

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

THIRTY-SIXTH DAY — WEDNESDAY, MARCH 20, 2013

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

The roll of the house was called and a quorum was announced present (Record 73).

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

The speaker recognized Representative Martinez Fischer who introduced Father Jimmy Drennan, pastor, St. Joseph Catholic Church–Honey Creek, Spring Branch, who offered the invocation as follows:

Eternal God and Creator of every nation, we, the people of the great State of Texas, come to you this day as our ancestors have for generations, mindful of our dependence on you and our need to revive and restore our relationship with you. This relationship is so often broken when we fail one another, when we lose sight of the value of every human life, when we neglect the least of our sisters and brothers. In so many ways, we seek to heal the brokenness in our communities, the disparities between rich and poor, division between ethnic groups, the lack of respect we show to those who speak other languages, the utter disregard for our most valuable blessings, and the diversity of our communion.

Make us all instruments of your healing grace. Inspire our elected officials to reach across homes and neighborhoods, towns and cities, counties and regions, to the edges of our state, and most of all, across the aisles of our State Capitol, this great cathedral of justice and service, to bring an end to all division and create a unity worthy of our heritage.

Never before in our history have the citizens of our state and nation been so dependent on the abilities of our elected officials to work together and shape one vision of lifting the dignity of our state through its people. We place in the hands of our elected officials, each of you, the responsibility and the opportunity to make the greatest investment in our history, investment in our people. Every choice you make to invest in education, health care, clean water, job training, housing, small business, infrastructure, and the vast array of needs in our state is not revenue wasted, or simply additions to our debt, it is a choice to invest in our future. Every investment you make in the future of our people will show its return in a stronger, healthier, self-supportive, educated, and diverse state.

Our prayer is that you be inspired by the greatness of our past world by the people of today, and drawn to the possibilities of our future in working together as one legislature, one voice, one state in creating a shared vision that will accomplish liberty and justice for all. Legislators, be inspired by our prayers, and don't fail us.

May our prayers always be directed to the end of violence, terrorism, and war in all parts of our world and a restoration of lasting peace through authentic justice. May all people who have been called to war on all sides of the border one day return home to celebrate life with friends and family. In your holy name and in your eternal presence, we pray. Amen.

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

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

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Naishtat who presented Dr. Angela Guerra of Austin as the "Doctor for the Day."

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

(Klick in the chair)

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 10:30 a.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 10:30 a.m. today, 3W.9, for a formal meeting, to set a calendar.

**MESSAGE FROM THE SENATE**

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

**HR 892 - ADOPTED**

**(by Keffer, Howard, Alonzo, Ratliff, and S. King)**

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HR 892**.

The motion prevailed.

The following resolution was laid before the house:

**HR 892**, Recognizing March 18-22, 2013, as Texas Retired Teachers Week.

**HR 892** was adopted.

On motion of Representatives Allen and Alonzo, the names of all the members of the house were added to **HR 892** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Keffer who introduced representatives of the Texas Retired Teachers Association.

**HR 1007 - ADOPTED**

**(by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1007**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1007**, Congratulating the Texas Retired Teachers Association on its 60th anniversary.

**HR 1007** was adopted.

**HR 1022 - ADOPTED**

**(by Ritter)**

Representative Ritter moved to suspend all necessary rules to take up and consider at this time **HR 1022**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1022**, Recognizing March 20, 2013, as Rural Water Day at the State Capitol.

**HR 1022** was adopted.

On motion of Representative D. Bonnen, the names of all the members of the house were added to **HR 1022** as signers thereof.

**HR 1014 - ADOPTED**  
**(by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1014**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1014**, Recognizing March 20, 2013, as Titus County Day at the State Capitol.

**HR 1014** was adopted.

On motion of Representative Simpson, the names of all the members of the house were added to **HR 1014** as signers thereof.

**HR 401 - PREVIOUSLY ADOPTED**  
**(by Aycocock)**

The chair laid out the following previously adopted resolution:

**HR 401**, Congratulating Lolete Bales Ratliff of Killeen on her 100th birthday.

**HR 620 - ADOPTED**  
**(by Howard)**

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 620**.

The motion prevailed.

The following resolution was laid before the house:

**HR 620**, Honoring Ken Kramer on his retirement as executive director of the Lone Star Chapter of the Sierra Club.

**HR 620** was adopted.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 620** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Howard who introduced Ken Kramer and his wife, Diane.

**HR 1018 - ADOPTED**  
**(by Dale)**

Representative Dale moved to suspend all necessary rules to take up and consider at this time **HR 1018**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1018**, Congratulating the Cedar Park High School football team and marching band on winning state championships in 2012.

**HR 1018** was adopted.

On motion of Representative Howard, the names of all the members of the house were added to **HR 1018** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Dale who introduced representatives of Leander Independent School District.

#### **HR 993 - ADOPTED (by Springer)**

Representative Springer moved to suspend all necessary rules to take up and consider at this time **HR 993**.

The motion prevailed.

The following resolution was laid before the house:

**HR 993**, In memory of fire marshal Charles Matthew Waller of the Memphis Volunteer Fire Department.

**HR 993** was unanimously adopted by a rising vote.

On motion of Representative Pickett, the names of all the members of the house were added to **HR 993** as signers thereof.

#### **HR 669 - ADOPTED (by Y. Davis, Alonzo, and Rose)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 669**.

The motion prevailed.

The following resolution was laid before the house:

**HR 669**, Welcoming members of the Leadership Southwest Class of 2013 to the State Capitol on March 20, 2013.

**HR 669** was adopted.

On motion of Representative Giddings, the names of all the members of the house were added to **HR 669** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Y. Davis who introduced members of Leadership Southwest.

#### **HR 967 - ADOPTED (by D. Bonnen)**

Representative D. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 967**.

The motion prevailed.

The following resolution was laid before the house:

**HR 967**, Congratulating Junior Achievement of Brazoria County on its receipt of the 2011 Peak Performance Team Award.

**HR 967** was adopted.

**HR 790 - ADOPTED**  
**(by Kleinschmidt)**

Representative Kleinschmidt moved to suspend all necessary rules to take up and consider at this time **HR 790**.

The motion prevailed.

The following resolution was laid before the house:

**HR 790**, Honoring Captain Earl Pence on his retirement from the Giddings Police Department.

**HR 790** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Kleinschmidt who introduced Captain Earl Pence and members of his family.

(McClendon in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HCR 47** (by Canales), Commending Ciro Treviño on his legacy of public service.

**HCR 81** (by D. Bonnen), Commemorating the 50th anniversary of the agreement between the State of Texas and the Nuclear Regulatory Commission.

**HR 44** (by P. King, R. Miller, and Laubenberg), Commending Israel for its cordial and mutually beneficial relationship with the United States and the State of Texas and supporting Israel in its legal, historical, moral, and God-given right of self-governance and self-defense.

**HR 724** (by Workman), Commemorating the 10th anniversary of the founding of the Austin Chapter of the Gunslingers Motorcycle Club.

**HR 725** (by Craddick), Congratulating Dalvin and Gladys Awalt of Midland on their 60th wedding anniversary.

**HR 730** (by Carter), Congratulating Elizabeth Jones on her election to the Dallas Independent School District Board of Trustees.

**HR 731** (by Carter), Congratulating Officer Randall K. Beddingfield on his retirement from the Richardson Police Department.

**HR 732** (by Carter), Honoring the Richardson Republican Women's Club for its contributions to the community.

**HR 733** (by Carter), Commending William Tsao for his service as a member of the Dallas Area Rapid Transit Board of Directors.

**HR 734** (by Carter), Congratulating The University of Texas at Dallas on being named one of the nation's "Best Value Colleges" by the Princeton Review.

**HR 735** (by Carter), Commending Dr. David Daniel on his service as president of The University of Texas at Dallas.

**HR 736** (by Carter), Commending Bob Friesenhahn for volunteer service to the communities of House District 102.

**HR 737** (by Carter), Commending Barbara Perryman for volunteer service to the communities of House District 102.

**HR 738** (by Carter), Commending Don Sims for volunteer service to the communities of House District 102.

**HR 739** (by Carter), Commending Gary McFarland for volunteer service to the communities of House District 102.

**HR 740** (by Carter), Commending Tricia McFarland for volunteer service to the communities of House District 102.

**HR 741** (by Carter), Commending Gerrit Woning for volunteer service to the communities of House District 102.

**HR 742** (by Carter), Commending Annette Ratliff for volunteer service to the communities of House District 102.

**HR 743** (by Carter), Commending Jana Bertrand for volunteer service to the communities of House District 102.

**HR 744** (by Carter), Commending John Smolik for volunteer service to the communities of House District 102.

**HR 745** (by Carter), Commending Linda Lawrence for volunteer service to the communities of House District 102.

**HR 746** (by Carter), Commending Mary McElvany for volunteer service to the communities of House District 102.

**HR 747** (by Carter), Commending Sherrie Timmins for volunteer service to the communities of House District 102.

**HR 748** (by Carter), Commending Beverly Shukis for volunteer service to the communities of House District 102.

**HR 749** (by Carter), Commending Sherry Walker for volunteer service to the communities of House District 102.

**HR 750** (by Carter), Commending Kris Butler for volunteer service to the communities of House District 102.

**HR 751** (by Carter), Commending Janet Martin for volunteer service to the communities of House District 102.

**HR 752** (by Carter), Commending Linda Jaresh for volunteer service to the communities of House District 102.

**HR 754** (by Zerwas and Stephenson), Congratulating the East Bernard High School football team on winning the 2012 UIL 2A Division 2 state championship.

**HR 757** (by R. Miller), Commending the Honorable Charlie Howard for his public service.

**HR 758** (by Branch), Commemorating the 178th anniversary of the adoption of the Texas Declaration of Independence on March 2, 2014.

**HR 760** (by Ritter), Recognizing March 28, 2013, as Texas Water Conservation Day at the State Capitol.

**HR 761** (by Martinez Fischer), Congratulating Henry Munoz III on his election as finance chair of the Democratic National Committee.

**HR 762** (by Martinez Fischer), Recognizing the 36th annual Texas DeMolay Government Day at the State Capitol.

**HR 766** (by Villalba, Ratliff, and Carter), Honoring members of the Greater Dallas Republicans on their visit to the State Capitol on March 13, 2013.

**HR 767** (by Giddings), Honoring Chi Eta Phi Sorority, Inc., on the occasion of its 48th Middlesouth Regional Conference.

**HR 768** (by Márquez), Honoring the members of the cross-country team of Coronado High School in El Paso who came to the aid of an injured individual in their community.

**HR 770** (by Strama), Honoring members of the Warrior Transition Brigade at Fort Hood for their assistance to ill and injured soldiers.

**HR 772** (by Carter), Honoring the members of the Greater Dallas Republicans for their contributions to their community.

**HR 774** (by Márquez), Congratulating El Paso on being named the safest large city in the United States by CQ Press.

**HR 778** (by Clardy), Congratulating Jimmy Griffin on his retirement from the United States Postal Service.

**HR 780** (by Leach), Congratulating native Texan George Strait on his musical career.

**HR 781** (by Leach), Commending the Conner Harrington Republican Women of Plano for their contributions to the political process in Texas.

**HR 782** (by Leach), Honoring Dixie Clem for her contributions to the political process in Texas.

**HR 786** (by Springer), Congratulating Olney Hamilton Hospital on the opening of the Olney Family Clinic and Rehab/Wellness Center.

**HR 788** (by Springer), Recognizing John Brinson for his contributions to the Paducah Independent School District.

**HR 789** (by Lavender), Congratulating Kelly Burnett of Texarkana on her selection as a Distinguished Finalist in the 2013 Prudential Spirit of Community Awards program.

**HR 791** (by Flynn), Congratulating Jessie and Bette Bost of Greenville on their 59th wedding anniversary.

**HR 793** (by Flynn), Congratulating Dreabon and Pam Joiner of Pickton on their 40th wedding anniversary.

**HR 794** (by Harless), Commemorating the Klein Independent School District in Harris County on its 75th anniversary.

**HR 795** (by Darby), Honoring Nate Boyer of The University of Texas at Austin on receiving the 2012 Disney Spirit Award as college football's most inspirational player.

**HR 797** (by Callegari), Commemorating the 70th anniversary of the Katy Independent School District FFA Livestock Show and Rodeo and paying tribute to founder L. D. Robinson.

**HR 798** (by Callegari), Congratulating the Cypress Ranch High School baseball team on winning its first 5A State Championship.

**HR 801** (by Simmons), Congratulating Athena Chen of Carrollton for being named a Distinguished Finalist in the 2013 Prudential Spirit of Community Awards.

**HR 802** (by Stickland), Commemorating the 60th anniversary of the incorporation of the city of Bedford.

**HR 803** (by Stickland), Congratulating Dr. Gene Buinger on his retirement as superintendent of the Hurst-Euless-Bedford Independent School District.

**HR 804** (by Naishtat), Honoring Jack and Kathleen McCrady of Austin on their 70th wedding anniversary.

**HR 807** (by Dukes), Honoring the National Women of Achievement–Austin Metroplex Chapter on the occasion of its 25th anniversary.

**HR 809** (by Craddick), Congratulating Donald and Patricia Gatlin of Midland on their 50th wedding anniversary.

**HR 810** (by Craddick), Congratulating John and Jean Hayes of Midland on their 60th anniversary.

**HR 811** (by Craddick), Congratulating Berta Vogler of Lamesa on her 90th birthday.

**HR 815** (by Howard), Congratulating the Red Dragon Players of Austin High School on winning the 2012 UIL 5A State One-Act Play Competition.

**HR 817** (by Villalba), Commending Terri Hoover of Dallas for her work in behalf of driving safety as founder of Clickit4life.

**HR 818** (by Larson), Honoring Derrick Howard of San Antonio for his service as chair of the CPS Energy Board.

**HR 819** (by Anderson), Congratulating Robinson FFA members Haley Herzog and Hayden Schroder on winning grand champion honors at the McLennan County Junior Livestock Show and Youth Fair.

**HR 820** (by Anderson), Congratulating Ruby and Nelson Spitzer of Waco on their 69th wedding anniversary.

**HR 821** (by Anderson), Congratulating Hayoung Moon on winning first prize in the junior division of the Houston Civic Symphony Young Artist Competition.

**HR 823** (by Flynn), Congratulating Maurice and Betty Flora of Como on their 60th wedding anniversary.

**HR 824** (by Flynn), Congratulating Kenneth and Jeannie Gaines of Cumby on their 50th wedding anniversary.

**HR 825** (by Flynn), Congratulating Thomas and Virgie Boyd of Pickton on their 50th wedding anniversary.

**HR 827** (by Dale), Honoring Cedar Park city manager Brenda Eivens on her selection as the 2012 Central Texas Public Administrator of the Year.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HCR 75** (by Craddick), In memory of former state representative Frank Kell Cahoon of Midland.

**HCR 85** (by Dukes, Darby, Strama, and E. Rodriguez), In memory of Officer Jaime Padron of the Austin Police Department.

**HR 726** (by Dutton), In memory of Houston artist Bert Long, Jr.

**HR 729** (by Carter), In memory of Geraldine Pulejo of Richardson.

**HR 753** (by Craddick), In memory of A. J. Cain of Midland.

**HR 755** (by Smith), In memory of W. A. "Skeeter" Orton, Jr., of Baytown.

**HR 763** (by Lewis), In memory of Dan Holt.

**HR 764** (by Darby), In memory of Wade Hampton Choate of San Angelo.

**HR 771** (by Guillen), In memory of Maria Magdalena Saenz Cruz of Starr County.

**HR 785** (by Hunter and Herrero), In memory of Mary Frances Diedrick Haas of Corpus Christi.

**HR 792** (by Flynn), In memory of Everett Joe Zihlman of Commerce.

**HR 796** (by Darby), In memory of Beverly Singley Junell of Midland.

**HR 799** (by Callegari), In memory of James Joseph Burke of Cypress.

**HR 805** (by Naishtat), In memory of victims' rights advocate Suzanne McDaniel.

**HR 814** (by Howard), In memory of Everett "Ebbie" Brown Neptune, Jr., the longtime athletic director for the Eanes Independent School District and Westlake High School.

The resolutions were unanimously adopted by a rising vote.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Herrero requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, during bill referral today, in 3W.9, to consider pending business.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

#### **HB 5 - MOTION TO ADOPT COMMITTEE ON CALENDARS RULE**

Pursuant to Rule 3, Section 4(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration for **HB 5**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 10 a.m. on Monday, March 25.

The Committee on Calendars rule was withdrawn.

(Speaker in the chair)

#### **GENERAL STATE CALENDAR HOUSE BILLS THIRD READING**

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

#### **HB 1000 ON THIRD READING (by Oliveira, Branch, Canales, Guerra, Longoria, et al.)**

**HB 1000**, A bill to be entitled An Act relating to the creation of a new university in South Texas within The University of Texas System.

**HB 1000** was passed by (Record 74): 149 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; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson;

Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; 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).

**HB 1263 ON THIRD READING**  
**(by Lewis)**

**HB 1263**, A bill to be entitled An Act relating to the delay in the implementation of the abolishment of small claims courts.

**HB 1263** was passed by (Record 75): 149 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; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; 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).

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

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

**HB 1600 ON SECOND READING**  
**(by Cook, D. Bonnen, and Price)**

**HB 1600**, A bill to be entitled An Act relating to the continuation and functions of the Public Utility Commission of Texas, to the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas, and to the functions of the Office of Public Utility Counsel; authorizing a fee.

**Amendment No. 1**

Representative Cook offered the following amendment to **HB 1600**:  
Floor Packet Page No. 3

Amend **HB 1600** (house committee report) by inserting the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumbering the subsequent SECTIONS of the article accordingly:

SECTION 1.\_\_\_\_. Section 12.053, Utilities Code, is amended to read as follows:

Sec. 12.053. MEMBERSHIP QUALIFICATIONS. (a) To be eligible for appointment, a commissioner must ~~[be]~~:

- (1) ~~be~~ a qualified voter;
- (2) ~~be~~ a citizen of the United States; ~~[and]~~
- (3) ~~be a competent and experienced administrator;~~
- (4) be well informed and qualified in the field of public utilities and utility regulation; and
- (5) have at least five years of experience in the administration of business or government or as a practicing attorney or certified public accountant ~~[a representative of the general public].~~

(b) Before a person may be appointed as commissioner, the person must submit to the attorney general and the governor's office written disclosure of whether the person, ~~[A person is not eligible for appointment as a commissioner if the person:~~

- ~~[(1)]~~ at any time during the two years preceding appointment:
- (1) ~~[(A)]~~ personally served as an officer, director, owner, employee, partner, or legal representative of a public utility, affiliate, or direct competitor of a public utility; or
  - (2) ~~[(B)]~~ owned or controlled, directly or indirectly, stocks or bonds of any class with a value of \$10,000 or more in a public utility, affiliate, or direct competitor of a public utility.

(c) The disclosure required under Subsection (b) is public information.

(d) A person is not eligible for appointment as a commissioner if the person~~;~~ or

~~[(2)]~~ is not qualified to serve under Section 12.151, 12.152, or 12.153.

SECTION 1.\_\_\_\_. Section 12.152(a), Utilities Code, is amended to read as follows:

(a) A person is not eligible for appointment as a commissioner or executive director of the commission if:

(1) the person serves on the board of directors of a company that supplies fuel, utility-related services, or utility-related products to regulated or unregulated electric or telecommunications utilities; or

(2) the person or the person's spouse:

(A) is employed by or participates in the management of a business entity or other organization that is regulated by or receives funds from the commission;

(B) directly or indirectly owns or controls more than a 10 percent interest [~~or a pecuniary interest with a value exceeding \$10,000~~] in:

(i) a business entity or other organization that is regulated by or receives funds from the commission; or

(ii) a utility competitor, utility supplier, or other entity affected by a commission decision in a manner other than by the setting of rates for that class of customer;

(C) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(D) notwithstanding Paragraph (B), has an interest in a mutual fund or retirement fund in which more than 10 percent of the fund's holdings at the time of appointment is in a single utility, utility competitor, or utility supplier in this state and the person does not disclose this information to the governor, senate, commission, or other entity, as appropriate.

SECTION 1. \_\_\_\_\_. Section 12.154(a), Utilities Code, is amended to read as follows:

(a) During the period of service with the commission, a commissioner or commission employee may not:

(1) have a pecuniary interest, including an interest as an officer, director, partner, owner, employee, attorney, or consultant, in:

(A) a public utility or affiliate; or

(B) a person a significant portion of whose business consists of furnishing goods or services to public utilities or affiliates; or

(2) [~~directly or indirectly own or control securities in a public utility, affiliate, or direct competitor of a public utility; or~~

~~(3)~~ accept a gift, gratuity, or entertainment from:

(A) a public utility, affiliate, or direct competitor of a public utility;

(B) a person a significant portion of whose business consists of furnishing goods or services to public utilities, affiliates, or direct competitors of public utilities; or

(C) an agent, representative, attorney, employee, officer, owner, director, or partner of a person described by Paragraph (A) or (B).

## **Amendment No. 2**

Representative Cook offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Cook by striking lines 17 through 29 on page 1 of the amendment and lines 1 through 6 on page 2 of the amendment and substituting the following:

(b) A person is not eligible for appointment as a commissioner if the person:

(1) at any time during the two years preceding appointment:

(A) personally served as an officer, director, owner, employee, partner, or legal representative of a public utility regulated by the commission or of an[?] affiliate[?] or direct competitor of a public utility regulated by the commission; or

(B) owned or controlled, directly or indirectly, more than a 10 percent interest [stocks or bonds of any class with a value of \$10,000 or more] in a public utility regulated by the commission or in an[?] affiliate[?] or direct competitor of a public utility regulated by the commission; or

(2) is not qualified to serve under Section 12.151, 12.152, or 12.153.

(Ritter in the chair)

Amendment No. 2 was adopted.

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

REPRESENTATIVE BURNAM: I am concerned that, the way this amendment is constructed, that it could be construed to be too limiting on the governor's options as far as making appointments to the PUC. And, in fact, as I read the amendment, I wondered if it could be construed that I would not be qualified to be appointed to the PUC. I don't mean to discuss the merits of my appointment; I mean to raise the question as to whether or not this is too restrictive. So would you explain to the body, for the purpose of the record, in what instances would somebody who had primarily been involved in volunteerism and working with 501(c)(3) as being an advocate for the consumers, to what extent would this amendment exclude their being appointed to the PUC? I have five years' experience as an advocate with a consumer organization, working with the PUC on utility concerns, and I have more than that experience, almost 20 years as a volunteer with a citizens group involved with utility regulation, and I just want to hear some sort of explanation, for the record, of your intent and the definition of who's qualified.

REPRESENTATIVE COOK: Once again, and if you read the amendment, it says "have at least five years of experience in the administration of business or government," or a practicing attorney or a public accountant, so what we're looking for, as you can imagine, is people that bring expertise to the experience to this very, very important position.

BURNAM: Okay, so I'm neither an accountant nor an attorney—I chose my profession outside of that—but I do have five years' experience as a consumer advocate. Do you read your proposed amendment as to exclude that experience from consideration in the possibility of appointments?

COOK: I do not believe that it would exclude it.

**REMARKS ORDERED PRINTED**

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

The motion prevailed.

Amendment No. 1, as amended, was adopted. (White recorded voting no.)

**Amendment No. 3**

Representative Cook offered the following amendment to **HB 1600**:  
Floor Packet Page No. 7

Amend **HB 1600** (house committee report) on page 9, line 12 by striking "January 1, 2014" and substituting "January 1, 2015".

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Cook offered the following amendment to **HB 1600**:  
Floor Packet Page No. 8

Amend **HB 1600** (house committee report) as follows:

(1) On page 12, line 2, insert "utility" between "the" and "commission".  
(2) On page 44, line 6, strike "Section 13.188(a), Water Code, is" and substitute "Sections 13.188(a) and (b), Water Code are".

(3) On page 44, insert the following between lines 17 and 18:

(b) Notwithstanding any other provision to the contrary, this adjustment is an uncontested matter not subject to a contested case hearing. However, the utility commission [~~executive director~~] shall hold an uncontested public meeting:

(1) on the request of a member of the legislature who represents the area served by the water and sewer utility; or

(2) if the utility commission [~~executive director~~] determines that there is substantial public interest in the matter.

(4) On page 57, line 23, insert "utility" between "the" and "commission".

(5) In ARTICLE 2 of the bill, insert the following appropriately numbered SECTIONS and renumber the subsequent SECTIONS of the article accordingly:

SECTION 2.\_\_\_\_. Section 8803.151(1), Special District Local Laws Code, is amended to read as follows:

(1) "Commission" means the Public Utility Commission of Texas [~~Commission on Environmental Quality~~].

SECTION 2.\_\_\_\_. Section 8808.151(1), Special District Local Laws Code, is amended to read as follows:

(1) "Commission" means the Public Utility Commission of Texas [~~Commission on Environmental Quality~~].

**HB 1600 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **HB 1600** under Rule 8, Section 5(c) of the House Rules on the grounds that not all the joint authors were listed on the official printing of the calendar.

(Speaker in the chair)

**COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to Rule 4, Section 9 of the House Rules, Representative Paddie requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

**HR 852 - ADOPTED  
(by Herrero)**

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 852**.

The motion prevailed.

The following resolution was laid before the house:

**HR 852**, Commemorating the Coastal Bend Cesar Chavez Committee's 14th annual Cesar Chavez celebration.

**HR 852** was adopted.

**HR 1058 - ADOPTED  
(by Herrero)**

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 1058**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1058**, Honoring the seventh-grade language arts class at Martin Middle School in Corpus Christi for its civic engagement.

**HR 1058** was adopted.

**RECESS**

At 11:54 a.m., the speaker announced that the house would stand recessed until 1 p.m. today.

**AFTERNOON SESSION**

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

**HB 1600 - (pending business)**

The point of order was withdrawn.

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative S. Turner offered the following amendment to **HB 1600**:  
Floor Packet Page No. 9

Amend **HB 1600** (house committee printing) by adding the following appropriately numbered ARTICLE:

ARTICLE \_\_\_\_ . ELECTION OF THE COMMISSIONER OF THE PUBLIC  
UTILITY COMMISSION OF TEXAS

SECTION \_\_\_\_ . Section 12.051, Utilities Code, is amended to read as follows:

Sec. 12.051. ELECTION [~~APPOINTMENT~~]; TERM. [~~(a)~~] The commission is composed of one commissioner elected by the qualified voters for statewide offices and propositions at the general election for state and county officers. The commissioner serves a two-year term [~~three commissioners appointed by the governor with the advice and consent of the senate~~].

[(b) ~~An appointment to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.~~

[(c) ~~Commissioners serve staggered, six-year terms.~~]

SECTION \_\_\_\_ . Section 12.052, Utilities Code, is amended to read as follows:

Sec. 12.052. DEPUTY COMMISSIONER [~~PRESIDING OFFICER~~]. (a) The commissioner shall appoint a deputy commissioner. In order to serve as deputy commissioner, a person must be eligible under Section 12.053. The deputy commissioner shall take the oath of office required of the commissioner [~~governor shall designate a commissioner as the presiding officer~~].

(b) The deputy commissioner [~~presiding officer~~] serves in that capacity at the will [~~pleasure~~] of the commissioner [~~governor~~].

(c) The deputy commissioner shall perform duties as assigned by the commissioner. In addition, the deputy commissioner shall perform the duties assigned by law to the commissioner during a necessary and unavoidable absence of the commissioner or during the commissioner's inability to act.

(d) When the deputy commissioner is required by law to perform the duties assigned by law to the commissioner, the deputy commissioner has all rights, privileges, and responsibilities of the commissioner.

(e) The state shall pay the expenses incurred by the deputy commissioner while traveling on the business of the office under the direction of the commissioner.

SECTION \_\_\_\_ . Section 12.053, Utilities Code, is amended to read as follows:

Sec. 12.053. [~~MEMBERSHIP~~] QUALIFICATIONS OF OFFICE. (a) To be eligible for election to the office of commissioner or appointment to the office of deputy [~~a~~] commissioner, a person must be:

- (1) a qualified voter; and
- (2) a citizen of the United States [~~; and~~]
- [(3) ~~a representative of the general public~~].

(b) A person is not eligible for election to the office of commissioner or appointment to the office of deputy ~~[as a]~~ commissioner if the person:

(1) at any time during the two years preceding the date of the person's election or the date of the person's appointment:

(A) personally served as an officer, director, owner, employee, partner, or legal representative of a public utility, affiliate, or direct competitor of a public utility; or

(B) owned or controlled, directly or indirectly, stocks or bonds of any class with a value of \$10,000 or more in a public utility, affiliate, or direct competitor of a public utility; or

(2) is not qualified to serve under Section 12.151, 12.152, or 12.153.

SECTION \_\_\_\_\_. Section 12.054, Utilities Code, is amended to read as follows:

Sec. 12.054. REMOVAL OF COMMISSIONER OR DEPUTY COMMISSIONER. (a) It is a ground for removal from the office of commissioner or deputy commissioner ~~[the commission]~~ if a person ~~[commissioner]~~:

(1) does not have at the time of election or appointment or does not maintain during service in the office ~~[on the commission]~~ the qualifications required by Section 12.053;

(2) violates a prohibition provided by Section 12.053 or by Subchapter D; or

(3) cannot discharge the ~~[commissioner's]~~ duties of office for a substantial part of the term for which the person ~~[commissioner]~~ is elected or appointed because of illness or disability~~]; or~~

~~[(4) is absent from more than half of the regularly scheduled commission meetings that the commissioner is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission].~~

(b) The validity of an action of the commissioner or deputy commissioner ~~[commissioner]~~ is not affected by the fact that the action is taken when a ground for removal of the commissioner or deputy ~~[a]~~ commissioner exists.

(c) If the executive director has knowledge that a potential ground for removal of the deputy commissioner exists, the executive director shall notify the commissioner ~~[presiding officer of the commission]~~ of the potential ground. ~~[The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists.]~~ If the executive director has knowledge that a potential ground for removal of the commissioner exists ~~[involves the presiding officer]~~, the executive director shall notify the deputy commissioner ~~[next highest officer of the commission]~~, who shall notify the governor and the attorney general that a potential ground for removal exists.

SECTION \_\_\_\_\_. Section 12.055, Utilities Code, is amended to read as follows:

Sec. 12.055. PROHIBITION ON SEEKING ANOTHER OFFICE. A person may not seek nomination or election to another civil office of this state or of the United States while serving as ~~[a]~~ commissioner. If the ~~[a]~~ commissioner

files for nomination or election to another civil office of this state or of the United States, the ~~[person's]~~ office of ~~[as]~~ commissioner immediately becomes vacant~~;~~ ~~and the governor shall appoint a successor~~.

SECTION \_\_\_\_\_. Section 12.056, Utilities Code, is amended to read as follows:

Sec. 12.056. EFFECT OF VACANCY. If the office of commissioner becomes vacant, the deputy commissioner shall:

(1) perform the duties assigned by law to the commissioner for the remainder of the commissioner's term; and

(2) appoint a person who is eligible under Section 12.053 to the office of deputy commissioner. [A vacancy or disqualification does not prevent the remaining commissioner or commissioners from exercising the powers of the commission.]

SECTION \_\_\_\_\_. Section 12.057, Utilities Code, is amended to read as follows:

Sec. 12.057. COMPENSATION. The annual salary of the commissioner and the deputy commissioner ~~[the commissioners]~~ is determined by the legislature.

SECTION \_\_\_\_\_. Section 12.059, Utilities Code, is amended to read as follows:

Sec. 12.059. TRAINING PROGRAM ~~[FOR COMMISSIONERS]~~. (a) Before the [a] commissioner or deputy commissioner may assume the ~~[commissioner's]~~ duties of office ~~[and before the commissioner may be confirmed by the senate]~~, the commissioner or deputy commissioner must complete at least one course of the training program established under this section.

(b) A training program established under this section must ~~[shall]~~ provide information to the commissioner or deputy commissioner regarding:

(1) the enabling legislation that created the commission and the offices of commissioner and deputy commissioner ~~[its policymaking body to which the commissioner is appointed to serve];~~

(2) the programs operated by the commission;

(3) the role and functions of the commission;

(4) the rules of the commission with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the commission;

(6) the results of the most recent formal audit of the commission;

(7) the requirements of Chapters 551, 552, and 2001, Government Code;

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person who is elected to the office of commissioner or appointed to the office of deputy commissioner [~~commission~~] is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for the office.

SECTION \_\_\_\_\_. Section 12.101, Utilities Code, is amended to read as follows:

Sec. 12.101. COMMISSION EMPLOYEES. The commission shall employ:

(1) an executive director; and

(2) officers and other employees the commissioner [~~commission~~] considers necessary to administer this title.

SECTION \_\_\_\_\_. Section 12.102, Utilities Code, is amended to read as follows:

Sec. 12.102. DUTIES OF EMPLOYEES. The commissioner [~~commission~~] shall develop and implement policies that clearly separate the policymaking responsibilities of the commissioner [~~commission~~] and the management responsibilities of the commission employees.

SECTION \_\_\_\_\_. Section 12.151, Utilities Code, is amended to read as follows:

Sec. 12.151. REGISTERED LOBBYIST. A person required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission may not serve as the commissioner or deputy [~~a~~] commissioner.

SECTION \_\_\_\_\_. Section 12.152, Utilities Code, is amended to read as follows:

Sec. 12.152. CONFLICT OF INTEREST. (a) A person is not eligible for election to the office of commissioner, for appointment to the office of deputy [~~as~~ ~~a~~] commissioner, or for employment in the position of executive director of the commission if:

(1) the person serves on the board of directors of a company that supplies fuel, utility-related services, or utility-related products to regulated or unregulated electric or telecommunications utilities; or

(2) the person or the person's spouse:

(A) is employed by or participates in the management of a business entity or other organization that is regulated by or receives funds from the commission;

(B) directly or indirectly owns or controls more than a 10 percent interest or a pecuniary interest with a value exceeding \$10,000 in:

(i) a business entity or other organization that is regulated by or receives funds from the commission; or

(ii) a utility competitor, utility supplier, or other entity affected by a commission decision in a manner other than by the setting of rates for that class of customer;

(C) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(D) notwithstanding Paragraph (B), has an interest in a mutual fund or retirement fund in which more than 10 percent of the fund's holdings at the time of the person's election, appointment, or employment is in a single utility, utility competitor, or utility supplier in this state and the person does not disclose this information to the governor, senate, commission, or other entity, as appropriate.

(b) A person otherwise ineligible because of Subsection (a)(2)(B) may be elected to the office of commissioner, appointed to the office of deputy ~~commissioner and serve as a~~ commissioner, or ~~may be~~ employed as executive director, and may serve in that office or position, if the person:

(1) notifies the attorney general ~~and commission~~ that the person is ineligible because of Subsection (a)(2)(B); and

(2) divests the person or the person's spouse of the ownership or control:

(A) before beginning service or employment; or

(B) if the person is already serving or employed, within a reasonable time.

SECTION \_\_\_\_\_. Section 12.154(f), Utilities Code, is amended to read as follows:

(f) It is not a violation of this section if the [a] commissioner or deputy commissioner [commission employee], on becoming the owner of stocks, bonds, or another pecuniary interest in a public utility, affiliate, or direct competitor of a public utility otherwise than voluntarily, informs the [commission and the] attorney general of the ownership and divests the ownership or interest within a reasonable time. It is not a violation of this section if a commission employee, on becoming the owner of stocks, bonds, or another pecuniary interest in a public utility, affiliate, or direct competitor of a public utility otherwise than voluntarily, informs the commission and the attorney general of the ownership and divests the ownership or interest within a reasonable time.

SECTION \_\_\_\_\_. Section 12.155(b), Utilities Code, is amended to read as follows:

(b) The prohibition of Subsection (a)(1) applies until the:

(1) second anniversary of the date the commissioner ceases to serve as [a] commissioner; and

(2) first anniversary of the date the employee's employment with the commission or State Office of Administrative Hearings ceases.

SECTION \_\_\_\_\_. Section 12.156, Utilities Code, is amended to read as follows:

Sec. 12.156. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION. The executive director or the executive director's designee shall provide to the commissioner [commissioners] and commission employees as often as necessary information regarding their:

- (1) qualifications for office or employment under this title; and
- (2) responsibilities under applicable laws relating to standards of conduct for state officers and employees.

SECTION \_\_\_\_\_. Section 14.053, Utilities Code, is amended to read as follows:

Sec. 14.053. POWERS AND DUTIES OF STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) The utility division of the State Office of Administrative Hearings shall conduct each hearing in a contested case that is not conducted by the commissioner [~~one or more commissioners~~].

(b) The commissioner [~~commission~~] may delegate to the utility division of the State Office of Administrative Hearings the authority to make a final decision and to issue findings of fact, conclusions of law, and other necessary orders in a proceeding in which there is not a contested issue of fact or law.

(c) The commissioner [~~commission~~] by rule shall define the procedures by which the commissioner [~~#~~] delegates final decision-making authority under Subsection (b).

(d) For review purposes an administrative law judge's final decision under Subsection (b) has the same effect as a final decision of the commissioner [~~commission~~] unless the [~~a~~] commissioner requests formal review of the decision.

SECTION \_\_\_\_\_. Section 52.092(c), Election Code, is amended to read as follows:

(c) Statewide offices of the state government shall be listed in the following order:

- (1) governor;
- (2) lieutenant governor;
- (3) attorney general;
- (4) comptroller of public accounts;
- (5) commissioner of the General Land Office;
- (6) commissioner of agriculture;
- (7) railroad commissioner;
- (8) public utility commissioner;
- (9) chief justice, supreme court;
- (10) [~~9~~] justice, supreme court;
- (11) [~~10~~] presiding judge, court of criminal appeals;
- (12) [~~11~~] judge, court of criminal appeals.

SECTION \_\_\_\_\_. Section 504.401(d), Transportation Code, is amended to read as follows:

(d) In this section, "state official" means:

- (1) a member of the legislature;
- (2) the governor;
- (3) the lieutenant governor;
- (4) a justice of the supreme court;
- (5) a judge of the court of criminal appeals;
- (6) the attorney general;
- (7) the commissioner of the General Land Office;
- (8) the comptroller;

- (9) a member of the Railroad Commission of Texas;
- (10) the commissioner of agriculture;
- (11) the commissioner of the Public Utility Commission of Texas;
- (12) the secretary of state; or
- (13) [~~(12)~~] a member of the State Board of Education.

SECTION \_\_\_\_\_. (a) The election for commissioner of the Public Utility Commission of Texas, for a two-year term beginning on January 1, 2015, shall be held on the date of the general election for state and county officers for the year 2014.

(b) The change in law made by this article applies only to a commissioner of the Public Utility Commission of Texas who is elected after the effective date of this Act. A commissioner serving on the effective date of this Act is subject to the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose. A commissioner serving on the effective date of this Act shall continue to serve until a commissioner is elected as provided by Subsection (a) of this section.

#### **Amendment No. 6**

Representative S. Turner offered the following amendment to Amendment No. 5:

Amend Floor Amendment No. 5, by S. Turner, by striking the text of the amendment and substituting the following:

Amend **HB 1600** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_\_. INTERIM STUDY FOR EVALUATION OF THE POSITION OF COMMISSIONER OF THE PUBLIC UTILITY COMMISSION OF TEXAS

SECTION \_\_\_\_\_.01. (a) A joint committee shall conduct a study to evaluate whether the Public Utility Commission of Texas should continue to have three commissioners and the best method of selecting the appropriate number of commissioners.

(b) The committee is composed of eight members appointed as follows:

(1) four members of the senate appointed by the lieutenant governor;

and

(2) four members of the house of representatives appointed by the speaker of the house of representatives.

(c) The speaker of the house of representatives and the lieutenant governor shall jointly designate a chair or, alternatively, designate two co-chairs from among the committee membership.

(d) The committee shall:

(1) examine the appropriate number of commissioners, with specific emphasis on whether the number of commissioners on the Public Utility Commission of Texas should be reduced to one; and

(2) examine whether the appropriate number of commissioners should be appointed or elected.

(e) The committee may adopt rules necessary to carry out the committee's duties under this section.

(f) Except as otherwise specifically provided by this section, the committee may operate in the same manner as a joint committee of the 83rd Legislature.

(g) Not later than December 1, 2014, the committee shall report to the governor and the legislature any recommendations developed by the committee under this section.

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

### **Amendment No. 7**

Representative S. Turner offered the following amendment to **HB 1600**:  
Floor Packet Page No. 22

Amend **HB 1600** (house committee report) in Article 1 of the bill by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the article accordingly:

SECTION 1. \_\_\_\_\_. Section 15.023, Utilities Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Except as provided by Subsection (b-1), the [The] penalty for a violation may be in an amount not to exceed \$25,000. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b-1) The penalty for a violation of a reliability standard adopted by the independent organization certified under Section 39.151 or of a commission rule relating to reliability in the wholesale electric market may be in an amount not to exceed \$100,000. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b-2) If a person pays a penalty to a federal authority for a violation of a reliability standard that is the same or substantially the same as a reliability standard adopted by the independent organization certified under Section 39.151:

(1) the commission may not assess an administrative penalty for the same instance or circumstance for which the person paid the federal penalty; and

(2) the commission shall refund the full amount of an administrative penalty that the commission assessed against the person before the date the person paid the federal penalty, if the commission assessed the penalty for the same instance or circumstance for which the person paid the federal penalty.

(c) The commission by rule shall establish a classification system for violations described by Subsection (b) and a separate classification system for violations described by Subsection (b-1). Each system must include [that includes] a range of administrative penalties that may be assessed for each class of violation, based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the economic harm to property or the environment caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter future violations;

(5) efforts to correct the violation; and

(6) any other matter that justice may require.

(d) The classification system established under Subsection (c) shall provide that a penalty in an amount that exceeds \$5,000 may be assessed only if the violation is included in the highest class of violations in the classification system. This subsection does not apply to the classification system established under Subsection (c) for a violation described by Subsection (b-1).

SECTION 1. \_\_\_\_\_. The changes in law made by this article to Section 15.023, Utilities Code, apply only to a violation that occurs on or after the effective date of this Act. For purposes of this section, a violation occurs before the effective date of this Act if any element of the violation occurs before that date. A violation that occurs before the effective date of this Act is covered by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

Representative Cook moved to table Amendment No. 7.

The motion to table prevailed by (Record 76): 105 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Anchia; 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.; Deshotel; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Lucio; Miller, D.; Miller, R.; Morrison; Murphy; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, E.S.; Villarba; Villarreal; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Longoria; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

**Amendment No. 8**

Representative Krause offered the following amendment to **HB 1600**:  
Floor Packet Page No. 25

Amend **HB 1600** (house committee report) by striking SECTION 1.03 of the bill (page 1, line 23, through page 4, line 12) and renumbering subsequent SECTIONS of the bill accordingly.

**AMENDMENT NO. 8 - REMARKS**

REPRESENTATIVE KRAUSE: This is a great bill. I agree with most everything that's in it. One part that gave me a little bit of concern was the section that would give unilateral emergency cease and desist powers to the PUC. In non-emergency times, there's avenues set up with which the PUC can go about getting the cease and desist orders. In the case of an emergency, they can always go the traditional route through the judicial arena to get a temporary restraining order, which would accomplish the exact same thing. I felt like the continuation of that separation of powers, checks and balances of the judiciary on the administrative side would be very beneficial. So I've asked Chairman Cook if he would strike the section on emergency cease and desist orders. I'm asking that he would take it favorably, and with that I will take any questions or yield the floor to come back and close.

REPRESENTATIVE S. TURNER: Representative Krause, tell me the effect of your amendment. Is it removing the entire section on cease and desist?

KRAUSE: Yes, sir.

S. TURNER: And is Chairman Cook accepting your amendment?

KRAUSE: I believe he will; yes, Chairman.

S. TURNER: Then let me have Chairman Cook come to the mic.

KRAUSE: Yes, sir.

S. TURNER: Now, Chairman Cook, when this bill came before State Affairs, you represented this bill that the cease and desist portion was a major portion of **HB 1600**, did you not?

REPRESENTATIVE COOK: I did.

S. TURNER: And you represented that the cease and desist was there for consumers, did you not?

COOK: I did.

S. TURNER: Then you are agreeing to take out that entire section on cease and desist in your Sunset PUC bill that you presented before State Affairs?

COOK: You know, Mr. Turner, I spent some time today, at length, visiting with PUC about this amendment, and the reality of the fact is there has been no circumstance where this has been necessary, and in visiting with them I became comfortable that they had the proper procedures in place to handle issues like this.

S. TURNER: Well, the reality is though, Chairman, is that we spent a lot of time on State Affairs listening to your bill, **HB 1600**. This was your bill, was it not?

COOK: This is our Sunset bill, yes.

S. TURNER: And in the committee you represented that the cease and desist was a major part of it. There are only two major sections of this Sunset bill. One deals with cease and desist, and the other deals with moving water from TCEQ to the PUC, and by accepting this amendment, you have significantly diluted this PUC Sunset bill.

COOK: Once again, Mr. Turner, if I thought that the effect was going to be negative to the consumers, I certainly wouldn't take it.

S. TURNER: Well, there are two things that have taken place on this floor today—you refused to accept the amendment that I was putting forth that was implementing the Sunset Advisory Commission report, and that too would have benefitted consumers. And now you are agreeing to accept an amendment that removes a significant and substantial section of your bill that protects consumers.

COOK: First off, Mr. Turner, with respect to the amendment that you just had, the Sunset Commission members voted to sever that issue, so it did not make it out of Sunset with sunset members voting for it. And that's a fact.

S. TURNER: Did Sunset speak to the cease and desist, or did you just put that in on your own?

COOK: Pardon me?

S. TURNER: Did the Sunset speak to the cease and desist portion of your bill?

COOK: The Sunset—we did not. You're correct.

S. TURNER: Are you saying that the Sunset Commission did not deal with cease and desist at all?

COOK: No, I'm saying that was part of the recommendation.

S. TURNER: It was a part of the recommendation?

COOK: That's correct.

S. TURNER: That you adopted into **HB 1600**? Is that correct?

COOK: That's correct.

S. TURNER: That you presented to State Affairs. That we sat through—we sat there, pretty much listening to people testify on this bill, where people like—we all spent a considerable amount of time on it. You will agree with me that by agreeing to delete this portion, that **HB 1600** is at the very minimum, a significantly reduced substantive bill.

COOK: You know, Mr. Turner, I don't agree with you on that, and the reason I don't agree with you on that is because, number one, this is not an issue that's been recurring and ongoing with respect to the PUC. We haven't had instances—I hope we never do—but we have not had instances, up to this point, where this cease and desist was necessary. As a practical matter, if there are

issues, right now the PUC is able to go to the market participants who may need to make a correction and they're able to do that. And I was told as late as 30 minutes ago, whether this was in the bill or not in the bill, they're going to be able to do their job with respect to this issue.

S. TURNER: I'm sure the PUC, Chairman Cook, in my experience, will tell you anything they need to tell you to move this process along. The point that I am simply making to you is that you brought **HB 1600** to the full committee, it was vetted before the full committee, and we voted it out. And there were only two major sections of **HB 1600**, and you have reduced—you have agreed, without fighting for it, you have agreed to remove one of the two major sections of your bill.

COOK: Actually, there's more than two major—

S. TURNER: I am disappointed.

REPRESENTATIVE BURNAM: Mr. Chairman, this is only my ninth term, but I think this is the first time I've ever seen something like this happen—such a substantive amendment to a Sunset bill being accepted by the author of the bill and the chair of the committee without any discussion at all about exactly what the amendment does. Could you explain to us what you think this amendment does?

COOK: Mr. Burnam, as you're probably aware, it strikes the section in the bill that deals with cease and desist. That's what it does.

BURNAM: Well, I was hoping for a little elaboration. I've heard that twice now, and I'm extremely concerned about the process here. Much like **HB 5** and the proposed calendar rule, I'm almost as concerned about the process and shutting down discussion and debate on the floor as I am the outcome of the amendment, so I'd like to have a better understanding of your decision to accept this amendment.

COOK: The decision was based on the fact that right now the issue of cease and desist is not something that's a major issue before the PUC. This is not something, as of today, they would have ever had to use.

BURNAM: So why would we take this tool away in the event that the tool is needed?

COOK: Well, even if you go and you look at this tool—this would give them the opportunity to deal with an emergency issue with respect to health and safety on an emergency basis only. However, the argument from other folks is that this is something that you could handle in an expeditious manner by virtue of the fact that the PUC can go to the attorney general and they can seek a temporary restraining order if this issue needed to be handled.

BURNAM: We may not see this eye to eye, but my perception of the record of the attorney general is he's not overwhelmingly sympathetic to consumer concerns. So I would be concerned about taking away a tool from the PUC and

handing it over to the attorney general, and therefore I would like to have a better understanding of why you've agreed to do this and can purport it to be in consumers' best interests.

COOK: Once again, and this really deals with market participants, and not the consumer, but market participants and their behavior and whether it puts health and safety at risk.

BURNAM: Market participants are consumers, aren't they?

COOK: I'm listening, yes—

BURNAM: The question was, market participants are consumers in the greater, grander scheme of things, aren't they?

COOK: They're a set, yes.

BURNAM: So, we're talking about removing the tool that the PUC has historically had to defend the consumer interest and defend the state.

COOK: First off, the PUC has not had this tool. This is new, this is addition. They've never had cease and desist.

BURNAM: So it was removed from last Sunset—it was in last Sunset?

COOK: This is placing cease and desist in the bill.

BURNAM: No, the amendment is taking it out of the bill.

COOK: The amendment takes it out of the bill. They have not had this tool prior to this bill.

BURNAM: And you're accepting the amendment without debate on the amendment?

COOK: I think we're debating right now.

BURNAM: Well, that's my endeavour. So, I wanted to hear more clearly why you've decided to accept this. Basically, it's a tool; it's a potentially important tool, and why have you decided to accept taking it out of the toolbox?

COOK: Once again, in visiting with the PUC, they say they can handle these sort of situations as it exists today. They have the ability, right now, currently, without this language, they can handle this issue.

BURNAM: Thank you. I don't think it's an adequate explanation, but you've done your college try.

REPRESENTATIVE SCHAEFER: Representative Krause, under current law, does the PUC have the ability to very quickly address an emergency situation?

KRAUSE: Absolutely. And under that they use the traditional method of going through the courts to get a temporary restraining order. In my five years as an attorney at the federal appellate level, even the federal courts, who were notoriously known for moving slowly, you could get a TRO incredibly quickly. I think the same thing is going to happen here, if the PUC ever felt the need—contact the attorney general's office, get it signed by a judge, and you have the exact same relief that they're asking for in the cease and desist order.

SCHAEFER: And would you agree that if you were a company that had been on the receiving end of action by the PUC—say you received a cease and desist order—would the average attorney out there know how to handle a cease and desist order as well as he might know how to handle a temporary restraining order?

KRAUSE: You know, cease and desist orders are kind of a different animal, so I think that what you'd find is if it comes from the court, they know much more what they're dealing with and would be much more comfortable in adjudicating that than leaving it to the other parties.

SCHAEFER: And, as far as the PUC utilizing a temporary restraining order, do they have to go to the attorney general first to get that done?

KRAUSE: Yes, they do.

SCHAEFER: And the attorney general was elected by the people and is accountable to the people, correct?

KRAUSE: That's exactly right, and then it moves onto a judge who's elected by the people and accountable to the people.

SCHAEFER: So, at two different points in this emergency process, elected officials that are accountable to the people are involved in utilizing this instrument?

KRAUSE: That's exactly right. And if I may add one thing about consumer protection. As Representative Sheets and I were talking about the bill as it currently stands, talks about the commissioners being able to make the decision for the cease and desist, commissioners don't meet nearly as often as courts do. You can pretty much get the attorney general's office in a court at any time you need it, so this actually expedites the possibility of protecting consumers rather than this unilateral cease and desist that's in there right now.

SCHAEFER: And by going through the normal emergency restraining orders process, aren't we actually protecting the PUC from some type of political criticism because they went through a traditional channel to get this done?

KRAUSE: Absolutely. I think that's one of the benefits of staying with the traditional method of utilizing the judicial branch, because, under the PUC, if they use an emergency cease and desist order, you could say it was a conflict of interest, abuse of power, or whatnot, but if you've gone through the courts, gone through the proper channels, allowed for due process, it's hard to argue that.

REPRESENTATIVE KEFFER: Chairman Cook, a lot of us have not been on State Affairs, a lot of us don't know what this amendment really does. You came to the floor of the house with this important part of the bill that you passed through your committee, it went all the way through Sunset, and we've had conversations where this was a very important part of the bill—piece of the legislation. Now, there's all kinds of third party stuff swirling around here on who's gonna get graded and who's gonna vote this and who's gonna vote that. We're here to promote good policy for the State of Texas. Now, if you could explain to me, and to others that maybe have not gone through this process, of

what the cease and desist is. Is it residential? Is it commercial? Is it—what are we doing here? And then it's going to disappear. Now, again, it may be the right road, I don't know that, but we certainly have to know that, at least on the house floor here, what it means, what it is—get emotion out of it, let's look at the facts, and then let's make up our minds whether or not we need this in this bill, please.

COOK: Let me speak directly to what this does. It says "if the commission determines that the conduct of a person poses a threat to continuous and adequate electric service, is hazardous, creates an immediate danger to the public safety, is causing or can cause or is expected to cause an immediate injury to a customer," then that's where cease and desist steps in. And let me just state for the record, this was in the last Sunset bill. It was not an issue. It went through my committee. It was not an issue. It became an issue a couple of days ago, as you may be aware, when outside groups started weighing in, and suddenly this became, from what I would consider a very small part of the bill—as a matter of fact, there's only a few pages that deal with it—there's over 100 pages that deal with moving the water. This is what I'd like to do on this amendment, with the body's approval, I'd like to leave this to the will of the house. I think that is the most appropriate way to address this amendment.

REPRESENTATIVE Y. DAVIS: You just indicated your intent is to leave this to the will of the house. My question is whether or not, in the State Affairs committee, you had this in and you committed that this was a protection for consumers. Was that the way it was portrayed in committee?

COOK: Correct.

Y. DAVIS: So, you indicated something changed in the last couple of days. What would that be?

COOK: Ms. Davis, there's been a lot of outside influence. With respect to this particular amendment?

Y. DAVIS: Yes, sir.

COOK: It really would have been appropriate if those folks would have entered into the process early on like other folks did. I've had no stakeholders—repeat, no stakeholders—come to me with an issue on this amendment.

Y. DAVIS: So members of the house, their involvement in discussion on this issue with regard to protection for their consumers, was—you don't consider that valid input and involvement in the process?

### **HB 1600 - POINT OF ORDER**

Representative Y. Davis raised a point of order against further consideration of **HB 1600** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Y. Davis raised a point of order against further consideration of **HB 1600** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report is incorrect. Specifically, Representative Davis asserts the bill analysis fails to show that rulemaking authority is delegated in Section 2.01, Subsection (5) of **HB 1600**. The point of order is respectfully overruled.

The sole change made by Section 2.01 of the bill is to remove the Texas Commission on Environmental Quality's jurisdiction over the administration of the state's water rate program under Chapter 13 of the Water Code. This provision does not involve the express delegation "to a state officer, department, agency, or institution" of any rulemaking authority. Therefore, Rule 4, Section 32(c)(3) does not apply because the section referenced is not an independent grant of rulemaking authority. See Rule 8, Section 32(c)(3) of the House Rules; 78 H.J. Reg. 1920 (2003), 79 H.J. Reg. 2934 (2005), ("The purpose of [Rule 4, Section 32(c)(3)] is to enable members to make informed decisions about the types of powers that they are authorizing agencies to exercise").

#### **AMENDMENT NO. 8 - (consideration continued)**

REPRESENTATIVE ANCHIA: You noted earlier, when I got up to ask Chairman Cook questions related to the Turner amendment—I opposed that amendment because we had fully vetted that in the Sunset Commission, and it was unanimously decided that we were not going to adopt that amendment. Likewise, we vetted this issue significantly with staff. You had some of the most conservative members of the senate—Senator Birdwell voted in favor of it, Senator Patrick voted in favor of it, Senator Nichols voted in favor of it, and it was unanimous on the house side, too. In fact, in committee ladies and gentlemen, this bill came out unanimously, and what is being discussed today is that the stakeholders are going to be adversely impacted by this cease and desist authority. Yet, none of the stakeholders who came and testified on this bill or for this bill ever raised it as an issue, whether it was AECT or the manufacturers' organization, it passed unanimously and with nobody speaking against it in committee.

REPRESENTATIVE EILAND: I want to make sure that we highlight the point that you just made, because of all the witnesses that testified in the committee, nobody testified against this provision, correct?

ANCHIA: If this is such a draconian measure—and, by the way, many other agencies have this very authority to protect the consumers and the public—if it was such a big issue, don't you think AECT would have been against it? Don't you think the members of that organization would have brought that to your attention, members? They did not.

EILAND: So last session, when we had the PUC bill, this was a recommendation, and it was in the bill, correct?

ANCHIA: That is correct.

EILAND: This session, it was a recommendation, and it was in the bill, correct?

ANCHIA: That is correct.

EILAND: Nobody came to the committee and signed up and testified against the bill, correct?

ANCHIA: That is correct.

EILAND: And, in fact, the witnesses that testified for it were both the companies that are regulated, the consumers, as well as environmental organizations, correct?

ANCHIA: That is absolutely correct.

EILAND: Our witness list that has testified for the bill with the cease and desist in it included the Association of Electric Companies, right?

ANCHIA: Yes.

EILAND: The Texas Association of Manufacturers?

ANCHIA: Yes.

EILAND: Sierra Club?

ANCHIA: That's correct.

EILAND: The Environmental Defense Fund?

ANCHIA: Yes.

EILAND: Calpine Corporation?

ANCHIA: Very liberal organizations.

EILAND: Yes. Texas Competitive Power Advocates?

ANCHIA: Yes.

EILAND: Texas Public Power Association?

ANCHIA: Correct.

EILAND: So a broad spectrum of corporations, power companies, and environmental consumer groups all supported the bill with cease and desist in it, correct?

ANCHIA: That's right, and as it turns out, there are many other agencies that have this very same authority, ladies and gentlemen, and it's in there as a last resort to protect consumers.

REPRESENTATIVE PHILLIPS: So as I understand it, you're against the amendment?

ANCHIA: That is correct.

PHILLIPS: To pull out the cease and desist language.

ANCHIA: That is correct.

PHILLIPS: So you are comfortable giving these three commissioners the opportunity to issue a cease and desist order to any citizen, any company, any city without any kind of due process, that they can issue a cease and desist on whatever activity they are doing?

ANCHIA: That's not correct. There has to be imminent harm. It has to be an emergency, so this is a last resort. There are any number of procedures in place.

PHILLIPS: And currently they don't have this. And we have heard today that they have not had to go and seek this type of remedy in court, which currently they do. Currently, if they want to go out and say, "We think there is somebody doing something that's wrong." Whether it's you as an individual, my neighbor next door, or the business down the street, or the company in your community, they have to actually go to court and say, "We've got a reason for this, Judge." By due process, we're not going to take away your property, without some kind of judicial process, correct?

ANCHIA: No, I think that's incorrect, actually. There is a judicial process. There are also administrative processes. This recommendation was adopted because it is viewed as a best practice among state agencies that have to protect the public, and other state agencies have this. It's across the board. Texas Department of Insurance, by way of example, has this to protect the public.

PHILLIPS: Would you be surprised if there's some of us that don't think those other state agencies ought to have the ability to take away our property without due process and afford the right to actually go to court to prove that? Do you understand that's the principle we're discussing here?

ANCHIA: That is correct, but there is also a competing principle, and the competing principle involves that senior citizen, who is on a respirator, who may be disabled, and who may experience a life-threatening event if her power gets cut off. That's the competing interest here. The competing interest is that of the consumer and all consumers. My view is—may I answer your last question, or are you going to continue to yell at me, Chairman? I'd like to answer your question, if that's okay?

PHILLIPS: I ask a question, but you don't answer, you continue and continue.

ANCHIA: I'd like to answer your question. The two competing interests, Chairman Phillips, are one related to business interests, and the other one related to consumers. There are some remedies in a court of law which are wholly inadequate to protect consumers. That's just the bottom line. There is a recognition in the PUC that there are life and death events that cannot wait on a court of law, that decisions must be taken immediately to protect public health, to protect the public, and those are the competing world views here.

PHILLIPS: So you're okay with—you're going to leave it to three bureaucrats to make a decision that can impact the life and death of a citizen and not have a court of—

ANCHIA: I can't hear you, can you speak a little louder?

PHILLIPS: If you're going to be rude, I would ask that you honestly just answer the question.

ANCHIA: I just don't need you to yell at me, Larry. I don't need for you to yell. I can hear you just fine.

PHILLIPS: I'm hearing you yell, too. Part of it is the microphones are too loud, if we could turn them down, that would be fine, but if everyone could quiet a little bit. Take a breath. Okay, you're offering to us, by keeping this language in here, to allow three bureaucrats to make the decision, as opposed to an elected judge that has time and is independent and is not connected to this. I just want to make sure, that's what you're offering us?

ANCHIA: That is incorrect. These are three gubernatorial appointees, not three bureaucrats.

PHILLIPS: They are not elected, correct?

ANCHIA: Nope, they are appointed by an elected governor.

PHILLIPS: And they also could be by someone that's designated by the executive director? So it's the executive director that can do this, not even the commission. So, by commission, by order or by rule, may delegate to the executive director the authority to issue the cease and desist?

ANCHIA: They may, that is correct, but the ultimate decision lies with them.

PHILLIPS: I was trying to take it to the highest level of the three. I don't even want to get into the fact that we can actually have an executive director that can be delegated that authority as well. Anyway, we have a principle issue here?

ANCHIA: I agree.

PHILLIPS: So, I think we ought to have a vote. I say vote for the amendment, and you can vote against it.

REPRESENTATIVE PICKETT: I support your position on the amendment. I wanted to make sure the members understand that there are some other agencies that already have this. I believe you mentioned one?

ANCHIA: That is correct.

PICKETT: Are you aware that also the Department of Licensing has that ability?

ANCHIA: That is correct.

PICKETT: The Securities Board does?

ANCHIA: That is correct.

PICKETT: Are you aware that as this went through the process, one of the amendments that was offered to raise the fine from \$25,000 to \$100,000 was defeated?

ANCHIA: That is correct.

PICKETT: And one of the arguments in the committee and for this bill was that was not necessary, because we would be giving cease and desist to the PUC. So, the author of the bill defeated the amendment that they used in the argument to push this through the committee. Do you understand that?

ANCHIA: I think so.

PICKETT: It's kind of a strange situation where we would use that same argument, now, against an amendment, where the bill in committee was, "We don't need a fine of \$100,000, because we're going to have cease and desist," which actually protects the consumer. Is that your position, as well?

ANCHIA: I agree. I agree that cease and desist protects the consumer. The other agencies that you named all are in the business of furthering commercial interest but also protecting consumer interests, and, again, that's the tension that we're discussing today. Are you exclusively with commercial interests, or do you also have an understanding that consumer interests need to be protected?

REPRESENTATIVE GEREN: Not being an attorney, but it's my understanding, would this not protect citizens in a case of a rolling brownout or blackout, and protect some of the citizens who may be on dialysis at home or on a ventilator or something at home. Would this allow the PUC to get an emergency order to stop that from happening?

ANCHIA: That's precisely what it would do, and Chairman Geren, there are some situations where you can't wait on lawyers to get together and get in front of a judge and file briefs or file a temporary restraining order. You need action immediately, so this about, not democratic constituents, this is not about republican constituents, this is about vulnerable Texans who we need to protect.

GEREN: Are you aware that when this bill was heard in State Affairs, and, obviously, there were a lot of witnesses, some for and some against the bill, that no one, not one witness, brought up any concerns about cease and desist? No one in the industry brought up, and the industry, I promise you, was there and very outspoken, but you're aware that none of them spoke against the cease and desist?

ANCHIA: That's right, and they're directly impacted by this authority. If they thought it was heavy-handed or draconian, I guarantee, they would've talked to both you and me about it.

GEREN: And the idea that the PUC would issue a cease and desist order against some individual is pretty ludicrous, I think.

ANCHIA: I believe that's right.

REPRESENTATIVE P. KING: I think there's two things going on here. You know, one, a lot of us received from an outside party a memorandum yesterday that asked us to support this amendment, and then suggested that if the amendment didn't go on, that we should vote to defeat the Sunset bill. And I think that's kind of confused things here. Everybody has the right to participate in the process, and third party groups, we certainly want their input, but I think that's kind of got things confused here a little bit. What really should matter to us,

always taking advice and counsel from groups and constituents and anyone that wants to give us input, because we work for them, but what really matters to us, in our role as a representative form of government, is is this good law or not? And that's what really matters, regardless of scorecards or what.

To be honest, this is one I can argue on both sides, and that's why I said I would speak on the bill. I think at the end of the day, when you can kind of argue things on both sides, I think if you're going to err, it's always good to err on the side of due process. I think that the amendment, if it is an error, errs on the side of due process. So, I guess I would, actually, change this to being on to for, if I may do that—that I am going to vote for the amendment. It's not going to be because somebody is coercing me to, of which I'm not real happy about at this moment. But because I think, in a toss-up issue like this, that if I'm going to err, I always want to err on the side of the rights of the people and due process. And I just feel more comfortable with the PUC, who does this in only the rarest of instances, but when they do, I feel much more comfortable with that decision being double-checked by a system of due process, in a quick TRO hearing before a judge, than I do with just simply empowering an executive director to make that decision, *sua sponte*, on their own. So, I am going to vote for the amendment, because I feel like that is the largest safeguard for due process, but I want to encourage everybody—this is a spirited amendment, because you can argue it from both sides—but I believe due process and the concerns for the rights of our citizens, above all, suggest that we should vote for the amendment.

REPRESENTATIVE SIMPSON: You started out in favor of the amendment, and now, you're just speaking on the amendment.

P. KING: Actually, it was the other way around, I kind of started out on it, now I'm for it.

SIMPSON: Oh okay, well, I got confused.

P. KING: I'm sorry I was confusing.

SIMPSON: Does this cease and desist order apply to even individual customers?

P. KING: I think it's a little vague, to be honest, in its application, so I can't answer that.

SIMPSON: Doesn't, on page 2 of the bill, line 1, and 2 and 3, say that the subchapter applies only to the person of Subchapter (b)? Is that correct?

P. KING: I'm sure it is, if you're reading from it. I don't have the bill in front of me.

SIMPSON: Well, if you look at that chapter, all the instances where the word "person" is used, it's not really to speak to a corporation, it's really speaking of individuals.

P. KING: It very well can be. "Person" is often used as a corporation under the law. I am not convinced that it could not be used with regard to an individual.

SIMPSON: So it could be used—so you're in favor—are you okay with giving to a bureaucracy, an agency, the ability to bypass our judicial process, that's independent?

P. KING: No, that's why I said that I am concerned that we're giving this much authority to a single individual, an executive director in a state agency, and I think it is safer and more prudent to lean on the side of due process, which would require going before a court, and that is why I am supporting the amendment. I also have said, though, there are very good arguments on both sides, but if I'm going to err, I'm going to err on the side of the public, and I think that suggests the need to make sure there is due process.

REPRESENTATIVE BOHAC: You have two sets of customers in this dialogue. The first set of customers is the end user, the person who is consuming the electricity. The second customer is the producer, the person that is producing the electricity, right?

P. KING: We've actually got four players in this. We've got the generation wholesale side. We've got the lines and poles regulator side. We've got the retailers, and you've got the consumers.

BOHAC: And, so, of those four players, I think there's two questions that we have to balance and ask. Number one, what lends itself to due process? And I think you've addressed that. But number two, what lends itself to justice? What lends itself to taking care of customers, vulnerable customers? What lends itself to justice?

P. KING: Well, again, when I'm thinking in terms of justice, it's not in the eyes. I just get concerned with giving a single individual, an executive director of any agency—and I know we do it for others, it concerns me there, too—but it concerns me when you give any single individual, without checks and balances, the authority, in effect, to issue a court order, because right now, it takes a court order to do that. So we're saying, "Oh, we don't need a court order. Let's just let an individual make that decision and then later go to court," and I just have trouble seeing any circumstances that are so exigent, that are such an emergency, that we can't take the time to make sure there's due process. Now, maybe I'll get proved wrong. Maybe there's some time, there will be some emergency, and we'll go, "Wow, we wish we had that," but I tell you, it's hard to envision a time that they can't go wake up a judge. I used to go wake up judges in the middle of the night to get search and arrest warrants when I was a cop, and you can get them pretty quick. If they need a TRO, for an emergency, they can get it very quickly.

REPRESENTATIVE REYNOLDS: Phil, we've heard some debate today about outside groups that have influenced this amendment, and you've mentioned that during your testimony. Would you clarify for the edification of those members who didn't get those outside groups talking to us, which groups they are?

P. KING: I'd really rather not do that. I understand your thoughts.

REYNOLDS: With full disclosure, I think the members deserve the right to know.

P. KING: I appreciate that, and I'd be happy to privately tell you, but I just, I don't want to get drug into that kind of discussion, not by you, but by others. Because any outside group has the absolute right to communicate with us at any time, and I want to respect that right. I feel like it kind of confused this issue a bit, and that's why I mentioned it, and I'm just trying to segregate it over here and say, "What we want to talk about is policy." Take into consideration what any outside groups, or lobby, or anybody else, your constituents have said, but make a decision based on policy in here.

REYNOLDS: This outside group, they didn't testify or put a card in before the committee, did they?

P. KING: I don't know.

KRAUSE: Again, I think it's instructive on a few points. This does not mean the PUC does not have cease and desist powers; in fact, they do. All they have to do under that, though, is give a notice and a hearing, follow due process, which, instructively, they've only used once in their entire existence since they've had the ability to do that. So, we're not taking away their cease and desist powers, just the emergency powers in such an extreme situation to where they might be tempted to make a decision that might be arbitrary or capricious. The court steps in as the balance of power, the check-and-balance to make sure that doesn't happen. That's all I'm seeking to do, to make sure we maintain the system that our founders set up, checks and balances, separation of powers, making sure a judiciary is overseeing the rules of the administrative agency. That's what I'm pushing for here.

REPRESENTATIVE FARRAR: I was trying to determine, because I've been talking to the PUC staff, and talking to anyone that will talk to me, wondering when this power has actually been used, and did you just say a minute ago that it's been used once?

KRAUSE: Not the emergency cease and desist, but the one they have in right now where they have to give a notice and then a hearing before they issue a cease and desist. And that was one of my problems is, well, you talk to people, and you say, "Why do you need this power?" And they could never give you an actual reason why. They say, "Well, we might need it for the future, or it might come in handy here." They never said, "Well, we had this situation in the past, or we had this a year or two ago where we really needed it," so when we're giving such an extraordinary remedy, and such a great expansion of power to an organization, when they can't even articulate the reason that they need it, that gives me some pause and concern, especially when we have a system in place where they can go to the judiciary, get the remedy they need, and move forward from there.

FARRAR: Maybe this will help, because they did give me some information. First of all, they can't even remember a time when they actually did, and it might have been once in 2007, because, here's why, and this might help you. I'm told that they typically resolve these issues informally, among the parties and such, and so, why you are pursuing this route, especially at the expense of the consumer, is beyond me, but I thought I would share that with you.

Amendment No. 8 failed of adoption by (Record 77): 60 Yeas, 86 Nays, 1 Present, not voting.

Yeas — Anderson; Bell; Bohac; Bonnen, G.; Branch; Burkett; Capriglione; Carter; Clardy; Craddick; Creighton; Dale; Darby; Fallon; Fletcher; Flynn; Frank; Goldman; Gonzales; Gooden; Hughes; Hunter; Isaac; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Laubenberg; Lavender; Leach; Lozano; Miller, R.; Morrison; Murphy; Orr; Otto; Parker; Perry; Phillips; Raney; Ratliff; Sanford; Schaefer; Sheets; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bonnen, D.; Burnam; Button; Callegari; Coleman; Collier; Cook; Cortez; Crownover; Davis, J.; Davis, S.; Davis, Y.; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Frullo; Geren; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Johnson; Kacal; Keffer; King, K.; King, T.; Kuempel; Larson; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Patrick; Perez; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Canales; Deshotel; Smith.

**STATEMENTS OF VOTE**

When Record No. 77 was taken, my vote failed to register. I would have voted no.

Canales

When Record No. 77 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

I was shown voting no on Record No. 77. I intended to vote yes.

Hilderbran

I was shown voting yes on Record No. 77. I intended to vote no.

S. King

I was shown voting yes on Record No. 77. I intended to vote no.

Raney

**Amendment No. 9**

Representative Sanford offered the following amendment to **HB 1600**:

Floor Packet Page No. 28

Amend **HB 1600** (house committee report) on page 2 by inserting the following after line 27:

(c) The commission may not issue a cease and desist order to a retail customer under Subsection (a)(2)(A).

Amendment No. 9 was withdrawn.

**Amendment No. 10**

Representative S. Turner offered the following amendment to **HB 1600**:  
Floor Packet Page No. 29

Amend **HB 1600** (house committee report) on page 2 by striking line 14 through line 24 and substituting the following:

(2) if the commission determines that:

(A) a person has repeatedly violated a commission rule regarding customer protection; or

(B) the conduct of a person:

(i) poses a threat to continuous and adequate electric service;

(ii) is hazardous;

(iii) creates an immediate danger to the public safety; or

(iv) is causing or can be reasonably expected to cause an immediate injury to a customer of electric services and that the injury is incapable of being repaired or rectified by monetary compensation.

Amendment No. 10 was withdrawn.

**Amendment No. 11**

Representative Martinez Fischer offered the following amendment to **HB 1600**:

Floor Packet Page No. 31

Amend **HB 1600** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS accordingly:

SECTION 1.\_\_\_\_. Subchapter A, Chapter 32, Utilities Code, is amended by adding Section 32.005 to read as follows:

Sec. 32.005. JURISDICTION REGARDING WHOLESALE SALES FOR DELIVERY INTO MEXICO. (a) Except as provided by Subsection (b), the commission may not restrict or otherwise regulate wholesale sales of electric energy for delivery into Mexico.

(b) The commission by rule shall require that a contract for wholesale sale of electric energy for delivery into Mexico is subject to conditions, as determined by the commission or by an independent organization certified under Section 39.151, necessary to ensure that electric energy generated or transmitted in this state is made available for transmission and distribution in this state as necessary to ensure the reliability and adequacy of the electrical network in this state connected to Mexico at times of an electrical power-related emergency.

(c) The commission shall conduct a study to determine effective means to promote wholesale sale of electric energy generated in this state for delivery into Mexico. Not later than December 1, 2014, the commission shall issue to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of the senate and the house of representatives that have primary jurisdiction over electric utilities and border issues a written report describing means to promote and encourage such sales. The report must include any recommendations the commission considers prudent for legislation to allow or support the identified means. This subsection expires September 1, 2015.

Amendment No. 11 was withdrawn.

### **Amendment No. 12**

Representative M. González offered the following amendment to **HB 1600**:  
Floor Packet Page No. 33

Amend **HB 1600** by adding the following appropriately numbered section:

SECTION \_\_\_\_\_. Subchapter A, Chapter 32, Utilities Code, is amended by adding Section 32.006 to read as follows:

Sec. 32.006. JURISDICTION OVER SITING OF CERTAIN ELECTRIC GENERATING FACILITIES. (a) Notwithstanding any other provision of this subtitle, the commission has jurisdiction over the siting of any proposed electric generating facility proposed to be located in an area less than three miles from the municipal boundaries of a municipality in which retail customers to be served by the facility reside if the municipality is located on the border between this state and Mexico and has a population of more than 600,000. A person may not begin construction of a facility subject to this subsection until the site is approved by the commission.

(b) The commission by rule shall establish a procedure for an electric utility to apply for, and procedures and criteria for an electric generating facility to receive, approval of the site for a proposed facility subject to this section.

Amendment No. 12 was withdrawn.

### **Amendment No. 13**

Representative Phillips offered the following amendment to **HB 1600**:  
Floor Packet Page No. 34

Amend **HB 1600** (house committee printing) in Article 1 of the bill by adding the following section to the bill, numbered appropriately, and by renumbering any subsequent sections of the article accordingly:

SECTION 1. \_\_\_\_\_. Section 35.004, Utilities Code, is amended by adding Subsection (f) to read as follows:

(f) Subsection (d) does not apply to the recovery of the costs of transmission service using a transmission line that connects electric generation located outside of this state to a transmission facility in ERCOT.

**Amendment No. 14**

Representative Phillips offered the following amendment to Amendment No. 13:

Amend Floor Amendment No. 13 by Phillips on page 1 of the amendment at the end of line 8 by striking "that" and substituting:

∴

(1) the construction of which begins on or after September 1, 2013; and

(2) that

Amendment No. 14 was adopted.

Amendment No. 13, as amended, was withdrawn.

**REMARKS ORDERED PRINTED**

Representative Zedler moved to print all remarks on Amendment No. 8.

The motion prevailed.

**Amendment No. 15**

Representative Sanford offered the following amendment to **HB 1600**:  
Floor Packet Page No. 28

Amend **HB 1600** (house committee report) on page 2 by inserting the following after line 27:

(c) The commission may not issue a cease and desist order to a retail customer under Subsection (a)(2)(A).

Amendment No. 15 was adopted by (Record 78): 147 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; 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; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Nevárez.

Present, not voting — Mr. Speaker(C).

Absent — Farias.

### STATEMENTS OF VOTE

When Record No. 78 was taken, I was in the house but away from my desk. I would have voted yes.

Farias

I was shown voting no on Record No. 78. I intended to vote yes.

Nevárez

### Amendment No. 16

Representative M. González offered the following amendment to **HB 1600**:  
Floor Packet Page No. 33

Amend **HB 1600** by adding the following appropriately numbered section:

SECTION \_\_\_\_\_. Subchapter A, Chapter 32, Utilities Code, is amended by adding Section 32.006 to read as follows:

Sec. 32.006. JURISDICTION OVER SITING OF CERTAIN ELECTRIC GENERATING FACILITIES. (a) Notwithstanding any other provision of this subtitle, the commission has jurisdiction over the siting of any proposed electric generating facility proposed to be located in an area less than three miles from the municipal boundaries of a municipality in which retail customers to be served by the facility reside if the municipality is located on the border between this state and Mexico and has a population of more than 600,000. A person may not begin construction of a facility subject to this subsection until the site is approved by the commission.

(b) The commission by rule shall establish a procedure for an electric utility to apply for, and procedures and criteria for an electric generating facility to receive, approval of the site for a proposed facility subject to this section.

### AMENDMENT NO. 16 - REMARKS

REPRESENTATIVE M. GONZÁLEZ: This amendment would require that any proposed electric generating facility located within three miles of a municipality that's on the Texas-Mexico border and has more than 600,000 people, also known as the city of El Paso, cannot—

REPRESENTATIVE PICKETT: Is this amendment something that's important to your particular district, where you are in El Paso?

M. GONZÁLEZ: Yes, sir, exactly. What is happening right now is El Paso Electric is looking to build a natural gas power plant less than one mile away from existing residences. Many of my constituents in the area told me they are concerned about this, the fast-growing part of El Paso County, and there needs to be—and we want a power plant, we actually want it in my district to meet the growing demand, but there's—

PICKETT: And what exactly would this amendment do, exactly?

M. GONZÁLEZ: This amendment would require the PUC to give approval before they are able to build the power plant, this specific power plant, in my district.

PICKETT: Okay, thank you. I appreciate that.

REPRESENTATIVE BURNAM: Ms. González, could you explain to us why your particular concern way out in another time zone should take precedence over concerns that other low-income communities of color should have over the institutionalized racism involved with the placement of power facilities?

M. GONZÁLEZ: I don't know if necessarily this one should overshadow everyone's, but this is the one that's in my district and the one that I want to bring attention to. The proposed site for the power plant is near a colonia, and there are 263 colonias in my district, and we're trying to bring attention to this particular power plant.

BURNAM: So you're speaking to the specific concern, and I'm speaking to the broader concern that there is a tendency, based on whatever reason, to locate major polluting sources adjacent to low-income communities, such as the barrio communities that you represent.

M. GONZÁLEZ: Yes, sir. There is a lot of research that demonstrates environmental racism and environmental injustice when it comes to communities of color and the building of industrial facilities.

BURNAM: Thank you for offering the amendment. How would you feel about an amendment to the amendment to expand this to the entire state, or would you prefer to restrict this amendment to just dealing with the barrio communities that you're representing?

M. GONZÁLEZ: I would prefer just to restrict this to my district at this time.

BURNAM: Well, I appreciate your bringing this amendment forward very much.

Amendment No. 16 was withdrawn.

### **Amendment No. 17**

Representative Y. Davis offered the following amendment to **HB 1600**:

Floor Packet Page No. 30

Amend **HB 1600** (house committee printing) in Article 1 of the bill by adding the following section, numbered appropriately, and renumbering any subsequent sections accordingly.

SECTION 1. \_\_\_\_\_. Subchapter D, Chapter 17, Utilities Code, is amended by adding Section 17.159 to read as follows:

Sec. 17.159. BILLING ACCORDING TO METERING FOR BILLING PERIOD. The commission by rule shall ensure that a retail electric service customer who is billed for metered services is billed only for actual use during the relevant billing period in accordance with a reading of a meter by an entity that provides metering services, and not for average use over a different period.

**Amendment No. 18**

Representative Y. Davis offered the following amendment to Amendment No. 17:

Amend Floor Amendment No. 17 by Y. Davis on page 1 of the amendment by striking the period at the end of line 12 and substituting:

, unless the customer is receiving benefits from the system benefit fund or the customer has chosen a service plan that provides for level or average payments.

Amendment No. 18 was withdrawn.

Amendment No. 17 was withdrawn.

**Amendment No. 19**

Representative Phillips offered the following amendment to **HB 1600**:  
Floor Packet Page No. 35

Amend **HB 1600** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumbering the subsequent SECTIONS of the article accordingly:

SECTION 1. \_\_\_\_\_. Section 37.053, Utilities Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The commission may require the applicant to designate not more than three proposed routes for a proposed transmission line facility but may not require the applicant to designate a preferred route for the [✱] proposed [transmission line] facility.

(c-1) If the commission requires an applicant to designate one or more proposed routes under Subsection (c), the commission must require the applicant to:

(1) designate each route on a map that was created or updated not later than six months before the date the applicant submits the application to the commission; and

(2) send notice of a proposed route to:

(A) the state representative and state senator of each district in which the proposed route is located;

(B) the county judge of each county in which the proposed route is located; and

(C) the mayor of each municipality in which the proposed route is located.

SECTION 1. \_\_\_\_\_. (a) The Public Utility Commission of Texas shall adopt or revise rules under Section 37.053, Utilities Code, as amended by this article, not later than June 1, 2014.

(b) The change in law made by this article to Section 37.053, Utilities Code, applies only to an application for a certificate of convenience and necessity that is filed with the Public Utility Commission of Texas on or after the effective date of this Act. An application for a certificate of convenience and necessity that was

filed with the commission before the effective date of this Act is governed by the law in effect on the date the application was filed, and that law is continued in effect for that purpose.

**Amendment No. 20**

Representative Phillips offered the following amendment to Amendment No. 19:

Amend Floor Amendment No. 19 by Phillips as follows:

(1) On page 1, line 10, at the end of amended Section 37.053(c), Utilities Code, insert "An applicant may not designate more than 10 proposed routes for a proposed transmission line facility."

(2) On page 1, line 15, strike "six" and substitute "24".

(3) On page 1, line 17, strike "a proposed" and substitute "each".

Amendment No. 20 was adopted.

Amendment No. 19, as amended, was withdrawn.

**REMARKS ORDERED PRINTED**

Representative Moody moved to print remarks on Amendment No. 16.

The motion prevailed.

**Amendment No. 21**

Representative Simpson offered the following amendment to **HB 1600**:  
Floor Packet Page No. 38

Amend **HB 1600** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the article appropriately:

SECTION 1.\_\_\_\_. Section 39.107, Utilities Code, is amended by adding Subsections (k) to read as follows:

(k) An electric utility or transmission and distribution utility that receives from the commission approval of the utility's plan for deploying advanced meters shall provide without cost to the customer an option to:

(1) refuse initial installation of an advanced meter; or

(2) choose to have the advanced meter removed and replaced with a conventional meter.

**Amendment No. 22**

Representative Villalba offered the following amendment to Amendment No. 21:

Amend Floor Amendment No. 21 by Simpson as follows:

(1) In added Section 39.107(k), strike "without cost".

(2) In added Section 39.107(k)(2), between "conventional meter" and the period insert "at the expense of the customer, including ongoing expenses related to reading and maintenance of the meter".

(Harper-Brown in the chair)

Amendment No. 22 was adopted by (Record 79): 126 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; 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; Elkins; Fallon; Farias; Farney; Fletcher; Frank; 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; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Allen; Anderson; Bonnen, D.; Dutton; Eiland; Flynn; Hughes; Kolkhorst; Krause; Martinez; Miles; Moody; Phillips; Raymond; Schaefer; Simpson; Taylor; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent — Cortez; Farrar; Goldman; Rodriguez, E.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 79. I intended to vote no.

G. Bonnen

When Record No. 79 was taken, I was in the house but away from my desk. I would have voted yes.

Goldman

I was shown voting no on Record No. 79. I intended to vote yes.

Krause

I was shown voting no on Record No. 79. I intended to vote yes.

Moody

**REASONS FOR VOTE**

Unfortunately, when the legislature directed the roll out of smart meters in Texas, it did not take into account the preference of the public at large. In hindsight, utility customers should have been given an option to opt out. We are acting now to allow that option, but imposing a higher utility cost on customers who choose not to opt out subsidizes a personal preference. I supported Representative Villalba's amendment because it allows for individual freedom without imposing an undue cost on others.

Fallon

When smart meters were implemented in Texas, they were imposed in an unjust and unwise way. Utility customers should have been given an option to opt out and the Public Utility Commission or the legislature should still act to provide customers with that option. But one injustice does not merit another. To impose higher utility costs on customers who choose not to opt out would be its own injustice. I supported Representative Villalba's amendment because it would ensure that those who choose to opt out would bear the cost of that decision rather than forcing customers who don't opt out to subsidize the decision.

Stickland

Amendment No. 21, as amended, failed of adoption by (Record 80): 42 Yeas, 102 Nays, 2 Present, not voting.

Yeas — Anderson; Bonnen, D.; Branch; Burkett; Carter; Creighton; Dutton; Eiland; Elkins; Flynn; Frank; Goldman; Gooden; Guillen; Herrero; Hilderbran; Hughes; Hunter; Isaac; King, P.; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Leach; Miles; Parker; Phillips; Sanford; Schaefer; Sheets; Simmons; Simpson; Stephenson; Stickland; Taylor; Toth; Turner, E.S.; Villalba; White; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Bell; Bohac; Bonnen, G.; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Fallon; Farias; Farney; Farrar; Fletcher; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Gutierrez; Harless; Hernandez Luna; Howard; Huberty; Johnson; Kacal; Keffer; King, K.; King, T.; Kleinschmidt; Larson; Lavender; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Smithee; Springer; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent — Ashby; Davis, J.; King, S.; Naishtat.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 80. I intended to vote yes.

Bohac

I was shown voting no on Record No. 80. I intended to vote yes.

G. Bonnen

I was shown voting no on Record No. 80. I intended to vote yes.

Capriglione

I was shown voting no on Record No. 80. I intended to vote yes.

Fallon

I was shown voting no on Record No. 80. I intended to vote yes.

Fletcher

When Record No. 80 was taken, I was in the house but away from my desk. I would have voted no.

S. King

I was shown voting no on Record No. 80. I intended to vote yes.

Paddie

I was shown voting no on Record No. 80. I intended to vote yes.

Springer

### 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).

#### HB 1600 - (consideration continued)

##### Amendment No. 23

Representative Y. Davis offered the following amendment to **HB 1600**:  
Floor Packet Page No. 39

Amend **HB 1600** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the article appropriately:

SECTION 1. \_\_\_\_ . Section 39.107, Utilities Code, is amended by adding Subsection (k) to read as follows:

(k) The commission by rule shall prohibit an electric utility or transmission and distribution utility from selling, sharing, or disclosing information generated, provided, or otherwise collected from an advanced metering system or meter information network, including information used to calculate charges for service, historical load data, and any other customer information. The commission shall allow an electric utility or transmission and distribution utility to share information with an affiliated corporation if the information is to be used only for the purpose of providing electric utility service to the customer.

SECTION 1. \_\_\_\_ . The Public Utility Commission of Texas shall adopt rules necessary to implement Section 39.107(k), Utilities Code, as added by this article, as soon as practicable after the effective date of this Act.

##### Amendment No. 24

Representative Y. Davis offered the following amendment to Amendment No. 23:

Amend Floor Amendment No. 23 by Y. Davis as follows:

(1) On page 1 of the amendment on line 14 after the word "corporation" and before the word "if" insert the following:  
, or other third party entity,

(2) On page 1 of the amendment on line 15 after the word "customer" and the "." insert the following:

or other customer approved services

Amendment No. 24 was adopted.

Amendment No. 23, as amended, was adopted.

### **Amendment No. 25**

Representative Vo offered the following amendment to **HB 1600**:

Floor Packet Page No. 42

Amend **HB 1600** (house committee report) in ARTICLE 1 of the bill by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1. \_\_\_\_\_. Section 39.112, Utilities Code, is amended by adding Subsection (e) to read as follows:

(e) A retail electric provider shall provide to a residential customer, regardless of whether the customer has a fixed rate product, written notice of a change in price that is at the discretion of the provider at least 30 days before the date the customer will be affected by that change. A change in price is not at the discretion of the provider if the change occurs to reflect actual changes in transmission and distribution utility charges, changes to ERCOT or Texas Regional Entity administrative fees charged to entities serving loads, or changes to federal, state, or local laws applicable to retail electric providers that result in new or modified fees or costs that are not within the retail electric provider's control.

### **Amendment No. 26**

Representative Vo offered the following amendment to Amendment No. 25:

Amend Amendment No. 25 by Vo by striking the text of the amendment and substituting the following:

Amend **HB 1600** (house committee report) in ARTICLE 1 of the bill by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1. \_\_\_\_\_. Section 39.112, Utilities Code, is amended by adding Subsection (e) to read as follows:

(e) A retail electric provider shall provide to a residential customer who has a contract with a term of 31 days or less notice of a price increase that is at the discretion of the provider at least 14 days before the date the customer will be affected by that increase. A price increase is not at the discretion of the provider if the change occurs to reflect actual changes in transmission and distribution utility charges, changes to ERCOT or Texas Regional Entity administrative fees charged to entities serving loads, or changes to federal, state, or local laws applicable to retail electric providers that result in new or modified fees or costs that are not within the retail electric provider's control.

Amendment No. 26 was adopted.

Representative Cook moved to table Amendment No. 25, as amended.

The motion to table prevailed by (Record 81): 97 Yeas, 50 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Collier; Cortez; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Stephenson; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent — Strama.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 81. I intended to vote no.

Anchia

I was shown voting yes on Record No. 81. I intended to vote no.

Menéndez

### Amendment No. 27

Representative S. King offered the following amendment to **HB 1600**:

Floor Packet Page No. 45

Amend **HB 1600** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the article appropriately:

SECTION 1. \_\_\_\_\_. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.1571 to read as follows:

Sec. 39.1571. COMMISSION AUTHORITY DURING EXTREME CONGESTION EVENT. The commission by rule shall establish:

(1) a method to implement a temporary shadow price cap to prevent retail customers from absorbing unusually high congestion charges during an extreme congestion event;

(2) criteria to define an "extreme congestion event"; and

(3) a method to determine what unusually high congestion charges are.

SECTION 1. \_\_\_\_\_. The Public Utility Commission of Texas shall adopt rules to implement the change in law made by Section 39.1571, Utilities Code, as added by this Act, not later than June 1, 2014.

Amendment No. 27 was withdrawn.

### **Amendment No. 28**

Representative S. Turner offered the following amendment to **HB 1600**:

Floor Packet Page No. 46

Amend **HB 1600** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the article appropriately:

SECTION 1. \_\_\_\_\_. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. COST-BENEFIT ANALYSIS OF SIGNIFICANT MARKET CHANGE. (a) In this section, "significant market change" means a change to the electric market that is reasonably expected to add more than \$100 million to annual energy costs to customers in this state.

(b) The commission shall conduct a cost-benefit analysis of a proposed significant market change before authorizing the significant market change. The cost-benefit analysis, to the extent possible, must:

(1) quantify the degree to which the proposed significant market change will result in an increase in:

(A) wholesale electricity prices;

(B) residential electricity prices; and

(C) electricity prices for commercial and industrial customers;

(2) analyze potential adverse effects of the proposed significant market change on retail electric providers; and

(3) compare the potential benefits of the proposed significant market change to the potential economic costs of the proposed change.

(c) The commission shall make the cost-benefit analysis available to the public and appropriate state agencies not less than 30 days before the date the commission authorizes the significant market change.

(Speaker in the chair)

Amendment No. 28 was adopted.

### **Amendment No. 29**

Representative S. Turner offered the following amendment to **HB 1600**:

Floor Packet Page No. 55

Amend **HB 1600** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the article appropriately:

SECTION 1.\_\_\_\_. Subchapter B, Chapter 56, Utilities Code, is amended by adding Section 56.0225 to read as follows:

Sec. 56.0225. INCREASED CHARGES PROHIBITED. (a) The commission may not increase or authorize an increase in a fee or other charge that is:

(1) associated with the universal service fund; and

(2) reflected on a customer's monthly bill.

(b) If the commission determines that the amount of money in the universal service fund is insufficient to pay the costs of a program that receives money from the universal service fund, the commission shall reduce the service provided under the program accordingly.

Representative Cook moved to table Amendment No. 29.

The motion to table prevailed by (Record 82): 79 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycok; Bell; Bonnen, D.; Bonnen, G.; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Fallon; Farney; Fletcher; Frank; Frullo; Geren; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Ritter; Schaefer; Sheffield, J.; Sheffield, R.; Smith; Smithee; Springer; Thompson, E.; Villalba; White; Workman; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bohac; Branch; Burkett; Burnam; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Flynn; Giddings; Goldman; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Krause; Laubenberg; Lavender; Leach; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Naishtat; Nevárez; Perez; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Simmons; Simpson; Stephenson; Stickland; Strama; Taylor; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Vo; Walle; Wu; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Hilderbran.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 82. I intended to vote no.

Carter

When Record No. 82 was taken, my vote failed to register. I would have voted no.

Hilderbran

I was shown voting no on Record No. 82. I intended to vote yes.

Nevárez

**Amendment No. 30**

Representative C. Turner offered the following amendment to **HB 1600**:  
Floor Packet Page No. 56

Amend **HB 1600** (house committee printing) in Article 1 of the bill by adding the following section, numbered appropriately, and by renumbering any subsequent sections accordingly:

SECTION 1.\_\_\_\_ Each gas utility, as defined by Section 121.001, Utilities Code, shall submit to the Public Utility Commission of Texas for the commission's approval a schedule and plan for replacement of the gas utility's pipelines. The schedule and plan must be delivered to the commission not later than September 1, 2014.

**Amendment No. 31**

Representative C. Turner offered the following amendment to Amendment No. 30:

Amend Floor Amendment No. 30 by C. Turner on page 1 of the amendment as follows:

(1) On line 6, between "Utilities Code," and "shall submit", insert "that has cast iron pipelines".

(2) On line 8, strike "pipelines" and substitute "cast iron pipelines".

Amendment No. 31 was withdrawn.

Amendment No. 30 was withdrawn.

**Amendment No. 32**

Representative Walle offered the following amendment to **HB 1600**:  
Floor Packet Page No. 90

Amend **HB 1600** (house committee report) by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill accordingly:

SECTION \_\_\_\_\_.\_\_\_\_ Section 13.184, Water Code, is amended by adding Subsection (d) to read as follows:

(d) A utility may file with the utility commission an application to increase the utility's rates not more than one time in a 36-month period. A rate increase under this section may not exceed 20 percent of the cost of the utility's rates at the time of the application.

(Harper-Brown in the chair)

Representative Cook moved to table Amendment No. 32.

The motion to table prevailed by (Record 83): 98 Yeas, 49 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Collier; Cortez; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Gooden; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent — King, T.

### STATEMENT OF VOTE

I was shown voting no on Record No. 83. I intended to vote yes.

Lucio

### Amendment No. 33

Representative Martinez Fischer offered the following amendment to **HB 1600**:

Floor Packet Page No. 31

Amend **HB 1600** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS accordingly:

SECTION 1. \_\_\_\_\_. Subchapter A, Chapter 32, Utilities Code, is amended by adding Section 32.005 to read as follows:

Sec. 32.005. JURISDICTION REGARDING WHOLESALE SALES FOR DELIVERY INTO MEXICO. (a) Except as provided by Subsection (b), the commission may not restrict or otherwise regulate wholesale sales of electric energy for delivery into Mexico.

(b) The commission by rule shall require that a contract for wholesale sale of electric energy for delivery into Mexico is subject to conditions, as determined by the commission or by an independent organization certified under Section

39.151, necessary to ensure that electric energy generated or transmitted in this state is made available for transmission and distribution in this state as necessary to ensure the reliability and adequacy of the electrical network in this state connected to Mexico at times of an electrical power-related emergency.

(c) The commission shall conduct a study to determine effective means to promote wholesale sale of electric energy generated in this state for delivery into Mexico. Not later than December 1, 2014, the commission shall issue to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of the senate and the house of representatives that have primary jurisdiction over electric utilities and border issues a written report describing means to promote and encourage such sales. The report must include any recommendations the commission considers prudent for legislation to allow or support the identified means. This subsection expires September 1, 2015.

### **Amendment No. 34**

Representative Martinez Fischer offered the following amendment to Amendment No. 33:

Amend Floor Amendment No. 33 by Martinez Fischer as follows:

(1) On page 1, strike lines 6 through 19 and substitute the following:

Sec. 32.005. STUDY ON CERTAIN BORDER ISSUES. The commission shall conduct a study to determine

(2) On page 1, line 27, between "sales." and "The report", insert the following:

In conducting the study, the commission shall consider ways in which transmission lines may be routed or constructed in a manner least intrusive to recognized historical sites or ranches located less than 150 miles from the international border.

Amendment No. 34 was adopted.

Amendment No. 33, as amended, was adopted.

**HB 1600**, as amended, was passed to engrossment by (Record 84): 139 Yeas, 6 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; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; 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; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield,

J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Laubenberg; Simpson; Stickland; Taylor; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent — Huberty; King, T.; Oliveira.

### STATEMENT OF VOTE

When Record No. 84 was taken, my vote failed to register. I would have voted yes.

Huberty

### REASON FOR VOTE

I voted against **HB 1600** because the cease and desist provisions included in the bill were not removed. The tools currently available to the PUC are adequate. I oppose allowing the PUC to circumvent the judicial process when issuing a cease and desist.

Stickland

### HB 3884 - PERMISSION TO INTRODUCE

Representative Giddings requested permission to introduce and have placed on first reading **HB 3884**.

Permission to introduce was granted by (Record 85): 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; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent — King, T.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

International Trade and Intergovernmental Affairs, during bill referral today, 3W.15, for a formal meeting, to consider pending business.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider **SB 1** at 8:30 a.m. tomorrow in E1.030.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Appropriations, 8:30 a.m. tomorrow, E1.030, for a public hearing, to consider **SB 1** and the previously posted agenda.

**HB 5 - RULES SUSPENDED  
AMENDMENT CONSIDERATION RULE ADOPTED**

Representative Hunter moved to suspend all necessary rules to propose and adopt the following rule governing floor consideration for **HB 5**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 2 p.m. on Monday, March 25.

REPRESENTATIVE MARTINEZ FISCHER: Chairman Hunter, as you know, the floor of the house, or the privileges of the house are suspended 30 minutes before we go into session. If in fact that is the case, where we are in a period where the front and back access is restricted for the purposes of filing amendments, can we work with the sergeant's office to make sure that staff can get the amendments filed with the chief clerk?

REPRESENTATIVE HUNTER: Yes.

MARTINEZ FISCHER: Okay, and for the purposes of our discussion and our discussions with multiple people, we all recognize how hard everybody is working, and we recognize that we are not intending to set any precedent. We're just intending to facilitate a rule, that's your understanding?

HUNTER: Absolutely.

**REMARKS ORDERED PRINTED**

Representative Martinez Fischer moved to print remarks between Representative Hunter and Representative Martinez Fischer.

The motion prevailed.

The motion to suspend all necessary rules prevailed, and the amendment consideration rule was adopted by (Record 86): 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; Hernandez Luna; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Herrero.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent — Márquez.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Urban Affairs, during bill referral today, E2.016, for a public hearing, to consider pending and new business.

**PROVIDING FOR ADJOURNMENT**

At 5:24 p.m., Representative Workman moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES  
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Speaker in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 5:55 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 9** (By Flynn), Relating to posting certain information regarding compensation of state agency executive staff on the Internet.

To Select Transparency in State Agency Operations.

**HB 12** (By Flynn), Relating to gifts made to a state agency for a state employee salary supplement.

To Select Transparency in State Agency Operations.

**HB 16** (By Flynn), Relating to a requirement that a state agency post the results of certain audits on the state agency's Internet website.

To Select Transparency in State Agency Operations.

**HB 2473** (By Deshotel), Relating to use of sales and use tax proceeds by economic development corporations in connection with housing facilities for certain institutions of higher education.

To Urban Affairs.

**HB 2539** (By C. Turner), Relating to requiring computer technicians to report images of child pornography; providing a criminal penalty.

To Criminal Jurisprudence.

**HB 2567** (By Carter), Relating to the filing in county deed records of an instrument transferring a residential mortgage note; providing a civil penalty.

To Investments and Financial Institutions.

**HB 2568** (By Workman), Relating to strict construction of statutes that create or define criminal offenses and penalties.

To Criminal Jurisprudence.

**HB 2580** (By Harper-Brown), Relating to the authority of municipalities to create freight rail districts that have the powers of rural rail transportation districts; granting the power of eminent domain.

To Transportation.

**HB 2609** (By Pitts), Relating to the exclusive regulatory and oversight authority of the consumer credit commissioner regarding certain business entities.

To Investments and Financial Institutions.

**HB 2627** (By Zedler), Relating to complaints filed with the Texas Optometry Board.

To Public Health.

**HB 2655** (By Martinez), Relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to impose a tax and issue bonds.

To Special Purpose Districts.

**HB 2697** (By S. King), Relating to funding under the Foundation School Program for school district career and technology education courses provided at night or during the summer.

To Public Education.

**HB 2763** (By Hunter), Relating to the regulation of professional employer services.

To Business and Industry.

**HB 2780** (By Elkins), Relating to the establishment of research technology corporations by public institutions of higher education.

To Technology.

**HB 2800** (By Raymond), Relating to funding for certain county transportation infrastructure projects.

To Appropriations.

**HB 2831** (By Howard), Relating to procedures for the house of representatives to convene and conduct business when the legislature is not in session; providing a penalty.

To State Affairs.

**HB 3039** (By Workman), Relating to financing programs and activities related to rural economic development.

To Economic and Small Business Development.

**HB 3406** (By Riddle), Relating to creating an offense for persons imprisoned or confined in correctional facilities to threaten to harm certain other persons by certain means of communication.

To Criminal Jurisprudence.

**HB 3407** (By Riddle), Relating to the assessment of juveniles who are victims of sex trafficking.

To Corrections.

**HB 3409** (By Dutton), Relating to a periodic review and expiration dates of state and local tax preferences.

To Ways and Means.

**HB 3410** (By Flynn), Relating to the penalty for the operation of a vehicle without a license plate.

To Transportation.

**HB 3411** (By Flynn), Relating to the use of certain lighting equipment on motor vehicles.

To Transportation.

**HB 3412** (By Flynn), Relating to the qualifications for certain positions with the Department of Public Safety of the State of Texas.

To Homeland Security and Public Safety.

**HB 3413** (By Flynn), Relating to the operation and movement of authorized emergency vehicles.

To Transportation.

**HB 3414** (By Flynn), Relating to motorcycle and all-terrain vehicle training; creating an offense.

To Transportation.

**HB 3415** (By Flynn), Relating to driving on an improved shoulder.

To Transportation.

**HB 3416** (By Flynn), Relating to a prohibition on the issuance of capital appreciation bonds by local governments.

To Ways and Means.

**HB 3417** (By Lavender), Relating to high school curriculum and assessment requirements for public school students.

To Public Education.

**HB 3419** (By Lavender), Relating to the planning and funding of water projects to be constructed in a region other than the region proposing the project.

To Natural Resources.

**HB 3421** (By Lavender), Relating to the distribution of certain amounts of unclaimed money to county road and bridge funds.

To Appropriations.

**HB 3422** (By Lavender), Relating to donations of landscape materials and services to the Texas Department of Transportation.

To Transportation.

**HB 3423** (By Lavender), Relating to the operation of state travel information centers by private and nonprofit entities.

To Transportation.

**HB 3424** (By Lavender), Relating to maintenance and operation of travel information centers by the Texas Department of Transportation.

To Transportation.

**HB 3425** (By Lavender), Relating to travel information centers operated by the Texas Department of Transportation.

To Transportation.

**HB 3426** (By Lavender), Relating to reimbursement through the Medicaid program of nonemergency services provided through hospital emergency rooms.

To Public Health.

**HB 3430** (By Cortez), Relating to the requirements and protocols for the use of nighttime triage equipment by emergency medical services personnel.

To Public Health.

**HB 3433** (By Fletcher), Relating to the regulation of certain private security companies and occupations; creating an offense.

To Homeland Security and Public Safety.

**HB 3434** (By Raymond), Relating to incentives for using supplemental nutrition assistance program benefits to purchase nutritious foods.

To Human Services.

**HB 3435** (By Longoria), Relating to certain credit in the Employees Retirement System of Texas for service in the Texas State Guard.

To Pensions.

**HB 3437** (By Otto), Relating to the procedure for obtaining an allocation for ad valorem tax purposes of the value of certain property that is used in this state and outside this state.

To Ways and Means.

**HB 3438** (By Otto), Relating to the eligibility of a person to serve on the appraisal review board of an appraisal district.

To Ways and Means.

**HB 3439** (By Otto), Relating to the representation of a property owner by an agent in a property tax matter.

To Ways and Means.

**HB 3440** (By Otto), Relating to the authority of a member of an appraisal review board of an appraisal district to perform the duties and functions of a member.

To Ways and Means.

**HB 3441** (By Otto), Relating to the deadline for filing certain appeals of certain appraisal review board orders.

To Ways and Means.

**HB 3442** (By Otto), Relating to the obligation of an appraisal review board to respond to a property owner's request to postpone a hearing of the board.

To Ways and Means.

**HB 3443** (By Otto), Relating to the persons entitled to intervene in an appeal to a district court of an ad valorem tax-related matter.

To Ways and Means.

**HB 3444** (By Otto), Relating to eligibility to serve as an arbitrator in a binding arbitration of an appeal of an appraisal review board order.

To Ways and Means.

**HB 3445** (By Otto), Relating to the date by which an appraisal review board must hear a property tax protest, petition, or motion.

To Ways and Means.

**HB 3446** (By Otto), Relating to the distribution by the appraisal review board of an appraisal district of written opinions, memoranda, or analyses of law drafted by the attorney for the board.

To Ways and Means.

**HB 3447** (By Gutierrez), Relating to establishment and functions of certain urban land bank programs.

To Urban Affairs.

**HB 3448** (By Gutierrez), Relating to the service of a presiding officer of certain metropolitan rapid transit authorities.

To Transportation.

**HB 3449** (By Gooden), Relating to the exception under the public information law for certain information held by a school district.

To Government Efficiency and Reform.

**HB 3450** (By Gooden), Relating to a program to support the installation of certain emissions-free generation systems that do not use water in the production of electricity and are located on publicly owned land or government buildings and parking structures.

To Environmental Regulation.

**HB 3451** (By Eiland), Relating to licensing and ongoing requirements for insurance companies

To Insurance.

**HB 3453** (By Eiland), Relating to the use by insurers of a standard residential property insurance policy form.

To Insurance.

**HB 3454** (By Eiland), Relating to an exemption from the franchise tax for certain insurance entities.

To Ways and Means.

**HB 3455** (By Eiland), Relating to access to pharmaceutical care under certain health benefit plans.

To Insurance.

**HB 3456** (By Eiland), Relating to reimbursement rates paid to certain pharmacies in connection with health benefit plans.

To Insurance.

**HB 3457** (By Eiland), Relating to the filing of certain medical information as evidence in civil and criminal proceedings.

To Judiciary and Civil Jurisprudence.

**HB 3458** (By Eiland), Relating to the offense of evading arrest or detention.

To Criminal Jurisprudence.

**HB 3459** (By Eiland), Relating to the determination of the boundaries of, and the enforcement of the law governing access to, public beaches.

To Land and Resource Management.

**HB 3460** (By Eiland), Relating to the requirement that certain information be reported to the Texas Department of Insurance and the confidentiality of that information.

To Insurance.

**HB 3461** (By E. Rodriguez), Relating to the partial repayment of certain extensions of consumer credit obtained for a consumer by a credit access business or that a credit access business assists the consumer in obtaining.

To Investments and Financial Institutions.

**HB 3463** (By Bohac), Relating to information provided to recipients of certain assistance programs.

To Human Services.

**HB 3465** (By Bohac), Relating to standards for recycling or reusing computer and television equipment.

To Environmental Regulation.

**HB 3466** (By Bohac), Relating to the reporting of international shipments of electronic waste.

To Environmental Regulation.

**HB 3467** (By Bohac), Relating to the regulation of crafted precious metal dealers; providing criminal penalties; authorizing a fee.

To Licensing and Administrative Procedures.

**HB 3468** (By Bohac), Relating to the revocation or amendment of a certificate of public convenience and necessity for water or sewer service by petition.

To Natural Resources.

**HB 3470** (By Bohac), Relating to a disclosure by an attorney before accepting representation of a client in a suit for the dissolution of marriage.

To Judiciary and Civil Jurisprudence.

**HB 3471** (By Deshotel), Relating to the compensation of the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County.

To Transportation.

**HB 3472** (By Paddie), Relating to procedures for the submission by school districts of amended data through the Public Education Information Management System.

To Public Education.

**HB 3475** (By Paddie), Relating to the publication of information relating to hotel occupancy tax receipts.

To Ways and Means.

**HB 3476** (By Paddie), Relating to the liability of sports officials and organizations.

To Judiciary and Civil Jurisprudence.

**HB 3477** (By Allen), Relating to the regulation of cosmetology, including eyebrow or facial hair threading.

To Licensing and Administrative Procedures.

**HB 3478** (By Allen), Relating to the authority of a school district to implement a school bus monitoring system that records images, including images of vehicles that pass a stopped school bus; providing for the imposition of penalties.

To Public Education.

**HB 3479** (By Simpson), Relating to custodial interrogations.

To Criminal Jurisprudence.

**HB 3481** (By Fletcher), Relating to the appropriation of money from the economic stabilization fund to be used for the purpose of repairing certain roadways and bridges.

To Appropriations.

**HB 3482** (By Fletcher), Relating to the abandonment of a county road.

To Transportation.

**HB 3483** (By Fletcher), Relating to requirements for a driver education course and the eligibility of persons under 18 years of age to hold a driver's license or operate a motor vehicle.

To Transportation.

**HB 3484** (By Villarreal), Relating to requirements for state educator certification examinations.

To Public Education.

**HB 3486** (By Villarreal), Relating to financial inclusion through financial coaching and removal of other barriers to saving for economically disadvantaged persons.

To Investments and Financial Institutions.

**HB 3488** (By Burkett), Relating to financial accounting and reporting of pension benefits for employees of this state and political subdivisions of this state.

To Pensions.

**HB 3489** (By Hughes), Relating to the inspection period for a motor vehicle.  
To Environmental Regulation.

**HB 3490** (By Hughes), Relating to the liability of a spouse in certain divorce suits for costs, attorney's fees, and expenses.  
To Judiciary and Civil Jurisprudence.

**HB 3491** (By Deshotel), Relating to education and training for certain school district peace officers and school resource officers.  
To Homeland Security and Public Safety.

**HB 3492** (By Larson), Relating to eliminating the automatic admission of students to certain public institutions of higher education and scholarships for certain students who qualify for automatic admission.  
To Higher Education.

**HB 3493** (By Moody), Relating to the interception of wire, oral, or electronic communications for law enforcement purposes.  
To Criminal Jurisprudence.

**HB 3494** (By Moody), Relating to the punishment for the offense of graffiti and the creation of a graffiti pretrial diversion program.  
To Criminal Jurisprudence.

**HB 3495** (By Moody), Relating to educator financial incentives and salary contingencies based on student performance on certain assessment instruments.  
To Public Education.

**HB 3496** (By D. Bonnen), Relating to the use of assets of the Texas Windstorm Insurance Association.  
To Insurance.

**HB 3497** (By E. S. Turner), Relating to state savings and government efficiency through a taxpayer savings grant program.  
To Public Education.

**HB 3498** (By E. S. Turner), Relating to a requirement that a student's postsecondary transcript include the average or median grade awarded in each class.  
To Higher Education.

**HB 3499** (By Perez), Relating to the right to reemployment of a person who serves as an election judge or clerk.  
To Elections.

**HB 3500** (By Perez), Relating to the electronic transmission of balloting materials for an election to certain voters located outside this state.  
To Elections.

**HB 3501** (By Raymond), Relating to the extent of extraterritorial jurisdiction of certain municipalities.  
To Land and Resource Management.

**HB 3502** (By Smith), Relating to certain activities for the promotion and marketing of beer.

To Licensing and Administrative Procedures.

**HB 3503** (By Smith), Relating to display by certain alcoholic beverage manufacturers of branded promotional vehicles on a retailer's premises.

To Licensing and Administrative Procedures.

**HB 3504** (By Smith), Relating to certain promotional activities on the premises of a retailer of alcoholic beverages.

To Licensing and Administrative Procedures.

**HB 3506** (By Capriglione), Relating to the certification of businesses in this state as Made in Texas; providing civil and administrative penalties; authorizing a fee.

To State Affairs.

**HB 3510** (By Ritter), Relating to the election of board members for emergency services districts in certain counties.

To County Affairs.

**HB 3512** (By Ritter), Relating to the eligibility of property used for a desalination project for ad valorem tax benefits under the Texas Economic Development Act.

To Ways and Means.

**HB 3514** (By Guillen), Relating to the marketing of certain alcoholic beverages by manufacturers and their agents; providing for a permitting fee.

To Licensing and Administrative Procedures.

**HB 3515** (By E. Rodriguez), Relating to the establishment of a statewide system for stroke response and treatment.

To Public Health.

**HB 3516** (By E. Rodriguez), Relating to the establishment of a statewide system for the response to and treatment of certain types of heart attacks.

To Public Health.

**HB 3517** (By Carter), Relating to requiring a jury to consider a victim impact statement before assessing punishment in a criminal case.

To Criminal Jurisprudence.

**HB 3518** (By Branch), Relating to long-term statewide planning to achieve the goals of the state's master plan for higher education, "Closing the Gaps."

To Higher Education.

**HB 3519** (By Branch), Relating to providing information to entering undergraduate students at general academic teaching institutions to promote timely graduation.

To Higher Education.

**HB 3520** (By Branch), Relating to the designation of a segment of U.S. Highway 75 in Dallas County as the President George W. Bush Expressway.

To Transportation.

**HB 3521** (By Carter), Relating to requiring the use of an ignition interlock device on conviction of certain intoxication offenses.

To Criminal Jurisprudence.

**HB 3522** (By Perez), Relating to reports issued by the comptroller on the effect of certain tax provisions.

To Ways and Means.

**HB 3523** (By Lewis), Relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license.

To Homeland Security and Public Safety.

**HB 3524** (By Dutton), Relating to payment by a school district of the costs of developmental coursework provided by an institution of higher education under the success initiative.

To Public Education.

**HB 3525** (By Hughes), Relating to the service retirement annuity of certain members of the Judicial Retirement System of Texas Plan One and the Judicial Retirement System of Texas Plan Two.

To Pensions.

**HB 3526** (By Hughes), Relating to the removal of certain political party officers.

To Elections.

**HB 3527** (By Klick), Relating to the criteria and requirements for the closure, consolidation, or consolidation plan of state supported living centers.

To Human Services.

**HB 3528** (By Klick), Relating to the creation of the State Supported Living Center Realignment Commission.

To Human Services.

**HB 3529** (By Kuempel), Relating to regulation of certain online poker facilities under federal law.

To Licensing and Administrative Procedures.

**HB 3530** (By Leach), Relating to the membership of school district and open-enrollment charter school concussion oversight teams.

To Public Education.

**HB 3531** (By Rose), Relating to establishing a peer education program for offenders in the Texas Department of Criminal Justice.

To Corrections.

**HB 3532** (By Rose), Relating to the period within which a criminal case must resume after a defendant is determined to be competent to stand trial.

To Criminal Jurisprudence.

**HB 3533** (By Rose), Relating to notifying the next of kin of a person confined in the Texas Department of Criminal Justice of a change in the person's eligibility to receive visitors.

To Corrections.

**HB 3534** (By Rose), Relating to increased oversight by the Department of State Health Services of hospitals that commit certain violations.

To Public Health.

**HB 3535** (By Price), Relating to the management, operation, rulemaking authority, and oversight of groundwater conservation districts.

To Natural Resources.

**HB 3536** (By Otto), Relating to the imposition of a fee on the sale of cigarettes and cigarette tobacco products manufactured by certain companies; providing penalties.

To Ways and Means.

**HB 3537** (By Gutierrez), Relating to the treatment and reuse or discharge of fluid produced from oil or gas wells on which a hydraulic fracturing treatment has been performed.

To Energy Resources.

**HB 3538** (By Gutierrez), Relating to minimum pollution removal requirements on storm water discharge within the Edwards Aquifer in certain circumstances.

To Environmental Regulation.

**HB 3539** (By Gutierrez), Relating to the source and supply of water used for oil and gas exploration and production in the State of Texas.

To Energy Resources.

**HB 3540** (By Bell), Relating to the eligibility of certain persons to take an examination for a plumber's license.

To Licensing and Administrative Procedures.

**HB 3541** (By Menéndez), Relating to the sale and distribution of certain alcoholic beverages.

To Licensing and Administrative Procedures.

**HB 3542** (By Menéndez), Relating to appraisal review boards; providing penalties.

To Ways and Means.

**HB 3543** (By Menéndez), Relating to training, certification, and accreditation provided or regulated by the Texas Veterans Commission.

To Defense and Veterans' Affairs.

**HB 3544** (By Menéndez), Relating to higher education for veterans and their families.

To Defense and Veterans' Affairs.

**HB 3546** (By Oliveira), Relating to the zoning authority of an eligible barrier island municipality.

To Land and Resource Management.

**HB 3547** (By Oliveira), Relating to standards and procedures for determining whether a person who owns, operates, or manages a pipeline is a common carrier; authorizing a fee.

To Energy Resources.

**HB 3554** (By Eiland), Relating to the business of travel insurance; authorizing penalties.

To Insurance.

**HB 3555** (By Eiland), Relating to the use of a public school student's performance on an end-of-course assessment instrument in determining the student's final grade for the course.

To Public Education.

**HB 3556** (By Kolkhorst), Relating to the licensing and regulation of emergency medical services providers.

To Public Health.

**HB 3557** (By Ritter), Relating to the authority of a county to regulate certain fireworks during a drought.

To County Affairs.

**HB 3558** (By Oliveira), Relating to intra-industry relationships between alcoholic beverage manufacturers, wholesalers, and retailers.

To Licensing and Administrative Procedures.

**HB 3559** (By Pickett), Relating to the Texas Peace Officers' Memorial.

To Homeland Security and Public Safety.

**HB 3561** (By Murphy), Relating to the proceedings of certain municipal courts held in the corporate limits of a contiguous incorporated municipality.

To Urban Affairs.

**HB 3562** (By Murphy), Relating to premium discounts for certain insurance policies.

To Insurance.

**HB 3563** (By Murphy), Relating to eligibility for certain unemployment compensation benefits.

To Economic and Small Business Development.

**HB 3564** (By Murphy), Relating to certain requirements for political parties holding conventions.

To Elections.

**HB 3565** (By Murphy), Relating to the eligibility of certain early voting ballots voted by mail to be counted.

To Elections.

**HB 3569** (By Kleinschmidt), Relating to activities conducted in connection with a state or federal disease control or eradication program for animals.

To Agriculture and Livestock.

**HB 3570** (By Hilderbran), Relating to limiting the frequency of reappraisals of real property for ad valorem tax purposes.

To Ways and Means.

**HB 3571** (By Hilderbran), Relating to taxes administered by the comptroller of public accounts; raising and lowering the rates of certain taxes.

To Ways and Means.

**HB 3574** (By Orr), Relating to the authority of the School Land Board to designate certain revenue for deposit in the real estate special fund account of the permanent school fund.

To Appropriations.

**HB 3579** (By Strama), Relating to investment of the economic stabilization fund.

To Appropriations.

**HB 3580** (By Strama), Relating to the state spending limit.

To Appropriations.

**HB 3581** (By Strama), Relating to health education curriculum and instruction in public schools.

To Public Education.

**HB 3584** (By Strama), Relating to rates charged and credits granted by certain electric utilities to retail customers with on-site solar generation capacity.

To State Affairs.

**HB 3585** (By Strama), Relating to procedures for credit by examination in public schools.

To Public Education.

**HB 3586** (By Strama), Relating to the creation of the Accessible Learning Materials Council.

To Public Education.

**HB 3587** (By Strama), Relating to establishment of the Texas Early Learning Council.

To Public Education.

**HB 3588** (By Gutierrez), Relating to the prosecution of and consequences for certain acts of official oppression; providing penalties.

To Criminal Jurisprudence.

**HB 3589** (By Gutierrez), Relating to the restriction on powers of certain municipalities, relating to the terms that may not be contained in a development agreement, and other restrictions for a reinvestment zone under the Tax Increment Financing Act.

To Ways and Means.

**HB 3590** (By D. Bonnen), Relating to the authority of a customer to choose not to have an advanced meter on the customer's property.

To State Affairs.

**HB 3593** (By Burnam), Relating to the determination that a voter is ineligible to vote.

To Elections.

**HB 3594** (By Burnam), Relating to certain requirements for voter registration applications and for deputy voter registrars.

To Elections.

**HB 3595** (By Burnam), Relating to imposing a fee on water used in the performance of a hydraulic fracturing treatment on an oil or gas well.

To Energy Resources.

**HB 3597** (By Burnam), Relating to the authority of the Railroad Commission of Texas to issue a permit to drill an oil or gas well in an easement held by the Texas Department of Transportation.

To Energy Resources.

**HB 3598** (By Burnam), Relating to the amounts of the administrative penalties for violating certain statutes under the jurisdiction of, rules or orders adopted by, or licenses, permits, or certificates issued by the Railroad Commission of Texas.

To Energy Resources.

**HB 3599** (By Burnam), Relating to restrictions on the siting, drilling, completion, and operation of oil and gas wells in certain locations.

To Energy Resources.

**HB 3600** (By Burnam), Relating to the rights of an owner of the surface estate in land in connection with oil and gas exploration and production operations; providing administrative penalties.

To Energy Resources.

**HB 3601** (By Burnam), Relating to notice to a surface owner regarding certain oil or gas transactions or operations; providing an administrative penalty.

To Energy Resources.

**HJR 114** (By Dutton), Proposing a constitutional amendment requiring the periodic review of state and local tax preferences and the expiration of certain tax preferences if not reauthorized by law.

To Ways and Means.

**HJR 141** (By Kuempel), Proposing a constitutional amendment to authorize online poker gaming regulated under federal law.

To Licensing and Administrative Procedures.

**HR 934** (By Workman), Granting permission to the South Central Texas District of Optimist International to use the house chamber on March 24, 2013.

To House Administration.

**HR 981** (By Martinez), Commending students and advisors from Weslaco and Weslaco East High Schools for participating in Texas SkillsUSA Day.

To Rules and Resolutions.

**HR 982** (By Deshotel), Recognizing April 9, 2013, as REALTOR Appreciation Day at the State Capitol.

To Rules and Resolutions.

**HR 983** (By Larson), Honoring Larry Coker, head football coach of The University of Texas at San Antonio.

To Rules and Resolutions.

**HR 984** (By White), Commemorating the 160th anniversary of Dixie Missionary Baptist Church in Jasper.

To Rules and Resolutions.

**HR 985** (By Patrick), Recognizing March 2013 as Texas Public Schools Month.

To Rules and Resolutions.

**HR 986** (By Larson), In memory of Kali Gorzell of San Antonio.

To Rules and Resolutions.

**HR 988** (By Longoria), Commemorating Teach For America Week in the Rio Grande Valley March 18-22, 2013.

To Rules and Resolutions.

**HR 990** (By Guillen), Commemorating the 60th anniversary of the Texas Historical Commission.

To Rules and Resolutions.

**HR 991** (By Farney), Congratulating Dr. Edward B. Burger on his appointment as president of Southwestern University.

To Rules and Resolutions.

**HR 992** (By Farney), Congratulating Bill Gravell on his appointment as justice of the peace for Williamson County Precinct 3.

To Rules and Resolutions.

**HR 994** (By Stickland), Congratulating the members of the 1957 and 1958 baseball teams of L. D. Bell High School on being inducted into the Hurst-Euleless-Bedford Sports Hall of Fame.

To Rules and Resolutions.

**HR 995** (By Stickland), Congratulating the members of the 2005 state champion Trinity High School football team on their induction into the Hurst-Euleless-Bedford Sports Hall of Fame.

To Rules and Resolutions.

**HR 996** (By Stickland), Congratulating Kendra Donnelly on her induction into the Hurst-Euleless-Bedford Sports Hall of Fame.

To Rules and Resolutions.

**HR 997** (By Stickland), Congratulating Dennis Allen on his induction into the Hurst-Euleless-Bedford Sports Hall of Fame.

To Rules and Resolutions.

**HR 998** (By Stickland), Congratulating Ray Wright on his induction into the Hurst-Euleess-Bedford Sports Hall of Fame.

To Rules and Resolutions.

**HR 999** (By Stickland), Congratulating Junior Filikitonga on his induction into the Hurst-Euleess-Bedford Sports Hall of Fame.

To Rules and Resolutions.

**HR 1001** (By Stickland), Commemorating the posthumous induction of M. A. Dodson into the Hurst-Euleess-Bedford Sports Hall of Fame.

To Rules and Resolutions.

**HR 1002** (By Stickland), Congratulating David Alan Jarzynka, Jr., of Bedford on attaining the rank of Eagle Scout.

To Rules and Resolutions.

**HR 1003** (By D. Bonnen), Recognizing Greek Independence Day on March 25, 2013.

To Rules and Resolutions.

**HR 1004** (By Moody), Honoring the Franklin High School and Coronado High School basketball teams for their act of sportsmanship in a game on February 12, 2013.

To Rules and Resolutions.

**HR 1005** (By Moody), Congratulating James F. Scherr of El Paso on his 60th birthday.

To Rules and Resolutions.

**HR 1006** (By Flynn), In memory of Clifford Roy Wherley of Greenville.

To Rules and Resolutions.

**HR 1008** (By Craddick), Congratulating Anna James of Midland High School on winning the UIL 5A one-meter diving state championship.

To Rules and Resolutions.

**HR 1009** (By Collier), Honoring Ruby Cole Session for her contributions as an educator and as an advocate for criminal justice reform.

To Rules and Resolutions.

**HR 1011** (By Patrick), Recognizing the Texas Rangers baseball club for its successful 2012 season.

To Rules and Resolutions.

**HR 1013** (By Hughes), Congratulating John and Wanda Noe of Quitman on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1015** (By Orr), Commemorating the dedication of a Texas Historical Marker at Grandview Masonic Lodge No. 266.

To Rules and Resolutions.

**HR 1016** (By Burkett), Commemorating the 10th anniversary of the Rowlett Citizen Corps Council.

To Rules and Resolutions.

**HR 1019** (By Martinez), In memory of Richard C. Hawkins of Weslaco.  
To Rules and Resolutions.

**HR 1021** (By Price), Recognizing March 21, 2013, as Texas State Athletic Trainers' Association Legislative Day at the State Capitol.  
To Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 1530** (By K. King), Relating to the authority of a county clerk or district clerk to collect certain fees; imposing and increasing certain court fees.  
To Judiciary and Civil Jurisprudence.

**HB 2125** (By Taylor), Relating to dispute resolution for certain property insurance claims; authorizing a fee.  
To Insurance.

**HB 2887** (By J. Davis), Relating to the establishment of community collaboratives by local entities to provide services to and coordinate the care of persons who are homeless, persons with mental illness, and persons with substance abuse problems.  
To Public Health.

**HCR 26** (By Flynn), Urging the United States Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.  
To Select Federalism and Fiscal Responsibility.

## List No. 2

**SB 1** to Appropriations.

## MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

### Message No. 1

#### MESSAGE FROM THE SENATE

#### SENATE CHAMBER

Austin, Texas

Wednesday, March 20, 2013 - 1

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 160** Huffman

Relating to the identification of a person as an election poll watcher.

**SB 330** Huffman

Relating to certain information to which a social study evaluator is entitled in a suit affecting the parent-child relationship; providing a criminal penalty.

**SJR 13** Eltife

Proposing a constitutional amendment limiting to two the number of consecutive terms for which a person may be elected or appointed to hold certain state offices.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, March 20, 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:

**SB 1** Williams  
General Appropriations Bill.

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:

**March 19**

Government Efficiency and Reform - **HB 914, HB 1390**

Homeland Security and Public Safety - **HB 485, HB 802, HB 860, HB 919, HB 1093, HB 1120, HB 1268, HB 1591**

Investments and Financial Services - **HB 560, HB 702, HB 1113**

Natural Resources - **HB 4**

Public Education - **HB 5**

Technology - **HB 984**

**SENT TO THE GOVERNOR**

**March 19 - HCR 10, HCR 48, HCR 83**