Sections 321.502 and 183.051(b), Tax Code, or to the county under Sections 323.502 and 183.051(b), Tax Code, and deposit into the trust fund the tax revenues, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller shall begin retaining and depositing the local tax revenues with the first distribution of that tax revenue that occurs after the first day of the period described by Subsection (b) of this section or at a time otherwise determined to be practicable by the department [~~comptroller~~] and shall discontinue retaining the local tax revenues under this subsection when the amount of the applicable tax revenue determined by the department under Subsection (b)(2) or (3) of this section has been retained. The Events trust fund is

established outside the state treasury and is held in trust by the comptroller for administration of this section. Money in the trust fund may be disbursed by the department ~~[comptroller]~~ without appropriation only as provided by this section.

(d-1) Not later than the 90th day after the last day of an event and in lieu of the local tax revenues remitted ~~[to]~~ or retained ~~[by the comptroller]~~ under Subsection (d) of this section, a municipality or county may remit to the department ~~[comptroller]~~ for deposit in the Events trust fund other local funds in an amount equal to the total amount of local tax revenue determined by the department under Subsections (b)(2) through (5) of this section. The amount deposited by the department ~~[comptroller]~~ into the Events trust fund under this subsection is subject to Subsection (f) of this section.

(e) In addition to the tax revenue deposited in the Events trust fund under Subsection (d) of this section, an endorsing municipality or endorsing county may guarantee its obligations under an event support contract and this section by pledging surcharges from user fees, including parking or ticket fees, charged in connection with the event. An endorsing municipality or endorsing county may collect and remit to the department ~~[comptroller]~~ surcharges and user fees attributable to the event for deposit into the Events trust fund.

(f) The comptroller, at the direction of the department, shall transfer ~~[deposit]~~ into the Events trust fund a portion of the state tax revenue not to exceed the amount determined by the department under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of the local tax revenue retained or remitted under this section, including:

- (1) local sales and use tax revenue;
- (2) mixed beverage tax revenue;
- (3) hotel occupancy tax revenue; and
- (4) surcharge and user fee revenue.

(g) To meet its obligations under an event support contract to improve, construct, renovate, or acquire facilities or to acquire equipment, an endorsing municipality by ordinance or an endorsing county by order may authorize the issuance of notes. An endorsing municipality or endorsing county may provide that the notes be paid from and secured by amounts on deposit or amounts to be transferred or deposited into the Events trust fund or surcharges from user fees, including parking or ticket fees, charged in connection with the event. Any note issued must mature not later than seven years from its date of issuance.

(i) A local organizing committee, endorsing municipality, or endorsing county shall provide information required by the department ~~[comptroller]~~ to enable the department ~~[comptroller]~~ to fulfill the department's ~~[comptroller's]~~ duties under this section, including annual audited statements of any financial records required by a site selection organization and data obtained by the local organizing committee, an endorsing municipality, or an endorsing county relating to attendance at the event, including an estimate of the number of people expected to attend the event who are not residents of this state, and to the economic impact of the event. A local organizing committee, endorsing municipality, or endorsing county must provide an annual audited financial statement required by the department ~~[comptroller]~~, if any, not later than the end

of the fourth month after the date the period covered by the financial statement ends. After the conclusion of an event and on the department's ~~[comptroller's]~~ request, a local organizing committee, endorsing municipality, or endorsing county must provide information relating to the event, such as attendance figures, including an estimate of the number of people who are not residents of this state who attended the event, financial information, or other public information held by the local organizing committee, endorsing municipality, or endorsing county that the department ~~[comptroller]~~ considers necessary.

(j) The department ~~[comptroller]~~ shall provide an estimate not later than three months before the date of an event of the total amount of tax revenue that would be transferred into or deposited in the Events trust fund under this section in connection with that event, if the event were to be held in this state at a site selected pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county. The department ~~[comptroller]~~ shall provide the estimate on request to a local organizing committee, endorsing municipality, or endorsing county. A local organizing committee, endorsing municipality, or endorsing county may submit the department's ~~[comptroller's]~~ estimate to a site selection organization.

(k) The department ~~[comptroller]~~ may make a disbursement from the Events trust fund on the prior approval of each contributing endorsing municipality or endorsing county for a purpose for which a local organizing committee, an endorsing municipality, or an endorsing county or this state is obligated under an event support contract, including an obligation to pay costs incurred in the conduct of the event and costs incurred in making preparations necessary for the event. If an obligation is incurred under an event support contract to make a structural improvement to the site or to add a fixture to the site for purposes of an event and that improvement or fixture is expected to derive most of its value in subsequent uses of the site for future events, a disbursement from the trust fund made for purposes of that obligation is limited to five percent of the cost of the improvement or fixture and the remainder of the obligation is not eligible for a disbursement from the trust fund, unless the improvement or fixture is for a publicly owned facility. In considering whether to make a disbursement from the trust fund, the department ~~[comptroller]~~ may not consider a contingency clause in an event support contract as relieving a local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract.

(k-1) A disbursement may not be made from the trust fund that the department ~~[comptroller]~~ determines would be used for the purpose of:

- (1) soliciting the relocation of a professional sports franchise located in this state;
- (2) constructing an arena, stadium, or convention center; or
- (3) conducting usual and customary maintenance of a facility.

(m) On payment of all state, municipal, or county obligations under an event support contract related to the location of any particular event in this state, the department [~~comptroller~~] shall remit to each endorsing entity, in proportion to the amount contributed by the entity, any money remaining in the Events trust fund.

(o) The department [~~comptroller~~] may not undertake any of the responsibilities or duties set forth in this section unless a request is submitted by the municipality or the county in which the event will be located. The request must be accompanied by documentation from a site selection organization selecting the site for the event.

(p) The department [~~comptroller~~] may adopt rules necessary to implement this section.

(q) In determining the amount of state revenue available under Subsection (b)(1) of this section, the department [~~comptroller~~] may consider whether:

- (1) the event has been held in this state on previous occasions; and
- (2) changes to the character of the event could affect the incremental increase in receipts collected and remitted to the state by an endorsing county or endorsing municipality under that subsection.

(r) The department [~~comptroller~~] may adopt a model event support contract and make the contract available on the department's [~~comptroller's~~] Internet website. The adoption by the department [~~comptroller~~] of a model event support contract under this subsection does not require use of the model event support contract for purposes of this section.

(t) After the conclusion of an event, the department [~~comptroller~~] shall compare information on the actual attendance figures provided to the department [~~comptroller~~] under Subsection (i) of this section with the estimated attendance numbers used to determine the incremental increase in tax receipts under Subsection (b) of this section. If the actual attendance figures are significantly lower than the estimated attendance numbers, the department [~~comptroller~~] may reduce the amount of a disbursement for an endorsing entity under the Events trust fund in proportion to the discrepancy between the actual and estimated attendance and in proportion to the amount contributed to the fund by the entity. The department [~~comptroller~~] by rule shall define "significantly lower" for purposes of this subsection and provide the manner in which a disbursement may be proportionately reduced. This subsection does not affect the remittance of any money remaining in the fund in accordance with Subsection (m) of this section.

SECTION _____. Section 6(b), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) If an endorsing municipality or endorsing county is required to hold an election under this section and the contribution of a portion of the municipality's or county's sales and use taxes to the Olympic Games trust fund under Section 5 of this Act is not approved by a majority of the voters voting in the election:

(1) the comptroller may not establish the Olympic Games trust fund under Section 5 of this Act, may not retain the municipality's or county's tax revenue under Section 5(d) of this Act from amounts otherwise required to be sent to that municipality or county, and may not transfer ~~[deposit]~~ any state tax revenue into the trust fund;

(2) the department ~~[comptroller]~~ is not required to determine the incremental increase in state, county, or municipal tax revenue under Section 5(b) of this Act; and

(3) the department may not enter into a games support contract relating to the games for which the municipality or county has authorized a bid on its behalf.

SECTION _____. The following laws are repealed:

(1) Section 5C(s), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes); and

(2) Chapter 398, Local Government Code.

SECTION _____. As soon as is practicable after the effective date of this Act, but not later than September 10, 2015, the office of the governor and the comptroller of public accounts shall develop and adopt a memorandum of understanding that:

(1) identifies in detail the applicable powers and duties of the comptroller that are being transferred to the office of the governor as a result of this Act; and

(2) establishes a plan for the identification and transfer of records, property, and unspent appropriations of the comptroller that are used for purposes of managing the funds transferred to the office of the governor.

SECTION _____. (a) Not later than September 10, 2015:

(1) the administration of the Pan American Games trust fund, Olympic Games trust fund, Major Events trust fund, Motor Sports Racing trust fund, and Events trust fund for sporting and non-sporting events shall be transferred from the comptroller of public accounts to the Texas Economic Development and Tourism Office;

(2) all rules, forms, policies, procedures, or decisions of the comptroller that are related to the trust funds described by Subdivision (1) of this subsection are continued in effect as rules, forms, policies, procedures, or decisions of the economic development and tourism division, office of the governor, until superseded by a rule or other appropriate act of the Texas Economic Development and Tourism Office; and

(3) a reference in law or administrative rule to the comptroller relating to the decisions for and administration of the trust funds described by Subdivision (1) of this subsection, other than a duty typically performed by the comptroller related to a state fund, means the Texas Economic Development and Tourism Office.

(b) Before the transfer of the administration of the Pan American Games trust fund, Olympic Games trust fund, Major Events trust fund, Motor Sports Racing trust fund, and Events trust fund for sporting and non-sporting events, the comptroller and the Texas Economic Development and Tourism Office shall

coordinate the transfer of powers and duties, including records and other items, in accordance with the memorandum of understanding adopted under Section 11 of this Act, to ensure a smooth transition.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 2

Representative Isaac offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Isaac to **CSSB 633** as follows:

(1) On page 12, line 26, strike "lines 8 through 16," and substitute "line 16".

(2) Strike page 12, line 28 through page 13, line 2 and substitute the following:

SECTION _____. Sections 5A(a-1), (a-2), (b), (b-1), (c), (d), (d-1), (e), (f), (i), (j), (k), (l), (m), (p), (v), (w), and (y), Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(3) On page 14, strike lines 6 through 9.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

CSSB 633 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 633** under Rule 4, Section 41; Rule 11, Section 2; and Rule 11, Section 3 of the House Rules on the grounds that the committee substitute is not germane, the amendment is not germane to the bill, and the amendment would change the original purpose of the bill.

SB 1101 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37 of the House Rules, Representative Sheets gave notice that he would, in one hour, move to reconsider the vote by which **SB 1101**, as amended, passed to third reading.

CSSB 633 - (consideration continued)

CSSB 633 - POINT OF ORDER DISPOSITION

The point of order was withdrawn.

Representative Isaac moved to postpone consideration of **CSSB 633** until 4 p.m. today.

The motion prevailed.

RULES SUSPENDED

Representative D. Miller moved to suspend all necessary rules to allow the Committee on Special Purpose Districts to consider **SB 2057**, **SB 2074**, and **SB 2075** upon adjournment today in 1W.14.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Special Purpose Districts, upon adjournment today, 1W.14, for a formal meeting, to consider **SB 2057**, **SB 2074**, and **SB 2075**.

POSTPONED BUSINESS

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

**SB 759 ON SECOND READING
(Wray - House Sponsor)**

SB 759, A bill to be entitled An Act relating to the repeal of certain state taxes.

SB 759 was read second time earlier today, amendments were offered and disposed of, **SB 759** was postponed until 3 p.m. today, and was again postponed until this time. Amendment No. 6 was pending at the time of postponement.

Amendment No. 6 - Point of Order

Representative C. Turner raised a point of order against further consideration of Amendment No. 6, as amended, under Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution on the grounds that the amendment is not germane to the bill and the amendment would change the original purpose of the bill.

The point of order was withdrawn.

Amendment No. 8

Representatives C. Turner, Muñoz, and Raymond offered the following amendment to Amendment No. 6:

Amend Floor Amendment No. 6 by P. King to **SB 759** as follows:

(1) On page 2, between lines 7 and 8, insert the following new subsection, appropriately lettered, and reletter subsections of Section 222.002, Insurance Code, and cross-references to those subsections, accordingly:

() Except as provided by this subsection, any tax savings realized under this section by an entity described by Section 222.001 must be passed through to the entity's policyholders or enrollees in the form of reduced premiums. Any refund or credit received under this section by an entity described by Section 222.001 must be paid by the entity to the entity's policyholders or enrollees. The commissioner shall adopt rules to implement this subsection.

(2) On page 3, between lines 1 and 2, insert the following new subsection, appropriately lettered, and reletter subsections of Section 257.003, Insurance Code, and cross-references to those subsections, accordingly:

() Except as provided by this subsection, any tax savings realized under this section by an entity described by Section 257.001 must be passed through to the entity's policyholders or enrollees in the form of reduced premiums. Any refund or credit received under this section by an entity described by Section 257.001 must be paid by the entity to the entity's policyholders or enrollees. The commissioner shall adopt rules to implement this subsection.

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

SB 759 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **SB 759** under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules and under Article III, Section 30 of the Texas Constitution on the grounds that the amendment is not germane to the bill and the amendment would change the original purpose of the bill.

The point of order was withdrawn.

Representative Wray moved to postpone consideration of **SB 759** until 5 p.m. today.

The motion prevailed.

CSSB 1336 - VOTE RECONSIDERED

Representative Keffer moved to reconsider the vote by which **CSSB 1336**, as amended, was passed to third reading.

The motion to reconsider prevailed.

**CSSB 1336 ON SECOND READING
(Keffer - House Sponsor)**

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

CSSB 1336, A bill to be entitled An Act relating to the powers and duties, the construction of laws, and the election dates of certain groundwater conservation districts.

CSSB 1336 was read second time earlier today and was passed to third reading, as amended.

Amendment No. 3 - Vote Reconsidered

Representative Paddie moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider prevailed.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Cyrier offered the following amendment to **CSSB 1336**:

Amend **CSSB 1336** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. LOST PINES GROUNDWATER CONSERVATION DISTRICT. Subchapter B, Chapter 8849, Special District Local Laws Code, is amended by adding section 8849.055 to read as follows:

Sec. 8849.055. LIABILITY. For liability purposes only, a director is considered a district employee under Chapter 101, Civil Practice and Remedies Code, even if the director does not receive fees of office voluntarily, by district policy, or through a statutory exception to this section. A director is immune from suit and immune from liability for official votes and official actions.

Amendment No. 4 was adopted.

Amendment No. 5

Representative D. Miller offered the following amendment to **CSSB 1336**:

Amend **CSSB 1336** (house committee printing), by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . AMENDMENT TO WATER CODE REGARDING EDWARDS AQUIFER AUTHORITY. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.125 to read as follows:

Sec. 36.125. EDWARDS AQUIFER AUTHORITY. (a) Except as provided by Subsection (b), this subchapter does not apply to the Edwards Aquifer Authority.

(b) Sections 36.102 and 36.118 apply to the Edwards Aquifer Authority.

Amendment No. 5 was adopted.

CSSB 1336, as amended, was passed to third reading.

SB 1101 - VOTE RECONSIDERED

Representative Sheets moved to reconsider the vote by which **SB 1101**, as amended, was passed to third reading.

The motion to reconsider prevailed by (Record 1456): 87 Yeas, 42 Nays, 5 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Button; Canales; Capriglione; Coleman; Collier; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Fallon; Farias; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Hernandez; Herrero; Howard; Huberty; Isaac; Israel; Johnson; Keffer; Keough; King, P.; Klick; Koop; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Minjarez; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Parker; Paul; Phelan; Pickett; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schofield; Shaheen; Sheets; Simmons; Smith; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Vo; Walle; Workman; Wu.

Nays — Allen; Anderson, C.; Ashby; Bell; Bohac; Burns; Burrows; Cyrier; Elkins; Farney; Farrar; Fletcher; Flynn; Guillen; Harless; Hughes; Hunter; Kacal; Kuempel; Landgraf; Metcalf; Miller, D.; Miller, R.; Morrison; Murr; Otto; Paddie; Phillips; Price; Riddle; Schaefer; Schubert; Sheffield; Simpson; Smithee; Spitzer; Springer; VanDeaver; White, J.; White, M.; Wray; Zedler.

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

Absent, Excused — King, S.; Peña.

Absent — Clardy; Cook; Crossover; Dukes; Dutton; Guerra; King, K.; King, T.; Krause; McClendon; Moody; Romero; Stickland; Zerwas.

STATEMENTS OF VOTE

When Record No. 1456 was taken, I was in the house but away from my desk. I would have voted no.

Clardy

When Record No. 1456 was taken, I was in the house but away from my desk. I would have voted yes.

Krause

When Record No. 1456 was taken, I was in the house but away from my desk. I would have voted yes.

Stickland

SB 1101 ON SECOND READING

(Paddie - House Sponsor)

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

SB 1101, A bill to be entitled An Act relating to the authority to determine the supply of groundwater in certain regional water plans.

SB 1101 was read second time earlier today and was passed to third reading, as amended.

Amendment No. 3

Representative Sheets offered the following amendment to **SB 1101**:

Strike the Simpson Amendment. - Amendment No. 2.

(Speaker in the chair)

Amendment No. 3 was adopted by (Record 1457): 77 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, R.; Aycocock; Bernal; Bohac; Burkett; Button; Capriglione; Coleman; Collier; Craddick; Crossover; Dale; Darby; Davis, S.; Davis, Y.; Fallon; Farias; Fletcher; Frank; Galindo; Geren; Giddings; Goldman; Gonzales; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Johnson; Keffer; King, P.; Klick; Koop; Krause; Larson; Laubenberg; Leach; Longoria; Lucio; Márquez; Martínez; Martínez Fischer; Meyer; Miller, R.; Minjarez; Moody; Murphy; Naishtat; Nevárez; Parker; Paul; Raymond; Reynolds; Riddle; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Shaheen; Sheets; Simmons; Smith; Stephenson; Turner, C.; Turner, E.S.; Villalba; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Allen; Anderson, C.; Ashby; Bell; Bonnen, D.; Bonnen, G.; Burns; Burrows; Canales; Clardy; Cook; Cyrier; Deshotel; Elkins; Faircloth; Farney; Flynn; Frullo; González; Guillen; Hughes; Hunter; Isaac; Kacal; King, K.; King, T.; Kuempel; Lozano; McClendon; Metcalf; Miles; Miller, D.; Morrison; Muñoz; Murr; Oliveira; Otto; Paddie; Phelan; Phillips; Price; Raney; Schaefer; Schubert; Sheffield; Simpson; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, S.; VanDeaver; Vo; White, J.; White, M.; Wray.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Peña.

Absent — Blanco; Dukes; Dutton; Farrar; Guerra; Israel; Keough; Landgraf; Pickett; Rinaldi; Rodriguez, E.

STATEMENTS OF VOTE

When Record No. 1457 was taken, I was in the house but away from my desk. I would have voted no.

Keough

When Record No. 1457 was taken, I was in the house but away from my desk. I would have voted yes.

Rinaldi

SB 1101, as amended, was passed to third reading.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 28).

POSTPONED BUSINESS

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

CSSB 633 ON SECOND READING

(Isaac, Villalba, Bell, E. Rodriguez, Alvarado, et al. - House Sponsors)

CSSB 633, A bill to be entitled An Act relating to certain event trust funds and the abolishment of the special event trust fund.

CSSB 633 was read second time earlier today, postponed until 3:30 p.m. today, amendments were offered and disposed of, and **CSSB 633** was again postponed until this time.

CSSB 633 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 633**.

The point of order was withdrawn.

Amendment No. 3

Representative Alvarado offered the following amendment to **CSSB 633**:

Amend **CSSB 633** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by adding Section 12 to read as follows:

Sec. 12. LOCAL GOVERNMENT CORPORATION AS ENDORSING MUNICIPALITY OR COUNTY. (a) This section applies only to a local government corporation that:

- (1) is authorized to collect a municipal hotel occupancy tax; and
- (2) is located in a county with a population of 3.3 million or more.

(b) A local government corporation may act as an endorsing municipality or endorsing county under this Act.

(c) A local government corporation acting as an endorsing municipality or endorsing county under this Act shall remit for deposit into the trust fund established for the games or event the amounts determined by the comptroller under this Act. The comptroller shall determine the incremental increase in receipts attributable to the games or event and related activities under that chapter based on the amount of applicable taxes imposed by each municipality or county that comprises the local government corporation and not on the amount of taxes imposed by the local government corporation.

(d) A local government corporation acting as an endorsing municipality or endorsing county under this Act may guarantee the local government corporation's obligations under a games or event support contract by pledging surcharges from user fees, including parking or ticket fees, charged in connection with the games or event and related activities.

(e) Subject to Subsection (c), a local government corporation acting as an endorsing municipality or endorsing county under this Act, as authorized by this section, has all the powers of an endorsing municipality or endorsing county under this Act, and any action an endorsing municipality or endorsing county is required to take by ordinance or order under this Act may be taken by order or resolution of the local government corporation.

Amendment No. 3 was adopted.

CSSB 633, as amended, was passed to third reading by (Record 1458): 104 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farney; Fletcher; Frank; Galindo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Klick; Koop; Krause; Larson; Laubenberg; Longoria; Lozano;

Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Parker; Paul; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Simmons; Smith; Smithee; Stephenson; Thompson, S.; Turner, C.; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Allen; Anderson, R.; Aycock; Bonnen, D.; Bonnen, G.; Darby; Faircloth; Fallon; Flynn; Geren; Goldman; Hughes; Keough; Landgraf; Leach; Miles; Murr; Otto; Paddie; Phelan; Phillips; Rinaldi; Schaefer; Shaheen; Sheets; Simpson; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; Turner, S.; VanDeaver; White, J.; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, S.; Peña.

Absent — Burrows; Dukes; Farrar; Frullo; Kuempel; Rodriguez, E.

STATEMENTS OF VOTE

When Record No. 1458 was taken, I was shown voting no. I intended to vote yes.

Allen

When Record No. 1458 was taken, my vote failed to register. I would have voted no.

Burrows

When Record No. 1458 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1458 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 1458 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1458 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1458 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

When Record No. 1458 was taken, I was shown voting yes. I intended to vote no.

Wray

SB 19 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Cook, Representatives S. Thompson and Alonzo were authorized as house sponsors to **SB 19**.

SB 267 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Alvarado, Representatives Larson, Villalba, K. King, Workman, Faircloth, Burrows, Lozano, Keough, Isaac, and Murphy were authorized as house sponsors to **SB 267**.

SB 759 ON SECOND READING (Wray - House Sponsor)

SB 759, A bill to be entitled An Act relating to the repeal of certain state taxes.

SB 759 was read second time earlier today, amendments were offered and disposed of, **SB 759** was postponed until 3 p.m. today, postponed until 4 p.m. today, an amendment was offered and disposed of, and **SB 759** was again postponed until this time.

SB 759 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **SB 759** under Rule 8, Section 1; Rule 11, Section 2; and Rule 11, Section 3 of the House Rules and Article III, Section 30 and Article III, Section 35 of the Texas Constitution 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 Martinez Fischer raised a point of order against further consideration of **SB 759** on the grounds that it violates Rule 8, Section 1; Rule 11, Section 2; and Rule 11, Section 3 of the House Rules and Article III, Section 30 and Article III, Section 35 of the Texas Constitution. The point of order is sustained.

SB 759 was a simple bill that contained two subjects: the repeal of a bingo hall rental tax and a repeal of and exemption from certain liquefied gas taxes. The bill was neither an omnibus tax bill, nor an omnibus repeal-of-tax bill, nor an omnibus bill of any kind. It was a potentially flawed bill containing two subjects. During the course of the day, the bill was amended to include an exemption from certain taxes for an attorney who provides only pro bono legal services and a

prize tax on cash bingo prizes in excess of \$5. A further amendment which was pending would have included a refund or credit for health insurance provider fees due under the Affordable Care Act. Proponents of the point of order explain that the bill was intended only to eradicate taxes that raised less revenue than the cost of collecting the tax, but they assert that instead, **SB 759** has become a "tax bill piñata" with members interested in altering various taxes attempting to take a whack. Proponents also suggest that under the rules, the sustained swats at the initially defective tax piñata have caused it to collapse and have caused the life force of the bill to spill like candy to the floor. See Rule 11, Section 2 (germaneness) and Rule 11, Section 3 (change of original purpose) of the House Rules. The point of order is well taken. Unlike eager children who are able to swallow their ill-gotten gains, a failed tax bill piñata leaves only the useless papier-mâché remains of **SB 759**.

SB 759 was returned to the Committee on Ways and Means.

SB 881 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Smith, Representative Phillips was authorized as a house sponsor to **SB 881**.

ADJOURNMENT

Representative Geren moved that the house adjourn until 10 a.m. tomorrow in memory of Alyssa Ramirez of Devine.

The motion prevailed.

The house accordingly, at 5:55 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

SB 1639 to Land and Resource Management.

SB 2075 to Special Purpose Districts.

SIGNED BY THE SPEAKER

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

House List No. 26

HB 21, HB 127, HB 394, HB 418, HB 484, HB 499, HB 606, HB 635, HB 700, HB 735, HB 763, HB 764, HB 801, HB 804, HB 855, HB 943, HB 1036, HB 1044, HB 1049, HB 1079, HB 1080, HB 1111, HB 1119, HB 1311, HB 1321, HB 1336, HB 1463, HB 1464, HB 1492, HB 1542, HB 1665, HB 1692, HB 1717, HB 1741, HB 1779, HB 1853, HB 1874, HB 1881, HB 2035, HB 2066, HB 2068, HB 2135, HB 2193, HB 2332, HB 2340, HB 2354, HB 2396, HB 2401, HB 2428, HB 2430, HB 2533, HB 2679, HB 2747, HB 2776, HB 2778, HB 3024, HB 3060, HB 3160, HB 3185, HB 3225, HB 3286, HB 3291, HB 3342, HB 3433, HB 3729, HB 3747, HB 4003, HB 4086, HB 4112, HB 4131, HB 4152

Senate List No. 28

SB 34, SB 44, SB 100, SB 188, SB 273, SB 295, SB 306, SB 316, SB 332, SB 354, SB 409, SB 432, SB 460, SB 478, SB 495, SB 512, SB 519, SB 536, SB 565, SB 569, SB 643, SB 662, SB 681, SB 754, SB 807, SB 808, SB 822, SB 855, SB 858, SB 935, SB 940, SB 955, SB 961, SB 972, SB 988, SB 991, SB 1005, SB 1051, SB 1129, SB 1149, SB 1202, SB 1210, SB 1214, SB 1267, SB 1301, SB 1326, SB 1339, SB 1341, SB 1351, SB 1358, SB 1396, SB 1420, SB 1457, SB 1463, SB 1467, SB 1563, SB 1655, SB 1714, SB 1725, SB 1737, SB 1776, SB 1844, SB 1878, SB 1918, SB 1987, SB 1989, SB 2027, SB 2028, SB 2030, SB 2032, SB 2033, SB 2038, SB 2039, SB 2043, SB 2049, SB 2053, SB 2055, SB 2056, SCR 5, SCR 26, SCR 39, SJR 17

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

Monday, May 25, 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 19 King, Susan **SPONSOR:** Campbell
Relating to a preventive services program and mental health programs for veterans and military families.

HB 32 Bonnen, Dennis **SPONSOR:** Nelson
Relating to the computation and rates of the franchise tax; decreasing tax rates.

(Committee Substitute)

HB 177 Zedler SPONSOR: Bettencourt
Relating to the research, collection, and use of adult stem cells.
(Amended)

HB 189 Thompson, Senfronia SPONSOR: Taylor, Van
Relating to the elimination of the statute of limitations for the offenses of sexual assault and aggravated sexual assault.
(Amended)

HB 554 Springer SPONSOR: Creighton
Relating to a defense to prosecution for the offense of possessing or carrying a weapon in or into the secured area of an airport.
(Amended)

HB 638 Anchia SPONSOR: Ellis
Relating to annuity payments to surviving spouses and designated beneficiaries of persons wrongfully imprisoned.

HB 642 Canales SPONSOR: Hinojosa
Relating to an alcohol awareness program or drug education program for certain minors convicted of or adjudicated to have engaged in, or placed on deferred disposition or community supervision for, certain drug or alcohol related offenses; authorizing a fee.
(Amended)

HB 679 Turner, Sylvester SPONSOR: Zaffirini
Relating to a study on homeless youth.
(Amended)

HB 731 Lucio III SPONSOR: Lucio
Relating to a pilot program under the foundation school program for funding prekindergarten programs provided by certain school districts with early high school graduation programs.

HB 786 Walle SPONSOR: Zaffirini
Relating to the right of a public employee to express breast milk in the workplace.
(Amended)

HB 867 Hernandez SPONSOR: Garcia
Relating to the establishment and operation of the Texas Women Veterans Program.

HB 910 Phillips SPONSOR: Estes
Relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating criminal offenses.
(Committee Substitute/Amended)

HB 992 Bonnen, Dennis SPONSOR: Taylor, Larry
Relating to the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

HB 1072 Thompson, Senfronia SPONSOR: Ellis

Relating to the eligibility of certain persons to serve on the board of a property owners' association.

HB 1101 Turner, Sylvester SPONSOR: Whitmire
Relating to extending the period over which the balance of the system benefit fund is to be eliminated.

HB 1403 Sheets SPONSOR: Estes
Relating to the definition of health care liability claim for the purposes of certain laws governing those claims.

HB 1474 VanDeaver SPONSOR: Eltife
Relating to the placement of money in the state instructional materials fund and payment of the instructional materials allotment.

HB 1481 Murphy SPONSOR: Birdwell
Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.
(Committee Substitute/Amended)

HB 1613 Guillen SPONSOR: Perry
Relating to the alignment of college readiness standards and expectations and essential knowledge and skills and the use to satisfy requirements concerning high school end-of-course assessment instruments of performance demonstrating satisfaction of certain college readiness benchmarks on certain assessment instruments designated by the Texas Higher Education Coordinating Board.
(Committee Substitute)

HB 1629 Johnson SPONSOR: West
Relating to crowdfunding portal regulations for small business development.

HB 1804 Naishtat SPONSOR: West
Relating to notice by campuses and open-enrollment charter schools about events that may significantly impact the education of certain foster children.

HB 1841 Bonnen, Greg SPONSOR: Perry
Relating to the applicability of the sales and use tax to certain insurance services.
(Amended)

HB 1912 Elkins SPONSOR: Zaffirini
Relating to employment of a statewide data coordinator in the Department of Information Resources.
(Committee Substitute)

HB 1929 Rose SPONSOR: West
Relating to the payment in certain counties of expenses associated with the transportation of senior citizens and their caregivers for civic, community, educational, and recreational activities.
(Committee Substitute)

HB 2014 Sheets SPONSOR: Taylor, Van
Relating to the authority of military personnel to obtain certification to teach career and technology education classes in public schools.

HB 2053 Farney SPONSOR: Schwertner

Relating to the protection of certain children who may be subject to child abuse or neglect through the operation of the child safety check alert list and training for law enforcement officers relating to the child safety check alert list.
(Committee Substitute)

HB 2150 Alvarado SPONSOR: Whitmire
Relating to the organization of a grand jury.
(Committee Substitute/Amended)

HB 2171 Sheffield SPONSOR: Zaffirini
Relating to information maintained in the immunization registry with the consent of an individual after the individual becomes an adult.

HB 2282 Guillen SPONSOR: Uresti
Relating to the procedures for protests and appeals of certain ad valorem tax determinations.
(Amended)

HB 2398 White, James SPONSOR: Whitmire
Relating to court jurisdiction and procedures relating to truancy; establishing judicial donation trust funds; providing criminal penalties; imposing a court cost.
(Committee Substitute)

HB 2521 Coleman SPONSOR: Uresti
Relating to the allocation and use of payments received under oil and gas leases of land owned by the state for a county road.
(Committee Substitute)

HB 2524 Coleman SPONSOR: Rodríguez
Relating to legal services provided by a district or county attorney to county and precinct officials.
(Committee Substitute)

HB 2568 Morrison SPONSOR: Kolkhorst
Relating to authorizing a student center fee at the University of Houston-Victoria.

HB 2593 Price SPONSOR: Seliger
Relating to the sparsity adjustment for certain school districts under the Foundation School Program.

HB 2621 Raney SPONSOR: Schwertner
Relating to the board of trustees of the Blinn Junior College District.
(Amended)

HB 2633 Hernandez SPONSOR: Perry
Relating to the release of a motor vehicle accident report; amending a provision subject to a criminal penalty.
(Amended)

HB 2718 Parker SPONSOR: Ellis
Relating to a program to allow faith- and community-based organizations to offer supplemental assistance to certain recipients of public assistance.
(Committee Substitute)

HB 2772 Martinez, "Mando" SPONSOR: Lucio

Relating to the authority of certain economic development corporations to undertake and operate transportation-related projects.

HB 2926 Anchia SPONSOR: Hinojosa
Relating to low income housing tax credits awarded for at-risk developments.
(Committee Substitute/Amended)

HB 3106 Huberty SPONSOR: Creighton
Relating to the period of time allowed for appointment of a board of managers for a school district.
(Amended)

HB 3230 Rodriguez, Justin SPONSOR: Campbell
Relating to the determination of eligible costs and expenses for purposes of the franchise tax credit for the rehabilitation of historic structures.

HB 3307 Miller, Rick SPONSOR: Hinojosa
Relating to the authority of the Employees Retirement System of Texas to make available a TRICARE Military Health System supplemental plan.

HB 3402 Smith SPONSOR: Ellis
Relating to the authority of a venue district to act as an endorsing municipality or endorsing county for purposes of games or event trust funds; authorizing a fee.

HB 3519 Guerra SPONSOR: Watson
Relating to reimbursement for home telemonitoring services under Medicaid.
(Committee Substitute)

HB 3535 Collier SPONSOR: Menéndez
Relating to low income housing tax credits awarded for certain developments.
(Committee Substitute)

HB 3842 Smithee SPONSOR: Seliger
Relating to an agreement to finance and build a conference center and other appropriate facilities in or near a state park.

HCR 108 Hunter SPONSOR: Lucio
Requesting the lieutenant governor and the speaker to create a joint interim committee to study the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties.

HJR 75 Bonnen, Dennis SPONSOR: Taylor, Larry
Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect.

SB 1639 Campbell
Relating to the procedures for municipal annexations.

SB 2075 Campbell SPONSOR: Isaac
Relating to the annexation and eminent domain powers of and the development of certain wastewater projects by the Needmore Ranch Municipal Utility District No. 1.

Respectfully,

Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 24

Licensing and Administrative Procedures - **SB 289, SB 397**

Public Health - **SB 1585**

State Affairs - **SB 19, SB 575**

ENROLLED

May 24 - HB 21, HB 127, HB 394, HB 418, HB 484, HB 499, HB 606, HB 635, HB 700, HB 735, HB 763, HB 764, HB 801, HB 804, HB 855, HB 943, HB 1036, HB 1044, HB 1049, HB 1079, HB 1080, HB 1111, HB 1119, HB 1311, HB 1321, HB 1336, HB 1463, HB 1464, HB 1492, HB 1542, HB 1665, HB 1692, HB 1717, HB 1741, HB 1779, HB 1853, HB 1874, HB 1881, HB 2035, HB 2066, HB 2068, HB 2135, HB 2193, HB 2332, HB 2340, HB 2354, HB 2396, HB 2401, HB 2428, HB 2430, HB 2533, HB 2679, HB 2747, HB 2776, HB 2778, HB 3024, HB 3060, HB 3160, HB 3185, HB 3225, HB 3286, HB 3291, HB 3342, HB 3433, HB 3729, HB 3747, HB 4003, HB 4086, HB 4112, HB 4131, HB 4152

