

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-EIGHTH DAY — WEDNESDAY, MAY 22, 2013

The house met at 3:49 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 1056).

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

## **LEAVES OF ABSENCE GRANTED**

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

## **RULES SUSPENDED**

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

The motion prevailed.

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

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

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

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

(Record 1057): 148 Yeas, 0 Nays, 2 Present, not voting.

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

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

**SB 39**

**SB 44**

**SB 67**

**SB 168**

**SB 221**

**SB 251** (Lavender - no) (147 - 1 - 2)

**SB 306**

**SB 316** (Anderson, Flynn, Frullo, Price, Schaefer, Springer, Stickland, and Zedler - no) (140 - 8 - 2)

**SB 320**

**SB 321**

**SB 392**

**SB 404** (Flynn, Krause, Leach, Schaefer, Simmons, Simpson, and Stickland - no) (141 - 7 - 2)

**SB 414** (Anderson, Flynn, Schaefer, Stickland, and Zedler - no) (143 - 5 - 2)

**SB 429**

**SB 453**

**SB 454** (Lavender - no) (147 - 1 - 2)

**SB 475** (Krause, Schaefer, Simpson, and Stickland - no) (144 - 4 - 2)  
(Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 482** (Capriglione - no) (147 - 1 - 2)

**SB 490**

**SB 497** (Schaefer, Simpson, and Stickland - no) (145 - 3 - 2)

**SB 498**

**SB 512**

**SB 519**

**SB 555** (Leach, Phillips, and Simmons - no) (145 - 3 - 2)

**SB 585** (Krause, Schaefer, Stickland, and Taylor - no) (144 - 4 - 2)

**SB 624** (Capriglione - no) (147 - 1 - 2)

**SB 637**

**SB 659** (Anderson, Flynn, and Zedler - no) (145 - 3 - 2)

**SB 662** (Bell, Laubenberg, and E. S. Turner - no) (145 - 3 - 2)

**SB 692**

**SB 709** (Lavender, Schaefer, and Simpson - no) (145 - 3 - 2)

**SB 722** (Anderson, Crownover, Flynn, Harless, E. Thompson, and Zedler - no) (142 - 6 - 2)

**SB 751** (Capriglione - no) (147 - 1 - 2)

**SB 757** (Capriglione - no) (147 - 1 - 2)

**SB 809**

**SB 832** (Anderson, Flynn, Krause, Phillips, Schaefer, Springer, Stickland, E. Thompson, and Zedler - no) (139 - 9 - 2)

**SB 837** (Craddick, Goldman, Kleinschmidt, Murphy, Parker, Perry, Phillips, Sanford, Schaefer, R. Sheffield, Springer, Stickland, and E. Thompson - no) (135 - 13 - 2)

**SB 854** (Crownover, Harless, Krause, Schaefer, Simpson, and Stickland - no) (142 - 6 - 2)

**SB 872**

**SB 906**

**SB 949** (Krause, Simpson, and Stickland - no) (145 - 3 - 2)

**SB 950** (Krause, Schaefer, Stickland, Taylor, and E. Thompson - no) (143 - 5 - 2)

**SB 1009** (Capriglione - no) (147 - 1 - 2) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1029** (Crownover, Harless, Sanford, Simpson, and Stickland - no) (143 - 5 - 2)

**SB 1058** (Schaefer, Simpson, and Stickland - no) (145 - 3 - 2)

**SB 1080** (Anderson, Flynn, Schaefer, Springer, Stickland, E. Thompson, and Zedler - no) (141 - 7 - 2)

**SB 1083** (E. Thompson - no) (147 - 1 - 2)

**SB 1090** (E. Thompson - no) (147 - 1 - 2)

**SB 1098**

**SB 1100** (Krause, Lavender, Schaefer, Springer, and Stickland - no) (143 - 5 - 2) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1116** (Capriglione - no) (147 - 1 - 2)

**SB 1145** (Schaefer and Stickland - no) (146 - 2 - 2) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1158** (Sheets and Stickland - no) (146 - 2 - 2)

**SB 1159**

**SB 1175**

**SB 1195**

**SB 1210**

**SB 1255**

**SB 1256**

**SB 1266** (Capriglione - no) (147 - 1 - 2)

**SB 1268**

**SB 1285**

**SB 1289**

**SB 1297**

**SB 1313**

**SB 1317** (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1322** (Krause, Schaefer, and Stickland - no) (145 - 3 - 2)

**SB 1373** (Lavender, Simpson, and Stickland - no) (145 - 3 - 2)

**SB 1404**

**SB 1413**

**SB 1419** (Anderson, Crownover, Flynn, Harless, Lavender, Simpson, Stickland, E. Thompson, and Zedler - no) (139 - 9 - 2) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1457**

**SB 1512** (Anderson, Flynn, and Zedler - no) (145 - 3 - 2)

**SB 1525** (Krause, Schaefer, Simpson, Stickland, and E. Thompson - no) (143 - 5 - 2)

**SB 1533**

**SB 1553** (Schaefer, R. Sheffield, and Stickland - no) (145 - 3 - 2)

**SB 1557**

**SB 1585** (Sheets, R. Sheffield, and Taylor - no) (145 - 3 - 2) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1590** (Crownover and Harless - no) (146 - 2 - 2)

**SB 1597**

**SB 1599** (Bell, Craddick, Goldman, Kleinschmidt, Kolkhorst, Krause, Laubenberg, Lavender, Murphy, Parker, Perry, Sanford, Schaefer, Sheets, R. Sheffield, Springer, Stickland, and E. S. Turner - no) (130 - 18 - 2)

**SB 1601** (Capriglione - no) (147 - 1 - 2)

**SB 1604**

**SB 1609** (Krause, Schaefer, Stickland, and E. Thompson - no) (144 - 4 - 2)

**SB 1610**

**SB 1620**

**SB 1630**

**SB 1635**

**SB 1658****SB 1681**

**SB 1720** (Krause, Leach, Schaefer, Simmons, Stickland, and E. Thompson - no) (142 - 6 - 2)

**SB 1806**

**SB 1810** (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1827** (Goldman, Frullo, Perry, Sanford, Schaefer, R. Sheffield, Springer, and Stickland - no) (141 - 7 - 2) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1833** (Anderson, Flynn, Goldman, Sanford, Schaefer, Sheets, R. Sheffield, Simpson, Stickland, Taylor, and Zedler - no) (137 - 11 - 2) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1842**

**SB 1853** (Goldman, Lavender, Sanford, R. Sheffield, Springer, and Stickland - no) (142 - 6 - 2)

**SB 1863** (R. Sheffield - no) (147 - 1 - 2)

**SB 1867** (Simpson - no) (147 - 1 - 2)

**SB 1879** (Springer and Stickland - no) (146 - 2 - 2)

**SB 1891** (Bell, Goldman, Krause, Laubenberg, Lavender, Perry, Schaefer, Sheets, R. Sheffield, Springer, Stickland, and E. S. Turner - no) (136 - 12 - 2) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1899** (Capriglione - no) (147 - 1 - 2)

**SB 1906** (Capriglione - no) (147 - 1 - 2)

**SB 1908**

**SB 1910** (Capriglione - no) (147 - 1 - 2)

**SB 1913**

**SB 1915** (Capriglione - no) (147 - 1 - 2)

**SB 1916** (Krause - no) (147 - 1 - 2)

**SB 1921** (Capriglione - no) (147 - 1 - 2) (Creighton requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 401** (Anderson, Bell, Capriglione, Craddick, Crownover, Flynn, Frullo, Goldman, Harless, Kleinschmidt, Kolkhorst, Laubenberg, Lavender, Parker, Perry, Sanford, Schaefer, Sheets, R. Sheffield, Simpson, Springer, Stickland, E. S. Turner, and Zedler - no) (124 - 24 - 2)

**SB 443****SB 597**

**SB 680** (Bell, Crownover, Krause, Laubenberg, Phillips, Schaefer, Simpson, Springer, Stickland, E. Thompson, and E. S. Turner - no) (137 - 11 - 2)

**SB 683** (The vote was reconsidered on May 23, and **SB 683** was laid on the table subject to call.)

**SB 724** (Capriglione - no) (147 - 1 - 2)

**SB 725** (Capriglione - no) (147 - 1 - 2)

**SB 752** (Capriglione - no) (147 - 1 - 2)

**SB 1040** (Capriglione and Stickland - no) (146 - 2 - 2)

**SB 1508**

**SB 1606** (Bell, Craddick, Frullo, Goldman, Kolkhorst, Laubenberg, Lavender, Murphy, Parker, Perry, Sanford, Schaefer, Sheets, R. Sheffield, Springer, Stickland, Taylor, and E. S. Turner - no) (130 - 18 - 2)

**SB 1917**

The following bills were laid before the house, read third time, and Representative S. Thompson moved to postpone consideration until 4 p.m. today:

**SB 615****SB 1393****SB 1394****SB 1398****SB 1400****SB 1873****SB 1877**

The motion prevailed.

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 1057): 148 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number).

**SCR 27** (Anderson, Flynn, Krause, Schaefer, Simpson, Stickland, and Zedler - no) (141 - 7 - 2)

**ADDRESS BY REPRESENTATIVE D. BONNEN**

Representative D. Bonnen addressed the house, speaking as follows:

We'd like to thank, honor, and recognize our chair of the Committee on Local and Consent Calendars, Representative Senfronia Thompson, and we also want to recognize that at the end of this legislative session, Representative Thompson will have served 40 distinguished years as a member of this chamber.

Members, I'd like to put Representative Thompson's 40 years in context for you. She has served under six different speakers of the house—Price Daniel, Bill Clayton, Gib Lewis, Pete Laney, Tom Craddick, and Joe Straus. She's been the primary author of 855 house bills and house joint resolutions. And this will humble all of us—she has served during her tenure with 777 you and me throughout this process. She is the longest serving female representative in the history of the Texas House, and she is the longest serving African American member of the Texas House. We're honored to serve with you, Representative Thompson. When asked to define her personal style, Representative Thompson simply said, I quote, "I don't take [expletive]."

#### **REMARKS ORDERED PRINTED**

Representative Martinez Fischer moved to print remarks by Representative D. Bonnen.

The motion prevailed.

#### **ADDRESS BY REPRESENTATIVE S. THOMPSON**

The chair recognized Representative S. Thompson who addressed the house, speaking as follows:

Ladies and gentlemen, one of the most distinguished of privileges one has in life is to be able to serve with friends; to be able to disagree with them without being disagreeable; to be able to serve honorably with people; and to be able to walk each day in the grace of God and not to do your will, but his will. And not just to make your life better, but to make all of our lives better. It's important for us to leave a legacy behind, not just for our children—me, you, and our four and no more—but for all those who come behind us. We want to leave the tracks in the sand so persons will keep trying to fill them—the ones that you and I would leave here.

You have honored me each session that I have been here to serve with wonderful men and women to help to make this state a great state. It is my distinct honor and privilege to serve with each one of you, even when I fuss with you and cuss you out—and you know I've gotten better on that—and even when I disagree with you, I have always gone and said what a wonderful man or woman that is to be able to discuss ideas and to look at things from a different point of view other than just my own. Because of you, and those who have been behind you, and those who will come in the future, I have grown, and it has helped me tremendously to be a better human being, and I want to thank you. And I want to leave this short message with you: I'm not retiring.

(Speaker in the chair)

#### **REMARKS ORDERED PRINTED**

Representative Villalba moved to print remarks by Representative S. Thompson.

The motion prevailed.

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 220 ON THIRD READING  
(Anchia - House Sponsor)**

**SB 220**, A bill to be entitled An Act relating to the abolition of the office of the fire fighters' pension commissioner and the transfer and disposition of its functions relating to the Texas Emergency Services Retirement System and the Texas local firefighters retirement systems.

**SB 220** was passed by (Record 1058): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Davis, Y.; Isaac; Keffer.

**STATEMENTS OF VOTE**

When Record No. 1058 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

When Record No. 1058 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

I was shown voting yes on Record No. 1058. I intended to vote no.

S. King

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 1795 ON THIRD READING  
(Guillen - House Sponsor)**

**SB 1795**, A bill to be entitled An Act relating to the regulation of navigators for health benefit exchanges.

**SB 1795** was passed by (Record 1059): 120 Yeas, 26 Nays, 1 Present, not voting.

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

Nays — Bell; Bohac; Button; Capriglione; Creighton; Dale; Fallon; Goldman; Huberty; Isaac; Kleinschmidt; Krause; Laubenberg; Murphy; Paddie; Ratliff; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Springer; Stickland; Toth; Turner, E.S.; White.

Present, not voting — Mr. Speaker(C).

Absent — Klick; Sheffield, J.; Stephenson.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1059. I intended to vote no.

Branch

I was shown voting no on Record No. 1059. I intended to vote yes.

Button

I was shown voting yes on Record No. 1795. I intended to vote no.

Carter

I was shown voting yes on Record No. 1059. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 1059. I intended to vote no.

Gooden

I was shown voting yes on Record No. 1059. I intended to vote no.

S. King

I was shown voting yes on Record No. 1059. I intended to vote no.

Parker

When Record No. 1059 was taken, I was in the house but away from my desk. I would have voted yes.

J. Sheffield

**SB 1234 ON THIRD READING  
(Price - House Sponsor)**

**SB 1234**, A bill to be entitled An Act relating to the prevention of truancy and the offense of failure to attend school.

**SB 1234** was passed by (Record 1060): 145 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Simmons; Simpson; Thompson, E.

Present, not voting — Mr. Speaker(C).

Absent — Sheffield, J.

**STATEMENT OF VOTE**

When Record No. 1060 was taken, I was in the house but away from my desk. I would have voted yes.

J. Sheffield

**SB 492 ON THIRD READING**  
**(J. Sheffield - House Sponsor)**

**SB 492**, A bill to be entitled An Act relating to the licensing and regulation of prescribed pediatric extended care centers; providing penalties; imposing fees.

**SB 492** was passed by (Record 1061): 106 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bonnen, D.; Burnam; Callegari; Canales; Carter; Clardy; Coleman; Cook; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Frank; Geren; Giddings; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Pickett; Pitts; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Smith; Smithee; Strama; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Ashby; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Capriglione; Collier; Craddick; Creighton; Fallon; Fletcher; Flynn; Frullo; Goldman; Gonzales; Harper-Brown; Isaac; Krause; Laubenberg; Lavender; Leach; Parker; Perry; Phillips; Price; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Springer; Stickland; Taylor; Thompson, E.; Turner, E.S.; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Elkins; Hughes; Stephenson.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1061. I intended to vote no.

Anderson

I was shown voting yes on Record No. 1061. I intended to vote no.

Gooden

I was shown voting yes on Record No. 1061. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 1061. I intended to vote no.

R. Miller

I was shown voting yes on Record No. 1061. I intended to vote no.

Toth

I was shown voting yes on Record No. 1061. I intended to vote no.

Workman

**SB 126 ON THIRD READING**  
**(J. Davis - House Sponsor)**

**SB 126**, A bill to be entitled An Act relating to the creation of a mental health and substance abuse public reporting system.

**SB 126** was passed by (Record 1062): 146 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Simpson.

Present, not voting — Mr. Speaker(C).

Absent — Lucio; Márquez.

**SB 1292 ON THIRD READING**  
**(S. Turner, Miles, and Carter - House Sponsors)**

**SB 1292**, A bill to be entitled An Act relating to DNA testing of biological evidence in certain capital cases.

Representative S. Turner moved to postpone consideration of **SB 1292** until 4:25 p.m. today.

The motion prevailed.

**SB 1475 ON THIRD READING**  
**(Zerwas - House Sponsor)**

**SB 1475**, A bill to be entitled An Act relating to a jail-based restoration of competency pilot program.

**SB 1475** was passed by (Record 1063): 132 Yeas, 12 Nays, 1 Present, not voting.

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

Nays — Bell; Creighton; Fallon; Fletcher; Frank; Goldman; Harper-Brown; Hughes; Krause; Schaefer; Thompson, E.; Turner, E.S.

Present, not voting — Mr. Speaker(C).

Absent — Clardy; Elkins; Kolkhorst; Lewis; Thompson, S.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1063. I intended to vote no.

Capriglione

I was shown voting yes on Record No. 1063. I intended to vote no.

S. King

### SB 1643 ON THIRD READING (Alvarado - House Sponsor)

**SB 1643**, A bill to be entitled An Act relating to the monitoring of prescriptions for certain controlled substances; providing penalties.

#### Amendment No. 1

Representative S. King offered the following amendment to **SB 1643**:

Amend **SB 1643** on third reading by adding the appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 168.102, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) If an applicant for a certificate under this chapter is under investigation by the board for a violation of this subtitle, board rules, or other law relating to the prescription, dispensation, administration, supply, or sale of a controlled substance, the board may not make a decision on the application until the board has reached a final decision on the matter under investigation.

SECTION \_\_\_\_\_. Subsection (a), Section 168.202, Occupations Code, is amended to read as follows:

(a) A violation of this chapter or a rule adopted under this chapter is grounds for disciplinary action, including a temporary suspension or restriction under Section 164.059, against a pain management clinic certified under this chapter or an owner or operator of a clinic certified under this chapter.

Amendment No. 1 was adopted.

**SB 1643**, as amended, was passed by (Record 1064): 144 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Simpson; Stickland.

Present, not voting — Mr. Speaker(C).

Absent — Simmons; Stephenson; Thompson, S.

#### STATEMENTS OF VOTE

When Record No. 1064 was taken, I was in the house but away from my desk. I would have voted yes.

Simmons

When Record No. 1064 was taken, I was in the house but away from my desk. I would have voted yes.

Stephenson

**SB 1672 ON THIRD READING**  
**(Eiland - House Sponsor)**

**SB 1672**, A bill to be entitled An Act relating to the business of travel insurance; authorizing penalties.

**SB 1672** was passed by (Record 1065): 143 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Schaefer; Simpson; Stickland.

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

Absent — Morrison; Thompson, S.

**STATEMENT OF VOTE**

When Record No. 1065 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

**SB 347 ON THIRD READING**  
**(Lewis - House Sponsor)**

**SB 347**, A bill to be entitled An Act relating to funding for the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

**SB 347 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BURNAM: As you well know, there was a huge amendment added to your bill yesterday, and I'm wondering if you know that as a result of the amendment, WCS will be allowed to accept dramatically larger amounts of out-of-state radioactive waste, in the amount of highly radioactive waste into the Andrews County dump?

REPRESENTATIVE LEWIS: The amount of curies of the waste will be increased, if I understand it, from the amendments that were added.

BURNAM: Yes, dramatically. Page 2 of the amendment, line 20—

LEWIS: Pardon me. Lon, can you give me just a second? I don't have the amendments with me, and I'm about to get them. Pardon me, just a second. Go ahead, Representative Burnam. Let me see if I can catch up with you.

BURNAM: Certainly. My second question—are you aware, this means the State of Texas will be on the hook for at least 50,000 years of the radioactive lifespan of the material there and that, ultimately, after, for maintenance and cleanup purposes, Texas will be legally liable for this increased—radically increased—amount of nuclear waste?

LEWIS: Yes, I think it's important to clear this up, if I might, Representative. In the present law, there is a total amount of radioactivity that the site can have from outside compact areas. The total amount of radioactivity that can be imported is not changed. The amount that can be imported in any one year is increased, but the total—it still goes up to the total. So, you have more in any one year, but you just get to the total faster.

BURNAM: Right.

LEWIS: So, it does not change the total amount of the radioactivity.

BURNAM: As the bill was originally enacted—as the statute was originally enacted in 2003—you are aware that we were only accepting from two out-of-state sources, correct?

LEWIS: You mean the original law of the compact?

BURNAM: As passed in 2003.

LEWIS: That was supposed to be correct—is that Maine and Vermont? Is that what you're talking about?

BURNAM: Correct.

LEWIS: Yes, sir.

BURNAM: And you do realize that now, because of the design of the life of this facility—the facility's not designed to last more than 500 years, and there'll be a cleanup at some point—do you realize that that cleanup will be anywhere from \$1 to \$5 billion in cost?

LEWIS: I'm sorry, could you give that again?

BURNAM: I said that the design of the dump, currently, is not designed to be operational for more than 500 years, and the ultimate cleanup is anywhere from \$1 billion to \$5 billion. That's based on the experiences in the cleanups of the other facilities around the country.

LEWIS: You know, I don't know that at all, and I can't say that, Lon. You know, this facility was engineered and designed to last for the life of the facility, to be safe and secure. It does not, you know, have a sort of a limit like that. It will also

be—well, there is a fund established of, you know, tens of millions of dollars to, you know, pay for the eventual closure. But once it—I mean, it's going to be closed. When it reaches its life, it will be closed.

BURNAM: Judge, I realize you mean well, but it's not designed for the life of the waste. It's designed for the life of the facility. The waste life is 50,000 years and there's no guarantee on the design of this facility. When the dump was first taken up by the legislature, we were told that we would only accept from Maine and Vermont. Do you realize that this amendment means we will be accepting not only commercial waste from any and all states, but it also means we will be, in all probability, accepting military waste?

LEWIS: Well, let me say this. First of all, I don't know where the 50,000-year number comes from. All radioactivity has a half-life. I've never heard the 50,000-year number. This waste will be encapsulated. It has a half-life. It decays. It's designed to be safe. I mean, there's been computer models that it's perfectly safe and will not be an exposure of radiation of any significance ever in its life. As far as the waste that will come in there, it comes in from a number of states and it comes in from a number of sources. But again, there's a rated capacity of this facility and all we did is basically assign 30 percent of that capacity to out-of-state because experience showed we didn't need 100 percent of it for the compact waste. So, it's not that you're taking, making it larger, nor are you putting it there and making it larger—you're just reassigning some of that capacity.

#### REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Lewis and Representative Burnam.

The motion prevailed.

#### SB 347 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **SB 347** under Article III, Section 35 of the Texas Constitution on the grounds that it violates the one-subject rule.

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

Representative Burnam raised a point of order against further consideration of **SB 347** on third reading under Article III, Section 35 of the Texas Constitution, alleging that the bill violates the one-subject requirement as a result of the adoption of Amendment No. 1. The point of order is respectfully overruled.

**SB 347** revises the funding mechanism for the operation of the Texas Low-Level Radioactive Waste Disposal Compact Commission ("Compact Commission"). Amendment No. 1 provides additional funding mechanisms and adds conditions for those funding mechanisms. Thus, the amendment is consistent with the bill's subject of funding the operation of the Compact Commission. See 83 H.J. Reg. 2008 - 2009 (2013).

**SB 347** was passed by (Record 1066): 130 Yeas, 15 Nays, 1 Present, not voting.

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

Nays — Alonzo; Anchia; Burnam; Collier; Cortez; Dukes; Farias; Gonzalez, N.; Howard; Miles; Naishtat; Rodriguez, E.; Rodriguez, J.; Strama; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent — Allen; Eiland; Farrar; Ratliff.

**STATEMENTS OF VOTE**

When Record No. 1066 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

I was shown voting no on Record No. 1066. I intended to vote yes.

N. Gonzalez

**SB 549 ON THIRD READING  
(Carter and Wu - House Sponsors)**

**SB 549**, A bill to be entitled An Act relating to penalties for engaging in organized criminal activity.

**Amendment No. 1**

Representative Branch offered the following amendment to **SB 549**:

Amend **SB 549** on third reading as follows:

(1) In the introductory language for the SECTION of the bill amending Section 71.02(b), Penal Code, between "SECTION \_\_\_\_." and "Subsection (b)", insert the following:

"(a) This section shall be known as Chelsea's Law.

(b)"

(2) In amended Section 71.02(b), Penal Code, strike "if the most serious offense is a felony of the first degree," and substitute "~~if the most serious offense is a felony of the first degree,~~".

(3) In amended Section 71.02(b), Penal Code, strike "life or for any term of not more than 99 years or less than 15 years" and substitute the following:

":  
:

(1) life without parole, if the most serious offense is an aggravated sexual assault and if at the time of that offense the defendant is 18 years of age or older and:

(A) the victim of the offense is younger than six years of age;

(B) the victim of the offense is younger than 14 years of age and the actor commits the offense in a manner described by Section 22.021(a)(2)(A);  
or

(C) the victim of the offense is younger than 17 years of age and suffered serious bodily injury as a result of the offense; or

(2) life or for any term of not more than 99 years or less than 15 years if the most serious offense is an offense punishable as a felony of the first degree, other than an offense described by Subdivision (1)"

Amendment No. 1 was adopted.

**SB 549**, as amended, was passed by (Record 1067): 146 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Collier; Simpson.

Present, not voting — Mr. Speaker(C).

Absent — Ratliff.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 1067. I intended to vote yes.

Collier

I was shown voting yes on Record No. 1067. I intended to vote no.

E. S. Turner

**SB 646 ON THIRD READING  
(Naishtat and Burkett - House Sponsors)**

**SB 646**, A bill to be entitled An Act relating to court-ordered outpatient mental health services.

**SB 646** was passed by (Record 1068): 143 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Laubenberg; Stickland.

Present, not voting — Mr. Speaker(C).

Absent — Alvarado; Burnam; Elkins; Turner, S.

**STATEMENT OF VOTE**

When Record No. 1068 was taken, I was in the house but away from my desk. I would have voted yes.

S. Turner

**SB 736 ON THIRD READING  
(Smithee - House Sponsor)**

**SB 736**, A bill to be entitled An Act relating to insurance rating and underwriting practices and declinations based on certain consumer inquiries.

**SB 736** was passed by (Record 1069): 128 Yeas, 16 Nays, 1 Present, not voting.

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

Nays — Button; Capriglione; Fallon; Frank; Goldman; Hilderbran; Klick; Krause; Leach; Perry; Sanford; Schaefer; Simpson; Stickland; Turner, E.S.; White.

Present, not voting — Mr. Speaker(C).

Absent — Allen; Burnam; Gutierrez; Lavender; Toth.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1069. I intended to vote no.

R. Miller

When Record No. 1069 was taken, I was in the house but away from my desk. I would have voted no.

Toth

### SB 987 ON THIRD READING (Harless - House Sponsor)

**SB 987**, A bill to be entitled An Act relating to allowing the attorney general to obtain an injunction against a municipality or county that adopts prohibited regulations regarding firearms, ammunition, or firearm supplies.

**SB 987** was passed by (Record 1070): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.;

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

Present, not voting — Mr. Speaker(C).

Absent — Allen; Burnam; Farney; Gutierrez; Nevárez; Pickett; Ritter.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1070. I intended to vote no.

Collier

I was shown voting yes on Record No. 1070. I intended to vote no.

J. Rodriguez

### POSTPONED BUSINESS

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

#### SB 1292 ON THIRD READING

#### (S. Turner, Miles, and Carter - House Sponsors)

**SB 1292**, A bill to be entitled An Act relating to DNA testing of biological evidence in certain capital cases.

**SB 1292** was read third time earlier today and was postponed until this time.

**SB 1292** was passed by (Record 1071): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent — Allen; Carter; King, S.

### STATEMENTS OF VOTE

When Record No. 1071 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 1071 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

### GENERAL STATE CALENDAR

(consideration continued)

#### SB 993 ON THIRD READING

(S. King - House Sponsor)

**SB 993**, A bill to be entitled An Act relating to the creation of the Texas Nonprofit Council to assist with faith-based and community-based initiatives.

**SB 993** was passed by (Record 1072): 144 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Schaefer; Stickland.

Present, not voting — Mr. Speaker(C).

Absent — Allen; Coleman; White.

**SB 1705 ON THIRD READING  
(Parker - House Sponsor)**

**SB 1705**, A bill to be entitled An Act relating to the administration of certain examinations required to obtain a driver's license.

**SB 1705** was passed by (Record 1073): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Allen; Toth; Walle.

**SB 1003 ON THIRD READING  
(Guillen - House Sponsor)**

**SB 1003**, A bill to be entitled An Act relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state.

**Amendment No. 1**

Representative McClendon offered the following amendment to **SB 1003**:

Amend **SB 1003** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 203, Human Resources Code, is amended by adding Section 203.016 to read as follows:

Sec. 203.016. DATA REGARDING PLACEMENT IN DISCIPLINARY SECLUSION. (a) In this section:

(1) "Disciplinary seclusion" means the separation of a resident from other residents for disciplinary reasons and the placement of the resident alone in an area from which egress is prevented for more than 90 minutes.

(2) "Juvenile facility" means a facility that serves juveniles under juvenile court jurisdiction and that is operated as a pre-adjudication secure detention facility, a short-term detention facility, or a post-adjudication secure correctional facility.

(b) The department shall collect the following data during the annual registration of juvenile facilities and make the data publicly available:

(1) the number of placements in disciplinary seclusion lasting at least 90 minutes but less than 24 hours;

(2) the number of placements in disciplinary seclusion lasting 24 hours or more but less than 48 hours; and

(3) the number of placements in disciplinary seclusion lasting 48 hours or more.

Amendment No. 1 was adopted.

**SB 1003**, as amended, was passed by (Record 1074): 133 Yeas, 13 Nays, 1 Present, not voting.

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

Nays — Bell; Bonnen, G.; Flynn; Goldman; Krause; Lavender; Schaefer; Simmons; Simpson; Springer; Stickland; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Burnam; Elkins; Kleinschmidt.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 1074. I intended to vote no.

Gooden

**SB 1044 ON THIRD READING**  
**(Walle and Moody - House Sponsors)**

**SB 1044**, A bill to be entitled An Act relating to access to criminal history record information by certain entities, including certain local government corporations, public defender's offices, and the office of capital writs, and to an exemption for those offices from fees imposed for processing inquiries for that information.

**SB 1044** was passed by (Record 1075): 148 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Elkins.

**SB 1173 ON THIRD READING**  
**(White - House Sponsor)**

**SB 1173**, A bill to be entitled An Act relating to procedures for the sentencing and placement on community supervision of defendants charged with the commission of a state jail felony.

**SB 1173** was passed by (Record 1076): 145 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.;

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

Nays — Carter; Phillips.

Present, not voting — Mr. Speaker(C).

Absent — Burnam; Villarreal.

**SB 1216 ON THIRD READING**  
**(S. Davis - House Sponsor)**

**SB 1216**, A bill to be entitled An Act relating to the creation of a standard request form for prior authorization of medical care or health care services.

**SB 1216** was passed by (Record 1077): 142 Yeas, 6 Nays, 1 Present, not voting.

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

Nays — Bonnen, D.; Krause; Schaefer; Simpson; Stickland; Turner, E.S.

Present, not voting — Mr. Speaker(C).

Absent — Howard.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 1077. I intended to vote no.

Toth

**SB 1368 ON THIRD READING  
(Alvarado and Flynn - House Sponsors)**

**SB 1368**, A bill to be entitled An Act relating to contracts by certain state governmental entities that involve the exchange or creation of public information.

**Amendment No. 1**

Representative Alvarado offered the following amendment to **SB 1368**:

Amend **SB 1368** on third reading in Section 552.003(2-a), Government Code, as added on second reading by the Alvarado amendment to the bill by striking "or seeks to have".

Amendment No. 1 was adopted.

**SB 1368**, as amended, was passed by (Record 1078): 93 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bell; Branch; Burkett; Burnam; Callegari; Canales; Coleman; Collier; Cortez; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Frank; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Laubenberg; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Pickett; Pitts; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Simmons; Simpson; Smith; Stephenson; Strama; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Button; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Elkins; Fallon; Farney; Fletcher; Flynn; Frullo; Geren; Goldman; Gooden; Hilderbran; Hughes; Isaac; King, P.; Klick; Kolkhorst; Krause; Kuempel; Larson; Lavender; Leach; Miller, D.; Morrison; Orr; Paddie; Parker; Perry; Phillips; Price; Ratliff; Schaefer; Sheets; Sheffield, R.; Smithee; Springer; Stickland; Taylor; Thompson, E.; Villalba; White; Zedler.

Present, not voting — Mr. Speaker(C).

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1078. I intended to vote no.

Bell

I was shown voting no on Record No. 1078. I intended to vote yes.

Flynn

I was shown voting yes on Record No. 1078. I intended to vote no.

Kacal

I was shown voting yes on Record No. 1078. I intended to vote no.

S. King

I was shown voting yes on Record No. 1078. I intended to vote no.

E. S. Turner

I was shown voting yes on Record No. 1078. I intended to vote no.

Workman

I was shown voting no on Record No. 1078. I intended to vote yes.

Zedler

**SB 107 ON THIRD READING**  
**(Johnson - House Sponsor)**

**SB 107**, A bill to be entitled An Act relating to the disclosure by a court of criminal history record information that is the subject of an order of nondisclosure.

**Amendment No. 1**

Representative Canales offered the following amendment to **SB 107**:

Amend **SB 107** (house committee report) as follows:

(1) On page 1, lines 5-7, strike the introductory language and substitute the following:

Section 411.081, Government Code, is amended by amending Subsections (a), (e), (f), (h), and (i) and adding Subsections (d-1) and (g-3) to read as follows:

(2) On page 1, between lines 21 and 22, insert the following:

(d-1)(1) This subsection applies only to a person who:

(A) on conviction is placed on community supervision under Article 42.12, Code of Criminal Procedure, and with respect to whom the conviction is subsequently set aside by the court under Section 20(a) of that article; and

(B) is not convicted of an offense for which the person would be ineligible for deferred adjudication community supervision under Section 5(d), Article 42.12, Code of Criminal Procedure.

(2) Notwithstanding any other provision of this subchapter, if a person to whom this subsection applies satisfies the requirements of Subsection (e), the person may petition the court that placed the person on community supervision for an order of nondisclosure under this subsection. After notice to the state and a hearing on whether the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the community supervision. A criminal justice agency may disclose criminal history record information that is the subject of the order only to other criminal justice agencies, for criminal justice

purposes, an agency or entity listed in Subsection (i), or the person who is the subject of the order. A person may petition the court that placed the person on community supervision for an order of nondisclosure on payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition. The payment may be made only after:

(A) the conviction is set aside, if the offense for which the person was placed on community supervision was a misdemeanor; or

(B) the fifth anniversary of the date the conviction is set aside, if the offense for which the person was placed on community supervision was a felony.

(e) A person is entitled to petition the court under Subsection (d) or (d-1) only if during the period of the community supervision, including deferred adjudication community supervision, for which the order of nondisclosure is requested and during the applicable period described by Subsection (d)(1), (2), or (3) or by Subsection (d-1)(2)(A) or (B), as appropriate, the person is not convicted of or placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, for any offense other than an offense under the Transportation Code punishable by fine only. A person is not entitled to petition the court under Subsection (d) or (d-1) if the person was placed on community supervision, including [the] deferred adjudication community supervision, for, or has been previously convicted of or placed on any other deferred adjudication for:

(1) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;

(2) an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;

(3) an offense under Section 19.02, 19.03, 22.04, 22.041, 25.07, or 42.072, Penal Code; or

(4) any other offense involving family violence, as defined by Section 71.004, Family Code.

(f) For purposes of Subsections [Subsection] (d) and (e), a person is considered to have been placed on deferred adjudication community supervision if, regardless of the statutory authorization:

(1) the person entered a plea of guilty or nolo contendere;

(2) the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and

(3) at the end of the period of supervision, the judge dismissed the proceedings and discharged the person.

(3) On page 2, between lines 11 and 12, insert the following:

(h) The clerk of a court that collects a fee under Subsection (d) or (d-1) shall remit the fee to the comptroller not later than the last day of the month following the end of the calendar quarter in which the fee is collected, and the comptroller

shall deposit the fee in the general revenue fund. The Department of Public Safety shall submit a report to the legislature not later than December 1 of each even-numbered year that includes information on:

- (1) the number of petitions for nondisclosure and orders of nondisclosure received by the department in each of the previous two years;
- (2) the actions taken by the department with respect to the petitions and orders received;
- (3) the costs incurred by the department in taking those actions; and
- (4) the number of persons who are the subject of an order of nondisclosure and who became the subject of criminal charges for an offense committed after the order was issued.

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) or (d-1) to the following noncriminal justice agencies or entities only:

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical Board;
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (8) the Texas School for the Deaf;
- (9) the Department of Family and Protective Services;
- (10) the Texas Juvenile Justice Department [~~Youth Commission~~];
- (11) the Department of Assistive and Rehabilitative Services;
- (12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;
- (13) the Texas Private Security Board;
- (14) a municipal or volunteer fire department;
- (15) the Texas Board of Nursing;
- (16) a safe house providing shelter to children in harmful situations;
- (17) a public or nonprofit hospital or hospital district;
- (18) [~~the Texas Juvenile Probation Commission~~];
- [~~(19)~~] the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;
- (19) [~~(20)~~] the Texas State Board of Public Accountancy;
- (20) [~~(21)~~] the Texas Department of Licensing and Regulation;
- (21) [~~(22)~~] the Health and Human Services Commission;
- (22) [~~(23)~~] the Department of Aging and Disability Services;
- (23) [~~(24)~~] the Texas Education Agency;
- (24) [~~(25)~~] the Guardianship Certification Board;

(25) [(26)] a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII, Texas Probate Code;

(26) [(27)] the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

- (A) the Department of Information Resources; or
- (B) a contractor or subcontractor of the Department of Information Resources;

Resources;

(27) [(28)] the Court Reporters Certification Board;

(28) [(29)] the Texas Department of Insurance; and

(29) [(30)] the Teacher Retirement System of Texas.

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

SECTION \_\_\_\_\_. Section 411.0851(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information shall destroy and may not disseminate any information in the possession of the entity with respect to which the entity has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081(d) or (d-1).

SECTION \_\_\_\_\_. Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF CERTAIN CRIMINAL HISTORY INFORMATION [~~DEFERRED ADJUDICATIONS~~]. (a) Information is excepted from the requirements of Section 552.021 if an order of nondisclosure with respect to the information has been issued under Section 411.081(d) or (d-1).

(b) A person who is the subject of information that is excepted from the requirements of Section 552.021 under this section may deny the occurrence of the criminal proceeding [~~arrest and prosecution~~] to which the information relates and the exception of the information under this section, unless the information is being used against the person in a subsequent criminal proceeding.

SECTION \_\_\_\_\_. Section 552.1425(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information may not compile or disseminate information with respect to which the entity has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081(d) or (d-1).

SECTION \_\_\_\_\_. Section 53.021(e), Occupations Code, is amended to read as follows:

(e) Subsection (c) does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide:

(1) law enforcement or public health, education, or safety services; or

(2) financial services in an industry regulated by a person listed in Section 411.081(i)(18) [~~411.081(i)(19)~~], Government Code.

(5) On page 2, line 12, strike "The change" and substitute "(a) Except as provided by Subsection (b) of this section, the change".

(6) On page 2, between lines 16 and 17, insert the following:

(b) The change in law made by Section 411.081(d-1), Government Code, as added by this Act, applies to any person whose conviction is set aside under Section 20(a), Article 42.12, Code of Criminal Procedure, before, on, or after the effective date of this Act.

Amendment No. 1 failed of adoption (not receiving the necessary two-thirds vote) by (Record 1079): 46 Yeas, 95 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Frank; González, M.; Gonzalez, N.; Guillen; Herrero; Hilderbran; Hughes; Klick; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Simpson; Stephenson; Turner, S.; Walle.

Nays — Anchia; Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frullo; Geren; Goldman; Gonzales; Gooden; Guerra; Harless; Harper-Brown; Hernandez Luna; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lucio; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Sheets; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Villalba; Villarreal; White; Workman; Wu; Zedler; Zerwas.

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

Absent — Alvarado; Bell; Davis, J.; Giddings; Gutierrez; Turner, E.S.; Vo.

### STATEMENTS OF VOTE

When Record No. 1079 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 1079 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

**SB 107** was passed by (Record 1080): 145 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Phillips.

Present, not voting — Mr. Speaker(C).

Absent — Cortez; Deshotel; Fallon.

#### STATEMENTS OF VOTE

When Record No. 1080 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

When Record No. 1080 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1080 was taken, my vote failed to register. I would have voted yes.

Fallon

I was shown voting yes on Record No. 1080. I intended to vote no.

Larson

**SB 1567 ON THIRD READING**  
**(Eiland - House Sponsor)**

**SB 1567**, A bill to be entitled An Act relating to coverage of certain persons under an automobile insurance policy.

**SB 1567** was passed by (Record 1081): 143 Yeas, 2 Nays, 3 Present, not voting.

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

Nays — Schaefer; Stickland.

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

Absent — Dukes; Gonzales.

**SB 1388 ON THIRD READING**  
**(Bohac - House Sponsor)**

**SB 1388**, A bill to be entitled An Act relating to identity recovery services; imposing a fee.

**SB 1388** was passed by (Record 1082): 111 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Bohac; Branch; Burkett; Burnam; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Giddings; Gonzales; González, M.; Gonzalez, N.; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez;

Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Stephenson; Strama; Taylor; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Aycock; Bell; Bonnen, D.; Bonnen, G.; Button; Capriglione; Cook; Elkins; Fallon; Flynn; Geren; Goldman; Gooden; Hilderbran; Huberty; Hughes; Klick; Krause; Laubenberg; Lavender; Miller, R.; Parker; Perry; Phillips; Riddle; Sanford; Schaefer; Sheets; Simmons; Springer; Stickland; Thompson, E.; Turner, E.S.; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Anderson; Guerra.

**STATEMENTS OF VOTE**

When Record No. 1082 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

When Record No. 1082 was taken, I was in the house but away from my desk. I would have voted yes.

Guerra

I was shown voting no on Record No. 1082. I intended to vote yes.

Hilderbran

**SB 21 ON THIRD READING**

**(Creighton, D. Bonnen, Riddle, and R. Sheffield - House Sponsors)**

**SB 21**, A bill to be entitled An Act relating to drug screening or testing as a condition for the receipt of unemployment compensation benefits by certain individuals.

**Amendment No. 1**

Representatives R. Sheffield, Patrick, Otto, Smith, Parker, Cook, Button, Zedler, Flynn, Burkett, Fletcher, Morrison, Lewis, Taylor, Isaac, Ritter, Kleinschmidt, Laubenberg, Lavender, Riddle, Anderson, Workman, S. Davis, D. Miller, Creighton, Hughes, Hilderbran, Zerwas, Aycock, Harper-Brown, Orr, Kolkhorst, Harless, Ratliff, Carter, Keffer, P. King, Darby, Lozano, Geren, Bell, Larson, J. Davis, Gonzales, Nevárez, Smithee, Murphy, White, and Frullo offered the following amendment to **SB 21**:

Amend **SB 21** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act shall be known as the Ken Legler Act.

Amendment No. 1 was adopted.

**SB 21 - REMARKS**

REPRESENTATIVE SIMPSON: Members, Article III, Section 51 of our state constitution basically prohibits giving of tax monies to individuals or private entities; then it goes on to list exceptions, and that's where we are today, and we have to live within that framework where we do use tax dollars for welfare. Not just for the weak, not just for the unemployed, but also for the rich, the powerful—for corporations, to attract them to come to the State of Texas. And though I have supported this bill, and I do plan to vote for it, because benefits received through unemployment benefits are voluntary. I was seeking to level the playing field, to apply to big corporations who receive grants—millions of dollars from this state—from the Texas Enterprise Fund, Emerging Technology Fund, CPRIT—but my amendment was not ruled germane. I believe that we should have a level playing field, and I believe that if we are going to apply this to the weak in our society to receive a drug test before they can receive their benefits, I think it would be appropriate for anybody who receives a benefit from this state from tax dollars taken from us as individuals by force should have the same treatment.

I'm thankful for Representative Chris Turner, who made these remarks on a similar bill last night, that actually made me think of this. And also, reading Proverbs 22 this morning, it speaks of "the Lord is the maker of us all, the rich and the poor," and later in that proverb, it speaks about not robbing the poor. It also speaks about not oppressing the poor, and that "when we oppress the poor, and give to the rich, we will come to poverty." Justice is what this body should be about. It should be blind. We should all be equal before God and before the law. And I hesitantly will vote for this bill, but I believe that it should be applied to all who receive benefits.

**SB 21 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE WU: I'm reading over the HRO digest for this bill and it discusses that the supporters of your bill—part of their intent is to ensure recipients of unemployment benefits are drug free, would you agree with that?

REPRESENTATIVE CREIGHTON: I agree that the intent of this bill is to help lift people up and help them towards a better way, correct, and at the same time, making sure the unemployment benefits fund is solvent and there to help those that need it the most.

WU: The bill also says that not doing so will send the wrong message to the public, and says that it's going to help people seek employment in certain professions. And it says that it is a way for individuals to seek rehabilitation and will benefit our society in general. Do you agree with all these points?

CREIGHTON: Restate that.

WU: That the supporters of the bill say that this bill sends a strong statement to the public that it helps people seeking employment, that it helps these individuals seek rehabilitation, and it helps our society in general.

CREIGHTON: Yes, I agree with that.

WU: You agree with all these points?

CREIGHTON: Correct.

WU: Okay. Do you have any other legislative intent for this bill to achieve outside of that?

CREIGHTON: No.

WU: Okay. Do you believe that a government-mandated drug test invokes the Fourth Amendment of the United States?

CREIGHTON: I believe that the courts have ruled sufficiently that if the legislation is crafted narrowly to protect the rights of the initial applicants that are covered, that there is no Fourth Amendment violation. Correct.

WU: I must have misstated my question. Do you believe that a urine test for drugs by the government is a government search?

CREIGHTON: I believe that under this bill, and with the guidance of rulings through the courts, as they have ruled on cases regarding laws such as this across the nation, that if the standard is in place, that it's appropriate and guided through those holdings, that no, there is no Fourth Amendment violation.

WU: I'm not asking if there's a violation—are you agreed with me that under U.S. Supreme Court ruling, that a drug test issued by the government—mandated by the government—is a search, as it is defined under the Fourth Amendment. It is—I'm not trying to argue with you, I'm telling you, it is.

CREIGHTON: Representative Wu, this is an unemployment insurance benefit fund. It is a choice to seek the coverage and insurance offered within this fund; there are eligibility requirements that we establish as a legislature for so many different avenues of assistance that are provided through state government—

WU: And I do not disagree with you one bit on your statement on that.

CREIGHTON: And I still stand firm that this is a distinction—in the questions you're asking—it is a distinction that is very relevant in stating that if someone chooses to seek assistance through the unemployment insurance benefit fund, that they can have a reasonable expectation that there will be eligibility requirements in place established by the legislative branch, and also it's been ruled through the courts that it would be appropriate.

WU: Mr. Creighton, I'm not trying to argue with you. I'm not telling you you're right or wrong, I'm just asking what is in your mind, okay? Is the screening—the pretest screening—tied directly to the drug test? Would you agree that the screening process, in order for someone to take the drug test, is tied directly to the test?

CREIGHTON: The drop down on the flow chart is, the federal government, through recent legislation, has enabled the states to pursue and pass laws such as this—29 states have a similar proposal in place, eight have passed it. And, through guidance of the recent court holdings, if a questionnaire which is adopted by the Texas Workforce Commission—and it's depicted in this bill, they must do this—using national requirements that are established through the Department of

Labor, accepted requirements for such a questionnaire—that if that questionnaire leads to a reasonable likelihood that there may be drug use involved by this person who would already be seeking employment in an occupation that would require drug testing anyway—there may be a drug test, and they're very aware of that.

WU: I don't think you understand my question. Let me ask you this way. Can a person refuse to do the screening if they fit into the category of this bill?

CREIGHTON: Yes. Any applicant for UIB funds that learns that they have to fill out a questionnaire that would be a drug screen, they can choose to opt out and not ask for unemployment benefits at all. Correct.

WU: But they would not be able to receive benefits, which they would be entitled to, if they do not do the screening?

CREIGHTON: Correct, because we would be doing what we usually do, which is establishing eligibility requirements for this type of insurance coverage.

WU: And you believe that the screening process—the screening alerts the screener—that that provides a reasonable suspicion that this person may have drugs, or may be using drugs? Would that be fair?

CREIGHTON: The questionnaire is designed to give that type of information. Correct.

WU: I'm reading from the HRO that your supporters say that a positive on the screen provides reasonable suspicion to do the urine test, which is what you believe makes it constitutional?

CREIGHTON: You know, the bill gives the workforce commission the ability to establish those rules—

WU: Absolutely, and I'm not trying—

CREIGHTON: They would promulgate the rules by which the screen is graded up or down.

WU: And if someone is "up," as you say, if the commission finds someone that is up, you believe that provides them with reasonable suspicion? Yes or no?

CREIGHTON: Yes. I believe that courts—

WU: Absolutely. Thank you.

CREIGHTON: —have guided us correctly on how to draft this bill.

WU: Is there anything in your bill that provides for a search warrant?

CREIGHTON: No, because it's not necessary.

WU: Okay, and you believe that a search may be conducted on reasonable suspicion alone, without a search warrant?

CREIGHTON: I believe if the applicant chooses to go through the process and ultimately ends up with a drug test because of their choosing to fill out the questionnaire and seek these benefits, that yes, they are choosing that path and they understand the ramifications of what could ultimately be the results of choosing that path.

**SB 21**, as amended, was passed by (Record 1083): 104 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Eiland; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Herrero; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Martinez; Martinez Fischer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Howard; Johnson; Márquez; McClendon; Menéndez; Miles; Naishtat; Nevárez; Oliveira; Perez; Pickett; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Hernandez Luna; Longoria; Lucio.

**STATEMENTS OF VOTE**

When Record No. 1083 was taken, I was in the house but away from my desk. I would have voted no.

Longoria

When Record No. 1083 was taken, I was temporarily out of the house chamber. I would have voted no.

Lucio

I was shown voting yes on Record No. 1083. I intended to vote no.

Martinez Fischer

**REMARKS ORDERED PRINTED**

Representative C. Turner moved to print remarks between Representative Creighton and Representative Wu and by Representative Simpson on **SB 21**.

The motion prevailed.

**SB 1747 ON THIRD READING****(Keffer, Guillen, Nevárez, and Crownover - House Sponsors)**

**SB 1747**, A bill to be entitled An Act relating to funding and donations for county transportation projects, including projects of county energy transportation reinvestment zones.

**SB 1747** was passed by (Record 1084): 135 Yeas, 12 Nays, 1 Present, not voting.

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

Nays — Flynn; Gooden; King, S.; Krause; Laubenberg; Sanford; Schaefer; Simpson; Springer; Stickland; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Cortez; King, K.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1084. I intended to vote no.

Capriglione

When Record No. 1084 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

I was shown voting yes on Record No. 1084. I intended to vote no.

Fallon

I was shown voting no on Record No. 1084. I intended to vote yes.

S. King

I was shown voting no on Record No. 1084. I intended to vote yes.

Springer

I was shown voting yes on Record No. 1084. I intended to vote no.

Toth

**SB 1769 ON THIRD READING**  
**(White - House Sponsor)**

**SB 1769**, A bill to be entitled An Act relating to the creation of an advisory committee to examine the fingerprinting practices of juvenile probation departments.

**SB 1769** was passed by (Record 1085): 145 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Schaefer; Simpson.

Present, not voting — Mr. Speaker(C).

Absent — Coleman; Cortez.

**STATEMENT OF VOTE**

When Record No. 1085 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

**MESSAGE FROM THE SENATE**

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

**SB 485 ON THIRD READING**  
**(Parker - House Sponsor)**

**SB 485**, A bill to be entitled An Act relating to the sales tax exemption period for clothing and footwear.

**SB 485** was passed by (Record 1086): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Cortez; Naishtat; Rodriguez, E.

#### STATEMENT OF VOTE

When Record No. 1086 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

#### SB 141 ON THIRD READING (S. Davis - House Sponsor)

**SB 141**, A bill to be entitled An Act relating to the requirements for issuance of a license to practice orthotics and prosthetics.

**SB 141** was passed by (Record 1087): 147 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Cortez; Pitts.

### STATEMENT OF VOTE

When Record No. 1087 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

### SB 1771 ON THIRD READING (Kuempel - House Sponsor)

**SB 1771**, A bill to be entitled An Act relating to the expansion of the boundaries of the Cibolo Creek Municipal Authority.

**SB 1771** was passed by (Record 1088): 146 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Stickland.

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

Absent — Cortez.

### STATEMENT OF VOTE

When Record No. 1088 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

#### **SB 1812 ON THIRD READING** **(Otto - House Sponsor)**

**SB 1812**, A bill to be entitled An Act relating to the determination of state contributions for participation by certain junior college employees in the state employees group benefits program, the Teacher Retirement System of Texas, and the Optional Retirement Program.

**SB 1812** was passed by (Record 1089): 148 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Cortez.

### STATEMENT OF VOTE

When Record No. 1089 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

#### **SB 460 ON THIRD READING** **(Coleman - House Sponsor)**

**SB 460**, A bill to be entitled An Act relating to inclusion of instruction in the detection and education of students with mental or emotional disorders in the requirements for educator training programs.

**Amendment No. 1**

Representative R. Sheffield offered the following amendment to **SB 460**:

Amend **SB 460** on third reading by adding to the bill the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 39.055, Education Code, is amended to read as follows:

Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES. Notwithstanding any other provision of this code except to the extent otherwise provided under Section 39.054(f), for purposes of determining the performance of a school district, [or] campus, or open-enrollment charter school under this chapter, a student who is ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department [Youth Commission, the Texas Juvenile Probation Commission], a juvenile board, or any other governmental entity and who is receiving instruction from an educator who has completed the training under Section 21.044(c-1) or any student who is receiving treatment in a residential facility and who is receiving instruction from an educator who has completed the training under Section 21.044(c-1) is not considered to be a student of the school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an assessment instrument or other student achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located or an open-enrollment charter school, as applicable.

SECTION \_\_\_\_\_. Section 39.055, Education Code, as amended by this Act, applies beginning with the 2013-2014 school year.

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Zedler offered the following amendment to **SB 460**:

Amend Floor Amendment No. \_\_\_\_ to **SB 460** as follows:

Section \_\_\_\_\_. On page 2, line 16, of the Coleman amendment, insert the following language between "subsection." and "(c-2)":

Any mental health training program offered under this section shall include a component on the risks of prescription drug sharing and prescription drug abuse.

Amendment No. 2 was withdrawn.

**Amendment No. 3**

Representative Coleman offered the following amendment to **SB 460**:

Amend **SB 460** on third reading as follows:

(1) On page 1, line 10, strike "must" and substitute "may".

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

SECTION \_\_\_\_\_. Section 28.004(c), Education Code, is amended to read as follows:

(c) The local school health advisory council's duties include recommending:

(1) the number of hours of instruction to be provided in health education;

(2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, ~~and~~ Type 2 diabetes, and mental health concerns through coordination of:

(A) health education;

(B) physical education and physical activity;

(C) nutrition services;

(D) parental involvement; ~~and~~

(E) instruction to prevent the use of tobacco;

(F) school health services;

(G) counseling and guidance services;

(H) a safe and healthy school environment; and

(I) school employee wellness; and

(3) appropriate grade levels and methods of instruction for human sexuality instruction; and

(4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:

(A) school health services;

(B) counseling and guidance services;

(C) a safe and healthy school environment; and

(D) school employee wellness.

SECTION \_\_\_\_\_. Section 161.325, Health and Safety Code, is amended by adding Subsections (c-1) and (c-2) and amending Subsection (d) to read as follows:

(c-1) Except as otherwise provided by this subsection, each school district may provide training described in the components set forth under Subsection (b) for teachers, counselors, principals, and all other appropriate personnel. A school district may provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on the list to satisfy the requirements of this subsection.

(c-2) If a school district provides the training under Subsection (c-1):

(1) a school district employee described under that subsection must participate in the training at least one time; and

(2) the school district shall maintain records that include the name of each district employee who participated in the training.

SECTION \_\_\_\_\_. Subchapter O-1, Chapter 161, Health and Safety Code, is amended by adding Section 161.326 to read as follows:

Sec. 161.326. IMMUNITY. This subchapter does not:

(1) waive any immunity from liability of a school district or of district school officers or employees;

(2) create any liability for a cause of action against a school district or against district school officers or employees; or

(3) waive any immunity from liability under Section 74.151, Civil Practice and Remedies Code.

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

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

Amend Amendment No. 3 by Coleman to **SB 460** (on third reading) by adding the following appropriately numbered item to the amendment and renumbering items appropriately:

(\_\_\_\_) Section 74.151(e), Civil Practice and Remedies Code, is amended to read as follows:

(e) Except as provided by this subsection, this [This] section does not apply to a person whose negligent act or omission was a producing cause of the emergency for which care is being administered. This subsection does not apply to liability of a school district or district school officer or employee arising from an act or omission under a program or policy or procedure adopted under Subchapter O-1, Chapter 161, Health and Safety Code, other than liability arising from wilful or intentional misconduct.

Amendment No. 4 was adopted.

#### **Amendment No. 5**

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

Amend Floor Amendment No. 3 to **SB 460** as follows:

Section \_\_\_\_\_. On page 2, line 16, of the Coleman amendment, insert the following language between "subsection." and "(c-2)":

Any mental health training program offered under this section shall include a component on the risks of prescription drug sharing and prescription drug abuse.

Amendment No. 5 was adopted.

Amendment No. 3, as amended, was adopted.

**SB 460**, as amended, was passed by (Record 1090): 112 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burnam; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Johnson; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez;

Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Smith; Stephenson; Stickland; Strama; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zedler; Zerwas.

Nays — Anderson; Bonnen, D.; Burkett; Button; Capriglione; Carter; Fallon; Flynn; Geren; Goldman; Gooden; Harper-Brown; Isaac; Kacal; King, S.; Krause; Laubenberg; Lavender; Leach; Miller, R.; Phillips; Raney; Ratliff; Riddle; Sanford; Schaefer; Simmons; Simpson; Smithee; Springer; Taylor; Thompson, E.; Turner, E.S.; White; Workman.

Present, not voting — Mr. Speaker(C).

Absent — Creighton; Hunter.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1090. I intended to vote no.

Bell

I was shown voting yes on Record No. 1090. I intended to vote no.

G. Bonnen

When Record No. 1090 was taken, I was in the house but away from my desk. I would have voted no.

Creighton

I was shown voting yes on Record No. 1090. I intended to vote no.

Crownover

When Record No. 1090 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting yes on Record No. 1090. I intended to vote no.

Kleinschmidt

I was shown voting yes on Record No. 1090. I intended to vote no.

Price

I was shown voting yes on Record No. 1090. I intended to vote no.

Stickland

### POSTPONED BUSINESS

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

#### **SB 1702 ON THIRD READING**

**(D. Bonnen - House Sponsor)**

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

**SB 1702** was read third time on May 21 and was postponed until 1:07 p.m. May 21.

(Kuempel in the chair)

**Amendment No. 1**

Representative D. Bonnen offered the following amendment to **SB 1702**:

Amend **SB 1702** on third reading as follows:

(1) Strike the SECTION of the bill amending Section 2210.260(d), Insurance Code, as added by Amendment No. 1 by Eiland (832091).

(2) Strike the SECTION of the bill adding Section 2210.2581, Insurance Code, as added by Amendment No. 2 by Smithee (832089).

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

SECTION \_\_\_\_\_. Section 2210.251(f), Insurance Code, is amended to read as follows:

(f) Notwithstanding any other provision of this section, insurance coverage for a residential structure [insured by the association as of September 1, 2009,] may be issued or renewed [continue coverage] through the association subject to the inspection requirements imposed under Section 2210.258, if applicable. This subsection expires December 31, 2015.

SECTION \_\_\_\_\_. Section 2210.258, Insurance Code, is amended to read as follows:

Sec. 2210.258. [~~MANDATORY~~] COMPLIANCE WITH BUILDING CODES; ELIGIBILITY. (a) Except as provided by Subsection (c) and Section 2210.2581 and notwithstanding [Notwithstanding] any other provision of this chapter, to be eligible for insurance through the association, all construction, alteration, remodeling, enlargement, and repair of, or addition to, any structure located in the catastrophe area that is begun on or after the effective date of Sections 5 through 49, **HB 4409**, Acts of the 81st Legislature, Regular Session, 2009, must be performed in compliance with the applicable building code standards, as set forth in the plan of operation.

(b) Except as provided by Subsection (c), the [The] association may not insure a structure described by Subsection (a) until:

(1) the structure has been inspected for compliance with the plan of operation in accordance with Section 2210.251(a); and

(2) a certificate of compliance has been issued for the structure in accordance with Section 2210.251(g).

(c) The association may insure a residential structure constructed, altered, remodeled, enlarged, repaired, or added to on or after June 19, 2009, that is not in compliance with the applicable building code standards, as set forth in the plan of operation, provided that:

(1) the structure had been insured on or after June 19, 2009, by an insurer in the private market that canceled or nonrenewed the insurance coverage of the structure before December 31, 2015;

(2) the applicant provides to the association proof that insurance coverage that was issued to the applicant or the previous insured for the structure was canceled or nonrenewed in the private market as described by Subdivision (1); and

(3) no construction, alteration, remodeling, enlargement, or repair of, or addition to, the structure occurred after cancellation or nonrenewal of the coverage and before submission of an application for coverage through the association.

SECTION \_\_\_\_\_. Subchapter F, Chapter 2210, Insurance Code, is amended by adding Section 2210.2581 to read as follows:

Sec. 2210.2581. MANDATORY COMPLIANCE WITH BUILDING STANDARDS; CERTAIN STRUCTURES. Except as provided by Section 2210.251(d) and (e), and notwithstanding Section 2210.258 or any other provision of this chapter, on and after December 31, 2015, the association may not issue or renew insurance coverage for a structure unless the structure complies with the applicable building code standards in effect on the date the construction, alteration, remodeling, enlargement, or repair of, or addition to, the structure begins, as set forth in the plan of operation.

SECTION \_\_\_\_\_. Section 2210.259, Insurance Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), an insurance policy insuring a [A] noncompliant residential structure under Section 2210.251(f) [insured by the association as of September 1, 2009, under Section 2210.251(f) that had been approved for insurability under the approval process regulations in effect on September 1, 2009.] is subject to an annual premium surcharge in an amount equal to 15 percent of the premium for insurance coverage obtained through the association. The surcharge under this subsection applies to each policy issued or renewed by the association on or after the effective date of Sections 5 through 49, **HB 4409**, Acts of the 81st Legislature, Regular Session, 2009, and is due on the issuance or renewal of the policy.

(a-1) For a policy insuring a noncompliant residential structure eligible for coverage under Section 2210.258(c), the association shall charge:

(1) a premium based on the rate charged in the voluntary market for the portion of the cancelled or nonrenewed policy that provides windstorm and hail insurance coverage for the applicable risk; and

(2) an annual premium surcharge in an amount equal to 10 percent of that premium.

SECTION \_\_\_\_\_. Section 2210.260, Insurance Code, is repealed.

Amendment No. 1 was adopted.

**SB 1702**, as amended, was passed by (Record 1091): 134 Yeas, 11 Nays, 3 Present, not voting.

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

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

Nays — Isaac; Klick; Krause; Laubenberg; Lavender; Perry; Sanford; Simpson; Springer; Stickland; Toth.

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

Absent — Kacal; Lewis.

**SB 615 ON THIRD READING**  
**(P. King - House Sponsor)**

**SB 615**, A bill to be entitled An Act relating to the contracting authority of the Texas Historical Commission.

**SB 615** was read third time earlier today and was postponed until this time.

**SB 615** was passed by (Record 1092): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Lozano; Otto; Vo.

### STATEMENT OF VOTE

When Record No. 1092 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

#### **SB 1393 ON THIRD READING (Pickett and Flynn - House Sponsors)**

**SB 1393**, A bill to be entitled An Act relating to homeland security strategy.

**SB 1393** was read third time earlier today and was postponed until this time.

**SB 1393** was passed by (Record 1093): 146 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Nevárez; Simpson.

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

#### **SB 1394 ON THIRD READING (Pickett and Flynn - House Sponsors)**

**SB 1394**, A bill to be entitled An Act relating to the statewide critical infrastructure protection strategy.

**SB 1394** was read third time earlier today and was postponed until this time.

**SB 1394** was passed by (Record 1094): 145 Yeas, 1 Nays, 2 Present, not voting.

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

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

Nays — Nevárez.

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

Absent — Elkins; Parker.

**SB 1398 ON THIRD READING**  
**(Morrison - House Sponsor)**

**SB 1398**, A bill to be entitled An Act relating to rules governing the allocation of delegates to a political party's national presidential nominating convention.

**SB 1398** was read third time earlier today and was postponed until this time.

**SB 1398** was passed by (Record 1095): 141 Yeas, 4 Nays, 2 Present, not voting.

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

Nays — Canales; Nevárez; Simpson; Stickland.

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

Absent — Cook; Laubenberg; Parker.

**SB 1400 ON THIRD READING**  
**(Geren - House Sponsor)**

**SB 1400**, A bill to be entitled An Act relating to the municipal and county regulation of air guns.

**SB 1400** was read third time earlier today and was postponed until this time.

**SB 1400** was passed by (Record 1096): 143 Yeas, 1 Nays, 3 Present, not voting.

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

Nays — Nevárez.

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

Absent — Bell; Cook; Parker.

**SB 1873 ON THIRD READING**  
**(Fallon - House Sponsor)**

**SB 1873**, A bill to be entitled An Act relating to the authority to issue bonds of the Mustang Special Utility District.

**SB 1873** was read third time earlier today and was postponed until this time.

**SB 1873** was passed by (Record 1097): 144 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Canales; Nevárez.

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

Absent — Cook; Parker.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 1097. I intended to vote no.

Capriglione

### SB 1877 ON THIRD READING (Fallon - House Sponsor)

**SB 1877**, A bill to be entitled An Act relating to the creation of the Venable Ranch Municipal Utility District No. 1 of Denton County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**SB 1877** was read third time earlier today and was postponed until this time.

**SB 1877** was passed by (Record 1098): 143 Yeas, 2 Nays, 2 Present, not voting.

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

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

Nays — Canales; Nevárez.

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

Absent — Harper-Brown; Parker; Sheffield, R.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 1098. I intended to vote no.

Capriglione

#### **SB 2 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Farney, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2**: Aycock, chair; Villarreal, Farney, Otto, and Harless.

#### **SB 217 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Strama, the house granted the request of the senate for the appointment of a Conference Committee on **SB 217**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 217**: Anchia, chair; D. Bonnen, Orr, Simmons, and Strama.

#### **SB 270 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Herrero, the house granted the request of the senate for the appointment of a Conference Committee on **SB 270**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 270**: Herrero, chair; Canales, Carter, M. González, and Price.

#### **SB 281 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Frank, the house granted the request of the senate for the appointment of a Conference Committee on **SB 281**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 281**: Frank, chair; Springer, Larson, Lavender, and T. King.

**SB 359 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative N. Gonzalez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 359**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 359**: Eiland, chair; Martinez Fischer, Bohac, Button, and N. Gonzalez.

**SB 690 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Geren, the house granted the request of the senate for the appointment of a Conference Committee on **SB 690**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 690**: Dutton, chair; Sanford, Leach, Branch, and Miles.

**SB 700 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Kacal, the house granted the request of the senate for the appointment of a Conference Committee on **SB 700**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 700**: Kacal, chair; Lewis, Clardy, Larson, and M. González.

**HB 3068 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3068**, A bill to be entitled An Act relating to debit card surcharges.

Representative Menéndez moved to concur in the senate amendments to **HB 3068**.

The motion to concur in the senate amendments to **HB 3068** prevailed by (Record 1099): 139 Yeas, 3 Nays, 2 Present, not voting.

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

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

Nays — Schaefer; Simpson; Stickland.

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

Absent — Coleman; Cortez; Davis, S.; Lavender; Riddle; Rodriguez, E.

### STATEMENTS OF VOTE

When Record No. 1099 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

When Record No. 1099 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

When Record No. 1099 was taken, I was in the house but away from my desk. I would have voted yes.

Lavender

### Senate Committee Substitute

**CSHB 3068**, A bill to be entitled An Act relating to debit card or stored value card surcharges.

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

SECTION 1. Chapter 59, Finance Code, is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. PROHIBITION OF SURCHARGE

Sec. 59.401. DEFINITIONS. In this subchapter:

(1) "Cardholder" means the person named on the face of a debit or stored value card to whom or for whose benefit the card is issued.

(2) "Debit card" has the meaning in Section 502.001, Business & Commerce Code.

(3) "Merchant" means a person in the business of selling or leasing goods or services.

(4) "Stored value card" has the meaning as defined in Section 604.001(1), Business & Commerce Code, but does not include the meaning as defined in Section 604.001(2), Business & Commerce Code.

Sec. 59.402. IMPOSITION OF SURCHARGE FOR USE OF DEBIT OR STORED VALUE CARD. (a) In a sale of goods or services, a merchant may not impose a surcharge on a buyer who uses a debit or stored value card instead of cash, a check, credit card, or a similar means of payment.

(b) This section does not apply to a state agency, county, local governmental entity, or other governmental entity that accepts a debit or stored value card for the payment of fees, taxes, or other charges.

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

### **HB 753 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 753**, A bill to be entitled An Act relating to certain information to be provided by school districts to parents concerning supplemental educational services and to Texas Education Agency approval and investigation of supplemental educational services providers.

Representative Villarreal moved to concur in the senate amendments to **HB 753**.

The motion to concur in the senate amendments to **HB 753** prevailed by (Record 1100): 127 Yeas, 14 Nays, 4 Present, not voting.

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

Nays — Capriglione; Fallon; Goldman; Gooden; Krause; Perry; Phillips; Schaefer; Simmons; Simpson; Springer; Stickland; Taylor; Thompson, E.

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

Absent — Carter; Davis, S.; Hilderbran; Reynolds; Thompson, S.

### STATEMENTS OF VOTE

When Record No. 1100 was taken, my vote failed to register. I would have voted yes.

Carter

I was shown voting yes on Record No. 1100. I intended to vote no.

Crownover

When Record No. 1100 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

I was shown voting yes on Record No. 1100. I intended to vote no.

Lavender

### Senate Committee Substitute

**CSHB 753**, A bill to be entitled An Act relating to certain information to be provided by school districts to parents concerning supplemental educational services and to Texas Education Agency approval and investigation of supplemental educational services providers.

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

SECTION 1. Chapter 26, Education Code, is amended by adding Section 26.0082 to read as follows:

Sec. 26.0082. SUPPLEMENTAL EDUCATIONAL SERVICES. (a) In this section, "rigorous research" means research that includes:

(1) a study design that employs either a randomized controlled trial or a quasi-experimental design;

(2) an adequate measure of outcomes; and

(3) reliable and valid results.

(b) As part of the annual notice a school district provides to parents under 20 U.S.C. Section 6316(e)(2)(A) concerning supplemental educational services, the district shall include information provided to the district by the agency that:

(1) identifies characteristics of supplemental educational services that, based on rigorous research, have been demonstrated to be more likely to foster improvement in student academic performance, including information concerning the minimum number of hours of tutoring necessary for improved performance; and

(2) sorts, for each subject for which supplemental educational services are provided, supplemental educational services providers serving district students according to the provider's level of effectiveness in improving student performance in the applicable subject area.

(c) The agency shall develop and the commissioner by rule shall establish a process for approving and revoking approval for a supplemental educational services provider. The process must allow the agency to use any publicly available information from any published source in determining whether to approve an entity as a provider, except that the agency may not use information that is self-published or published by a provider for marketing purposes.

(d) The agency shall maintain a publicly available list of approved providers. In accordance with standards established by commissioner rule, the agency shall promptly investigate a complaint against an approved provider and promptly remove from the list of approved providers a provider for which agency approval has been revoked.

(e) Not later than the fifth business day after the date on which the agency removes a provider from the list of approved providers, the agency shall send notice of the removal to each appropriate school district. The district shall provide notice of the removal to parents of appropriate students.

(f) A supplemental educational services provider for which agency approval has been revoked because the agency determines that the provider has engaged in fraudulent activity is permanently prohibited from acting as a provider in this state.

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

### **HB 2049 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2049**, A bill to be entitled An Act relating to a qualifying cogeneration facility's ability to sell electric energy to multiple purchasers.

Representative Huberty moved to concur in the senate amendments to **HB 2049**.

The motion to concur in the senate amendments to **HB 2049** prevailed by (Record 1101): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Sheffield, R.

### Senate Committee Substitute

**CSHB 2049**, A bill to be entitled An Act relating to a qualifying cogeneration facility's ability to sell electric energy to multiple purchasers.

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

SECTION 1. Section 31.002(13), Utilities Code, is amended to read as follows:

(13) "Qualifying cogenerator" and "qualifying small power producer" have the meanings assigned those terms by 16 U.S.C. Sections 796(18)(C) and 796(17)(D). A qualifying cogenerator that provides electricity to a ~~the~~ purchaser of the cogenerator's thermal output is not for that reason considered to be a retail electric provider or a power generation company.

SECTION 2. Subchapter B, Chapter 37, Utilities Code, is amended by adding Section 37.0521 to read as follows:

Sec. 37.0521. EXCEPTION FOR RETAIL SALES BY CERTAIN QUALIFYING COGENERATORS. (a) Notwithstanding Section 37.001(3), a qualifying cogenerator may sell electric energy at retail to more than one purchaser of the cogenerator's thermal output.

(b) A qualifying cogenerator that sells electric energy at retail to more than one purchaser, if not otherwise subject to regulation as an electric utility, is not as a result of the sale subject to regulation as:

(1) a retail electric provider or power generation company; or

(2) a retail electric utility under Chapter 37.

(c) This section does not apply to sales in an area:

(1) in which customer choice has not been adopted and where a municipally owned utility or an electric cooperative is certificated to provide retail electric utility service; or

(2) that is served by an electric utility that operates solely outside of ERCOT.

SECTION 3. This Act takes effect September 1, 2013.

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

Amend **CSHB 2049** (senate committee report) in SECTION 2 of the bill, in added Section 37.0521(b), Utilities Code (page 1, lines 38-41), by striking "A qualifying cogenerator that sells electric energy at retail to more than one purchaser, if not otherwise subject to regulation as an electric utility, is not as a result of the sale subject to regulation as:" and substituting "Selling electric energy at retail to more than one purchaser does not, as a result of that sale, subject a qualifying cogenerator to regulation as:".

### HB 367 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 367**, A bill to be entitled An Act relating to the disclosure by a member of the legislature or the lieutenant governor of certain information concerning a resident of this state to a governmental body.

Representative Martinez moved to concur in the senate amendments to **HB 367**.

The motion to concur in the senate amendments to **HB 367** prevailed by (Record 1102): 146 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Simpson.

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

Absent — Rodriguez, E.

#### STATEMENT OF VOTE

I was shown voting no on Record No. 1102. I intended to vote yes.

Simpson

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

Amend **HB 367** (senate committee report) as follows:

(1) In the recital (page 1, line 20), strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) In SECTION 1 of the bill, in amended Section 306.003, Government Code, (immediately following page 1, line 34), immediately following Subsection (c), insert the following:

(d) If the department or governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, receives a request for public information under Chapter 552, and information subject to the request is information described by Subsection (c), the department or governmental unit

shall promptly notify, in writing or by electronic means, the member of the legislature or the lieutenant governor, as applicable, that the department or governmental entity received the request. The notification must specify the type of information that is requested and include a copy of the request.

(3) In SECTION 2 of the bill, in the recital (page 1, line 36), strike "Subsection (d)" and substitute "Subsections (d) and (e)".

(4) In SECTION 2 of the bill, in amended Section 306.004, Government Code, (immediately following page 1, line 50), immediately following Subsection (d), insert the following:

(e) If the department or governmental unit that is a "covered entity" under Section 181.001(b), Health and Safety Code, receives a request for public information under Chapter 552, and information subject to the request is information described by Subsection (d), the department or governmental unit shall promptly notify, in writing or by electronic means, the member of the legislature or the lieutenant governor, as applicable, that the department or governmental entity received the request. The notification must specify the type of information that is requested and include a copy of the request.

### **HB 1759 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1759**, A bill to be entitled An Act relating to a correction, clarification, or retraction of incorrect information published.

Representative Hunter moved to concur in the senate amendments to **HB 1759**.

The motion to concur in the senate amendments to **HB 1759** prevailed by (Record 1103): 148 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

### Senate Committee Substitute

**CSHB 1759**, A bill to be entitled An Act relating to a correction, clarification, or retraction of incorrect information published.

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

SECTION 1. Chapter 73, Civil Practice and Remedies Code, is amended by designating Sections 73.001 through 73.006 as Subchapter A and adding a subchapter heading to read as follows:

#### SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2. Chapter 73, Civil Practice and Remedies Code, is amended by adding Subchapter B to read as follows:

#### SUBCHAPTER B. CORRECTION, CLARIFICATION, OR RETRACTION BY PUBLISHER

Sec. 73.051. SHORT TITLE. This subchapter may be cited as the Defamation Mitigation Act. This subchapter shall be liberally construed.

Sec. 73.052. PURPOSE. The purpose of this subchapter is to provide a method for a person who has been defamed by a publication or broadcast to mitigate any perceived damage or injury.

Sec. 73.053. DEFINITION. In this subchapter, "person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, or other legal or commercial entity. The term does not include a government or governmental subdivision, agency, or instrumentality.

Sec. 73.054. APPLICABILITY. (a) This subchapter applies to a claim for relief, however characterized, from damages arising out of harm to personal reputation caused by the false content of a publication.

(b) This subchapter applies to all publications, including writings, broadcasts, oral communications, electronic transmissions, or other forms of transmitting information.

Sec. 73.055. REQUEST FOR CORRECTION, CLARIFICATION, OR RETRACTION. (a) A person may maintain an action for defamation only if:

(1) the person has made a timely and sufficient request for a correction, clarification, or retraction from the defendant; or

(2) the defendant has made a correction, clarification, or retraction.

(b) A request for a correction, clarification, or retraction is timely if made during the period of limitation for commencement of an action for defamation.

(c) If not later than the 90th day after receiving knowledge of the publication, the person does not request a correction, clarification, or retraction, the person may not recover exemplary damages.

(d) A request for a correction, clarification, or retraction is sufficient if it:

(1) is served on the publisher;

(2) is made in writing, reasonably identifies the person making the request, and is signed by the individual claiming to have been defamed or by the person's authorized attorney or agent;

(3) states with particularity the statement alleged to be false and defamatory and, to the extent known, the time and place of publication;

(4) alleges the defamatory meaning of the statement; and

(5) specifies the circumstances causing a defamatory meaning of the statement if it arises from something other than the express language of the publication.

(e) A period of limitation for commencement of an action under this section is tolled during the period allowed by Sections 73.056 and 73.057.

Sec. 73.056. DISCLOSURE OF EVIDENCE OF FALSITY. (a) A person who has been requested to make a correction, clarification, or retraction may ask the person making the request to provide reasonably available information regarding the falsity of the allegedly defamatory statement not later than the 30th day after the date the person receives the request. Any information requested under this section must be provided by the person seeking the correction, clarification, or retraction not later than the 30th day after the date the person receives the request.

(b) If a correction, clarification, or retraction is not made, a person who, without good cause, fails to disclose the information requested under Subsection (a) may not recover exemplary damages, unless the publication was made with actual malice.

Sec. 73.057. TIMELY AND SUFFICIENT CORRECTION, CLARIFICATION, OR RETRACTION. (a) A correction, clarification, or retraction is timely if it is made not later than the 30th day after receipt of:

(1) the request for the correction, clarification, or retraction; or

(2) the information requested under Section 73.056(a).

(b) A correction, clarification, or retraction is sufficient if it is published in the same manner and medium as the original publication or, if that is not possible, with a prominence and in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of and:

(1) is publication of an acknowledgment that the statement specified as false and defamatory is erroneous;

(2) is an allegation that the defamatory meaning arises from other than the express language of the publication and the publisher disclaims an intent to communicate that meaning or to assert its truth;

(3) is a statement attributed to another person whom the publisher identifies and the publisher disclaims an intent to assert the truth of the statement;  
or

(4) is publication of the requestor's statement of the facts, as set forth in a request for correction, clarification, or retraction, or a fair summary of the statement, exclusive of any portion that is defamatory of another, obscene, or otherwise improper for publication.

(c) If a request for correction, clarification, or retraction has specified two or more statements as false and defamatory, the correction, clarification, or retraction may deal with the statements individually in any manner provided by Subsection (b).

(d) Except as provided by Subsection (e), a correction, clarification, or retraction is published with a prominence and in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of if:

(1) it is published in a later issue, edition, or broadcast of the original publication;

(2) publication is in the next practicable issue, edition, or broadcast of the original publication because the publication will not be published within the time limits established for a timely correction, clarification, or retraction; or

(3) the original publication no longer exists and if the correction, clarification, or retraction is published in the newspaper with the largest general circulation in the region in which the original publication was distributed.

(e) If the original publication was on the Internet, a correction, clarification, or retraction is published with a prominence and in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of if the publisher appends to the original publication the correction, clarification, or retraction.

Sec. 73.058. CHALLENGES TO CORRECTION, CLARIFICATION, OR RETRACTION OR TO REQUEST FOR CORRECTION, CLARIFICATION, OR RETRACTION. (a) If a defendant in an action under this subchapter intends to rely on a timely and sufficient correction, clarification, or retraction, the defendant's intention to do so, and the correction, clarification, or retraction relied on, must be stated in a notice served on the plaintiff on the later of:

(1) the 60th day after service of the citation; or

(2) the 10th day after the date the correction, clarification, or retraction is made.

(b) A correction, clarification, or retraction is timely and sufficient unless the plaintiff challenges the timeliness or sufficiency not later than the 20th day after the date notice under Subsection (a) is served. If a plaintiff challenges the timeliness or sufficiency, the plaintiff must state the challenge in a motion to declare the correction, clarification, or retraction untimely or insufficient served not later than the 30th day after the date notice under Subsection (a) is served on the plaintiff or the 30th day after the date the correction, clarification, or retraction is made, whichever is later.

(c) If a defendant intends to challenge the sufficiency or timeliness of a request for a correction, clarification, or retraction, the defendant must state the challenge in a motion to declare the request insufficient or untimely served not later than the 60th day after the date of service of the citation.

(d) Unless there is a reasonable dispute regarding the actual contents of the request for correction, clarification, or retraction, the sufficiency and timeliness of a request for correction, clarification, or retraction is a question of law. At the

earliest appropriate time before trial, the court shall rule, as a matter of law, whether the request for correction, clarification, or retraction meets the requirements of this subchapter.

Sec. 73.059. EFFECT OF CORRECTION, CLARIFICATION, OR RETRACTION. If a correction, clarification, or retraction is made in accordance with this subchapter, regardless of whether the person claiming harm made a request, a person may not recover exemplary damages unless the publication was made with actual malice.

Sec. 73.060. SCOPE OF PROTECTION. A timely and sufficient correction, clarification, or retraction made by a person responsible for a publication constitutes a correction, clarification, or retraction made by all persons responsible for that publication but does not extend to an entity that republished the information.

Sec. 73.061. ADMISSIBILITY OF EVIDENCE OF CORRECTION, CLARIFICATION, OR RETRACTION. (a) A request for a correction, clarification, or retraction, the contents of the request, and the acceptance or refusal of the request are not admissible evidence at a trial.

(b) The fact that a correction, clarification, or retraction was made and the contents of the correction, clarification, or retraction are not admissible in evidence at trial except in mitigation of damages under Section 73.003(a)(3). If a correction, clarification, or retraction is received into evidence, the request for the correction, clarification, or retraction may also be received into evidence.

(c) The fact that an offer of a correction, clarification, or retraction was made and the contents of the offer, and the fact that the correction, clarification, or retraction was refused, are not admissible in evidence at trial.

Sec. 73.062. ABATEMENT. (a) A person against whom a suit is pending who does not receive a written request for a correction, clarification, or retraction, as required by Section 73.055, may file a plea in abatement not later than the 30th day after the date the person files an original answer in the court in which the suit is pending.

(b) A suit is automatically abated, in its entirety, without the order of the court, beginning on the 11th day after the date a plea in abatement is filed under Subsection (a) if the plea in abatement:

(1) is verified and alleges that the person against whom the suit is pending did not receive the written request as required by Section 73.055; and

(2) is not controverted in an affidavit filed by the person bringing the claim before the 11th day after the date on which the plea in abatement is filed.

(c) An abatement under Subsection (b) continues until the 60th day after the date that the written request is served or a later date agreed to by the parties. If a controverting affidavit is filed under Subsection (b)(2), a hearing on the plea in abatement will take place as soon as practical considering the court's docket.

(d) All statutory and judicial deadlines under the Texas Rules of Civil Procedure relating to a suit abated under Subsection (b), other than those provided in this section, will be stayed during the pendency of the abatement period under this section.

SECTION 3. This Act applies only to information published on or after the effective date of this Act. Information published before the effective date of this Act is governed by the law in effect when the information was published, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

### **HB 1349 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1349**, A bill to be entitled An Act relating to information that may be requested by the Department of Public Safety from a person applying for or renewing a concealed handgun license.

Representative Larson moved to concur in the senate amendments to **HB 1349**.

The motion to concur in the senate amendments to **HB 1349** prevailed by (Record 1104): 140 Yeas, 5 Nays, 2 Present, not voting.

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

Nays — Anchia; Collier; Herrero; Turner, C.; Wu.

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

Absent — Patrick; Pitts; Smith.

### Senate Committee Substitute

**CSHB 1349**, A bill to be entitled An Act relating to information that may be requested by the Department of Public Safety from a person applying for or renewing a concealed handgun license.

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

SECTION 1. Section 231.302, Family Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Except as provided by Subsection (c-1), to [Fe] assist in the administration of laws relating to child support enforcement under Parts A and D of Title IV of the federal Social Security Act (42 U.S.C. Sections 601-617 and 651-669):

(1) each licensing authority shall request and each applicant for a license shall provide the applicant's social security number;

(2) each agency administering a contract that provides for a payment of state funds shall request and each individual or entity bidding on a state contract shall provide the individual's or entity's social security number as required by Section 231.006~~[, Family Code]~~; and

(3) each agency administering a state-funded grant or loan program shall request and each applicant for a grant or loan shall provide the applicant's social security number as required by Section 231.006~~[, Family Code]~~.

(c-1) For purposes of issuing a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, the Department of Public Safety is not required to request, and an applicant is not required to provide, the applicant's social security number.

SECTION 2. Section 411.174, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The department may not request or require an applicant to provide the applicant's social security number as part of an application under this section.

SECTION 3. Section 411.185, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The department may not request or require a license holder to provide the license holder's social security number to renew a license under this section.

SECTION 4. The change in law made by this Act applies only to an application for the issuance or renewal of a license to carry a concealed handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

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

### **HB 2447 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

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

Representative Martinez moved to concur in the senate amendments to **HB 2447**.

The motion to concur in the senate amendments to **HB 2447** prevailed by (Record 1105): 83 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycocock; Burkett; Burnam; Canales; Coleman; Cortez; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, S.; King, T.; Kleinschmidt; Klick; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu.

Nays — Anderson; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Button; Callegari; Capriglione; Carter; Clardy; Collier; Cook; Craddick; Creighton; Crownover; Dale; Darby; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Harless; Harper-Brown; Hilderbran; Hughes; Isaac; King, K.; King, P.; Kolkhorst; Krause; Larson; Laubenberg; Lavender; Leach; Lewis; Miller, D.; Paddie; Parker; Price; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Zedler; Zerwas.

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

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 1105. I intended to vote yes.

Collier

I was shown voting yes on Record No. 1105. I intended to vote no.

Hunter

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

Amend **HB 2447** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Section 797.001, Health and Safety Code, as added by this Act, and Section 6001.156(a), Insurance Code, as amended by this Act, do not apply to the sale or advertisement of an aerosol fire suppression device or similar fire suppression device that, on or before September 1, 2013, is:

(1) listed for use as a portable fire extinguisher by a testing laboratory approved the Texas Department of Insurance, other than the National Fire Protection Association; and

(2) approved for use as a portable fire extinguisher by the Texas Department of Insurance.

(b) This section expires September 1, 2015.

**HB 1724 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1724**, A bill to be entitled An Act relating to the statute of limitations on municipal and county hotel occupancy taxes and interest on delinquent payments of municipal hotel occupancy taxes.

Representative Bohac moved to concur in the senate amendments to **HB 1724**.

The motion to concur in the senate amendments to **HB 1724** prevailed by (Record 1106): 148 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Amend **HB 1724** (senate committee printing) by inserting the following SECTION and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1067 to read as follows:

Sec. 351.1067. ALLOCATION OF REVENUE; CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that has a population of at least 190,000, no part of which is located in a county with a population of at least 150,000.

(b) Notwithstanding any other provision of this chapter, a municipality to which this section applies may use revenue from the municipal hotel occupancy tax to conduct an audit of a person in the municipality required to collect the tax authorized by this chapter, provided that the municipality use the revenue to audit not more than one-third of the total number of those persons in any fiscal year.

**HB 1965 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

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

Representative Harper-Brown moved to concur in the senate amendments to **HB 1965**.

The motion to concur in the senate amendments to **HB 1965** prevailed by (Record 1107): 141 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Simpson; Stickland.

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

Absent — Farrar; Lozano; Márquez; Martinez; Riddle.

**STATEMENT OF VOTE**

When Record No. 1107 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

### Senate Committee Substitute

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

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

SECTION 1. Section 2054.158, Government Code, is amended to read as follows:

Sec. 2054.158. QUALITY ASSURANCE TEAM; DUTIES. (a) The state auditor, Legislative Budget Board, and department shall:

(1) create a quality assurance team to perform the duties specified in this chapter and other law; and

(2) specify in writing the responsibilities of the state auditor, Legislative Budget Board, and department in performing the duties.

(b) The quality assurance team shall:

(1) develop and recommend policies and procedures to improve state agency information resources technology projects; and

(2) develop and recommend procedures to improve the implementation of state agency information resources technology projects by including considerations for best value and return on investment.

SECTION 2. Section 2262.101, Government Code, is amended to read as follows:

Sec. 2262.101. CREATION; DUTIES. (a) The Contract Advisory Team is created to assist state agencies in improving contract management practices by:

(1) reviewing and making recommendations on the solicitation documents and contract documents for ~~of major~~ contracts of by state agencies that have a value of at least \$10 million;

(2) reviewing any findings or recommendations made by the state auditor, including those made under Section 2262.052(b), regarding a state agency's compliance with the contract management guide; ~~and~~

(3) providing recommendations to the comptroller ~~[commission]~~ regarding:

(A) the development of the contract management guide; and

(B) the training under Section 2262.053;

(4) developing and recommending policies and procedures to improve state agency contract management practices; and

(5) developing and recommending procedures to improve state agency contracting practices by including consideration for best value.

(6) creating and periodically performing a risk assessment to determine the appropriate level of management and oversight of contracts by state agencies.

(b) The risk assessment created and reviewed under Subsection (a)(6) must include, but is not limited to the following criteria:

(1) the amount of appropriations to the agency;

(2) total contract value as percentage of appropriation to the agency; or

(3) the impact of the functions and duties of the state agency on health, safety, and well-being of citizens.

(c) The comptroller shall oversee the activities of the team, including ensuring that the team carries out its duties under Subsection (a)(5).

(d) A state agency shall:

(1) comply with a recommendation made under Subsection (a)(1); or

(2) submit a written explanation regarding why the recommendation is not applicable to the contract under review.

SECTION 3. Section 2262.102, Government Code, is amended to read as follows: by amending Subsection (a) and adding Subsection (c) and (d) to read as follows:

(a) The team consists of the following six ~~five~~ members:

(1) one member from the Health and Human Services Commission ~~[attorney general's office];~~

(2) one member from the comptroller's office;

(3) one member from the Department of Information Resources;

(4) one member from the Texas Facilities ~~[Building and Procurement]~~ Commission; and

(5) one member from the governor's office; and

(6) one member from a small state agency.

(c) The attorney general's office shall provide legal assistance to the team.

(d) In this section, "small state agency" means a state agency with fewer than 100 employees.

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

## **HB 2911 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2911**, A bill to be entitled An Act relating to the regulation of real estate inspectors; changing fees.

Representative Huberty moved to concur in the senate amendments to **HB 2911**.

The motion to concur in the senate amendments to **HB 2911** prevailed by (Record 1108): 116 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Branch; Burkett; Burnam; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Johnson; Kacal; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Bonnen, D.; Bonnen, G.; Button; Capriglione; Fallon; Goldman; Gooden; Harless; Harper-Brown; Hughes; Isaac; King, P.; Krause; Laubenberg; Lavender; Leach; Miller, R.; Murphy; Parker; Perry; Phillips; Sanford; Schaefer; Simmons; Springer; Stickland; Taylor; Turner, E.S.; White.

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

Absent — Alonzo; Keffer; Morrison.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1108. I intended to vote no.

Bell

I was shown voting yes on Record No. 1108. I intended to vote no.

Creighton

I was shown voting yes on Record No. 1108. I intended to vote no.

Flynn

When Record No. 1108 was taken, I was in the house but away from my desk. I would have voted no.

Keffer

I was shown voting yes on Record No. 1108. I intended to vote no.

R. Sheffield

I was shown voting yes on Record No. 1108. I intended to vote no.

E. Thompson

I was shown voting yes on Record No. 1108. I intended to vote no.

Zedler

### HB 2911 - STATEMENT OF LEGISLATIVE INTENT

Under current law, Texans seeking to obtain their real estate inspector license are permitted to take correspondence classes in association with a state university system or Internet courses approved by the commission. The amendment assures that correspondence and alternative delivery courses offered through universities and colleges can continue to be used to satisfy the hours requirements for licensure while limiting the number of fieldwork hours to a maximum of 40 under those circumstances. Requiring these students to engage in fieldwork can significantly raise the cost of licensure and potentially price applicants out of the profession. The 40-hour cap instituted by this amendment is intended to ensure that the commission appropriately balances the effect of increasing the cost to obtain a license with any benefits that may come from fieldwork. The amount of hours the commission determines necessary may be well short of 40 and this amendment is not intended to suggest that 40 is the appropriate amount. These changes in the training requirements should not involve requiring already approved trainers and courses to reapply for approval. It should be sufficient for these course providers to submit a plan providing for

the appropriate number of field hours determined by the commission. **HB 2911** and its amendment is not intended to reduce access to licensure and courses available for licensure, nor is it intended to increase the cost of obtaining a real estate inspector license.

Kuempel

### Senate Committee Substitute

**CSHB 2911**, A bill to be entitled An Act relating to the regulation of real estate inspectors; changing fees.

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

SECTION 1. Subchapter C, Chapter 1102, Occupations Code, is amended by adding Section 1102.1051 to read as follows:

Sec. 1102.1051. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE. (a) The commission shall require that an applicant for a license or renewal of an unexpired license submit a complete and legible set of fingerprints, on a form prescribed by the commission, to the commission or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The commission shall refuse to issue a license to or renew the license of a person who does not comply with the requirement of Subsection (a).

(c) The commission shall conduct a criminal history check of each applicant for a license or renewal of a license using information:

(1) provided by the individual under this section; and

(2) made available to the commission by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The commission may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the department in conducting the criminal history check.

SECTION 2. Section 1102.109, Occupations Code, is amended to read as follows:

Sec. 1102.109. ELIGIBILITY FOR PROFESSIONAL INSPECTOR LICENSE. To be eligible for a professional inspector license, an applicant must:

(1) at the time of application have:

(A) held a real estate inspector license for at least 12 months; and

(B) performed at least 175 real estate inspections under indirect supervision;

(2) submit evidence satisfactory to the commission of successful completion of at least 40 ~~[30]~~ classroom hours of core real estate inspection courses, in addition to the hours required by Section 1102.108~~[- and at least eight classroom hours related to the study of standards of practice, legal issues, or ethics related to the practice of real estate inspecting];~~

(3) demonstrate competence based on the examination under Subchapter D; and

(4) satisfy the commission as to the applicant's honesty, trustworthiness, integrity, and competence.

SECTION 3. Section 1102.110, Occupations Code, is amended to read as follows:

Sec. 1102.110. ELIGIBILITY OF PREVIOUS LICENSE HOLDERS. (a) Notwithstanding Section 1102.108, an applicant is eligible for and has satisfied all requirements for a real estate inspector license if the applicant:

(1) held a real estate inspector license during the 24-month period preceding the date the application is filed;

(2) is sponsored by a professional inspector; ~~and~~

(3) satisfies the commission as to the applicant's honesty, trustworthiness, and integrity; and

(4) submits evidence satisfactory to the commission of successful completion of not less than the number of hours of continuing education courses that would have been required for the applicant to renew the license described by Subdivision (1).

(b) Notwithstanding Section 1102.109, an applicant is eligible for and has satisfied all requirements for a professional inspector license if the applicant:

(1) held a professional inspector license during the 24-month period preceding the date the application is filed; ~~and~~

(2) satisfies the commission as to the applicant's honesty, trustworthiness, and integrity; and

(3) submits evidence satisfactory to the commission of successful completion of not less than the number of hours of continuing education courses that would have been required for the applicant to renew the license described by Subdivision (1).

SECTION 4. Section 1102.111(b), Occupations Code, is amended to read as follows:

(b) Rules adopted under Subsection (a) may not require an applicant to:

(1) complete more than 320 additional [~~classroom~~] hours of core real estate inspection courses; or

(2) have more than seven years of relevant experience.

SECTION 5. Section 1102.114, Occupations Code, is amended to read as follows:

Sec. 1102.114. ISSUANCE OF LICENSE. The commission shall issue the appropriate license to an applicant who:

(1) meets the required qualifications; and

(2) submits [pays the fee required by Section 1102.352(a); and

[~~(3) offers~~] proof of financial responsibility as required by Section 1102.1141 [that the applicant carries liability insurance with a minimum limit of \$100,000 per occurrence to protect the public against a violation of Subchapter G].

SECTION 6. Subchapter C, Chapter 1102, Occupations Code, is amended by adding Section 1102.1141 to read as follows:

Sec. 1102.1141. FINANCIAL RESPONSIBILITY REQUIREMENT. (a) An inspector must maintain financial responsibility in the form of:

(1) a liability insurance policy with a minimum limit of \$100,000 per occurrence and an aggregate annual total of at least \$100,000, and that:

(A) is written by an insurer authorized to engage in the business of insurance in this state, a risk retention group as defined by Chapter 2201, Insurance Code, or an eligible surplus lines insurer, as defined by Section 981.002, Insurance Code; and

(B) specifically provides for professional liability coverage to protect the public against a violation of Subchapter G; or

(2) a bond or other security accepted by the commission.

(b) A bond posted as security under Subsection (a)(2) must:

(1) be issued by a carrier admitted in this state;

(2) be in an amount not less than \$100,000;

(3) be continuous; and

(4) be cancellable by the surety only after the surety has provided at least 90 days' written notice to the commission before the effective date of the cancellation.

(c) Any security provided under this section in a form other than a bond must be convertible to cash by the commission for the benefit of a person who contracts with an inspector in this state, without requiring approval of a court, if the commission determines that the inspector has violated Subchapter G. Any amount remaining after an inspector's license has expired shall be returned to the inspector not later than the 180th day after the date the license expires.

(d) An inspector who posts a bond or other security under this section must designate an unaffiliated third party to handle the processing of any claim regarding the bond or other security.

SECTION 7. Section 1102.118, Occupations Code, is amended to read as follows:

Sec. 1102.118. CONTACT INFORMATION [~~CHANGE OF ADDRESS~~]. (a) An inspector shall provide the commission with a current mailing address, telephone number, and, if available, e-mail address.

(b) Not later than the 30th day after the date of a change in the mailing address, telephone number, or e-mail address of an inspector [~~changes the inspector's place of business~~], the inspector shall notify the commission of the change and pay any [~~the~~] required fee.

SECTION 8. Section 1102.153, Occupations Code, is amended to read as follows:

Sec. 1102.153. DEADLINE FOR COMPLETION. A license applicant who does not satisfy the examination requirement before the first anniversary of [~~within six months after~~] the date the application is filed must submit a new application and pay another examination fee to be eligible for examination.

SECTION 9. Section 1102.155(b), Occupations Code, is amended to read as follows:

(b) An applicant who fails the examination three consecutive times ~~[in connection with the same application]~~ may not apply for reexamination or submit a new license application unless [before six months] after the date of the third failed examination the applicant completes additional educational requirements as prescribed by the commission and submits evidence satisfactory to the commission of successful completion of those requirements.

SECTION 10. Section 1102.202, Occupations Code, is amended to read as follows:

Sec. 1102.202. NOTICE OF LICENSE EXPIRATION. Not later than the 31st day before the expiration date of a person's license, the commission shall provide notice of the expiration [send] to the person [at the person's last known address according to the commission's records written notice of the license expiration].

SECTION 11. Section 1102.203, Occupations Code, is amended to read as follows:

Sec. 1102.203. RENEWAL OF LICENSE; INFORMATION REQUIRED.

(a) A person may renew an unexpired license by paying the required renewal fee to the commission before the expiration date of the license and providing proof of financial responsibility [liability insurance] as required by Section 1102.1141 [1102.114(3)].

(a-1) A person whose license has been expired for 90 days or less may renew the license by paying to the commission a fee equal to 1-1/2 times the required renewal fee. If a license has been expired for more than 90 days but less than six months, the person may renew the license by paying to the commission a fee equal to two times the required renewal fee.

(b) If the person's license has been expired for six months or longer [expires], the person may not renew the license. The person may obtain a new license by submitting to reexamination, if required, and complying with the requirements and procedures for obtaining an original license.

(c) Each applicant for renewal of a license must disclose to the commission whether the applicant has:

(1) entered a plea of guilty or nolo contendere to a felony; or

(2) been convicted of a felony and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal.

(d) The disclosure under Subsection (c) must be provided even if an order has granted community supervision suspending the imposition of the sentence.

SECTION 12. Section 1102.402(c), Occupations Code, is amended to read as follows:

(c) A person is not eligible for a license until the person has reimbursed the commission [repaid] in full for any [the] amount paid on the person's behalf from the real estate inspection recovery fund or the real estate recovery trust account under Subchapter M, Chapter 1101 [on the person's account], plus interest at the legal rate.

SECTION 13. Section 1102.403(b), Occupations Code, is amended to read as follows:

(b) An administrative penalty collected under this section [~~for a violation by an inspector~~] shall be deposited to the credit of the general revenue [~~real estate inspection recovery~~] fund and shall offset any amount required to be remitted to the general revenue fund by the commission. [~~A penalty collected under this section for a violation by a person who is not licensed under this chapter or Chapter 1101 shall be deposited to the credit of the real estate recovery trust account or the real estate inspection recovery fund, as determined by the commission.~~]

SECTION 14. Section 1101.603(d), Occupations Code, is amended to read as follows:

(d) An administrative penalty collected under Subchapter O for a violation by a person who is not licensed under this chapter or Chapter 1102 shall be deposited to the credit of the trust account [~~or the real estate inspection recovery fund, as determined by the commission~~].

SECTION 15. The following laws are repealed:

- (1) Sections 1102.252 and 1102.253, Occupations Code; and
- (2) Subchapter H, Chapter 1102, Occupations Code.

SECTION 16. (a) In this section:

- (1) "Commission" means the Texas Real Estate Commission.
- (2) "Eligible inspector" means a person who holds a real estate inspector license or professional inspector license under Chapter 1102, Occupations Code, as of September 1, 2013.

(b) Not later than August 31, 2015, the commission shall transfer not less than \$300,000 from the real estate inspection recovery fund to the general revenue fund.

(c) Not later than November 1, 2017, the commission shall determine the remaining liability of the real estate inspection recovery fund based on any pending claims for payment under former Subchapter H, Chapter 1102, Occupations Code.

(d) After determining the remaining liability under Subsection (c) of this section, the commission shall refund to each eligible inspector a portion of the amount in excess of the remaining liability of the real estate inspection recovery fund, if the eligible inspector holds a license issued under Chapter 1102, Occupations Code, as of the date of the refund. A refund under this subsection may not exceed \$100 per person.

(e) The commission shall transfer any money remaining in the real estate inspection recovery fund to the general revenue fund after paying all claims for payment from the fund and issuing refunds under Subsection (d) of this section.

(f) Any money transferred to the general revenue fund under this section shall offset any amount required to be remitted to the general revenue fund by the commission.

SECTION 17. (a) Sections 1102.1051 and 1102.1141, Occupations Code, as added by this Act, and Sections 1102.109, 1102.110, 1102.111, 1102.114, 1102.153, 1102.155, and 1102.402, Occupations Code, as amended by this Act, apply only to an application for an inspector license submitted to the Texas Real Estate Commission on or after the effective date of this Act. An application for a

license submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) Sections 1102.203 and 1102.402, Occupations Code, as amended by this Act, and Sections 1102.1051 and 1102.1141, Occupations Code, as added by this Act, apply only to the renewal of an inspector license that expires on or after the effective date of this Act. A license that expires before that date is governed by the law in effect on the date the license expires, and the former law is continued in effect for that purpose.

(c) Sections 1102.403 and 1101.603, Occupations Code, as amended by this Act, apply only to an administrative penalty that is collected on or after the effective date of this Act. An administrative penalty that is collected before the effective date of this Act is governed by the law in effect on the date the administrative penalty was collected, and the former law is continued in effect for that purpose.

(d) A claim for payment from the real estate inspection recovery fund under former Section 1102.355, Occupations Code, for a cause of action that accrues before September 1, 2013, must be filed before September 1, 2017.

SECTION 18. This Act takes effect September 1, 2013.

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

Amend **CSHB 2911** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, in amended Section 1102.111(b), Occupations Code (page 2, line 42), strike "or" and substitute "[~~or~~]".

(2) In SECTION 4 of the bill, strike Section 1102.111(b)(2), Occupations Code (page 2, line 43), and substitute the following:

(2) complete more than 40 hours of field work, if the applicant completes correspondence or other course provided by alternative means; or

(3) have more than seven years of relevant experience.

(3) In SECTION 5 of the bill, strike Sections 1102.114(1), (2), and (3), Occupations Code (page 2, lines 48 through 54), and substitute the following:

(1) meets the required qualifications;

(2) pays the fee required by Section 1102.352(a); and

(3) submits [offers] proof of financial responsibility as required by Section 1102.1141 ~~[that the applicant carries liability insurance with a minimum limit of \$100,000 per occurrence to protect the public against a violation of Subchapter G].~~

(4) Strike SECTION 13 of the bill, amending Section 1102.403(b), Occupations Code (page 4, lines 21 through 31).

(5) Strike SECTION 14 of the bill, amending Section 1101.603(d), Occupations Code (page 4, lines 32 through 38).

(6) Strike SECTION 15 of the bill (page 4, lines 39 through 42) and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Sections 1102.252 and 1102.253, Occupations Code, are repealed.

(7) Strike SECTION 16 of the bill (page 4, lines 43 through 69).

(8) Strike SECTIONS 17(c) and (d) of the bill (page 5, lines 17 through 27).

(9) Renumber the SECTIONS of the bill appropriately.

**HB 2688 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2688**, A bill to be entitled An Act relating to Seminole Hospital District of Gaines County, Texas.

Representative Perry moved to concur in the senate amendments to **HB 2688**.

The motion to concur in the senate amendments to **HB 2688** prevailed by (Record 1109): 148 Yeas, 0 Nays, 2 Present, not voting.

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

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

**Senate Committee Substitute**

**CSHB 2688**, A bill to be entitled An Act relating to the Seminole Hospital District of Gaines County, Texas, and to the fiscal year of the Dallam-Hartley Counties Hospital District.

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

SECTION 1. Section 1018.155(b), Special District Local Laws Code, is amended to read as follows:

(b) The fiscal year may not be changed[+]

[~~(1) during the time revenue bonds of the district are outstanding; or~~

[~~(2)~~] more than once in a 24-month period.

SECTION 2. Section 1094.051, Special District Local Laws Code, is amended to read as follows:

Sec. 1094.051. BOARD ELECTION; TERM. (a) The board consists of four directors elected from single-member districts and three ~~seven~~ directors elected from the district at large.

(b) Directors ~~[Unless four year terms are established under Section 285.081, Health and Safety Code, directors]~~ serve staggered three-year ~~[two year]~~ terms.

SECTION 3. Section 1094.052, Special District Local Laws Code, is amended to read as follows:

Sec. 1094.052. NOTICE OF ELECTION. Notice ~~[At least 10 days before the date]~~ of an election of directors ~~[, notice of the election]~~ shall be published in accordance with Section 4.003, Election Code, [one time] in a newspaper of general circulation in Gaines County.

SECTION 4. Section 1094.053, Special District Local Laws Code, is amended to read as follows:

Sec. 1094.053. BALLOT APPLICATION ~~[PETITION]~~. A person who wants to have the person's name printed on the ballot as a candidate for director must file with the board secretary an application in accordance with Chapter 144, Election Code ~~[a petition requesting that action. The petition must be:~~

~~(1) signed by at least 25 voters; and~~

~~(2) filed at least 25 days before the date of the election].~~

SECTION 5. Section 1094.103, Special District Local Laws Code, is amended to read as follows:

Sec. 1094.103. OVERSIGHT AND ~~[MANAGEMENT,]~~ CONTROL ~~[, AND ADMINISTRATION]~~. The board shall oversee and ~~[manage,]~~ control ~~[, and administer]~~ the hospital system and the district's money and resources.

SECTION 6. Section 1094.110, Special District Local Laws Code, is amended to read as follows:

Sec. 1094.110. CONSTRUCTION ~~[OR PURCHASE]~~ CONTRACTS. A construction ~~[or purchase]~~ contract that involves the expenditure of more than the amount provided by Section 271.024, Local Government Code, [\$2,000] may be made only after advertising in the manner provided by Subchapter B, Chapter 271 ~~[Chapter 252 and Subchapter C, Chapter 262]~~, Local Government Code.

SECTION 7. Sections 1094.202(c) and (d), Special District Local Laws Code, are amended to read as follows:

(c) Any resident ~~[property taxpayer]~~ of the district is entitled to be present and participate at the hearing.

(d) At the conclusion of the hearing, the board shall adopt a budget by acting on the budget proposed by the district administrator. The board may make any changes in the proposed budget that the board judges to be in the interest of the residents of the district ~~[taxpayers]~~ and that the law warrants.

SECTION 8. Section 1094.205, Special District Local Laws Code, is amended to read as follows:

Sec. 1094.205. FISCAL YEAR. (a) The district operates according to a fiscal year that begins on October 1 and ends on September 30, or as established by the board.

(b) The fiscal year may not be changed if revenue bonds of the district are outstanding or more than once in a 24-month period.

SECTION 9. Section 1094.209(a), Special District Local Laws Code, is amended to read as follows:

(a) The board shall select one or more banks [~~in the district~~] to serve as a depository for district money.

SECTION 10. Section 1094.253(b), Special District Local Laws Code, is amended to read as follows:

(b) The order calling the election shall provide for clerks as in county elections and must specify:

- (1) the date of the election;
- (2) the location of the polling places;
- (3) the presiding and alternate election judges for each polling place;
- (4) the amount of the bonds to be authorized; and
- (5) the maximum maturity [~~interest rate~~] of the bonds.

SECTION 11. Section 1094.254, Special District Local Laws Code, is amended to read as follows:

Sec. 1094.254. MATURITY OF GENERAL OBLIGATION BONDS. District general obligation bonds must mature not later than the maximum maturity stated in the order calling the election [40 years after the date of issuance].

SECTION 12. Subchapter F, Chapter 1094, Special District Local Laws Code, is amended by adding Section 1094.259 to read as follows:

Sec. 1094.259. ADDITIONAL MEANS OF SECURING REPAYMENT OF BONDS. In addition to the authority to issue general obligation bonds and revenue bonds under this subchapter, the board may provide for the security and payment of district bonds from a pledge of a combination of ad valorem taxes as authorized by Section 1094.252 and revenue and other sources as authorized by Section 1094.256.

SECTION 13. Subchapter F, Chapter 1094, Special District Local Laws Code, is amended by adding Section 1094.260 to read as follows:

Sec. 1094.260. USE OF BOND PROCEEDS. The district may use the proceeds of bonds issued under this subchapter to pay:

(1) any expense the board determines is reasonable and necessary to issue, sell, and deliver the bonds;

(2) interest payments on the bonds during a period of acquisition or construction of a project or facility to be provided through the bonds, not to exceed five years;

(3) costs related to the physical maintenance of a project or facility to be provided through the bonds:

(A) during an estimated period of acquisition or construction, not to exceed five years; and

(B) for one year after the project or facility is acquired or constructed;

(4) costs related to the financing of the bond funds, including debt service reserve and contingency funds;

(5) costs related to the issuance of the bonds;

(6) costs related to the acquisition of land or interests in land for a project or facility to be provided through the bonds; and

(7) costs of construction of a project or facility to be provided through the bonds, including the payment of related professional services and expenses.

SECTION 14. Section 1094.303, Special District Local Laws Code, is amended to read as follows:

Sec. 1094.303. ASSESSMENT AND COLLECTION OF TAXES [BY COUNTY TAX ASSESSOR COLLECTOR]. The board may provide for the appointment of a tax assessor-collector for the district or may contract for the assessment and collection of taxes as provided by the Tax Code. ~~[(a) This section applies unless the board elects to have taxes assessed and collected under Section 1094.304.~~

~~[(b) The tax assessor-collector of Gaines County shall assess and collect taxes imposed by the district.]~~

SECTION 15. Chapter 1094, Special District Local Laws Code, is amended by adding Subchapter H to read as follows:

#### SUBCHAPTER H. DISSOLUTION

Sec. 1094.401. DISSOLUTION; ELECTION. (a) The district may be dissolved only on approval of a majority of the district voters voting in an election held for that purpose.

(b) The board may order an election on the question of dissolving the district and disposing of the district's assets and obligations.

(c) The order calling the election must state:

(1) the nature of the election, including the proposition to appear on the ballot;

(2) the date of the election;

(3) the hours during which the polls will be open; and

(4) the location of the polling places.

Sec. 1094.402. NOTICE OF ELECTION. (a) The board shall give notice of an election under this subchapter by publishing once a week for two consecutive weeks a substantial copy of the election order in a newspaper with general circulation in the district.

(b) The first publication of the notice must appear not later than the 35th day before the date set for the election.

Sec. 1094.403. BALLOT. The ballot for an election under this subchapter must be printed to permit voting for or against the proposition: "The dissolution of the Seminole Hospital District of Gaines County, Texas."

Sec. 1094.404. ELECTION RESULTS. (a) If a majority of the votes in an election under this subchapter favor dissolution, the board shall find that the district is dissolved.

(b) If a majority of the votes in the election do not favor dissolution, the board shall continue to administer the district and another election on the question of dissolution may not be held before the first anniversary of the date of the most recent election to dissolve the district.

Sec. 1094.405. TRANSFER OR ADMINISTRATION OF ASSETS. (a) If a majority of the votes in the election held under this subchapter favor dissolution, the board shall:

(1) transfer the land, buildings, improvements, equipment, and other assets that belong to the district to Gaines County or another governmental entity in Gaines County; or

(2) administer the property, assets, and debts until all money has been disposed of and all district debts have been paid or settled.

(b) If the district makes the transfer under Subsection (a)(1), the county or entity assumes all debts and obligations of the district at the time of the transfer, and the district is dissolved.

(c) If Subsection (a)(1) does not apply and the board administers the property, assets, and debts of the district under Subsection (a)(2), the district is dissolved when all money has been disposed of and all district debts have been paid or settled.

Sec. 1094.406. IMPOSITION OF TAX AND RETURN OF SURPLUS TAXES. (a) After the board finds that the district is dissolved, the board shall:

(1) determine the debt owed by the district; and

(2) impose on the property included in the district's tax rolls a tax that is in proportion of the debt to the property value.

(b) On the payment of all outstanding debts and obligations of the district, the board shall order the secretary to return to each district taxpayer the taxpayer's pro rata share of all unused tax money.

(c) A taxpayer may request that the taxpayer's share of surplus tax money be credited to the taxpayer's county taxes. If a taxpayer requests the credit, the board shall direct the secretary to transmit the money to the county tax assessor-collector.

Sec. 1094.407. REPORT; DISSOLUTION ORDER. (a) After the district has paid all district debts and has disposed of all district money and other assets as prescribed by this subchapter, the board shall file a written report with the Commissioners Court of Gaines County summarizing the board's actions in dissolving the district.

(b) Not later than the 10th day after the date the Commissioners Court of Gaines County receives the report and determines that the requirements of this subchapter have been fulfilled, the commissioners court shall enter an order dissolving the district and releasing the board from any further duty or obligation.

SECTION 16. (a) The election of the board of directors of the Seminole Hospital District of Gaines County, Texas, scheduled to be held in 2014 must be held. The directors elected to places 3 and 4 at the election shall serve two-year terms. A director elected to an at-large position on the board at the election held in 2014 shall serve a three-year term.

(b) The election of the board of directors scheduled to be held in 2015 must be held, and all directors elected at that election shall serve three-year terms.

(c) The directors elected at the elections to be held in 2016, 2017, and 2018 shall serve three-year terms.

SECTION 17. (a) Except as provided by Subsection (b) of this section:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(b) Section 1094.051, Special District Local Laws Code, as amended by this Act, takes effect January 1, 2014.

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

Amend **CSHB 2688** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1024.053, Special District Local Laws Code, is amended to read as follows:

Sec. 1024.053. BALLOT PETITION. A person who wants to have the person's name printed on the ballot as a candidate for director must file with the board secretary a petition requesting that action. The petition must:

(1) be signed by at least 50 registered voters of the district as determined by the most recent official list of registered voters;

(2) be filed not later than 5 p.m. on the ~~[6<sup>2nd</sup>]~~ same day that an application for a place on the ballot must be filed under Section 144.005, Election Code ~~[before the date of the election]~~; and

(3) specify the single-member district ~~[commissioners precinct]~~ the candidate wants to represent ~~[or specify that the candidate wants to represent the district at large]~~.

### **HB 2138 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2138**, A bill to be entitled An Act relating to the boundaries of the Near Northside Management District and to coordination by the district with other entities in providing projects and services.

Representative Dutton moved to concur in the senate amendments to **HB 2138**.

The motion to concur in the senate amendments to **HB 2138** prevailed by (Record 1110): 144 Yeas, 3 Nays, 2 Present, not voting.

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

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

Nays — Stickland; Taylor; Toth.

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

Absent — Pickett.

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

Amend **HB 2138** (senate committee report) as follows:

(1) Strike SECTION 2 of the bill, adding Section 3807.1041, Special District Local Laws Code.

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

SECTION \_\_\_\_\_. Subchapter A, Chapter 3905, Special Districts Local Laws Code, is amended by adding Section 3905.009 to read as follows:

Sec. 3905.009. OVERLAPPING TERRITORY. (a) If territory in the district overlaps with the boundaries of another district created before June 17, 2011, that has the powers of a district created under Chapter 375, Local Government Code, the overlapping territory is excluded from the territory of the district that was created first, regardless of whether the territory overlapped on June 17, 2011.

(b) The exclusion of territory under this section does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other district obligations. The district that was created first shall continue to impose fees, taxes, or assessments, if any, on the excluded territory at the same rate imposed on other territory in the district until the total amount of fees, taxes, or assessments collected from the excluded territory equals its pro rata share of the indebtedness of the district at the time the territory was excluded. All fees, taxes, or assessments collected in the excluded territory by the district that was created first shall be applied to the payment of the excluded territory's pro rata share of indebtedness. The owner of all or part of the excluded territory at any time may pay in full the owner's share of the excluded territory's pro rata share of the indebtedness at the time the territory was excluded.

(c) If the district that was created first does not have any outstanding and unpaid bonds, warrants, or other district obligations, but imposes assessments under an assessment plan adopted before May 1, 2013, the district may continue to impose those assessments on the excluded territory at the same rate imposed

on other territory in the district to satisfy the requirements of that assessment plan. All assessments collected in the excluded territory by the district that was created first shall be applied to satisfy the requirements of the assessment plan.

**Senate Amendment No. 2 (Senate Floor Amendment No. 2)**

Amend **HB 2138** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 3905, Special District Local Laws Code, is amended by amending Sections 3905.051 and 3905.056 to read as follows:

Sec. 3905.051. GOVERNING BODY; TERMS. The district is governed by a board of twelve ~~nine~~ directors who serve staggered terms of three years, with four ~~three~~ directors' terms expiring June 1 of each year.

Sec. 3905.056. INITIAL DIRECTORS. (a) The initial board consists of:

Pos. No.	Name of Director
1	Ethel Kaye Lee
2	Rose Russell
3	Michael Ashley
4	Dr. Albert Lemon
5	Earl White
6	Ann Tillis
7	John Fields
8	Harvey Clemons
9	Renee Llorens
10	Rosalind Malveaux
11	Jeremy Brown
12	Jarrett Leland

(b) Of the initial directors, the terms of directors serving in positions 1, 2, and 3 expire June 1, 2013, the terms of directors serving in positions 4, 5, ~~and~~ 6, and 10 expire June 1, 2014, ~~and~~ the terms of directors serving in positions 7, 8, ~~and~~ 9, and 11 expire June 1, 2015, and the term of the director serving in position 12 expires June 1, 2016.

(c) Section 3905.052 does not apply to the initial directors.

(d) This section expires September 1, 2016 ~~2015~~.

**SB 211 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Dutton, the house granted the request of the senate for the appointment of a Conference Committee on **SB 211**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 211**: Dutton, chair; D. Bonnen, Price, Anchia, and Cook.

**HB 2276 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2276**, A bill to be entitled An Act relating to notice of residential services available for persons with intellectual disabilities.

Representative Crownover moved to concur in the senate amendments to **HB 2276**.

The motion to concur in the senate amendments to **HB 2276** prevailed by (Record 1111): 141 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Gonzalez, N.

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

Absent — Bohac; Branch; Creighton; Davis, Y.; Toth; Turner, C.

#### STATEMENTS OF VOTE

When Record No. 1111 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 1111 was taken, my vote failed to register. I would have voted yes.

Branch

I was shown voting no on Record No. 1111. I intended to vote yes.

N. Gonzalez

When Record No. 1111 was taken, I was in the house but away from my desk. I would have voted yes.

C. Turner

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

Amend **HB 2276** (senate committee printing) as follows:

(1) Amend Section 1 of the bill, Section 533.038, Health and Safety Code (line 10), by striking "a state supported living center" and substituting "any programs and services for which the person is determined to be eligible, including state supported living centers, community ICF-MR programs, waiver services under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n(c)), or other services".

(2) Amend Section 1 of the bill, Section 533.038, Health and Safety Code (lines 14-15), by striking "the state supported living center" and substituting "each program and service for which the person is determined to be eligible, including state supported living centers, community ICF-MR programs, waiver services under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n(c)), or other services".

**HB 1545 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1545**, A bill to be entitled An Act relating to the eligibility of persons with disabilities to use certain public transportation services.

Representative Allen moved to concur in the senate amendments to **HB 1545**.

The motion to concur in the senate amendments to **HB 1545** prevailed by (Record 1112): 145 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Stickland; Toth.

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

Absent — Gonzalez, N.

### Senate Committee Substitute

**CSHB 1545**, A bill to be entitled An Act relating to a study regarding the use of certain public transportation services by persons with disabilities.

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

SECTION 1. (a) In this Act, "providers" and "services" have the meanings assigned by Section 461.009, Transportation Code.

(b) The Governor's Committee on People with Disabilities, in coordination with providers located in rural and urban areas of the state, and paratransit advocacy groups, shall conduct a study to determine:

(1) the feasibility of standardizing the process of certifying an individual's eligibility for services in the state; and

(2) whether the current 21-day provision of services by a provider is adequate to meet the needs of visitors with disabilities to locations served by the provider.

(c) Not later than January 1, 2015, the Governor's Committee on People with Disabilities shall submit a report on the findings of the study performed under this section to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the senate and house of representatives that have jurisdiction over issues related to transportation.

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

### **HB 642 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 642**, A bill to be entitled An Act relating to continuing education requirements for certain educators.

Representative Patrick moved to concur in the senate amendments to **HB 642**.

The motion to concur in the senate amendments to **HB 642** prevailed by (Record 1113): 143 Yeas, 4 Nays, 2 Present, not voting.

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

Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Simpson; Stickland; White.

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

Absent — Miles.

### **Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 642** (engrossed version) as follows:

(1) In SECTION 1 of the bill, adding Section 21.054(d)(3), Education Code (page 1, line 15), following the semicolon, insert "and".

(2) In SECTION 1 of the bill, adding Section 21.054(d)(4)(D), Education Code (page 1, lines 22-23), strike "; and" and substitute ".""

(3) In SECTION 1 of the bill, strike added Section 21.054(d)(5), Education Code (page 1, line 24, through page 2, line 1).

(4) In SECTION 1 of the bill, adding Section 21.054(e)(3), Education Code (page 2, line 13), following the semicolon, insert "and".

(5) In SECTION 1 of the bill, adding Section 21.054(e)(4)(D), Education Code (page 2, lines 20-21), strike "; and" and substitute ".""

(6) In SECTION 1 of the bill, strike added Section 21.054(e)(5), Education Code (page 2, line 22, through page 3, line 1).

### **HB 1097 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1097**, A bill to be entitled An Act relating to the definition of a construction or maintenance work zone on a highway or street.

Representative Sheets moved to concur in the senate amendments to **HB 1097**.

The motion to concur in the senate amendments to **HB 1097** prevailed by (Record 1114): 143 Yeas, 3 Nays, 3 Present, not voting.

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

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

Nays — Canales; Nevárez; Thompson, E.

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

Absent — Rodriguez, E.

### Senate Committee Substitute

**CSHB 1097**, A bill to be entitled An Act relating to the amount of a fine for certain traffic offenses committed in a construction or maintenance work zone.

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

SECTION 1. Section 542.404, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), if [H] an offense under this subtitle, other than an offense under Chapter 548 or 552 or Section 545.412 or 545.413, is committed in a construction or maintenance work zone when workers are present and any written notice to appear issued for the offense states on its face that workers were present when the offense was committed:

(1) the minimum fine applicable to the offense is twice the minimum fine that would be applicable to the offense if it were committed outside a construction or maintenance work zone; and

(2) the maximum fine applicable to the offense is twice the maximum fine that would be applicable to the offense if it were committed outside a construction or maintenance work zone.

(c) The fine prescribed by Subsection (a) applies to a violation of a prima facie speed limit authorized by Subchapter H, Chapter 545, only if the construction or maintenance work zone is marked by a sign indicating the applicable maximum lawful speed.

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

### **HB 674 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 674**, A bill to be entitled An Act relating to providing notice of certain proposed municipal zoning changes to a school district.

Representative Ratliff moved to concur in the senate amendments to **HB 674**.

The motion to concur in the senate amendments to **HB 674** prevailed by (Record 1115): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Miles.

### Senate Committee Substitute

**CSHB 674**, A bill to be entitled An Act relating to providing notice of certain proposed municipal zoning changes to a school district.

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

SECTION 1. Section 211.007, Local Government Code, is amended by adding Subsections (c-1) and (c-2) to read as follows:

(c-1) Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

(c-2) Subsection (c-1) does not apply to a municipality the majority of which is located in a county with a population of 100,000 or less, except that such a municipality must give notice under Subsection (c-1) to a school district that has territory in the municipality and requests the notice. For purposes of this subsection, if a school district makes a request for notice under Subsection (c-1), the municipality must give notice of each public hearing held following the request unless the school district requests that no further notices under Subsection (c-1) be given to the school district.

SECTION 2. The changes in law made by this Act apply only to a proposal to change a municipal zoning classification made on or after the effective date of this Act. A proposal to change a municipal zoning classification made before the effective date of this Act is governed by the law in effect at the time the proposal was made, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

### **HB 842 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 842**, A bill to be entitled An Act relating to requiring public school districts to provide certain opportunities to career and technical students under the college credit program.

Representative Bell moved to concur in the senate amendments to **HB 842**.

The motion to concur in the senate amendments to **HB 842** prevailed by (Record 1116): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Lucio.

### **Senate Committee Substitute**

**CSHB 842**, A bill to be entitled An Act relating to the provision of certain opportunities to career and technical students by public school districts under the college credit program.

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

SECTION 1. Section 28.009, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A program implemented under this section may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

(1) that:

(A) satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree; and

(B) is approved by the Texas Higher Education Coordinating Board; and

(2) for which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

### **HB 326 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 326**, A bill to be entitled An Act relating to eligibility to serve on the appraisal review board of an appraisal district.

Representative Dutton moved to concur in the senate amendments to **HB 326**.

The motion to concur in the senate amendments to **HB 326** prevailed by (Record 1117): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Craddick; Giddings; Krause.

## STATEMENT OF VOTE

When Record No. 1117 was taken, my vote failed to register. I would have voted yes.

Giddings

### Senate Committee Substitute

**CSHB 326**, A bill to be entitled An Act relating to eligibility to serve on the appraisal review board of an appraisal district.

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

SECTION 1. Sections 6.412(d) and (e), Tax Code, are amended to read as follows:

(d) A person is ineligible to serve on the appraisal review board of an appraisal district established for a county having a population of more than 100,000 if the person:

(1) ~~if the person:~~

~~[(A) has served for all or part of three previous terms as a board member or auxiliary board member on the appraisal review board; or~~

~~[(B) is a former member of the board of directors, former officer, or former employee of the appraisal district; or]~~

(2) ~~if the person~~ served as a member of the governing body or officer of a taxing unit for which the appraisal district appraises property, until the fourth anniversary of the date the person ceased to be a member or officer; or

(3) ~~if the person~~ has ever appeared before the appraisal review board for compensation.

(e) A ~~[In an appraisal district established for a county having a population of 100,000 or less, a]~~ person who has served for all or part of three consecutive terms as a board member ~~[or auxiliary board member]~~ on an ~~[the]~~ appraisal review board is ineligible to serve on the appraisal review board during a term that begins on the next January 1 following the third of those consecutive terms.

SECTION 2. Section 6.412(f), Tax Code, is repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

### **HB 897 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 897**, A bill to be entitled An Act relating to instruction in cardiopulmonary resuscitation and the use of automated external defibrillators in secondary education curriculum.

Representative Zerwas moved to concur in the senate amendments to **HB 897**.

The motion to concur in the senate amendments to **HB 897** prevailed by (Record 1118): 121 Yeas, 26 Nays, 2 Present, not voting.

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

Nays — Anderson; Bonnen, G.; Capriglione; Creighton; Elkins; Fallon; Flynn; Frank; Goldman; Gooden; Harper-Brown; Hughes; Krause; Laubenberg; Leach; Parker; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Springer; Stickland; Toth; White; Zedler.

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

Absent — Klick.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 1118. I intended to vote yes.

Anderson

I was shown voting no on Record No. 1118. I intended to vote yes.

G. Bonnen

I was shown voting no on Record No. 1118. I intended to vote yes.

Creighton

I was shown voting no on Record No. 1118. I intended to vote yes.

Fallon

I was shown voting no on Record No. 1118. I intended to vote yes.

Flynn

I was shown voting no on Record No. 1118. I intended to vote yes.

Goldman

I was shown voting no on Record No. 1118. I intended to vote yes.

Harper-Brown

I was shown voting no on Record No. 1118. I intended to vote yes.

Krause

I was shown voting no on Record No. 1118. I intended to vote yes.

Parker

I was shown voting no on Record No. 1118. I intended to vote yes.

Sanford

I was shown voting no on Record No. 1118. I intended to vote yes.

R. Sheffield

I was shown voting no on Record No. 1118. I intended to vote yes.

Springer

I was shown voting no on Record No. 1118. I intended to vote yes.

Stickland

I was shown voting no on Record No. 1118. I intended to vote yes.

White

I was shown voting no on Record No. 1118. I intended to vote yes.

Zedler

**Senate Committee Substitute**

**CSHB 897**, A bill to be entitled An Act relating to instruction in cardiopulmonary resuscitation in secondary education curriculum.

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

SECTION 1. This Act may be cited as the Edmund Kuempel Act.

SECTION 2. Section 28.0023, Education Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), (f), and (g) to read as follows:

(b) The State Board of Education by rule shall require ~~[include elements relating to]~~ instruction in cardiopulmonary resuscitation for students in grades 7 through 12 ~~[and the use of an automated external defibrillator as part of the essential knowledge and skills of the health curriculum under Section 28.002(a)(2)(B)].~~

(c) A school district or open-enrollment charter ~~[This subsection applies only to a private school that receives an automated external defibrillator from the agency or receives funding from the agency to purchase or lease an automated external defibrillator. A private]~~ school shall provide instruction to students in grades 7 through 12 in cardiopulmonary resuscitation ~~[and the use of an automated external defibrillator]~~ in a manner consistent with the requirements of this section and State Board of Education rules adopted under this section. The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation.

(d) A school administrator may waive the curriculum requirement under this section for an eligible student who has a disability.

(e) Cardiopulmonary resuscitation instruction must include training that has been developed:

(1) by the American Heart Association or the American Red Cross; or  
(2) using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

(f) For purposes of Subsection (e), "psychomotor skills" means hands-on practice to support cognitive learning. The term does not include cognitive-only instruction and training.

(g) A school district or open-enrollment charter school may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training under this section. Instruction provided under this section is not required to result in certification in cardiopulmonary resuscitation. If instruction is intended to result in certification in cardiopulmonary resuscitation, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

SECTION 3. Section 28.0023(a), Education Code, is repealed.

SECTION 4. This Act applies beginning with the 2014-2015 school year.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

### **HB 1093 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1093**, A bill to be entitled An Act relating to the composition of the Texas Private Security Board.

Representative Fletcher moved to concur in the senate amendments to **HB 1093**.

The motion to concur in the senate amendments to **HB 1093** prevailed by (Record 1119): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent — Allen.

### Senate Committee Substitute

**CSHB 1093**, A bill to be entitled An Act relating to the composition of the Texas Private Security Board.

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

SECTION 1. Section 1702.021(a), Occupations Code, is amended to read as follows:

(a) The Texas Private Security Board consists of seven members appointed by the governor with the advice and consent of the senate as follows:

(1) three ~~four~~ public members, each of whom is a citizen of the United States;

(2) one member who is licensed under this chapter as a private investigator;

(3) one member who is licensed under this chapter as an alarm systems company; ~~and~~

(4) one member who is licensed under this chapter as the owner or operator of a guard company; and

(5) one member who is licensed under this chapter as a locksmith.

SECTION 2. Not later than February 1, 2015, the governor shall appoint the members of the Texas Private Security Board necessary to ensure that the composition of the board complies with Section 1702.021, Occupations Code, as amended by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

### **HB 3567 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3567**, A bill to be entitled An Act relating to the composition of the structural pest control advisory committee.

Representative Kleinschmidt moved to concur in the senate amendments to **HB 3567**.

The motion to concur in the senate amendments to **HB 3567** prevailed by (Record 1120): 144 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Schaefer; Simpson; Stickland.

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

Absent — González, M.

### STATEMENT OF VOTE

When Record No. 1120 was taken, I was in the house but away from my desk. I would have voted yes.

M. González

### Senate Committee Substitute

**CSHB 3567**, A bill to be entitled An Act relating to the composition of the structural pest control advisory committee.

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

SECTION 1. Sections 1951.101(a) and (b), Occupations Code, are amended to read as follows:

(a) The committee consists of 11 [~~nine~~] members appointed by the commissioner as follows:

(1) one member [~~two members~~] who is an employee of a school district and associated with a school integrated pest management program [~~are experts in structural pest control application~~];

(2) three members who represent the public;

(3) one member from an institution of higher education who is knowledgeable in the science of pests and pest control;

(4) three members [~~one member~~] who represent [~~represents~~] the interests of structural pest control operators and who are [~~is~~] appointed based on recommendations provided by a trade association of operators;

(5) one member who represents the interests of consumers; [~~and~~]

(6) the commissioner of state health services or the commissioner's designee; and

(7) one member who is a structural pest control operator with experience in natural, organic, or holistic pest control.

(b) Members of the committee serve staggered four-year terms. The terms of [~~four or~~] five or six members, as appropriate, expire on February 1 of each odd-numbered year.

SECTION 2. (a) On September 1, 2013, the terms of the members of the structural pest control advisory committee appointed under former Section 1951.101(a)(1), Occupations Code, expire.

(b) Not later than October 1, 2013, the commissioner of agriculture shall appoint the new members of the structural pest control advisory committee necessary to ensure that the composition of the committee complies with Section 1951.101, Occupations Code, as amended by this Act, and designate the terms of those members to expire on February 1, 2015, or February 1, 2017, as appropriate, to ensure that the expiration of the terms complies with Section 1951.101(b), Occupations Code, as amended by this Act.

SECTION 3. This Act takes effect September 1, 2013.

### **HB 2585 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2585**, A bill to be entitled An Act relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.

Representative Harper-Brown moved to concur in the senate amendments to **HB 2585**.

The motion to concur in the senate amendments to **HB 2585** prevailed by (Record 1121): 123 Yeas, 19 Nays, 2 Present, not voting.

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

Nays — Anderson; Creighton; Davis, J.; Deshotel; Dutton; Gonzales; González, M.; Hilderbran; Lewis; Menéndez; Otto; Phillips; Pickett; Schaefer; Stickland; Taylor; Thompson, S.; Turner, C.; Walle.

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

Absent — Hernandez Luna; Howard; Lucio; Strama; Villarreal; Wu.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 1121. I intended to vote yes.

Gonzales

I was shown voting yes on Record No. 1121. I intended to vote no.

N. Gonzalez

When Record No. 1121 was taken, I was in the house but away from my desk. I would have voted no.

Hernandez Luna

### Senate Committee Substitute

**CSHB 2585**, A bill to be entitled An Act relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.

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

SECTION 1. Sections 203.092(a-1), (a-2), and (a-3), Transportation Code, are amended to read as follows:

(a-1) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is [~~made before September 1, 2013, and~~] required by the improvement of a nontolled highway to add one or more tolled lanes. [~~This subsection expires September 1, 2013.~~]

(a-2) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is [~~made before September 1, 2013, and~~] required by the improvement of a nontolled highway that has been converted to a turnpike project or toll project. [~~This subsection expires September 1, 2013.~~]

(a-3) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is [~~made before September 1, 2013, and~~] required by the construction on a new location of a turnpike project or toll project or the expansion of such a turnpike project or toll project. [~~This subsection expires September 1, 2013.~~]

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

**HB 2874 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2874**, A bill to be entitled An Act relating to the designation by the Texas Department of Motor Vehicles of the registration year for certain vehicles sold by a dealer.

Representative Harper-Brown moved to concur in the senate amendments to **HB 2874**.

The motion to concur in the senate amendments to **HB 2874** prevailed by (Record 1122): 131 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Anchia; Cortez; Deshotel; Farias; González, M.; Hernandez Luna; Howard; Hunter; Lucio; Martinez Fischer; Raney; Rodriguez, J.; Strama; Turner, C.; Villarreal; Walle; Wu.

**STATEMENTS OF VOTE**

When Record No. 1122 was taken, I was in the house but away from my desk. I would have voted yes.

M. González

When Record No. 1122 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez Luna

### Senate Committee Substitute

**CSHB 2874**, A bill to be entitled An Act relating to the designation by the Texas Department of Motor Vehicles of the registration year for certain vehicles sold by a dealer.

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

SECTION 1. Section 502.044, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) The department shall use the date of sale of the vehicle in designating the registration year for a vehicle for which registration is applied for under Section 501.0234.

SECTION 2. Section 502.044(e), Transportation Code, as added by this Act, applies only to a vehicle registered on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2013.

### **HB 1888 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1888**, A bill to be entitled An Act relating to low income housing tax credits awarded to at-risk developments.

Representative Anchia moved to concur in the senate amendments to **HB 1888**.

The motion to concur in the senate amendments to **HB 1888** prevailed by (Record 1123): 77 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Branch; Burkett; Burnam; Callegari; Canales; Carter; Clardy; Collier; Cook; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farney; Farrar; Frank; Frullo; Geren; Giddings; Goldman; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Herrero; Hunter; Johnson; Keffer; King, K.; King, S.; King, T.; Kolkhorst; Lewis; Longoria; Lozano; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Murphy; Naishtat; Otto; Patrick; Perez; Phillips; Pickett; Raney; Raymond; Reynolds; Riddle; Ritter; Rose; Sheets; Sheffield, J.; Smith; Smithee; Taylor; Thompson, S.; Toth; Turner, S.; Vo; White; Zerwas.

Nays — Anderson; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Button; Capriglione; Craddick; Creighton; Dale; Davis, J.; Elkins; Fallon; Fletcher; Flynn; Gonzales; Gooden; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; Kacal; King, P.; Kleinschmidt; Klick; Krause; Larson; Laubenberg; Lavender; Leach; Miller, R.; Orr; Paddie; Parker; Perry; Price; Ratliff; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Springer; Stephenson; Stickland; Thompson, E.; Turner, E.S.; Villalba; Zedler.

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

Absent — Coleman; Cortez; Farias; González, M.; Hernandez Luna; Howard; Lucio; Martinez Fischer; Muñoz; Nevárez; Oliveira; Pitts; Rodriguez, E.; Rodriguez, J.; Strama; Turner, C.; Villarreal; Walle; Workman; Wu.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1123. I intended to vote no.

Crownover

When Record No. 1123 was taken, I was in the house but away from my desk. I would have voted yes.

M. González

I was shown voting yes on Record No. 1123. I intended to vote no.

Harless

When Record No. 1123 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez Luna

I was shown voting no on Record No. 1123. I intended to vote yes.

Sanford

**Senate Committee Substitute**

**CSHB 1888**, A bill to be entitled An Act relating to low income housing tax credits awarded to at-risk developments.

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

SECTION 1. Section 2306.6702(a)(5), Government Code, is amended to read as follows:

(5) "At-risk development" means:

(A) a development that:

(i) ~~[(A)]~~ has received the benefit of a subsidy in the form of a below-market interest rate loan, interest rate reduction, rental subsidy, Section 8 housing assistance payment, rental supplement payment, rental assistance payment, or equity incentive under the following federal laws, as applicable:

(a) ~~[(+)]~~ Sections 221(d)(3) and (5), National Housing Act (12 U.S.C. Section 1715l);

(b) ~~[(+)]~~ Section 236, National Housing Act (12 U.S.C. Section 1715z-1);

(c) ~~[(+)]~~ Section 202, Housing Act of 1959 (12 U.S.C. Section 1701q);

(d) ~~[(+)]~~ Section 101, Housing and Urban Development Act of 1965 (12 U.S.C. Section 1701s);

(e) ~~[(+)]~~ the Section 8 Additional Assistance Program for housing developments with HUD-Insured and HUD-Held Mortgages administered by the United States Department of Housing and Urban Development as specified by 24 C.F.R. Part 886, Subpart A;

(f) [~~(vi)~~] the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects administered by the United States Department of Housing and Urban Development as specified by 24 C.F.R. Part 886, Subpart C;

(g) [~~(vii)~~] Sections 514, 515, and 516, Housing Act of 1949 (42 U.S.C. Sections 1484, 1485, and 1486); or

(h) [~~(viii)~~] Section 42, Internal Revenue Code of 1986 (26 U.S.C. Section 42); and

(ii) [~~(B)~~] is subject to the following conditions:

(a) [~~(i)~~] the stipulation to maintain affordability in the contract granting the subsidy is nearing expiration; or

(b) [~~(ii)~~] the federally insured mortgage on the development is eligible for prepayment or is nearing the end of its term; or

(B) a development that proposes to rehabilitate or reconstruct housing units that:

(i) are owned by a public housing authority and receive assistance under Section 9, United States Housing Act of 1937 (42 U.S.C. Section 1437g); or

(ii) received assistance under Section 9, United States Housing Act of 1937 (42 U.S.C. Section 1437g) and:

(a) are proposed to be disposed of or demolished by a public housing authority; or

(b) have been disposed of or demolished by a public housing authority in the two-year period preceding the application for housing tax credits.

SECTION 2. Section 2306.6714, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The department shall set aside for eligible at-risk developments not less than 15 percent of the housing tax credits available for allocation in the calendar year.

(a-1) An at-risk development described by Section 2306.6702(a)(5)(B) is eligible for housing tax credits set aside under Subsection (a) if:

(1) a portion of the public housing operating subsidy received from the department is retained for the development; and

(2) a portion of the units of the development are reserved for public housing as specified in the qualified housing plan.

SECTION 3. The changes in law made by this Act apply only to an application for low income housing tax credits that is submitted on or after the effective date of this Act. An application for low income housing tax credits that is submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

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

### **HB 1122 - MOTION TO CONCUR IN SENATE AMENDMENTS**

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

**HB 1122**, A bill to be entitled An Act relating to a pilot program for a three-year high school diploma plan and cost-neutral expansion of full-day prekindergarten programs.

Representative Gooden moved to concur in the senate amendments to **HB 1122**.

The motion to concur in the senate amendments to **HB 1122** was lost by (Record 1124): 66 Yeas, 71 Nays, 2 Present, not voting. (The vote was reconsidered later today, and the motion to concur in the senate amendments to **HB 1122** prevailed by Record No. 1127.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Burkett; Burnam; Clardy; Collier; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Farias; Farrar; Frank; Geren; Giddings; González, M.; Gonzalez, N.; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Hughes; Isaac; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Nevárez; Otto; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Strama; Taylor; Thompson, S.; Turner, C.; Turner, S.; Vo; White; Workman; Wu.

Nays — Anderson; Aycoc; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Button; Callegari; Capriglione; Carter; Cook; Craddick; Creighton; Crownover; Dale; Darby; Elkins; Fallon; Farney; Fletcher; Flynn; Frullo; Goldman; Gonzales; Gooden; Guerra; Harless; Hilderbran; Huberty; Hunter; Kacal; King, K.; King, P.; Kleinschmidt; Klick; Krause; Larson; Laubenberg; Lavender; Leach; Lewis; Miller, R.; Morrison; Orr; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Thompson, E.; Toth; Turner, E.S.; Villalba; Zedler; Zerwas.

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

Absent — Canales; Coleman; Cortez; Dutton; Howard; Martinez Fischer; Naishtat; Oliveira; Smithee; Villarreal; Walle.

**STATEMENTS OF VOTE**

When Record No. 1124 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

I was shown voting no on Record No. 1124. I intended to vote yes.

Carter

I was shown voting no on Record No. 1124. I intended to vote yes.

Farney

I was shown voting no on Record No. 1124. I intended to vote yes.

Guerra

I was shown voting no on Record No. 1124. I intended to vote yes.

Ratliff

I was shown voting yes on Record No. 1124. I intended to vote no.

White

### **HB 1122 - RULES SUSPENDED**

Representative D. Bonnen moved to suspend Rule 7, Section 37(c) of the House Rules to make the motion to reconsider the vote by which the motion to concur in the senate amendments to **HB 1122** was lost without notice of intent.

The motion prevailed.

### **HB 1122 - VOTE RECONSIDERED**

Representative D. Bonnen moved to reconsider the vote by which the motion to concur in the senate amendments to **HB 1122** was lost.

The motion to reconsider prevailed.

(Speaker in the chair)

### **ADDRESS BY REPRESENTATIVE EILAND ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Eiland who addressed the house on a matter of personal privilege, speaking as follows:

Mr. Speaker, members, before I begin, I want to recognize my wife and children in the gallery. This time of year is very hard for all of us with our kids at home, spouses doing homework, spouses eating dinner by themselves. But they do it all for us, and I know that we all appreciate it, especially at this time of year. And I've been doing this for 20 years. I've been doing this for 20 years, and when I got here, I was single—and that was fun—so this is the only life my wife and children have ever known. Every day, I pray that I can be a good husband, a good father, a good lawyer, and a good public servant—in that order. And, unlike Ms. Thompson, I'm not going to run for reelection, so that, in my future, my prayer is just to be a good husband, a good father, and a good lawyer—in that order. And I'm not saying I'm not going to try to come back, but I'm saying that I'm not going to run for reelection. And it's very difficult for me, because I love the session, and the people that are here, the relationships that we develop, and the people that we get to help back home. It's been a great experience. It's not over—we have this summer, maybe next spring.

But one of the reasons—you know, I've served under three speakers. I served under Speaker Laney, and I remember his deal was, vote your district. And then, I never had asked or demanded to be a chairman. I've always said, I need to be on Appropriations and Insurance, because that's what my district needs. And I've served under Speaker Craddick, and one time he said, "You have to be a chairman." I said, "I don't want to be a chairman." He said, "You have to be a chairman." I said, "I don't want to be a chairman." He said, "You have to be a chairman, because we have to change our teachers' retirement system, and you're one of the few people that can do it." And so, that was eight years ago. And

Mr. Duncan and I—along with you—took some very hard votes, but the only reason things are much easier this time is because we took those hard votes six or eight years ago. And then, I served under Speaker Straus, and what you all did after the hurricane—giving our community the help to restore and rebuild—was monumental.

So last year, when I decided to run again, and then I found out all these freshmen were going to be here, I said, "Wow, what's this going to be like?" And one of my goals was to get to know all the new people, and I've tried to do that and help mentor some of them. And I feel that we're in good shape for the future because we have so many young people that do have good thoughts—some of them are crazy—but they have good thoughts, and good ideas, and good hearts. And I think they're going to do good things for Texas in the future. And lastly—because I do want to thank my wife and children for all the sacrifices that they have gone through as I go back and forth to Galveston, or back and forth to Chambers County, or wherever I go. And I told Mr. Simmons, not everybody out there knows what we mean when we're talking purple, but we have purple Thursdays. That's to remind us that red republicans and blue democrats, when we work together, that's the color purple. And so, we do that every Thursday.

I told Mr. Simmons I was going to remind him of one more thing, and that is, in the future, we also have to think of another color—and that is brown. Because, when we look at the public school system and the state in general, the majority of the children in public school—over 50 percent are Hispanic, and Hispanics and African Americans together are over 60 percent. So we have to start working together and thinking about two colors—brown and purple. And if we work on that, the infrastructure of this state will be great, and our future will be bright. And so, thank you all.

### **REMARKS ORDERED PRINTED**

Representative Menéndez moved to print remarks by Representative Eiland.

The motion prevailed.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

### **CONSTITUTIONAL AMENDMENTS CALENDAR SENATE JOINT RESOLUTIONS SECOND READING**

The following resolutions were laid before the house:

#### **CSSJR 1 ON SECOND READING (Pitts and Ritter - House Sponsors)**

**CSSJR 1**, A joint resolution proposing a constitutional amendment providing for the creation of the State Water Implementation Fund for Texas and the State Water Implementation Revenue Fund for Texas to assist in the financing of priority projects in the state water plan.

**Amendment No. 1**

Representatives Ritter and Pitts offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** (house committee printing) as follows:

(1) On page 3, line 7, between "fund" and the comma, insert "by general law".

(2) On page 3, line 10, between "by" and "law", insert "general".

(3) On page 4, between lines 19 and 20, insert the following:

(j) This section being intended only to establish a basic framework and not to be a comprehensive treatment of the State Water Implementation Fund for Texas, there is hereby reposed in the legislature full power to implement and effectuate the design and objects of this section, including the power to delegate such duties, responsibilities, functions, and authority to the Texas Water Development Board or that board's successor in function as the legislature believes necessary.

(4) On page 4, line 23, between "Fund" and "shall", insert "for Texas".

(5) On page 5, line 25, between "by" and "law", insert "general".

(6) On page 6, line 1, between "by" and "law", insert "general".

(7) On page 7, between lines 21 and 22, insert the following:

(j) This section being intended only to establish a basic framework and not to be a comprehensive treatment of the State Water Implementation Revenue Fund for Texas, there is hereby reposed in the legislature full power to implement and effectuate the design and objects of this section, including the power to delegate such duties, responsibilities, functions, and authority to the Texas Water Development Board or that board's successor in function as the legislature believes necessary.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Perry offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** (house committee printing) on page 1, line 10, between the period and "Money", by inserting:

The legislature may appropriate for deposit to the credit of the State Water Implementation Fund for Texas a cumulative total not to exceed \$2 billion.

Representative Otto moved to table Amendment No. 2.

The motion to table prevailed.

**Amendment No. 3**

Representative Taylor offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** (house committee printing) on page 8, line 2, between "resources" and the period, by inserting "and providing that an appropriation from the economic stabilization fund to the State Water Implementation Fund for Texas, without limitation as to amount, is not subject to the constitutional limit on the rate of growth of appropriations".

Representative Otto moved to table Amendment No. 3.

The motion to table prevailed by (Record 1125): 108 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Burnam; Button; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Simmons; Smith; Stephenson; Strama; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson; Burkett; Capriglione; Carter; Creighton; Fallon; Fletcher; Flynn; Goldman; Gooden; Guillen; Isaac; King, P.; Klick; Krause; Laubenberg; Leach; Morrison; Parker; Perry; Phillips; Sanford; Schaefer; Sheets; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Bell; Branch; Davis, Y.; Harper-Brown; Hilderbran; Hughes; Thompson, S.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1125. I intended to vote no.

Bohac

When Record No. 1125 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 1125 was taken, I was temporarily out of the house chamber. I would have voted no.

Hughes

**CSSJR 1**, as amended, was adopted by (Record 1126): 130 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo;

Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Capriglione; Fallon; Goldman; Gooden; Isaac; Klick; Krause; Laubenberg; Perry; Schaefer; Simpson; Stickland; Taylor; Thompson, E.; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Hughes; Toth; White.

#### STATEMENTS OF VOTE

When Record No. 1126 was taken, my vote failed to register. I would have voted yes.

Hughes

When Record No. 1126 was taken, I was in the house but away from my desk. I would have voted no.

Toth

(Kuempel in the chair)

#### **HB 1122 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1122**, A bill to be entitled An Act relating to a pilot program for a three-year high school diploma plan and cost-neutral expansion of full-day prekindergarten programs.

Representative Johnson moved to concur in the senate amendments to **HB 1122**.

The motion to concur in the senate amendments to **HB 1122** prevailed by (Record 1127): 129 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra;

Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Stephenson; Stickland; Strama; Taylor; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Workman; Wu; Zerwas.

Nays — Craddick; Dale; Fallon; Klick; Larson; Phillips; Riddle; Schaefer; Simpson; Springer; Thompson, E.

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

Absent — Cortez; Laubenberg; Miller, D.; Reynolds; Thompson, S.; Walle; White; Zedler.

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

Amend **HB 1122** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 28.0255(c), Education Code (page 1, line 39), strike the colon.

(2) In SECTION 1 of the bill, strike added Section 28.0255(c)(1), Education Code (page 1, lines 40-42).

(3) In SECTION 1 of the bill, in added Section 28.0255(c)(2), Education Code (page 1, line 43), strike "(2)".

(4) In SECTION 1 of the bill, strike added Section 28.0255(f), Education Code (page 2, lines 1-5), and substitute the following:

(f) The school district shall submit to the commissioner for approval the district's proposal regarding the scope of the program and the program curriculum requirements. The school district shall also submit the proposed curriculum requirements to the State Board of Education for comment. The district may not implement the program before obtaining the commissioner's approval of the scope of the program and the program curriculum requirements.

### **HB 3106 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 3106**, A bill to be entitled An Act relating to compensatory payments made in connection with the issuance of certain title insurance policies.

Representative Morrison moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3106**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3106**: Morrison, chair; Pitts, Darby, Menéndez, and Ashby.

**HB 3361 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3361**, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Housing and Community Affairs; authorizing and otherwise affecting the application of certain fees.

Representative Dutton moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3361**.

The motion prevailed by (Record 1128): 137 Yeas, 6 Nays, 2 Present, not voting.

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

Nays — Button; Carter; Schaefer; Simpson; Strama; Taylor.

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

Absent — Bell; Cortez; Harless; Harper-Brown; Phillips.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 1128. I intended to vote no.

Anchia

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3361**: Dutton, chair; Riddle, Alvarado, Geren, and K. King.

**HB 2982 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2982**, A bill to be entitled An Act relating to the power of the Railroad Commission of Texas to adopt and enforce safety standards applicable to the transportation by pipeline of hazardous liquids, carbon dioxide, and natural gas in rural locations.

Representative Keffer moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2982**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2982**: Keffer, chair; Wu, Lozano, T. King, and Ritter.

**HB 3459 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Eiland moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3459**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3459**: Eiland, chair; Deshotel, Walle, Goldman, and Springer.

**HB 3201 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3201**, A bill to be entitled An Act relating to the practice of dentistry; imposing surcharges and fees.

Representative Kolkhorst moved to concur in the senate amendments to **HB 3201**.

The motion to concur in the senate amendments to **HB 3201** prevailed by (Record 1129): 141 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Schaefer; Simpson; Stickland.

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

Absent — Bonnen, D.; Cortez; Harless; Sanford.

### Senate Committee Substitute

**CSHB 3201**, A bill to be entitled An Act relating to the practice of dentistry; imposing surcharges and fees.

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

SECTION 1. Section 254.004, Occupations Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The board shall collect an additional \$55 surcharge for each of the following fees:

(1) the fee for the issuance of a dental license; and

(2) the fee for the renewal of a dental license.

(d) The board shall deposit each surcharge collected to the credit of the dental public assurance account. The dental public assurance account is an account in the general revenue fund that shall be appropriated only to the board to pay for the board's enforcement program, including an expert panel.

SECTION 2. Section 254.006(b), Occupations Code, is amended to read as follows:

(b) Investigation files and other records are confidential, except the board shall inform the license holder of the specific allegations against the license holder [and shall be divulged only to the persons investigated at the completion of the investigation]. The board may share investigation files and other records with another state regulatory agency or a local, state, or federal law enforcement agency.

SECTION 3. Section 254.018, Occupations Code, is amended to read as follows:

Sec. 254.018. ~~[EXPERT]~~ TESTIMONY. A member of the board may not express an oral or written opinion or serve as an expert witness in a civil action that is:

- (1) related to an administrative matter within the board's jurisdiction;
- (2) brought ~~[suit involving a health care liability claim]~~ against or for a person licensed or registered under this subtitle; and
- (3) ~~[dentist]~~ for the injury to or death of a patient or for a violation of the standard of care or the commission of malpractice ~~[unless the member receives approval from the board or an executive committee of the board to serve as an expert witness].~~

SECTION 4. Chapter 254, Occupations Code, is amended by adding Section 254.019 to read as follows:

Sec. 254.019. DEFINITIONS. (a) In this section:

(1) "Dental service agreement" means an agreement between a dental service organization and a dentist under which the dental service organization will:

(A) provide services related to the nonclinical business aspects of a dental practice, including arranging or providing financing, performing billing or payroll tasks, processing patient insurance claims, scheduling or otherwise interacting with patients, and performing other administrative tasks;

(B) supervise or manage the employees or contractors of the dentist; or

(C) employ or otherwise contract with a dentist in the dentist's capacity as a dentist.

(2) "Dental service organization" means an entity that:

(A) is owned wholly or partly by a person who is or is not a dentist; and

(B) under a dental service agreement, provides or offers to provide services to a dentist or employs or otherwise contracts with a dentist in the dentist's capacity as a dentist.

(b) The board shall collect the following information from dentists licensed by the board in conjunction with the issuance and renewal of each dental license:

(1) the number and type of dentists employed by the license holder, if any;

(2) the name under which the license holder provides dental services and each location at which those services are provided by that license holder;

(3) whether the license holder is a participating provider under the Medicaid program operated under Chapter 32, Human Resources Code, or the child health plan program operated under Chapter 62, Health and Safety Code;

(4) whether the license holder is employed by or contracts with a dental service organization and, if so, the name and address of the dental service organization;

(5) whether the license holder owns all or part of a dental service organization and, if so, the name and address of the dental service organization and of each dental office at which the dental service organization provides services to patients;

(6) whether the license holder is a party to a dental service agreement and, if so, the name and address of the dental service organization that provides services under the agreement; and

(7) if the license holder owns all or part of a dental service organization, whether that practice is a party to a dental service agreement and, if so, the name and address of the dental service organization that provides services under the agreement.

(c) If requested by the board, a dental service organization shall provide to the board the address of the locations where the organization provides dental services in this state and the name of each dentist providing dental services at each location.

(d) The board shall provide an option for the electronic submission of the information required under this section.

(e) Not later than November 1 of each even-numbered year, the board shall provide a report to the legislature on the information collected under this section and on the board's use of the information in the exercise of the board's statutory authority to regulate the practice of dentistry.

SECTION 5. Sections 255.006(a) and (d-1), Occupations Code, are amended to read as follows:

(a) A complaint received under this chapter must be filed with and reviewed by the board to determine jurisdiction. If the board has jurisdiction, the board shall complete a preliminary investigation of the complaint not later than the 60th day after the date of receiving ~~[investigate the complaint to determine the facts concerning]~~ the complaint. The board shall first determine whether the license holder constitutes a continuing threat to the public welfare. On completion of the preliminary investigation, the board shall determine whether to officially proceed on the complaint. If the board fails to complete the preliminary investigation in the time required by this subsection, the board's official investigation of the complaint is considered to commence on that date.

(d-1) Procedures established under Subsection (d)(6) must:

(1) ~~[require a board employee to consult with a dentist member of the board before dismissing a complaint relating to patient morbidity, professional conduct, or quality of care;~~

~~(2)~~ ensure that the decision to dismiss a complaint is made with the appropriate level of review and necessary expertise and experience; and

(2) ~~(3)~~ require the dismissal of a complaint to be reported to the board at a public meeting of the board.

SECTION 6. Chapter 255, Occupations Code, is amended by adding Sections 255.0065, 255.0066, and 255.0067 to read as follows:

Sec. 255.0065. COMPOSITION OF EXPERT PANELS. (a) The board by rule shall provide for expert panels appointed by the board to assist with complaints and investigations relating to professional competency by acting as expert dentist and dental hygienist reviewers.

(b) Each member of the expert dentist panel must be licensed to practice dentistry in this state. Each member of the expert dental hygienist panel must be licensed to practice dental hygiene in this state.

(c) The rules adopted under this section must include provisions governing the composition of the panel, qualifications for membership on the panel, length of time a member may serve on the panel, grounds for removal from the panel, the avoidance of conflicts of interest, including situations in which the affected license holder and the panel member live or work in the same geographical area or are competitors, and the duties to be performed by the panel.

(d) The board's rules governing grounds for removal from the panel must include providing for the removal of a panel member who is repeatedly delinquent in reviewing complaints and in submitting reports to the board.

Sec. 255.0066. DETERMINATION OF COMPETENCY. (a) If the preliminary investigation under Section 255.006(a) indicates that an act by a license holder falls below an acceptable standard of care, the complaint shall be reviewed by an expert panel authorized under Section 255.0065 consisting of license holders who practice in the same specialty as the license holder who is the subject of the complaint or in another specialty that is similar to the license holder's specialty.

(b) The expert panel shall report in writing the panel's determinations based on the review of the complaint under Subsection (a). The report must specify the standard of care that applies to the facts that are the basis of the complaint and the clinical basis for the panel's determinations, including any reliance on peer-reviewed journals, studies, or reports.

Sec. 255.0067. REPORTS; PROCEDURES FOR EXPERT REVIEW. (a) A license holder on an expert panel authorized by Section 255.0065 who is initially selected to review a complaint shall:

(1) determine whether the license holder who is the subject of the complaint has violated the standard of care applicable to the circumstances; and

(2) issue a preliminary written report of that determination.

(b) A second expert reviewer shall review the first expert reviewer's preliminary report and other information associated with the complaint. If the second reviewer agrees with the first reviewer, the first reviewer shall issue a final written report on the matter.

(c) If the second expert reviewer does not agree with the conclusions of the first expert reviewer, a third expert reviewer shall review the preliminary report and information and decide between the conclusions reached by the first two reviewers. The final written report shall be issued by the third reviewer or the reviewer with whom the third reviewer concurs.

(d) In reviewing a complaint, the expert reviewers assigned to examine the complaint may consult and communicate with each other about the complaint in formulating their opinions and reports.

SECTION 7. Subchapter C, Chapter 256, Occupations Code, is amended by adding Section 256.106 to read as follows:

Sec. 256.106. DELEGATED AUTHORITY TO ISSUE LICENSES. The board may delegate authority to board employees to issue licenses under this subtitle to applicants who clearly meet all licensing requirements. If the board employees determine that the applicant does not clearly meet all licensing requirements, the application shall be returned to the board. A license issued under this section does not require formal board approval.

SECTION 8. Subchapter B, Chapter 258, Occupations Code, is amended by adding Section 258.055 to read as follows:

Sec. 258.055. PRACTICE OF DENTISTRY ON CERTAIN CHILDREN. (a) The parent or guardian of a child younger than 18 years of age may be present in the treatment room during the child's dental treatment or procedure, unless the dentist determines in the dentist's professional judgment that the presence of the parent or guardian in the treatment room is likely to have an adverse effect on the treatment or the child.

(b) In this section, "parent or guardian" includes a person authorized by law to consent for the medical or dental treatment of a child younger than 18 years of age.

SECTION 9. Chapter 263, Occupations Code, is amended by adding Sections 263.0065, 263.0076, and 263.0077 to read as follows:

Sec. 263.0065. DELEGATION OF CERTAIN COMPLAINT DISPOSITIONS. (a) The board may delegate to a committee of board employees the authority to dismiss or enter into an agreed settlement of a complaint that does not relate directly to patient care or that involves only administrative violations.

(b) The disposition determined by the committee must be approved by the board at a public meeting.

(c) A complaint delegated under this section shall be referred for informal proceedings under Section 263.0075 if:

(1) the committee of employees determines that the complaint should not be dismissed or settled;

(2) the committee is unable to reach an agreed settlement; or

(3) the affected license holder requests that the complaint be referred for informal proceedings.

Sec. 263.0076. INFORMAL SETTLEMENT CONFERENCE NOTICE.

(a) If an informal settlement conference will be held under Section 263.0075, notice of the time and place of the conference must be given to the license holder not later than the 45th day before the date the conference is held.

(b) The notice required by Subsection (a) must be accompanied by a written statement of the specific allegations against the license holder and the information the board intends to use at the informal settlement conference. If the board does not provide the statement or information when the notice is provided, the license holder may use that failure as grounds for rescheduling the conference.

(c) The license holder must provide to the board the license holder's rebuttal not later than the 15th day before the date of the conference in order for that information to be considered at the conference.

(d) On request by a license holder under review, the board shall make a recording of the informal settlement conference. The recording is a part of the investigative file and may not be released to a third party unless authorized under this subtitle. The board may charge the license holder a fee to cover the cost of recording the conference. The board shall provide a copy of the recording to the license holder on the license holder's request.

Sec. 263.0077. REMEDIAL PLAN. (a) The board may issue and establish the terms of a remedial plan to resolve the investigation of a complaint filed under this subtitle.

(b) A remedial plan may not contain a provision that:

(1) revokes, suspends, limits, or restricts a person's license or other authorization to practice dentistry or dental hygiene; or

(2) assesses an administrative penalty against a person.

(c) A remedial plan may not be imposed to resolve a complaint:

(1) concerning:

(A) a patient death;

(B) the commission of a felony; or

(C) a matter in which the license holder engaged in inappropriate sexual behavior or contact with a patient or became financially or personally involved with a patient in an inappropriate manner; or

(2) in which the appropriate resolution may involve a restriction on the manner in which a license holder practices dentistry or dental hygiene.

(d) The board may not issue a remedial plan to resolve a complaint against a license holder if the license holder has previously entered into a remedial plan with the board for the resolution of a different complaint filed under this subtitle.

(e) The board may assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan.

(f) A remedial plan is public information.

(g) In civil litigation, a remedial plan is a settlement agreement under Rule 408, Texas Rules of Evidence.

(h) The board shall adopt rules necessary to implement this section.

SECTION 10. Not later than December 1, 2013, the State Board of Dental Examiners shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 11. Section 254.004(c), Occupations Code, as added by this Act, applies only to an application for an original dental license or for renewal of a dental license filed on or after September 1, 2013. An application filed before September 1, 2013, is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 12. Sections 254.006(b) and 255.006, Occupations Code, as amended by this Act, and Sections 255.0065, 255.0066, 255.0067, 263.0076, and 263.0077, Occupations Code, as added by this Act, apply only to the investigation and resolution of a complaint filed with the State Board of Dental Examiners on or after January 1, 2014. A complaint filed before that date is governed by the law in effect on the date the complaint was filed, and the former law is continued in effect for that purpose.

SECTION 13. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2014.

(b) Section 10 of this Act and Sections 254.004(c) and (d) and 254.019, Occupations Code, as added by this Act, take effect September 1, 2013.

**PROVIDING FOR ADJOURNMENT**

At 9:05 p.m., Representative Wu moved that, at the conclusion of the receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

(Hughes in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 9:38 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 22, 2013 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 1090** Martinez, "Mando" SPONSOR: Hinojosa  
Relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley.  
(Amended)

**HB 1223** Hilderbran SPONSOR: Hegar  
Relating to the temporary exemption of certain tangible personal property related to data centers from the sales and use tax.  
(Committee Substitute)

**HB 1726** Bohac SPONSOR: Zaffirini  
Relating to shipping logistics and coordination services for state agencies.  
(Committee Substitute/Amended)

**HB 1846** Carter SPONSOR: Paxton  
Relating to suspension or denial of issuance or renewal of a license for failure to pay child support.

**HB 1951** Thompson, Senfronia SPONSOR: Carona  
Relating to the licensing and regulation of telecommunications; providing a criminal penalty.  
(Amended)

**HB 2446** Crownover SPONSOR: Estes  
Relating to the definitions of advanced clean energy projects and clean energy projects and to franchise tax credits for certain of those projects.

**HB 2918** Thompson, Senfronia SPONSOR: Rodríguez  
Relating to statutory durable powers of attorney.

**HB 2972** King, Ken SPONSOR: Patrick  
Relating to exempting premiums for certain insurance covering stored or in-transit baled cotton from surplus lines insurance premium taxes.

**HB 3015** Moody SPONSOR: Rodríguez  
Relating to a recall election for officials of certain general-law municipalities.

**HB 3042** Oliveira SPONSOR: Lucio  
Relating to the allocation of state hotel occupancy tax revenue to certain municipalities for cleaning and maintenance of and erosion control for public beaches.

**HB 3188** Otto SPONSOR: Williams  
Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

(Amended)

**HB 3569** Kleinschmidt SPONSOR: Uresti  
Relating to activities conducted in connection with a state or federal disease control or eradication program for animals.

(Amended)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 7**

Senate Conferees: Nelson - Chair/Deuell/Hinojosa/Huffman/Schwertner

**SB 8**

Senate Conferees: Nelson - Chair/Deuell/Huffman/Schwertner/Uresti

**SB 58**

Senate Conferees: Nelson - Chair/Huffman/Nichols/Taylor/Uresti

**SB 358**

Senate Conferees: Hinojosa - Chair/Eltife/Huffman/Whitmire/Williams

**SB 396**

Senate Conferees: Hegar - Chair/Ellis/Estes/Huffman/Williams

**SB 578**

Senate Conferees: Duncan - Chair/Fraser/Lucio/Paxton/Van de Putte

**SB 910**

Senate Conferees: Duncan - Chair/Deuell/Huffman/Lucio/Van de Putte

**SB 1017**

Senate Conferees: Paxton - Chair/Campbell/Hancock/Nichols/Watson

**SB 1023**

Senate Conferees: Watson - Chair/Carona/Eltife/Seliger/Uresti

**SB 1106**

Senate Conferees: Schwertner - Chair/Huffman/Nelson/Taylor/Uresti

**SB 1678**

Senate Conferees: Deuell - Chair/Davis/Eltife/Estes/Watson

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 630**

Senate Conferees: Huffman - Chair/Deuell/Fraser/Van de Putte/Whitmire

**HB 1534**

Senate Conferees: Paxton - Chair/Deuell/Estes/Hancock/Nelson

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 22, 2013 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 585** Villarreal SPONSOR: Eltife  
Relating to ad valorem taxation; creating an offense.  
(Committee Substitute/Amended)

**HB 697** Springer SPONSOR: Duncan  
Relating to a sales and use tax exemption for certain items sold by school booster clubs and support organizations; authorizing a sales and use tax exemption.  
(Amended)

**HB 1803** Callegari SPONSOR: Huffman  
Relating to the renewal of a controlled substance registration by physicians; changing the payment schedule for a fee.  
(Committee Substitute/Amended)

**HB 2268** Frullo SPONSOR: Carona  
Relating to search warrants issued in this state and other states for certain customer data, communications, and other related information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.  
(Committee Substitute/Amended)

**HB 2612** Flynn SPONSOR: Deuell  
Relating to prohibitions and restrictions on using county roads in certain circumstances.  
(Amended)

**HB 2862** McClendon SPONSOR: West  
Relating to procedures related to juvenile cases.  
(Amended)

**HB 3433** Fletcher SPONSOR: Estes  
Relating to the regulation of certain private security companies and occupations; creating an offense.  
(Amended)

**HB 3438** Otto SPONSOR: Lucio  
Relating to the eligibility of a person to serve on the appraisal review board of an appraisal district.

**HB 3439** Otto SPONSOR: Lucio  
Relating to the representation of a property owner by an agent in a property tax matter.

**HB 3954** Stephenson SPONSOR: Hegar

Relating to the creation of Kendleton Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.  
(Amended)

**HCR 80** Anchia SPONSOR: Carona  
Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study the effects on international trade of wait times at points of entry between the United States and Mexico.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

- SB 24** (31 Yeas, 0 Nays)
- SB 351** (31 Yeas, 0 Nays)
- SB 499** (31 Yeas, 0 Nays)
- SB 503** (31 Yeas, 0 Nays)
- SB 514** (31 Yeas, 0 Nays)
- SB 562** (31 Yeas, 0 Nays)
- SB 697** (31 Yeas, 0 Nays)
- SB 718** (31 Yeas, 0 Nays)
- SB 763** (31 Yeas, 0 Nays)
- SB 869** (31 Yeas, 0 Nays)
- SB 893** (31 Yeas, 0 Nays)
- SB 939** (30 Yeas, 1 Nay)
- SB 946** (31 Yeas, 0 Nays)
- SB 948** (31 Yeas, 0 Nays)
- SB 1035** (30 Yeas, 1 Nay)
- SB 1053** (31 Yeas, 0 Nays)
- SB 1074** (31 Yeas, 0 Nays)
- SB 1200** (31 Yeas, 0 Nays)
- SB 1237** (31 Yeas, 0 Nays)
- SB 1386** (30 Yeas, 1 Nay)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 21**

Defense and Veterans' Affairs - **HCR 198**

**ENROLLED**

May 21 - **HB 4, HB 33, HB 35, HB 115, HB 124, HB 217, HB 339, HB 343, HB 432, HB 483, HB 561, HB 588, HB 646, HB 677, HB 698, HB 705, HB 719, HB 724, HB 749, HB 843, HB 908, HB 978, HB 985, HB 1018, HB 1047, HB 1081, HB 1086, HB 1133, HB 1183, HB 1228, HB 1241, HB 1287, HB 1294, HB 1297, HB 1318, HB 1358, HB 1405, HB 1442, HB 1458, HB 1494, HB 1503, HB 1563, HB 1593, HB 1594, HB 1607, HB 1664, HB 1690, HB 1712, HB 1721, HB 1752, HB 1753, HB 1775, HB 1777, HB 1791, HB 1800, HB 1801, HB 1807, HB 1819, HB 1843, HB 1953, HB 1970, HB 1971, HB 1979, HB 2020, HB 2094, HB 2111, HB 2134, HB 2155, HB 2312, HB 2356, HB 2454, HB 2473, HB 2478, HB 2509, HB 2512, HB 2549, HB 2610, HB 2627, HB 2636, HB 2649, HB 2662, HB 2673, HB 2766, HB 2792, HB 2806, HB 2840, HB 2873, HB 3017, HB 3086, HB 3097, HB 3102, HB 3105, HB 3116, HB 3137, HB 3176, HB 3178, HB 3212, HB 3233, HB 3256, HB 3285, HB 3307, HB 3332, HB 3355, HB 3412, HB 3668, HB 3676, HB 3795, HB 3800, HB 3805, HB 3896, HB 3905, HB 3941, HCR 41, HCR 104, HCR 112, HCR 120, HCR 125, HCR 126, HCR 129, HCR 130, HCR 131, HCR 132, HCR 133, HCR 134, HCR 135, HCR 136, HCR 137, HCR 138, HCR 139, HCR 140, HCR 141, HCR 142, HCR 143, HCR 144, HCR 145, HCR 146, HCR 147, HCR 148, HCR 149, HCR 150, HCR 151, HCR 152, HCR 153, HCR 154, HCR 155, HCR 156, HCR 157, HCR 158, HCR 159, HCR 160, HCR 161, HCR 162, HCR 163, HCR 164, HCR 165, HCR 166, HCR 167, HCR 168, HCR 169, HCR 170, HCR 171, HCR 172, HCR 173, HCR 174, HCR 175, HCR 176, HCR 177, HCR 178, HCR 179, HCR 180, HCR 181, HCR 182, HCR 183, HCR 184, HCR 185, HCR 186, HCR 187, HCR 188, HCR 189, HCR 190, HCR 191, HCR 192, HCR 193, HCR 194, HCR 195, HCR 196, HJR 87**

**SENT TO THE SECRETARY OF THE STATE**

**May 21 - HJR 147**