

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-NINTH DAY — THURSDAY, MAY 9, 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 690).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycoc; 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; 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; 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.

Absent, Excused — Giddings.

Absent — McClendon.

The speaker recognized Representative Cortez who introduced Richard Robles, Jr., pastor, Igniting the Harvest Christian Church, San Antonio, who offered the invocation as follows:

Awesome and mighty God, we gather here today as a grateful people who are thankful of the many blessings you have bestowed upon our lives and our families. Gracious God, we recognize your word which states: "Blessed is the nation whose God is their Lord." We believe that we are a nation under God, and we gather this morning to call upon you in these perilous times so that you will always direct our path. We come before thy presence this day to thank you for the many blessings you have bestowed upon this house, and we recognize our dependence on you. We thank you for our forefathers that laid a foundation of

righteousness. Dear Lord, I ask that your face will always shine upon this house, and may you forever grant your wisdom and presence in this house. Amen and amen.

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

### **LEAVE OF ABSENCE GRANTED**

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

Giddings on motion of Harper-Brown.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Larson who presented Dr. Michael Dominguez of San Antonio as the "Doctor for the Day."

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

### **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 final recess.

(Burkett in the chair)

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

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, at 10:30 a.m. today, in 3W.15, to consider **SB 1473** and pending business.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

County Affairs, 10:30 a.m. today, 3W.15, for a formal meeting, to consider **SB 1473** and pending business.

(McClendon now present)

### **HR 1056 - PREVIOUSLY ADOPTED (by Strama)**

The chair laid out the following previously adopted resolution:

**HR 1056**, Welcoming Dutch ambassador Rudolf Bekink to the State Capitol and recognizing the importance of the trade relationship between the United States and the Netherlands.

On motion of Representative Nevárez, the names of all the members of the house were added to **HR 1056** as signers thereof.

**HR 1873 - ADOPTED**  
**(by Strama, et al.)**

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HR 1873**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1873**, Recognizing May 6-12, 2013, as STEM Education Week.

**HR 1873** was adopted.

**SCR 35 - ADOPTED**  
**(G. Bonnen - House Sponsor)**

Representative G. Bonnen moved to suspend all necessary rules to take up and consider at this time **SCR 35**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 35**, Commending George Mitchell for his generous support of the Texas Capitol Vietnam Veterans Monument through the Cynthia and George Mitchell Foundation.

**SCR 35** was adopted.

On motion of Representative Harper-Brown, the names of all the members of the house were added to **SCR 35** as signers thereof.

**PROVIDING FOR A LOCAL, CONSENT,  
AND RESOLUTIONS CALENDAR**

Representative S. Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. tomorrow.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative S. Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 10:40 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Local and Consent Calendars, 10:40 a.m. today, 3W.15, for a formal meeting, to set a calendar.

**LEAVE OF ABSENCE GRANTED**

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

S. Turner on motion of Allen.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 27).

(G. Bonnen in the chair)

### **LEAVES OF ABSENCE GRANTED**

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

Anderson on motion of Leach.

Bohac on motion of Leach.

Burkett on motion of Leach.

Clardy on motion of Leach.

Collier on motion of Leach.

Farney on motion of Leach.

Gonzales on motion of Leach.

Larson on motion of Leach.

Martinez on motion of Leach.

Moody on motion of Leach.

Muñoz on motion of Leach.

Sheets on motion of Leach.

S. Thompson on motion of Leach.

(Toth in the chair)

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

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

#### **SB 727 ON THIRD READING (G. Bonnen - House Sponsor)**

**SB 727**, A bill to be entitled An Act relating to the eligibility for judge-ordered community supervision or for release on parole of certain defendants convicted of burglary with the intent to commit a sex offense.

(Moody now present)

**SB 727** was passed by (Record 691): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burnam; Button; Callegari; Canales; Capriglione; Carter; Coleman; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby;

Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; 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; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Turner, S.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Collier; Farney; Gonzales; Larson; Martinez; Muñoz; Sheets; Thompson, S.

Absent — Miles.

#### STATEMENTS OF VOTE

When Record No. 691 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

I was shown voting yes on Record No. 691. I intended to vote no.

Rose

When Record No. 691 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

#### **SB 660 ON THIRD READING** **(Anchia - House Sponsor)**

**SB 660**, A bill to be entitled An Act relating to assessment collection in certain public improvement districts.

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

Representatives Anchia, Branch, and Villalba offered the following amendment to **SB 660**:

Amend **SB 660** on third reading by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 351.106, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) A municipality to which this section applies:

(1) is entitled to receive in the same manner all funds and revenue that a municipality to which Section 351.1015 applies may receive under that section;  
and

(2) may pledge the funds and revenue for the payment of obligations incurred for the construction of qualified projects authorized under that section.

Amendment No. 1 was adopted.

**SB 660**, as amended, was passed by (Record 692): 132 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Turner, S.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Collier; Farney; Gonzales; Larson; Martinez; Muñoz; Sheets; Thompson, S.

Absent — Miles; Pitts.

### STATEMENTS OF VOTE

When Record No. 692 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 692 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

**SB 376 ON THIRD READING****(E. Rodriguez, Aycock, Alvarado, J. Davis, and Miles - House Sponsors)**

**SB 376**, A bill to be entitled An Act relating to breakfast for certain public school students.

**SB 376** was passed by (Record 693): 73 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Burnam; Coleman; Cortez; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Geren; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Isaac; Johnson; Kacal; Keffer; King, S.; King, T.; Longoria; Lozano; Lucio; Márquez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Moody; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Smith; Stephenson; Strama; Turner, C.; Villarreal; Vo; Walle; Wu.

Nays — Bell; Bonnen, D.; Bonnen, G.; Branch; Button; Callegari; Capriglione; Carter; Cook; Craddick; Creighton; Crownover; Dale; Davis, S.; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Harper-Brown; Hilderbran; Hughes; King, K.; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Lewis; Miller, R.; Paddie; Parker; Perry; Phillips; Raney; Riddle; Sanford; Schaefer; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Giddings; Turner, S.

Absent, Excused, Committee Meeting — Anderson; Bohac; Burkett; Clardy; Collier; Farney; Gonzales; Larson; Martinez; Muñoz; Sheets; Thompson, S.

Absent — Canales; Hunter; Miles.

**STATEMENTS OF VOTE**

When Record No. 693 was taken, I was excused for a committee meeting. I would have voted no.

Anderson

When Record No. 693 was taken, I was excused for a committee meeting. I would have voted yes.

Burkett

When Record No. 693 was taken, my vote failed to register. I would have voted yes.

Canales

When Record No. 693 was taken, I was excused for a committee meeting. I would have voted yes.

Collier

I was shown voting yes on Record No. 693. I intended to vote no.

Gooden

I was shown voting yes on Record No. 693. I intended to vote no.

Harless

When Record No. 693 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting yes on Record No. 693. I intended to vote no.

D. Miller

When Record No. 693 was taken, I was excused for a committee meeting. I would have voted yes.

Muñoz

When Record No. 693 was taken, I was excused for a committee meeting. I would have voted yes.

S. Thompson

(G. Bonnen in the chair)

### LEAVE OF ABSENCE GRANTED

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

Miles on motion of Branch.

### HR 1980 - ADOPTED (by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 1980**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1980**, Recognizing the contributions of Scientific Sessions to cardiovascular science.

**HR 1980** was adopted.

On motion of Representative G. Bonnen, the names of all the members of the house were added to **HR 1980** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Branch who introduced representatives of the American Heart Association.



(Anderson, Bohac, Burkett, Clardy, Larson, Martinez, Muñoz, and S. Thompson now present)

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Aycok requested permission for the Committee on Public Education to meet while the house is in session, at 2:30 p.m. today, in 3W.9, to consider **SB 1799** and pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 2:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 1799** and pending business.

### SB 878 ON THIRD READING

(Carter - House Sponsor)

**SB 878**, A bill to be entitled An Act relating to the disposition of proceeds and property from criminal asset forfeiture.

(Farney, Gonzales, and Sheets now present)

#### Amendment No. 1

Representative N. Gonzalez offered the following amendment to **SB 878**:

Amend **SB 878** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 59, Code of Criminal Procedure, is amended by adding Article 59.063 to read as follows:

Art. 59.063. UNIFORM REPORTING REQUIREMENT. (a) Not later than the 90th day after the last day of the fiscal year for the agency, a law enforcement agency engaged in the seizure, forfeiture, receipt, or expenditure of proceeds and property received under this chapter shall submit to the state auditor an annual report covering the preceding fiscal year that includes:

(1) information on each seizure and forfeiture by the agency, including:

(A) the date the proceeds or property was seized;

(B) the type of any property seized, including the make, model, and serial number, as applicable;

(C) the nature of the underlying offense;

(D) the disposition of related criminal actions;

(E) the venue of the forfeiture proceeding;

(F) whether the owner of the proceeds or property subject to forfeiture is represented by an attorney in the forfeiture proceeding;

(G) the value of the proceeds or property;

(H) the gross amount received from the forfeiture, the expenses deducted as part of the forfeiture proceeding, and the net amount received from the forfeiture; and

(1) the disposition of the proceeds or property following seizure and the date of that disposition; and

(2) the amount and purpose of each expenditure of forfeiture proceeds by the law enforcement agency, including:

(A) gang and substance abuse prevention and education;

(B) witness protection;

(C) court costs and attorney's fees;

(D) law enforcement agency salaries, overtime pay, and benefits for officers and employees;

(E) professional or outside services, including services related to auditing, court reporting, and expert witnesses;

(F) travel expenses, including meals and entertainment;

(G) training and conferences;

(H) operating expenses, including the cost of producing reports under this article;

(I) vehicles;

(J) law enforcement agency equipment, such as tactical gear and firearms;

(K) capital expenditures, such as furniture, computers, and office equipment; and

(L) any other uses of forfeiture proceeds.

(b) Each law enforcement agency shall file the report described by Subsection (a) covering the seizure, forfeiture, receipt, or expenditure of proceeds and property received under this chapter by the law enforcement agency. A report must be filed by a law enforcement agency that did not engage in a seizure or forfeiture during the reporting period indicating that fact.

(c) The state auditor shall adopt a standard form for the timely submission of a report under Subsection (a). The state auditor's office shall make the submitted reports available on its Internet website and shall provide printed copies to state legislators on request.

(d) Each law enforcement agency may use proceeds received under this chapter to pay costs incurred by the agency to comply with the requirements of this article.

(e) The state auditor may charge a fee to each law enforcement agency to cover costs incurred by the office in making the reports available under Subsection (c). Each law enforcement agency may use proceeds received under this chapter to pay the fee.

(f) A report submitted to the state auditor under this article is public information under Chapter 552, Government Code.

SECTION \_\_\_\_\_. Article 59.063, Code of Criminal Procedure, as added by this Act, applies only to a fiscal year starting on or after January 1, 2014.

Amendment No. 1 failed of adoption (not receiving the necessary two-thirds vote) by (Record 694): 67 Yeas, 71 Nays, 4 Present, not voting.

Yeas — Alvarado; Anderson; Ashby; Bohac; Bonnen, D.; Burnam; Button; Callegari; Capriglione; Clardy; Cook; Cortez; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Dutton; Eiland; Farias; González, M.; Gonzalez, N.; Guerra;

Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Hughes; Hunter; Johnson; King, S.; King, T.; Lavender; Longoria; Lucio; Márquez; Martinez Fischer; Menéndez; Miller, D.; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Pickett; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Stephenson; Stickland; Villalba; Villarreal; Vo; Walle; White; Workman; Zerwas.

Nays — Allen; Alonzo; Anchia; Bell; Branch; Burkett; Canales; Carter; Coleman; Craddick; Creighton; Dale; Davis, Y.; Dukes; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harper-Brown; Hilderbran; Huberty; Isaac; Kacal; King, K.; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Leach; Lewis; Lozano; Martinez; McClendon; Miller, R.; Moody; Morrison; Murphy; Paddie; Parker; Perry; Pitts; Price; Raney; Riddle; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Smith; Smithee; Springer; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Wu; Zedler.

Present, not voting — Mr. Speaker; Aycock; Bonnen, G.(C); Phillips.

Absent, Excused — Giddings; Miles; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Keffer; Sheffield, J.; Strama; Toth.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 694. I intended to vote no.

Bohac

I was shown voting yes on Record No. 694. I intended to vote no.

Callegari

I was shown voting yes on Record No. 694. I intended to vote no.

Capriglione

When Record No. 694 was taken, I was excused for a committee meeting. I would have voted no.

Collier

I was shown voting yes on Record No. 694. I intended to vote no.

Cook

I was shown voting yes on Record No. 694. I intended to vote no.

Crownover

I was shown voting yes on Record No. 694. I intended to vote no.

Harless

I was shown voting yes on Record No. 694. I intended to vote no.

Hunter

I was shown voting yes on Record No. 694. I intended to vote no.

S. King

I was shown voting yes on Record No. 694. I intended to vote no.

D. Miller

I was shown voting yes on Record No. 694. I intended to vote no.

Orr

I was shown voting yes on Record No. 694. I intended to vote no.

Otto

I was shown voting yes on Record No. 694. I intended to vote no.

Patrick

I was shown voting yes on Record No. 694. I intended to vote no.

Zerwas

**SB 878** was passed by (Record 695): 140 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; 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; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Márquez; Rose; Thompson, S.

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

Absent, Excused — Giddings; Miles; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Strama.

**STATEMENT OF VOTE**

When Record No. 695 was taken, I was excused for a committee meeting. I would have voted yes.

Collier

**SB 654 ON THIRD READING  
(Anchia - House Sponsor)**

**SB 654**, A bill to be entitled An Act relating to the enforcement of water conservation and animal care and control ordinances of a municipality by civil action or quasi-judicial enforcement; providing civil penalties.

**SB 654 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE SHEETS: Mr. Anchia, I just want to review—real quick—what we went through yesterday. This is about giving our municipalities more flexibility so that they don't have to use criminal penalties when we leave our sprinklers on when we're not supposed to and when our dogs are barking. It's a civil penalty so that we don't have to deal with criminal issues, right?

REPRESENTATIVE ANCHIA: Precisely, Representative, and so we don't have to use city resources for those things—warrants, tracking people down on criminal proceedings, and instead can use taxpayer resources that the city manages for productive activities like code enforcement—all the things that we want to see going on in our communities.

SHEETS: And the lawsuits can only be brought by the municipalities, not by individuals, trial lawyers, or anybody like that?

ANCHIA: That's exactly right, Representative. Good question.

**REMARKS ORDERED PRINTED**

Representative Anchia moved to print remarks between Representative Sheets and Representative Anchia.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

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

Strama on motion of Muñoz.

**SB 654 - (consideration continued)**

**SB 654** was passed by (Record 696): 88 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Branch; Burnam; Canales; Carter; Coleman; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Frank; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Hunter; Isaac; Johnson; Kacal; King, S.; King, T.; Kolkhorst; Larson; Laubenberg; Leach; Lewis; Longoria; Lucio;

Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Smith; Thompson, S.; Turner, C.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Anderson; Ashby; Aycock; Bell; Bonnen, D.; Burkett; Button; Callegari; Capriglione; Clardy; Cook; Craddick; Creighton; Elkins; Fallon; Fletcher; Flynn; Frullo; Geren; Goldman; Gooden; Harper-Brown; Hilderbran; Huberty; Hughes; King, K.; King, P.; Kleinschmidt; Klick; Krause; Kuempel; Lavender; Lozano; Miller, R.; Morrison; Paddie; Parker; Phillips; Riddle; Schaefer; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Toth; Turner, E.S.; White; Workman; Zedler.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Keffer; Thompson, E.

#### STATEMENTS OF VOTE

When Record No. 696 was taken, I was excused for a committee meeting. I would have voted yes.

Collier

I was shown voting no on Record No. 696. I intended to vote yes.

Cook

I was shown voting yes on Record No. 696. I intended to vote no.

Perry

#### SB 1907 ON THIRD READING

**(Kleinschmidt, Raymond, Guillen, Sanford, Krause, et al. - House Sponsors)**

**SB 1907**, A bill to be entitled An Act relating to the transportation and storage of firearms and ammunition in private vehicles on the campuses of institutions of higher education.

**SB 1907** was passed by (Record 697): 124 Yeas, 13 Nays, 3 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Capriglione; Carter; Clardy; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; 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; 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; Riddle; Rodriguez, J.; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Canales; Davis, Y.; Farrar; Gonzalez, N.; Howard; Márquez; Rodriguez, E.; Rose; Walle.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Coleman; Keffer; Reynolds; Ritter; Simmons.

### STATEMENTS OF VOTE

When Record No. 697 was taken, I was excused for a committee meeting. I would have voted no.

Collier

I was shown voting yes on Record No. 697. I intended to vote no.

Cortez

I was shown voting yes on Record No. 697. I intended to vote no.

J. Rodriguez

## CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS THIRD READING

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

### HJR 138 ON THIRD READING (by E. Rodriguez)

**HJR 138**, A joint resolution proposing a constitutional amendment authorizing the governing body of a political subdivision to adopt a local option residence homestead exemption from ad valorem taxation of a portion, expressed as a dollar amount, of the market value of an individual's residence homestead.

**HJR 138** failed of adoption (not receiving the necessary two-thirds vote) by (Record 698): 46 Yeas, 79 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Burnam; Canales; Coleman; Cortez; Davis, J.; Deshotel; Dukes; Farias; Farrar; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Howard; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; McClendon; Menéndez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Sheffield, J.; Stephenson; Thompson, S.; Toth; Turner, C.; Villarreal; Vo; Walle; Workman; Wu.

Nays — Anderson; Ashby; Aycock; Bell; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Creighton; Crownover; Dale; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Paddie; Parker; Patrick; Perry; Phillips; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Turner, E.S.; Villalba; White; Zedler; Zerwas.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Allen; Anchia; Bohac; Bonnen, D.; Craddick; Darby; Davis, S.; Davis, Y.; Dutton; Eiland; Guillen; Herrero; Keffer; Martinez Fischer; Otto; Pitts; Rose; Smith.

#### STATEMENTS OF VOTE

When Record No. 698 was taken, I was temporarily out of the house chamber. I would have voted no.

Allen

When Record No. 698 was taken, I was excused for a committee meeting. I would have voted yes.

Collier

When Record No. 698 was taken, my vote failed to register. I would have voted no.

Craddick

When Record No. 698 was taken, I was in the house but away from my desk. I would have voted no.

S. Davis

When Record No. 698 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 698 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 698 was taken, I was temporarily out of the house chamber. I would have voted no.

Otto



I was shown voting yes on Record No. 698. I intended to vote no.

Workman

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 1223 ON THIRD READING  
(by Hilderbran, Murphy, Sheets, and Harless)**

**HB 1223**, A bill to be entitled An Act relating to the temporary exemption of certain tangible personal property related to data centers from the sales and use tax.

**HB 1223** was passed by (Record 699): 137 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Perry; Schaefer; Wu.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Keffer; Longoria; Rose.

**STATEMENT OF VOTE**

I was shown voting no on Record No. 699. I intended to vote yes.

Schaefer

**HB 2767 ON THIRD READING**  
**(by P. King, Keffer, and Lewis)**

**HB 2767**, A bill to be entitled An Act relating to the treatment and recycling for beneficial use of certain waste arising out of or incidental to the drilling for or production of oil or gas.

Representative P. King moved to postpone consideration of **HB 2767** until 12:11 p.m. today.

The motion prevailed.

**HB 2770 ON THIRD READING**  
**(by Branch, Strama, Ratliff, Anchia, Frank, et al.)**

**HB 2770**, A bill to be entitled An Act relating to the investment of a certain portion of the economic stabilization fund balance.

**Amendment No. 1**

Representative Alonzo offered the following amendment to **HB 2770**:

Amend **HB 2770** on third reading on page 2, between lines 1 and 2, add the following:

(c) In awarding contracts for the investment of money described by Subsection (a) to private professional investment managers or otherwise acquiring private financial services relating to the management of assets held in the economic stabilization fund, the comptroller may consider awarding contracts to or acquiring services from qualified emerging fund managers, consistent with the investment standard described by Section 404.024(j).

(d) For purposes of Subsection (c):

(1) "Emerging fund manager" means a private professional investment manager that manages assets of not more than \$2 billion.

(2) "Private financial services" includes pension fund management, consulting, investment advising, brokerage services, hedge fund management, private equity fund management, and real estate investment.

Representative Branch moved to postpone consideration of **HB 2770** until 12:16 p.m. today.

The motion prevailed.

**HB 2396 ON THIRD READING**  
**(by G. Bonnen, Moody, et al.)**

**HB 2396**, A bill to be entitled An Act relating to the penalty for certain family violence committed in the presence of a child.

**HB 2396** was passed by (Record 700): 134 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Alonzo; Keffer; King, T.; Kleinschmidt; Longoria; Pitts; Rodriguez, J.; Rose; Stephenson.

#### STATEMENTS OF VOTE

When Record No. 700 was taken, I was in the house but away from my desk. I would have voted yes.

Longoria

When Record No. 700 was taken, I was in the house but away from my desk. I would have voted yes.

J. Rodriguez

When Record No. 700 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

#### HB 628 ON THIRD READING

(by Dale, Márquez, Nevárez, Huberty, E. Thompson, et al.)

**HB 628**, A bill to be entitled An Act relating to the right of a member of the board of trustees of a school district to obtain information, documents, and records.

**HB 628** was passed by (Record 701): 137 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Kacal; Keffer; Pitts; Raney; Rodriguez, J.; Smith.

### STATEMENT OF VOTE

When Record No. 701 was taken, I was in the house but away from my desk. I would have voted yes.

J. Rodriguez

### HB 2240 ON THIRD READING

(by S. Turner, N. Gonzalez, Alvarado, et al.)

**HB 2240**, A bill to be entitled An Act relating to a study on homeless youth.

**HB 2240** was passed by (Record 702): 89 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bohac; Burnam; Canales; Coleman; Cook; Cortez; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Frank; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Hughes; Isaac; Johnson; Kacal; King, P.; King, T.; Kleinschmidt; Kolkhorst; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Pickett; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Smithee; Thompson, E.; Thompson, S.; Turner, C.; Villarreal; Vo; Walle; White; Wu; Zerwas.

Nays — Anderson; Bell; Bonnen, D.; Branch; Burkett; Button; Capriglione; Carter; Clardy; Craddick; Creighton; Dale; Davis, S.; Fallon; Flynn; Frullo; Goldman; Gonzales; Gooden; Hilderbran; Huberty; King, K.; King, S.; Klick; Krause; Kuempel; Laubenberg; Lavender; Leach; Miller, D.; Parker; Phillips; Price; Sanford; Schaefer; Sheets; Simmons; Simpson; Springer; Stephenson; Stickland; Taylor; Toth; Villalba; Workman; Zedler.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Callegari; Farney; Geren; Hunter; Keffer; Pitts; Raney; Turner, E.S.

### STATEMENTS OF VOTE

When Record No. 702 was taken, I was excused for a committee meeting. I would have voted yes.

Collier

I was shown voting yes on Record No. 702. I intended to vote no.

Cook

I was shown voting yes on Record No. 702. I intended to vote no.

Crownover

When Record No. 702 was taken, I was in the house but away from my desk. I would have voted no.

Geren

I was shown voting yes on Record No. 702. I intended to vote no.

Harless

When Record No. 702 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting yes on Record No. 702. I intended to vote no.

Lewis

I was shown voting yes on Record No. 702. I intended to vote no.

Smithee

### HB 2075 ON THIRD READING

(by Anchia)

**HB 2075**, A bill to be entitled An Act relating to the operation of certain condominium unit owners' associations.

**HB 2075** was passed by (Record 703): 131 Yeas, 6 Nays, 2 Present, not voting.

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

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

Nays — Creighton; Perry; Phillips; Riddle; Schaefer; Springer.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Alonzo; Coleman; Keffer; Leach; Pitts; Raney.

### **HB 710 ON THIRD READING**

**(by Callegari)**

**HB 710**, A bill to be entitled An Act relating to the use by a peace officer of the officer's rank or status to advertise or promote certain private businesses.

**HB 710** was passed by (Record 704): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; 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; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Burnam; Coleman; Gutierrez; Keffer; Raney; Simmons; Walle.

**HB 3276 ON THIRD READING**  
(by Simmons, G. Bonnen, Eiland, et al.)

**HB 3276**, A bill to be entitled An Act relating to the coverage by certain health benefit plans for the screening and treatment of autism spectrum disorder.

**HB 3276** was passed by (Record 705): 137 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; 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; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; 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; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Anderson; Zedler.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Coleman; Keffer; Oliveira.

**STATEMENTS OF VOTE**

When Record No. 705 was taken, I was absent because of excused for a committee meeting. I would have voted yes.

Collier

I was shown voting yes on Record No. 705. I intended to vote no.

Stickland

I was shown voting no on Record No. 705. I intended to vote yes.

Zedler

**HB 3454 ON THIRD READING**  
(by Eiland)

**HB 3454**, A bill to be entitled An Act relating to an exemption from the franchise tax for certain insurance entities.

**HB 3454** was passed by (Record 706): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; 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; 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; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — González, M.; Keffer; Nevárez.

#### STATEMENT OF VOTE

When Record No. 706 was taken, I was in the house but away from my desk. I would have voted yes.

M. González

#### **HB 3574 ON THIRD READING** **(by Orr, Howard, Otto, Darby, and S. Turner)**

**HB 3574**, A bill to be entitled An Act 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.

**HB 3574** was passed by (Record 707): 140 Yeas, 0 Nays, 2 Present, not voting.

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



Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; 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; Miller, D.; Miller, R.; Moody; Morrison; 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; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Keffer; Muñoz; Murphy.

### **HB 2138 ON THIRD READING** **(by Dutton)**

**HB 2138**, A bill to be entitled An Act relating to the boundaries of the Near Northside Management District.

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

Representative Dutton offered the following amendment to **HB 2138**:

Amend **HB 2138** on third reading by striking the SECTION of the bill adding Section 3905.1121, Special District Local Laws Code, substituting the following appropriately numbered SECTION to the bill, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 3807, Special District Local Laws Code, is amended by adding Section 3807.1041 to read as follows:

Sec. 3807.1041. COORDINATION WITH NEAR NORTHSIDE DISTRICT. In determining the improvement projects or services the district provides in an area that is located also within the boundaries of the Near Northside Management District, the district shall coordinate its efforts with the efforts of the Near Northside Management District to achieve governmental efficiency and avoid duplication of improvement projects or services. The district may not duplicate an improvement project or service that the Near Northside Management District provides in the same territory.

Amendment No. 1 was adopted.

**HB 2138**, as amended, was passed by (Record 708): 134 Yeas, 4 Nays, 5 Present, not voting.

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

Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; 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; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Morrison; Phillips; Stickland; Taylor.

Present, not voting — Mr. Speaker; Bonnen, G.(C); Davis, S.; Fallon; Klick.

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Dukes; Keffer.

#### STATEMENT OF VOTE

I was shown voting yes on Record No. 708. I intended to vote no.

Flynn

#### HB 2100 ON THIRD READING

(by S. Thompson, Price, Workman, White, Longoria, et al.)

**HB 2100**, A bill to be entitled An Act relating to the salary for certain employees of the Department of Public Safety of the State of Texas.

**HB 2100** was passed by (Record 709): 136 Yeas, 6 Nays, 2 Present, not voting.

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

Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Capriglione; Krause; Lavender; Schaefer; Stickland; Taylor.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Keffer.

### STATEMENTS OF VOTE

When Record No. 709 was taken, I was excused for a committee meeting. I would have voted yes.

Collier

I was shown voting no on Record No. 709. I intended to vote yes.

Taylor

### HB 3042 ON THIRD READING (by Oliveira and Lucio)

**HB 3042**, A bill to be entitled An Act relating to the allocation of state hotel occupancy tax revenue to certain municipalities for cleaning and maintenance of and erosion control for public beaches.

#### Amendment No. 1

Representative Hilderbran offered the following amendment to **HB 3042**:

Amend **HB 3042** (house committee printing) as follows:

(1) On page 1, line 9, between "quarter" and the comma, insert "and subject to Subsection (d)".

(2) On page 2, between lines 15 and 16, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 156.2512, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) The comptroller may not issue a warrant to any municipality under this section for an amount that exceeds the amount of revenue derived from the collection of taxes imposed under this chapter at a rate of two percent and received from hotels located within the municipality.

Amendment No. 1 was adopted.

**HB 3042**, as amended, was passed by (Record 710): 92 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Bohac; Burkett; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Cook; Cortez; Dale; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard;

Huberty; Hunter; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miller, D.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Smith; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Villalba; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anchia; Aycock; Bell; Bonnen, D.; Branch; Capriglione; Craddick; Creighton; Crownover; Davis, S.; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gooden; Harless; Isaac; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Lewis; Miller, R.; Murphy; Orr; Paddie; Parker; Perry; Sanford; Schaefer; Sheffield, R.; Simmons; Smithee; Springer; Stephenson; Stickland; Toth; Turner, E.S.; White; Zedler.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Hughes; Keffer; Sheets; Sheffield, J.; Villarreal.

#### STATEMENTS OF VOTE

When Record No. 710 was taken, my vote failed to register. I would have voted no.

Sheets

I was shown voting yes on Record No. 710. I intended to vote no.

Taylor

#### HB 705 ON THIRD READING

(by Howard, Schaefer, Hughes, Moody, Toth, et al.)

**HB 705**, A bill to be entitled An Act relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity.

**HB 705** was passed by (Record 711): 139 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — González, M.; Martinez Fischer; Rodriguez, E.; Wu.

### STATEMENTS OF VOTE

When Record No. 711 was taken, I was in the house but away from my desk. I would have voted yes.

M. González

When Record No. 711 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

I was shown voting yes on Record No. 711. I intended to vote no.

Rose

### HB 1581 ON THIRD READING (by Riddle)

**HB 1581**, A bill to be entitled An Act relating to an entity's designation of an agent for service of process, notice, or demand in an assumed business or professional name certificate.

**HB 1581** was passed by (Record 712): 140 Yeas, 1 Nays, 2 Present, not voting.

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

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

Nays — Stephenson.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Coleman; Frank.

### STATEMENT OF VOTE

When Record No. 712 was taken, I was excused for a committee meeting. I would have voted yes.

Collier

### REMARKS ORDERED PRINTED

Representative Dukes moved to print her remarks on **HB 194** on Wednesday, May 8.

The motion prevailed.

### HB 2595 ON THIRD READING (by Parker)

**HB 2595**, A bill to be entitled An Act relating to the value of personal property that is exempt from seizure to pay a crime victim under an order of restitution.

**HB 2595** was passed by (Record 713): 142 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Phillips.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

### STATEMENTS OF VOTE

When Record No. 713 was taken, I was excused for a committee meeting. I would have voted no.

Collier

I was shown voting yes on Record No. 713. I intended to vote no.

Hunter

I was shown voting no on Record No. 713. I intended to vote yes.

Phillips

### HB 2570 ON THIRD READING

(by Miles)

**HB 2570**, A bill to be entitled An Act relating to the provision of the reason for rejecting a voter registration application.

**HB 2570** was passed by (Record 714): 95 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Ashby; Aycock; Branch; Burkett; Burnam; Callegari; Canales; Clardy; Coleman; Cortez; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Flynn; Frullo; Geren; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Johnson; Kacal; King, K.; King, S.; King, T.; Klick; Kolkhorst; Kuempel; Larson; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Menéndez; Miller, R.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Simmons; Simpson; Smith; Smithee; Thompson, E.; Thompson, S.; Turner, C.; Villalba; Vo; Walle; White; Wu; Zerwas.

Nays — Bell; Bohac; Bonnen, D.; Button; Capriglione; Carter; Cook; Craddick; Creighton; Dale; Davis, S.; Fallon; Frank; Goldman; Gonzales; Gooden; Isaac; Keffer; King, P.; Kleinschmidt; Krause; Laubenberg; Lavender; Leach; Lozano; Miller, D.; Murphy; Parker; Perry; Phillips; Sanford; Sheets; Sheffield, R.; Springer; Stephenson; Stickland; Taylor; Toth; Turner, E.S.; Workman; Zedler.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Alonzo; Dukes; Fletcher; Hunter; McClendon; Sheffield, J.; Villarreal.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 714. I intended to vote no.

Anderson

I was shown voting yes on Record No. 714. I intended to vote no.

Callegari

When Record No. 714 was taken, I was excused for a committee meeting. I would have voted yes.

Collier

I was shown voting yes on Record No. 714. I intended to vote no.

Farney

When Record No. 714 was taken, I was in the house but away from my desk. I would have voted no.

Fletcher

I was shown voting yes on Record No. 714. I intended to vote no.

Flynn

I was shown voting yes on Record No. 714. I intended to vote no.

Frullo

I was shown voting yes on Record No. 714. I intended to vote no.

Harless

I was shown voting yes on Record No. 714. I intended to vote no.

Hilderbran

When Record No. 714 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting yes on Record No. 714. I intended to vote no.

Price

I was shown voting yes on Record No. 714. I intended to vote no.

Schaefer

### HB 3240 ON THIRD READING (by Phillips and Fallon)

**HB 3240**, A bill to be entitled An Act relating to the penalty for delivery of certain miscellaneous substances under the Texas Controlled Substances Act.

**HB 3240** was passed by (Record 715): 118 Yeas, 13 Nays, 2 Present, not voting.



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

Nays — Allen; Alvarado; Canales; Davis, Y.; Gutierrez; Márquez; Nevárez; Oliveira; Rodriguez, E.; Rose; Simpson; Thompson, S.; Walle.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Dutton; Goldman; Gonzalez, N.; Johnson; Keffer; Lewis; Martinez Fischer; Menéndez; Perez; Pickett; Stephenson; Stickland.

#### STATEMENTS OF VOTE

When Record No. 715 was taken, I was in the house but away from my desk. I would have voted yes.

Goldman

I was shown voting yes on Record No. 715. I intended to vote no.

M. González

When Record No. 715 was taken, I was in the house but away from my desk. I would have voted yes.

N. Gonzalez

When Record No. 715 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 715 was taken, I was in the house but away from my desk. I would have voted no.

Stickland

**HB 2952 ON THIRD READING**  
**(by J. Rodriguez and Collier)**

**HB 2952**, A bill to be entitled An Act relating to the period of time allowed for issuance of decisions by the commissioner of education in certain appeals against school districts.

**HB 2952** was passed by (Record 716): 140 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Cortez; Dale; Stephenson.

**STATEMENTS OF VOTE**

When Record No. 716 was taken, I was excused for a committee meeting. I would have voted yes.

Collier

When Record No. 716 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

**HB 2158 ON THIRD READING**  
**(by Goldman and Callegari)**

**HB 2158**, A bill to be entitled An Act relating to the period of ineligibility from participation in the Medicaid program by providers found liable for certain unlawful acts under the program.

**HB 2158** was passed by (Record 717): 120 Yeas, 18 Nays, 3 Present, not voting.

Yeas — Allen; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Eiland; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; 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; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miller, R.; Moody; Morrison; 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.; Sanford; Schaefer; Sheets; Sheffield, J.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; Villarreal; Vo; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Anchia; Burnam; Canales; Coleman; Davis, Y.; Farias; Guerra; Guillen; Gutierrez; Johnson; Martinez Fischer; Rose; Stickland; Thompson, S.; Turner, C.; Walle; Wu.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Cortez; Dutton; Miller, D.; Sheffield, R.

#### STATEMENTS OF VOTE

When Record No. 717 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

I was shown voting yes on Record No. 717. I intended to vote no.

M. González

I was shown voting present, not voting on Record No. 717. I intended to vote yes.

Muñoz

When Record No. 717 was taken, I was in the house but away from my desk. I would have voted yes.

R. Sheffield

I was shown voting no on Record No. 717. I intended to vote yes.

Stickland

**HB 793 ON THIRD READING****(by Lozano, Zedler, R. Sheffield, Dale, Muñoz, et al.)**

**HB 793**, A bill to be entitled An Act relating to the prosecution and punishment of the smuggling of persons.

**HB 793** was passed by (Record 718): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Miller, D.

**HB 30 ON THIRD READING****(by Branch, et al.)**

**HB 30**, A bill to be entitled An Act relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.

**Amendment No. 1**

Representative Wu offered the following amendment to **HB 30**:

Amend **HB 30** (second reading engrossment) on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. The heading to Section 51.968, Education Code, is amended to read as follows:

Sec. 51.968. ALTERNATE METHODS FOR EARNING UNDERGRADUATE COURSE CREDIT [FOR HIGH SCHOOL STUDENTS COMPLETING POSTSECONDARY LEVEL PROGRAM].

SECTION \_\_\_\_\_. Section 51.968(a)(4), Education Code, is amended to read as follows:

(4) "Institution of higher education" has the meaning assigned ~~[means an institution of higher education, as defined]~~ by Section 61.003~~[that offers freshman level courses]~~.

SECTION \_\_\_\_\_. Section 51.968, Education Code, is amended by adding Subsections (a-1), (a-2), (a-3), (d-1), and (f-1) and amending Subsections (b), (c), and (e) to read as follows:

(a-1) This section applies only to an institution of higher education that offers freshman-level and sophomore-level courses.

(a-2) To maximize opportunities for students to earn undergraduate course credit at the institution, each institution of higher education may develop and administer one or more institution-specific examinations or assessments by which entering or current undergraduate students may earn freshman-level or sophomore-level course credit in the same manner as an entering freshman student may earn course credit through a CLEP examination or advanced placement examination. The institution may charge students a reasonable fee for taking an examination or assessment described by this subsection. The institution may develop and administer examinations or assessments for course credit for as many freshman-level and sophomore-level courses as practicable and may develop those examinations or assessments using source material from other institutions of higher education.

(a-3) Each institution of higher education that ceases to offer credit through the College-Level Examination Program or the Advanced Placement Program for a specific course shall offer credit for the course through an institution-specific examination or assessment administered under Subsection (a-2).

(b) Each institution of higher education ~~[that offers freshman level courses]~~ shall adopt and implement a policy to grant ~~[undergraduate]~~ course credit for freshman-level and sophomore-level courses to undergraduate ~~[entering freshman]~~ students who have:

(1) successfully completed the International Baccalaureate Diploma Program;

(2)[, who have] achieved required scores on one or more examinations in the Advanced Placement Program or the College-Level Examination Program;

(3)[, or who have] successfully completed one or more courses offered through concurrent enrollment in high school and at an institution of higher education; or

(4) achieved required scores on one or more institution-specific examinations or assessments administered by the institution under Subsection (a-2).

(c) In the policy, the institution shall:

(1) establish the institution's conditions for granting course credit, including the minimum required scores on CLEP examinations, Advanced Placement examinations, ~~[and]~~ examinations for courses constituting the International Baccalaureate Diploma Program, and institution-specific examinations or assessments administered by the institution under Subsection (a-2); and

(2) based on the correlations identified under Subsections ~~[Subsection]~~ (f) and (f-1), identify the specific freshman-level or sophomore-level course credit or other academic requirements of the institution, including the number of semester credit hours or other course credit, that the institution will grant to a student who successfully completes a course or program or achieves a required score on an examination or assessment as described by Subsection (b) ~~[the diploma program, who successfully completes a course through concurrent enrollment, or who achieves required scores on CLEP examinations or Advanced Placement examinations].~~

(d-1) Each institution of higher education shall:

(1) report to the coordinating board:

(A) a list of courses for which the institution offers undergraduate students the opportunity to earn course credit through an institution-specific examination or assessment;

(B) the institution's policy adopted under this section; and

(C) any fee charged for an examination or assessment administered under Subsection (a-2); and

(2) include a copy of the list, policy, and applicable fee schedule with the institution's undergraduate student application materials, including application materials available on the institution's Internet website.

(e) On request of an applicant for admission as an entering undergraduate student [freshman], an institution of higher education, based on information provided by the applicant, shall determine and notify the applicant regarding:

(1) the amount and type of any course credit that would or could be granted to the applicant under the policy; and

(2) any other academic requirement that the applicant would satisfy under the policy.

(f-1) An institution of higher education shall:

(1) identify correlations between the subject matter and content of courses offered by the institution and the subject matter and content of institution-specific examinations or assessments administered by the institution under Subsection (a-2); and

(2) make that information available to the public on the institution's Internet website in a manner that conforms to the requirements of Section 51.974.

SECTION \_\_\_\_\_. The change in law made by this Act to Section 51.968, Education Code, applies beginning with the 2014-2015 academic year. An academic year occurring before that academic year is covered by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

**HB 30**, as amended, was passed by (Record 719): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Cook; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; 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.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Collier.

Absent — Coleman; Cortez; Creighton; González, M.; King, T.; McClendon; Rodriguez, E.

### STATEMENTS OF VOTE

When Record No. 719 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 719 was taken, my vote failed to register. I would have voted yes.

M. González

When Record No. 719 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

(Collier now present)

## COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 1:25 p.m. today, 3W.15, for a formal meeting, to consider previously posted business.

### RECESS

At 12:19 p.m., the chair announced that the house would stand recessed until 1:40 p.m. today.

### AFTERNOON SESSION

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

### HB 3648 ON THIRD READING (by Harper-Brown)

**HB 3648**, A bill to be entitled An Act relating to compliance with certain terms in the performance of state purchasing contracts.

**HB 3648** was passed by (Record 720): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; 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; 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; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; 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; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent — Cortez; Kolkhorst; Price.

### HB 1878 ON THIRD READING (by McClendon, Riddle, Geren, et al.)

**HB 1878**, A bill to be entitled An Act relating to the allocation of certain revenue to the Texas rail relocation and improvement fund.



**Amendment No. 1**

Representative McClendon offered the following amendment to **HB 1878**:

Amend **HB 1878** (house committee report) as follows:

(1) Strike SECTION 1 of the bill and renumber subsequent SECTIONS of the bill accordingly.

(2) Strike page 2, lines 1-16 and substitute the following:

(b-2) The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas Mobility Fund under Subsection (b-1) and shall monitor transfers to and from the Texas emissions reduction plan fund. On or before the fifth workday of each month, the Texas Department of Transportation [~~department~~] shall remit to the comptroller for deposit to the credit of the Texas emissions reduction plan fund an amount of money, not to exceed [~~equal to~~] the amount of the fees deposited by the comptroller to the credit of the Texas Mobility Fund under Subsection (b-1) in the preceding month, the comptroller determines is necessary to meet amounts appropriated from the Texas emissions reduction plan fund or, after consultation with the Texas Commission on Environmental Quality, if a fee is imposed on stationary sources in a county located in a nonattainment area as provided by 42 U.S.C. Section 7511d, an amount of money not to exceed the amount of the total of fees attributable to applicants for titles, other than the state or political subdivisions of the state, who reside in a county located in a nonattainment area or in an affected county, as described by Subsection (a)(1). The Texas Department of Transportation [~~department~~] shall use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149. The Texas Transportation Commission may designate for congestion mitigation projects or for deposit to the Texas rail relocation and improvement fund eligible amounts retained in the state highway fund because the amounts were not required to be remitted under this subsection on the condition that the Texas Commission on Environmental Quality, after a public hearing, finds that the use of the funds for those purposes will be at least as effective as other eligible uses of those funds under the Texas emissions reduction plan in maintaining or attaining compliance with the federal Clean Air Act and notifies the Texas Transportation Commission of that finding. Unless that condition is met, the amounts shall be deposited to the credit of the Texas emissions reduction plan fund. The Texas Commission on Environmental Quality by rule shall adopt criteria for making the finding required by this subsection.

Amendment No. 1 was adopted.

**HB 1878**, as amended, was passed by (Record 721): 81 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burkett; Burnam; Callegari; Canales; Carter; Coleman; Collier; Cook; Crownover; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Fletcher; Frank; Geren; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Klick; Kolkhorst; Kuempel; Laubenberg; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Phillips; Pickett; Pitts; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Turner, C.; Villarreal; Walle; Wu.

Nays — Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Button; Capriglione; Clardy; Craddick; Creighton; Dale; Darby; Davis, S.; Elkins; Fallon; Flynn; Frullo; Goldman; Gonzales; Hilderbran; Hughes; Isaac; King, S.; Kleinschmidt; Krause; Larson; Lavender; Leach; Lewis; Miller, D.; Miller, R.; Orr; Paddie; Parker; Perry; Price; Ratliff; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent — Anderson; Cortez; Longoria; Vo.

#### STATEMENTS OF VOTE

When Record No. 721 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

I was shown voting yes on Record No. 721. I intended to vote no.

Frank

I was shown voting yes on Record No. 721. I intended to vote no.

Kacal

I was shown voting no on Record No. 721. I intended to vote yes.

Larson

I was shown voting yes on Record No. 721. I intended to vote no.

Laubenberg

#### HB 724 ON THIRD READING (by Guillen, Herrero, and Lozano)

**HB 724**, A bill to be entitled An Act relating to the creation of a commission to study unclaimed land grant mineral proceeds.

**HB 724** was passed by (Record 722): 137 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; 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; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Riddle.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent — Cortez; Longoria; Lozano; Márquez; Raney; Simmons.

### **HB 1966 ON THIRD READING** **(by Deshotel)**

**HB 1966**, A bill to be entitled An Act relating to a project that may be undertaken by certain development corporations in connection with infrastructure improvements necessary for municipal area development and revitalization.

**HB 1966** was passed by (Record 723): 140 Yeas, 1 Nays, 2 Present, not voting.

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

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

Nays — Sanford.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent — Cortez; Raney; Rodriguez, E.

**HB 2090 ON THIRD READING**  
**(by Canales)**

**HB 2090**, A bill to be entitled An Act relating to a written statement made by an accused as a result of custodial interrogation.

**HB 2090** was passed by (Record 724): 139 Yeas, 4 Nays, 2 Present, not voting.

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

Nays — King, K.; Phillips; Simmons; Springer.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent — Lozano.

**HB 2201 ON THIRD READING**  
**(by Farney, R. Sheffield, Huberty, Paddie, Fallon, et al.)**

**HB 2201**, A bill to be entitled An Act relating to increasing the courses offered in the career and technology education curriculum.

**HB 2201** was passed by (Record 725): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

### **HB 3569 ON THIRD READING** **(by Kleinschmidt)**

**HB 3569**, A bill to be entitled An Act relating to activities conducted in connection with a state or federal disease control or eradication program for animals.

**HB 3569** was passed by (Record 726): 136 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Canales; 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; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Capriglione; Krause; Schaefer; Simpson; Stickland.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent — Callegari; Hughes; Zedler.

### STATEMENT OF VOTE

When Record No. 726 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

### HB 1773 ON THIRD READING

(by E. Thompson, D. Miller, et al.)

**HB 1773**, A bill to be entitled An Act relating to named driver insurance policies and certain related exclusions.

**HB 1773** was passed by (Record 727): 109 Yeas, 23 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Frank; Geren; Goldman; González, M.; Gooden; Guerra; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lucio; Martinez; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Paddie; Parker; Patrick; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu.

Nays — Bell; Button; Cortez; Craddick; Creighton; Flynn; Frullo; Gonzales; Gonzalez, N.; Guillen; King, P.; Kleinschmidt; Klick; Krause; Morrison; Oliveira; Otto; Perry; Schaefer; Simpson; Stickland; Taylor; Zedler.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent — Capriglione; Hughes; King, T.; Lozano; Márquez; Martinez Fischer; Orr; Sanford; Sheets; Sheffield, R.; Zerwas.

### STATEMENTS OF VOTE

When Record No. 727 was taken, I was in the house but away from my desk. I would have voted no.

Capriglione

I was shown voting no on Record No. 727. I intended to vote yes.

Gonzales

I was shown voting yes on Record No. 727. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 727. I intended to vote no.

Menéndez

I was shown voting yes on Record No. 727. I intended to vote no.

Muñoz

I was shown voting no on Record No. 727. I intended to vote yes.

Perry

I was shown voting yes on Record No. 727. I intended to vote no.

Pickett

When Record No. 727 was taken, I was in the house but away from my desk. I would have voted yes.

Sanford

When Record No. 727 was taken, I was in the house but away from my desk. I would have voted yes.

R. Sheffield

When Record No. 727 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

### **HB 2872 ON THIRD READING** **(by Villarreal)**

**HB 2872**, A bill to be entitled An Act relating to the number of student absences that constitute a failure to attend school.

**HB 2872** was passed by (Record 728): 106 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycocock; Bell; Branch; Burkett; Burnam; Callegari; Canales; Carter; Coleman; Collier; Cook; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Flynn; Geren; González, M.; Gonzalez, N.; Gooden; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Phillips; Pickett; Pitts;

Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Smith; Taylor; Thompson, S.; Toth; Turner, C.; Villarreal; Vo; Walle; Workman; Zedler; Zerwas.

Nays — Ashby; Bohac; Bonnen, G.; Button; Capriglione; Clardy; Craddick; Creighton; Fallon; Fletcher; Frank; Frullo; Goldman; Gonzales; Guerra; Harless; Hilderbran; King, S.; Krause; Lavender; Leach; Parker; Sanford; Schaefer; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Thompson, E.; Turner, E.S.; Villalba; White; Wu.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent — Farrar; Huberty; Klick.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 728. I intended to vote no.

Crownover

I was shown voting yes on Record No. 728. I intended to vote no.

Dale

When Record No. 728 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 728. I intended to vote no.

Perry

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Hilderbran requested permission for the Committee on Ways and Means to meet while the house is in session, at 2:30 p.m. today, in 3W.15, to consider **SB 1510** and pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 2:30 p.m. today, 3W.15, for a formal meeting, to consider **SB 1510** and pending business.

### HB 1021 ON THIRD READING (by Moody)

**HB 1021**, A bill to be entitled An Act relating to venue for the offense of failure to attend school.

### LEAVES OF ABSENCE GRANTED

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

Allen on motion of Martinez Fischer.



Aycock on motion of Martinez Fischer.  
J. Davis on motion of Martinez Fischer.  
Deshotel on motion of Martinez Fischer.  
Dutton on motion of Martinez Fischer.  
Farney on motion of Martinez Fischer.  
Huberty on motion of Martinez Fischer.  
K. King on motion of Martinez Fischer.  
Ratliff on motion of Martinez Fischer.  
J. Rodriguez on motion of Martinez Fischer.  
Villarreal on motion of Martinez Fischer.

**HB 1021 - (consideration continued)**

**HB 1021** was passed by (Record 729): 122 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Allen; Aycock; Davis, J.; Deshotel; Dutton; Farney; Huberty; King, K.; Ratliff; Rodriguez, J.; Villarreal.

Absent — Alonzo; Craddick; Hughes; Keffer; Klick; Kolkhorst; McClendon; Miller, R.; Parker; Thompson, E.

**STATEMENTS OF VOTE**

When Record No. 729 was taken, my vote failed to register. I would have voted yes.

Craddick

When Record No. 729 was taken, my vote failed to register. I would have voted yes.

R. Miller

When Record No. 729 was taken, my vote failed to register. I would have voted yes.

Parker

When Record No. 729 was taken, I was excused for a committee meeting. I would have voted yes.

J. Rodriguez

(Ratliff now present)

### MESSAGES FROM THE SENATE

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

### HB 1022 ON THIRD READING

(by Moody)

**HB 1022**, A bill to be entitled An Act relating to venue for the offense of a parent contributing to a child's failure to attend school.

**HB 1022** was passed by (Record 730): 133 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Allen; Aycock; Davis, J.; Deshotel; Dutton; Farney; Huberty; King, K.; Rodriguez, J.; Villarreal.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 6 p.m. today, in 3W.9, to consider **SB 1106** and pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, 6 p.m. today, 3W.9, for a formal meeting, to consider **SB 1106** and pending business.

### HB 2824 ON THIRD READING

(by Ratliff, Branch, Simpson, S. Turner, Kacal, et al.)

**HB 2824**, A bill to be entitled An Act relating to the Texas High Performance Schools Consortium.

**HB 2824** was passed by (Record 731): 129 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Allen; Aycock; Davis, J.; Deshotel; Dutton; Farney; Huberty; King, K.; Rodriguez, J.; Villarreal.

Absent — Burnam; Carter; Lozano; Villalba; White.

### LEAVE OF ABSENCE GRANTED

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

Ratliff on motion of Martinez Fischer.

**HB 2792 ON THIRD READING**  
(by Elkins)

**HB 2792**, A bill to be entitled An Act relating to the circumstances under which an appraisal review board hearing shall be closed to the public.

**HB 2792** was passed by (Record 732): 131 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Allen; Aycock; Davis, J.; Deshotel; Dutton; Farney; Huberty; King, K.; Ratliff; Rodriguez, J.; Villarreal.

Absent — Leach; Villalba.

**HB 2148 ON THIRD READING**  
(by Hilderbran)

**HB 2148**, A bill to be entitled An Act relating to the motor fuel tax on compressed natural gas and liquefied natural gas; providing penalties; imposing a tax.

**HB 2148** was passed by (Record 733): 128 Yeas, 2 Nays, 3 Present, not voting.

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

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

Nays — Laubenberg; Stickland.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Allen; Aycock; Davis, J.; Deshotel; Dutton; Farney; Huberty; King, K.; Ratliff; Rodriguez, J.; Villarreal.

Absent — Muñoz; Phillips.

### STATEMENTS OF VOTE

When Record No. 733 was taken, my vote failed to register. I would have voted yes.

Muñoz

I was shown voting no on Record No. 733. I intended to vote yes.

Stickland

### HB 742 ON THIRD READING

(by Strama, Villarreal, Otto, Anchia, and Villalba)

**HB 742**, A bill to be entitled An Act relating to a grant program for certain school districts to provide summer instruction primarily for students who are educationally disadvantaged and summer teaching opportunities for high-performing, new, and student teachers.

Representative Wu moved to postpone consideration of **HB 742** until 7 p.m. today.

The motion prevailed.

### HB 2719 ON THIRD READING

(by Guillen)

**HB 2719**, A bill to be entitled An Act relating to the collection of information concerning the number of inmates who have been in the conservatorship of a state agency responsible for providing child protective services.

**HB 2719** was passed by (Record 734): 130 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Ashby; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby;

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Allen; Aycock; Davis, J.; Deshotel; Dutton; Farney; Huberty; King, K.; Ratliff; Rodriguez, J.; Villarreal.

Absent — Burnam; Johnson; Sheffield, J.

### **HB 2061 ON THIRD READING**

**(by Murphy, Deshotel, Anchia, Pitts, E. Rodriguez, et al.)**

**HB 2061**, A bill to be entitled An Act relating to a tax credit for investment in certain communities; imposing a monetary penalty; authorizing a fee.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a committee meeting:

Otto on motion of Orr.

### **HB 2061 - (consideration continued)**

**HB 2061** was passed by (Record 735): 123 Yeas, 4 Nays, 3 Present, not voting.

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

Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Villalba; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Simpson; Stickland; Toth.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Allen; Aycock; Davis, J.; Deshotel; Dutton; Farney; Huberty; King, K.; Otto; Ratliff; Rodriguez, J.; Villarreal.

Absent — Alvarado; Davis, Y.; Kleinschmidt; Oliveira.

### STATEMENT OF VOTE

When Record No. 735 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

### HB 2371 ON THIRD READING

(by Leach, Canales, Hughes, Carter, Moody, et al.)

**HB 2371**, A bill to be entitled An Act relating to creating the offense of voyeurism; providing a penalty.

**HB 2371** was passed by (Record 736): 132 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Allen; Aycok; Davis, J.; Deshotel; Dutton; Farney; Huberty; King, K.; Otto; Ratliff; Rodriguez, J.; Villarreal.

**HB 1289 ON THIRD READING**  
**(by Hilderbran)**

**HB 1289**, A bill to be entitled An Act relating to the exclusion of certain transportation services costs in determining total revenue for purposes of the franchise tax.

**Amendment No. 1**

Representative Geren offered the following amendment to **HB 1289**:

Amend **HB 1289** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 171.1012, Tax Code, is amended by adding Subsections (k-2) and (k-3) to read as follows:

(k-2) This subsection applies only to a pipeline entity: (1) that owns or leases and operates the pipeline by which the product is transported for others and only to that portion of the product to which the entity does not own title; and (2) that is primarily engaged in gathering, storing, transporting, or processing crude oil, including finished petroleum products, natural gas, condensate, and natural gas liquids, except for a refinery installation that manufactures finished petroleum products from crude oil. Notwithstanding Subsection (e)(3) or (i), a pipeline entity providing services for others related to the product that the pipeline does not own and to which this subsection applies may subtract as a cost of goods sold its depreciation, operations, and maintenance costs allowed by this section related to the services provided.

(k-3) For purposes of Subsection (k-2), "processing" means the physical or mechanical removal, separation, or treatment of crude oil, including finished petroleum products, natural gas, condensate, and natural gas liquids after those materials are produced from the earth. The term does not include the chemical or biological transformation of those materials.

Amendment No. 1 was adopted.

**HB 1289**, as amended, was passed by (Record 737): 131 Yeas, 0 Nays, 2 Present, not voting.

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



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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Allen; Aycock; Davis, J.; Deshotel; Dutton; Farney; Huberty; King, K.; Otto; Ratliff; Rodriguez, J.; Villarreal.

Absent — McClendon.

(Allen and J. Davis now present)

### **HB 2133 ON THIRD READING (by Larson and Villalba)**

**HB 2133**, A bill to be entitled An Act relating to the public policy for the use of innovative and alternative water treatment technologies for water development purposes.

**HB 2133** was passed by (Record 738): 129 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Aycock; Deshotel; Dutton; Farney; Huberty; King, K.; Otto; Ratliff; Rodriguez, J.; Villarreal.

Absent — Allen; Anderson; Capriglione; Davis, J.; Kolkhorst.

(Farney and K. King now present)

**HB 1318 ON THIRD READING****(by S. Turner, et al.)**

**HB 1318**, A bill to be entitled An Act relating to the appointment of counsel for a detention hearing for certain youths.

(J. Rodriguez now present)

**HB 1318** was passed by (Record 739): 134 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Aycock; Deshotel; Dutton; Huberty; Otto; Ratliff; Villarreal.

Absent — Allen; Davis, J.; Farney.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 739. I intended to vote no.

Krause

**HB 1398 ON THIRD READING****(by Murphy)**

**HB 1398**, A bill to be entitled An Act relating to required disclosures on political advertising.

**HB 1398 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE SPRINGER: We had a conversation back here today, and I just wanted to go back through that just a little bit for legislative intent. Is it a fact that your legislation is not intended for somebody who makes a graphic that is posted on their political Facebook page? If somebody shares that somewhere else, where the disclosure is not on the graphic but it's on the page that it came from, is that not in violation of this law?

REPRESENTATIVE MURPHY: That is correct.

SPRINGER: Thank you very much. That was our big concern on the social media side as things have evolved on there. We have folks working hard on that. They have the ability to print it out—it doesn't have the disclosure statement on it.

MURPHY: And the general principle is things that are too small to contain a disclosure—things like tweets, posts, texts—if they refer to a home page—take it to another site—that's where the disclosure would be made, and that's specifically in the bill. And I'd be happy to read that section for you if you desire.

SPRINGER: That's fine.

**REMARKS ORDERED PRINTED**

Representative Springer moved to print remarks between Representative Murphy and Representative Springer.

The motion prevailed.

(Otto now present)

**HB 1398** was passed by (Record 740): 134 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Kleinschmidt; Schaefer; Stickland.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Aycock; Deshotel; Dutton; Huberty; Ratliff; Villarreal.

Absent — Allen.

### **HB 694 ON THIRD READING**

**(by Phillips)**

**HB 694.** A bill to be entitled An Act relating to access by certain military personnel to juvenile and criminal history information.

**HB 694** was passed by (Record 741): 135 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Aycock; Deshotel; Dutton; Huberty; Ratliff; Villarreal.

Absent — Branch; Darby; Simmons.

### **STATEMENT OF VOTE**

When Record No. 741 was taken, my vote failed to register. I would have voted yes.

Branch

**HB 3743 ON THIRD READING****(by Wu)**

**HB 3743**, A bill to be entitled An Act relating to the authority of a prosecutor in a juvenile case to appeal certain judicial decisions.

**HB 3743** was passed by (Record 742): 133 Yeas, 5 Nays, 2 Present, not voting.

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

Nays — Bell; Capriglione; Lavender; Simmons; Stickland.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Aycock; Deshotel; Dutton; Huberty; Ratliff; Villarreal.

**HB 194 ON THIRD READING****(by Farias, Ratliff, Menéndez, Guerra, et al.)**

**HB 194**, A bill to be entitled An Act relating to considering ownership interests of certain disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.

**HB 194 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE REYNOLDS: Mr. Farias, I just wanted to get some legislative intent from you. Are you, with the passage of this bill, trying to expand the category of HUBs for other entities as well? For example, the City of Houston has a small, women and disadvantaged program that doesn't apply to disadvantaged or disabled veterans. With the passage of this bill, are you trying to expand it to other entities as well?

REPRESENTATIVE FARIAS: Mr. Reynolds, the intent of this bill is exactly what it does. It's for disabled veterans that have at least a 20 percent disabled category.

REYNOLDS: Right. No, I understand that, but this only applies to the historically underutilized business program with the State of Texas, correct?

FARIAS: Yes.

REYNOLDS: My question to you is, would this expand to other entities that are not HUBs?

FARIAS: No, only for the HUB.

REYNOLDS: Okay, thank you.

### REMARKS ORDERED PRINTED

Representative Reynolds moved to print remarks between Representative Farias and Representative Reynolds.

The motion prevailed.

**HB 194** was passed by (Record 743): 109 Yeas, 22 Nays, 3 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Ashby; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cortez; Craddick; Creighton; Crownover; Darby; Davis, J.; Eiland; Fallon; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Geren; Goldman; González, M.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Otto; Paddie; Parker; Patrick; Perry; Pickett; Pitts; Price; Raney; Raymond; Riddle; Ritter; Rodriguez, J.; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Villalba; Walle; White; Wu; Zedler; Zerwas.

Nays — Allen; Canales; Coleman; Collier; Dale; Davis, S.; Dukes; Elkins; Flynn; Gonzales; Gonzalez, N.; Kleinschmidt; Klick; Oliveira; Orr; Perez; Phillips; Reynolds; Rodriguez, E.; Simpson; Thompson, S.; Workman.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Aycock; Deshotel; Dutton; Huberty; Ratliff; Villarreal.

Absent — Burnam; Cook; Davis, Y.; King, T.; Lozano; Rose.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 743. I intended to vote no.

Button

I was shown voting yes on Record No. 743. I intended to vote no.

Callegari

When Record No. 743 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

I was shown voting yes on Record No. 743. I intended to vote no.

Márquez

When Record No. 743 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

I was shown voting yes on Record No. 743. I intended to vote no.

Wu

**HB 1790 ON THIRD READING**

**(by Longoria, S. Thompson, Burnam, Hughes, and Rose)**

**HB 1790**, A bill to be entitled An Act relating to certain procedures for defendants who successfully complete a period of state jail felony community supervision.

**HB 1790** was passed by (Record 744): 88 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cook; Cortez; Crownover; Davis, J.; Davis, S.; Davis, Y.; Dukes; Eiland; Fallon; Farias; Farney; Farrar; Frank; Frullo; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Hughes; Hunter; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Krause; Kuempel; Leach; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, R.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Pickett; Pitts; Price; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Simmons; Simpson; Smith; Springer; Stephenson; Taylor; Thompson, S.; Turner, C.; Turner, E.S.; Vo; Walle; White; Wu; Zerwas.

Nays — Anderson; Ashby; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Craddick; Creighton; Dale; Darby; Elkins; Fletcher; Flynn; Geren; Goldman; Gonzales; Harless; Harper-Brown; Isaac; Kleinschmidt; Kolkhorst; Larson; Laubenberg; Lavender; Lewis; Miller, D.; Murphy; Parker; Phillips; Raney; Riddle; Sheets; Sheffield, R.; Smithee; Thompson, E.; Toth; Villalba; Workman; Zedler.

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

Absent, Excused — Giddings; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Aycock; Deshotel; Dutton; Huberty; Ratliff; Villarreal.

Absent — Hilderbran; Keffer; Klick; Lozano; Stickland.

#### STATEMENTS OF VOTE

When Record No. 744 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 744 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

When Record No. 744 was taken, my vote failed to register. I would have voted yes.

Stickland

#### POSTPONED BUSINESS

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

#### CSHB 3750 ON SECOND READING

(by Farrar)

**CSHB 3750**, A bill to be entitled An Act relating to the destruction of the records of businesses, state and local governments, and nonprofit entities stored on copy machines; providing a civil penalty.

**CSHB 3750** was read second time on May 8 and was postponed until 1 a.m. today.

Representative Farrar moved to postpone consideration of **CSHB 3750** until 3:33 p.m. today.

The motion prevailed.

#### HB 2767 ON THIRD READING

(by P. King, Keffer, and Lewis)

**HB 2767**, A bill to be entitled An Act relating to the treatment and recycling for beneficial use of certain waste arising out of or incidental to the drilling for or production of oil or gas.

**HB 2767** was read third time earlier today and was postponed until this time.

#### Amendment No. 1

Representatives C. Turner and E. Rodriguez offered the following amendment to **HB 2767**:

Amend **HB 2767** on third reading by striking added Section 122.003, Natural Resources Code, and substituting the following:



Sec. 122.003. RESPONSIBILITY IN TORT. (a) Except as provided by Subsection (b), a person who takes possession of fluid oil and gas waste, produces from that waste a treated product generally considered in the oil and gas industry to be suitable for use in connection with the drilling for or production of oil or gas, and transfers the treated product to another person with the contractual understanding that the treated product will be used in connection with the drilling for or production of oil or gas is not liable in tort for a consequence of the subsequent use of that treated product by the person to whom the treated product is transferred or by another person.

(b) This section does not affect the liability of a person that treats fluid oil and gas waste for beneficial use in an action brought by a person for damages for personal injury, death, or property damage arising from exposure to fluid oil and gas waste or a treated product.

Amendment No. 1 was adopted.

### LEAVE OF ABSENCE GRANTED

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

Márquez on motion of Capriglione.

### HB 2767 - (consideration continued)

(Aycock and Ratliff now present)

**HB 2767**, as amended, was passed by (Record 745): 137 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Márquez; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Deshotel; Dutton; Huberty; Villarreal.

Absent — Klick; Vo.

### **HB 2770 ON THIRD READING**

**(by Branch, Strama, Ratliff, Anchia, Frank, et al.)**

**HB 2770**, A bill to be entitled An Act relating to the investment of a certain portion of the economic stabilization fund balance.

**HB 2770** was read third time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

**HB 2770** was passed by (Record 746): 132 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Toth; White.

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

Absent, Excused — Giddings; Márquez; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Deshotel; Dutton; Huberty; Villarreal.

Absent — Cortez; Elkins; Hunter; King, T.; Klick.

### **STATEMENTS OF VOTE**

When Record No. 746 was taken, my vote failed to register. I would have voted yes.

Cortez

I was shown voting yes on Record No. 746. I intended to vote no.

Dale

I was shown voting yes on Record No. 746. I intended to vote no.

Gonzales

When Record No. 746 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

### **SB 377 ON SECOND READING**

**(M. González, S. King, Guillen, and Walle - House Sponsors)**

**SB 377**, A bill to be entitled An Act relating to the determination of certain exemptions from the administration of state assessment instruments to public school students and to the consideration of the performance of certain students on state assessment instruments.

**SB 377** was considered in lieu of **CSHB 2004**.

**SB 377** was read second time.

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

Representative M. González offered the following amendment to **SB 377**:

Amend **SB 377** (house committee report) as follows:

(1) Strike page 1, line 14, through page 2, line 9.

(2) On page 2, strike lines 10 and 11, and substitute the following:

SECTION 3. Section 39.027(a-2), Education Code, as added by this Act, applies

(3) Renumber SECTIONS of the bill appropriately.

(Anchia in the chair)

Amendment No. 1 was adopted.

**SB 377**, as amended, was passed to third reading. (Flynn recorded voting no.)

### **CSHB 2004 - LAID ON THE TABLE SUBJECT TO CALL**

Representative M. González moved to lay **CSHB 2004** on the table subject to call.

The motion prevailed.

### **HB 1308 ON SECOND READING**

**(by Darby)**

**HB 1308**, A bill to be entitled An Act relating to certain economic development programs administered by the Department of Agriculture.

**HB 1308** was read second time on May 1, postponed until May 3, and was again postponed until 6 a.m. today.

Representative Darby moved to postpone consideration of **HB 1308** until 10 a.m. Saturday, June 1.

The motion prevailed.

**CSHB 2753 ON SECOND READING**  
(by Branch, Patrick, and Pitts)

**CSHB 2753**, A bill to be entitled An Act relating to excellence funding for health-related institutions of higher education.

**CSHB 2753** was read second time on May 8 and was postponed until 6 a.m. today.

Representative Branch moved to postpone consideration of **CSHB 2753** until 6 p.m. today.

The motion prevailed.

**CSHB 459 ON SECOND READING**  
(by Guillen)

**CSHB 459**, A bill to be entitled An Act relating to the regulation of navigators for health benefit exchanges.

**CSHB 459** was read second time on April 25, postponed until May 1, and was again postponed until 10 a.m. today.

Representative Guillen moved to postpone consideration of **CSHB 459** until 10 a.m. Sunday, June 1, 2014.

The motion prevailed.

**CSHB 613 ON SECOND READING**  
(by Orr and Larson)

**CSHB 613**, A bill to be entitled An Act relating to the regulation of foundation repair contractors; providing penalties; authorizing fees.

**CSHB 613** was read second time on May 6, postponed until May 7, postponed until May 8, and was again postponed until 10 a.m. today.

(Speaker pro tempore in the chair)

**Amendment No. 1**

Representative Orr offered the following amendment to **CSHB 613**:

Amend **CSHB 613** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle A, Title 6, Occupations Code, is amended by adding Chapter 1003 to read as follows:

CHAPTER 1003. VOLUNTARY REGISTRATION OF FOUNDATION  
REPAIR CONTRACTORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1003.001. SHORT TITLE. This chapter may be cited as the  
Foundation Repair Contractors Registration Act.

Sec. 1003.002. DEFINITIONS. In this chapter:

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

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Executive director" means the executive director of the department.

(4) "Foundation" means that portion of the structure of a residential property, other than a column, that serves the function of:

(A) supporting an overlying structure;

(B) providing a base for an overlying structure; or

(C) transmitting loads from an overlying structure to the underlying soils.

(5) "Foundation repair contracting" means performing or offering to prepare an estimation or to perform the preparation for, installation of, or construction functions in connection with the repair or maintenance of a foundation.

Sec. 1003.003. EXEMPTIONS. This chapter is not intended to confer any requirements or benefits on:

(1) an individual licensed as an engineer under Chapter 1001; or

(2) a person who, for compensation:

(A) constructs or remodels a single-family home or duplex;

(B) supervises or manages the construction or remodeling of a single-family home or duplex; or

(C) contracts for the supervision or management of the construction or remodeling of a single-family home or duplex.

#### SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

Sec. 1003.051. RULES. The commission shall adopt rules as necessary to implement this chapter, including rules:

(1) regarding the requirements to obtain and renew a registration under this chapter;

(2) governing the use, display, and advertisement of a registration issued under this chapter;

(3) regarding advertising in relation to an offer to perform foundation repair contracting; and

(4) relating to administrative sanctions that may be imposed on a person under this chapter.

Sec. 1003.052. CONTRACTS FOR ENFORCEMENT. The department may contract with another state agency or political subdivision of this state to enforce this chapter and rules adopted under this chapter.

Sec. 1003.053. PERSONNEL. The department may employ personnel necessary to administer this chapter.

Sec. 1003.054. DIRECTORY OF REGISTRATION HOLDERS. The department shall maintain a directory of registration holders and make the directory available to the public on the Internet.

Sec. 1003.055. FEES. The commission shall establish and the department shall collect reasonable and necessary fees in amounts sufficient to cover the costs of administering this chapter.

Sec. 1003.056. CRIMINAL HISTORY BACKGROUND CHECK. The department may obtain criminal history record information under Subchapter F, Chapter 411, Government Code, for an applicant for or holder of a registration under this chapter.

SUBCHAPTER C. VOLUNTARY REGISTRATION REQUIREMENTS

Sec. 1003.101. ADVERTISING FOUNDATION REPAIR WORK; REGISTRATION. (a) Registration under this chapter is voluntary.

(b) Unless the person holds an appropriate registration issued under this chapter, a person may not use the term "registered" in an advertisement to perform foundation repair contracting.

(c) A registration issued under this chapter is not transferable and may be used only by the person listed on the registration.

Sec. 1003.102. FOUNDATION REPAIR CONTRACTOR REGISTRATION. (a) A foundation repair contractor registration entitles the registration holder to advertise as a registered foundation repair contractor.

(b) An applicant for a registration under this chapter must:

(1) be at least 21 years of age;

(2) have at least 60 months of documented, practical work experience performing foundation repair contracting during the preceding 10 years or substantially equivalent experience as determined by the department;

(3) pass a criminal history background check; and

(4) pass an examination administered by the department.

(c) The department may waive the examination requirement under Subsection (b)(4) if the department determines that the applicant meets the experience requirements of this chapter. This subsection expires December 31, 2015.

Sec. 1003.103. APPLICATION. (a) An applicant for a registration must submit an application on the form prescribed by the executive director.

(b) The application for a registration must include a statement containing evidence satisfactory to the department of the applicant's required practical experience.

(c) The applicant must submit any other information required by the executive director or by commission rule.

(d) The department may deny an application for a registration or for the renewal of a registration if the applicant has previously had a registration under this chapter revoked or if the applicant has violated an order of the commission or the executive director, including an order imposing sanctions.

Sec. 1003.104. EXAMINATIONS. (a) The executive director shall prescribe an examination for a registration under this chapter.

(b) The executive director shall prescribe the method and content of an examination required under this chapter and may approve and accept results of an examination administered by another organization.

Sec. 1003.105. ISSUANCE AND TERM OF REGISTRATION. (a) The department shall issue a registration to an applicant who meets the requirements of this chapter and rules adopted under this chapter.

(b) A registration issued under this chapter is valid for one year and expires on the first anniversary of the date the registration is issued.

Sec. 1003.106. RENEWAL OF REGISTRATION. To renew a registration, the registration holder must:

(1) submit a renewal application in the form prescribed by the executive director;

(2) pay the required fee;

(3) show evidence of having completed the continuing education requirements established under Section 1003.162, if applicable;

(4) pass a criminal background check.

Sec. 1003.107. CONTINUING EDUCATION. (a) The commission by rule shall recognize, prepare, or administer continuing education programs for registration holders. Each registration holder must complete a continuing education program before the registration holder may renew the registration.

(b) A person recognized by the commission to offer a continuing education program must:

(1) register with the department; and

(2) comply with rules adopted by the commission relating to continuing education.

#### SUBCHAPTER D. LOCAL REGULATION

Sec. 1003.151. DEFINITIONS. In this subchapter:

(1) "Local political subdivision" means a county or municipality in which a person seeks to perform foundation repair work or foundation repair contracting.

(2) "Local regulation" means an order adopted by a county commissioners court or an ordinance or other regulation adopted by a municipality.

Sec. 1003.152. APPLICATION OF LOCAL ORDINANCE. This chapter does not affect a person's obligation to comply with a local regulation establishing a permit, inspection, or approval process in connection with foundation repair work.

Sec. 1003.153. LOCAL STANDARDS. A person who holds a registration issued under this chapter is not required to hold a license or registration issued by a local political subdivision or take an examination required by a local regulation to engage in foundation repair work or foundation repair contracting.

#### SUBCHAPTER E. ENFORCEMENT

Sec. 1003.201. PROHIBITED PRACTICES. (a) A registration holder may not perform or offer or attempt to perform an act, service, or function that is:

(1) defined as the practice of engineering under Chapter 1001, unless the individual holds a license under that chapter;

(2) defined as the practice of architecture under Chapter 1051, unless the individual holds a registration under that chapter;

(3) regulated under Chapter 113, Natural Resources Code, unless the individual holds a license or is exempt by rule under that chapter; or

(4) defined as plumbing under Chapter 1301, unless the individual holds a license under that chapter.

(b) A registration holder may not:

(1) fail to provide services for which payment has been made;

(2) fail to honor the terms of a contract in the absence of a good faith dispute;

(3) knowingly misrepresent a necessary service, service to be provided, or service that has been provided;

(4) make a fraudulent promise to induce an individual to contract for a service; or

(5) perform foundation repair work that requires a permit from a political subdivision without first obtaining the required permit.

Sec. 1003.202. ADMINISTRATIVE SANCTIONS. The commission may impose administrative sanctions as provided by Section 51.353 against a registration holder under this chapter in the same manner as the commission may against a license holder under other regulatory programs administered by the department.

SECTION 2. (a) The Texas Commission of Licensing and Regulation shall adopt rules to implement Chapter 1003, Occupations Code, as added by this Act, not later than February 1, 2014.

(b) Not later than March 1, 2014, the Texas Commission of Licensing and Regulation shall begin accepting applications for and issuing registrations under Chapter 1003, Occupations Code, as added by this Act.

SECTION 3. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

(b) Section 1003.101, Occupations Code, as added by this Act, takes effect September 1, 2014.

Amendment No. 1 was adopted.

(Huberty now present)

**CSHB 613**, as amended, failed to pass to engrossment by (Record 747): 62 Yeas, 73 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Aycock; Burnam; Coleman; Collier; Cook; Cortez; Darby; Davis, J.; Davis, S.; Davis, Y.; Dukes; Eiland; Farias; Farney; Farrar; Gonzales; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Hunter; Johnson; Kacal; Keffer; King, K.; Kleinschmidt; Larson; Lewis; Lozano; Lucio; Martinez; McClendon; Moody; Murphy; Naishtat; Oliveira; Orr; Otto; Perez; Pickett; Pitts; Price; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Smith; Thompson, S.; Turner, C.; Villalba; Vo; Walle; Workman; Wu; Zerwas.

Nays — Allen; Ashby; Bell; Bohac; Bonnen, G.; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Craddick; Creighton; Crownover; Dale; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; González, M.;



Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; King, P.; King, S.; King, T.; Klick; Kolkhorst; Krause; Kuempel; Laubenberg; Lavender; Leach; Longoria; Martinez Fischer; Miller, D.; Miller, R.; Morrison; Muñoz; Nevárez; Paddie; Parker; Patrick; Perry; Phillips; Raney; Ratliff; Riddle; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Zedler.

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

Absent, Excused — Giddings; Márquez; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Deshotel; Dutton; Villarreal.

Absent — Branch; Guillen; Herrero; Howard; Menéndez.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 747. I intended to vote no.

Aycock

When Record No. 747 was taken, I was absent because of important business. I would have voted no.

Branch

I was shown voting yes on Record No. 747. I intended to vote no.

Hunter

(Ritter in the chair)

### HB 1642 - MOTION TO CONCUR IN SENATE AMENDMENTS

Representative D. Bonnen called up with senate amendments for consideration at this time,

**HB 1642**, A bill to be entitled An Act relating to the Port of Houston Authority.

Representative D. Bonnen moved to concur in the senate amendments to **HB 1642**.

The motion to concur in the senate amendments to **HB 1642** was withdrawn.

### SB 213 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Price, the house granted the request of the senate for the appointment of a Conference Committee on **SB 213**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 213**: Price, chair; Anchia, Parker, D. Bonnen, and Larson.

### SB 901 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Paddie, the house granted the request of the senate for the appointment of a Conference Committee on **SB 901**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 901**: Paddie, chair; S. Thompson, Geren, Crownover, and Craddick.

**SB 1730 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Phillips, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1730**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1730**: Phillips, chair; Martinez, Harper-Brown, Pickett, and Fletcher.

**HB 1994 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1994**, A bill to be entitled An Act relating to the purchase of certain commodity items by a state agency.

Representative Reynolds moved to concur in the senate amendments to **HB 1994**.

The motion to concur in the senate amendments to **HB 1994** prevailed by (Record 748): 137 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.; Dukes; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Márquez; Miles; Strama; Turner, S.

Absent, Excused, Committee Meeting — Deshotel; Dutton; Villarreal.

Absent — Klick; Phillips; Raney.

### Senate Committee Substitute

**CSHB 1994**, A bill to be entitled An Act relating to the purchase of certain commodity items by a state agency.

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

SECTION 1. Section 2157.068, Government Code, is amended by amending Subsections (f) and (g) and adding Subsections (f-1) and (f-2) to read as follows:

(f) The department may adopt rules regulating a purchase by a state agency of a commodity item under this section, including a requirement that, notwithstanding other provisions of this chapter, the agency must make the purchase in accordance with a contract developed by the department unless ~~the agency obtains~~:

(1) the agency obtains:

(A) an exemption from the department; or

(B) ~~(2)~~ express prior approval from the Legislative Budget Board for the expenditure necessary for the purchase; or

(2) the department certifies in writing that the commodity item is not available for purchase under an existing contract developed by the department.

(f-1) Subject to Subsection (f-2), a state agency may purchase a commodity item through a contract developed by a local government purchasing cooperative under Chapter 791 if the department certifies in writing that the commodity item is not available for purchase under an existing contract developed by the department.

(f-2) A contract used by a state agency that purchases a commodity item through a contract described by Subsection (f-1) is subject to all provisions required by applicable law to be included in a state agency contract without regard to whether:

(1) the provision appears on the face of the contract; or

(2) the contract includes any provision to the contrary.

(g) The Legislative Budget Board's approval of a biennial operating plan under Section 2054.102 is not an express prior approval for purposes of Subsection (f)(1)(B) ~~(2)~~. A state agency must request an exemption from the department under Subsection (f)(1)(A) ~~(1)~~ before seeking prior approval from the Legislative Budget Board under Subsection (f)(1)(B) ~~(2)~~.

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

### MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

(Strama now present)

**CSHB 3664 ON SECOND READING**  
**(by Darby, Raney, E. Rodriguez, et al.)**

**CSHB 3664**, A bill to be entitled An Act relating to the amount and use of certain money deposited in the state highway fund and Texas mobility fund; increasing certain motor vehicle registration fees.

**Amendment No. 1**

Representative Darby offered the following amendment to **CSHB 3664**:

Amend **CSHB 3664** (house committee report), on page 2, between lines 22 and 23, by inserting the following:

(c) Subsection (a) does not apply to a comprehensive development agreement for which a proposer was selected before September 1, 2013.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Phillips, Callegari, Pickett, D. Miller, Kolkhorst, Aycock, Larson, Orr, and Martinez offered the following amendment to **CSHB 3664**:

Amend **CSHB 3664** (house committee printing) by amending page 3, line 4, by striking "\$80.75" and substituting "\$65.75" and adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter G, Chapter 152, Tax Code, is amended by adding Section 152.1223 to read as follows:

Sec. 152.1223. ALLOCATION OF CERTAIN TAX REVENUE TO STATE HIGHWAY FUND. (a) Notwithstanding Section 152.122, in each state fiscal year beginning on or after September 1, 2015, the comptroller shall deposit to the credit of the state highway fund an amount of money that is equal to 33-1/3 percent of the money that:

(1) is received under Sections 152.043, 152.045, 152.047, and 152.121 and is remaining after the comptroller makes the allocation required by Section 152.1222; and

(2) exceeds the first \$2.8 billion of money described by Subdivision (1) that is received in that fiscal year.

(b) Money deposited to the credit of the state highway fund under this section may be appropriated only:

(1) for a purpose authorized by Section 7-a, Article VIII, Texas Constitution;

(2) to repay the principal and interest on general obligation bonds issued as authorized by Section 49-p, Article III, Texas Constitution; or

(3) to pay for a function performed by or under the supervision of the Texas Department of Transportation.

Amendment No. 2 was adopted by (Record 749): 106 Yeas, 30 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Dukes; Elkins; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Gutierrez; Harless; Hernandez Luna; Howard; Huberty; Isaac; Johnson; Kacal; Keffer; King, K.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Villalba; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Anderson; Bonnen, D.; Bonnen, G.; Capriglione; Creighton; Fallon; Goldman; Harper-Brown; Herrero; Hilderbran; Hughes; Hunter; King, P.; Klick; Krause; Laubenberg; Leach; Lozano; Morrison; Parker; Sanford; Schaefer; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Turner, E.S.; White.

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

Absent, Excused — Giddings; Márquez; Miles; Turner, S.

Absent, Excused, Committee Meeting — Deshotel; Dutton; Villarreal.

Absent — Eiland; Farias; Guillen; King, S.; Toth.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 749. I intended to vote no.

Frank

I was shown voting yes on Record No. 749. I intended to vote no.

Gooden

I was shown voting no on Record No. 749. I intended to vote yes.

Herrero

I was shown voting no on Record No. 749. I intended to vote yes.

Laubenberg

I was shown voting no on Record No. 749. I intended to vote yes.

Leach

I was shown voting yes on Record No. 749. I intended to vote no.

Perry

I was shown voting no on Record No. 749. I intended to vote yes.

Sanford

I was shown voting yes on Record No. 749. I intended to vote no.

Simmons

I was shown voting no on Record No. 749. I intended to vote yes.

Springer

### **Amendment No. 3**

Representative Kolkhorst offered the following amendment to **CSHB 3664**:

Amend **CSHB 3664** (house committee printing) by amending page 1, line 13, by inserting "and deposits made to the state highway fund from Section 152.1223, Tax Code" between "2013" and ".".

(Villarreal now present)

Amendment No. 3 was adopted by (Record 750): 139 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.; Dukes; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Villalba; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Márquez; Miles; Turner, S.

Absent, Excused, Committee Meeting — Deshotel; Dutton.

Absent — Sheffield, J.; Toth; Villarreal.

### **Amendment No. 4**

Representative Naishtat offered the following amendment to **CSHB 3664**:

Amend **CSHB 3664** by adding on page 3, line 6, the following:

(b) The Department of Motor Vehicles shall create rules creating an indigency program for individuals who are experiencing a financial hardship in paying the vehicle registration fee increase.

Amendment No. 4 failed of adoption by (Record 751): 56 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Callegari; Canales; Coleman; Collier; Cortez; Dale; Darby; Davis, S.; Davis, Y.; Dukes; Eiland; Farias; Farrar; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Isaac; Johnson; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Villalba; Villarreal; Vo; Walle; White; Wu; Zerwas.

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

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

Absent, Excused — Giddings; Márquez; Miles; Turner, S.

Absent, Excused, Committee Meeting — Deshotel; Dutton.

Absent — King, S.; Toth.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 751. I intended to vote no.

Callegari

I was shown voting yes on Record No. 751. I intended to vote no.

Zerwas

#### Amendment No. 5

Representative Pickett offered the following amendment to **CSHB 3664**:

Amend **CSHB 3664** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. (a) Sections 201.943(a) and (l), Transportation Code, are amended to read as follows:

(a) Subject to Subsections (e), (f), ~~(g)~~ (g), and (l), the commission by order or resolution may issue obligations in the name and on behalf of the state and the department and may enter into credit agreements related to the obligations. The obligations may be issued in multiple series and issues from time

to time in an aggregate amount not exceeding the maximum obligation amount. The obligations may be issued on and may have the terms and provisions the commission determines appropriate and in the interests of the state. The obligations may be issued as long-term obligations, short-term obligations, or both. The latest scheduled maturity of an issue or series of obligations may not exceed 30 years.

(l) Obligations may not be issued under this section or Section 49-k, Article III, Texas Constitution, after January 1, 2013 ~~[if the commission or the department requires that toll roads be included in a regional mobility plan in order for a local authority to receive an allocation from the fund].~~

(b) Section 201.946, Transportation Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) To the extent money is on deposit in the fund in amounts that are in excess of the money required by the proceedings authorizing the obligations and credit agreements to be retained on deposit, the commission may use the money:

(1) to repay the principal of and interest on obligations issued under other provisions of law, including:

(A) notes issued and loans obtained as authorized by Section 49-m, Article III, Texas Constitution;

(B) bonds and other public securities issued, and bond enhancement agreements entered into, as authorized by Section 49-n, Article III, Texas Constitution, as proposed by **HJR 28**, 78th Legislature, Regular Session, 2003; and

(C) general obligation bonds issued and related credit agreements entered into, as authorized by Section 49-p, Article III, Texas Constitution; or

(2) for any purpose for which obligations may be issued under this subchapter.

(d-1) The commission may use money in the fund for a purpose described by Subsection (d) only to the extent that the proceeds of those obligations are used for purposes described by Section 201.943(d).

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

Amendment No. 5 was withdrawn.

Representative Darby moved to postpone consideration of **CSHB 3664** until 6 a.m. Tuesday, May 28.

The motion prevailed.

#### **STATEMENT BY REPRESENTATIVE HUNTER**

As written, **CSHB 3664** is opposed by me.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Elections, 5:30 p.m. today, 3W.15, for a formal meeting, to consider **SB 160**.



**POSTPONED BUSINESS**

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

**CSHB 3750 ON SECOND READING  
(by Farrar)**

**CSHB 3750**, A bill to be entitled An Act relating to the destruction of the records of businesses, state and local governments, and nonprofit entities stored on copy machines; providing a civil penalty.

**CSHB 3750** was read second time on May 8, postponed until 1 a.m. today, and was again postponed until this time.

**Amendment No. 1**

Representative Farrar offered the following amendment to **CSHB 3750**:

Amend **CSHB 3750** (house committee printing) as follows:

(1) On page 1, lines 14-15, strike "business or nonprofit entity terminates its ownership, lease, or use of the machine" and substitute "business or nonprofit entity disposes of or otherwise terminates its ownership of the machine".

(2) On page 1, between lines 15 and 16, add the following:

(b) Notwithstanding Section 72.002 or any other law relating to the retention of records, a business engaged in the business of leasing copy machines to other persons shall destroy, or arrange for the destruction of, all business records or records of a nonprofit entity stored on a copy machine before the business removes the copy machine from the premises of the other business or nonprofit entity on or after termination of the lease.

(3) On page 1, lines 16-17, strike "(b) A business or nonprofit entity that violates Subsection (a) is liable to this state" and substitute "(c) A business or nonprofit entity that violates Subsection (a) or (b) is liable to this state".

(4) On page 1, line 18, strike "\$10,000" and substitute "\$1,000".

(5) On page 1, between lines 20 and 21, by adding the following:

(d) This section applies only if personal identifying information or financial information is stored on the copy machine.

(e) The comptroller at least annually shall include notification of the requirements of this section in the comptroller's tax policy e-newsletter.

(6) On page 1, line 21, strike "(c)" and substitute "(f)".

(7) On page 2, line 8, strike "\$10,000" and substitute "\$1,000".

(8) On page 2, between lines 10 and 11, add the following:

(c) This section applies only if personally identifiable information or financial information is stored on the copy machine.

(9) On page 2, line 16, immediately after the period, insert "This subsection applies only if personal identifying information or financial information is stored on the copy machine.".

(10) On page 2, line 18, strike "\$10,000" and substitute "\$1,000".

Amendment No. 1 was adopted.

**CSHB 3750**, as amended, was passed to engrossment by (Record 752): 74 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Collier; Cortez; Dale; Davis, J.; Davis, S.; Davis, Y.; Dukes; Eiland; Farias; Farney; Farrar; Geren; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Huberty; Johnson; Kacal; King, S.; King, T.; Kleinschmidt; Kolkhorst; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Patrick; Perez; Pickett; Pitts; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Simpson; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Villalba; Villarreal; Vo; Walle; Workman; Wu.

Nays — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Darby; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Harper-Brown; Hughes; Hunter; Isaac; King, K.; King, P.; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Miller, D.; Miller, R.; Morrison; Paddie; Parker; Perry; Phillips; Price; Ratliff; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Zedler; Zerwas.

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

Absent, Excused — Giddings; Márquez; Miles; Turner, S.

Absent, Excused, Committee Meeting — Deshotel; Dutton.

Absent — Canales; Coleman; Harless; Hilderbran; Keffer.

#### STATEMENTS OF VOTE

When Record No. 752 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

I was shown voting yes on Record No. 752. I intended to vote no.

Dale

I was shown voting yes on Record No. 752. I intended to vote no.

Gonzales

I was shown voting yes on Record No. 752. I intended to vote no.

Gooden

When Record No. 752 was taken, I was in the house but away from my desk. I would have voted no.

Harless

When Record No. 752 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

**CONSTITUTIONAL AMENDMENTS CALENDAR  
HOUSE JOINT RESOLUTIONS  
SECOND READING**

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

**HJR 62 ON SECOND READING**

**(by C. Turner, Moody, Flynn, Isaac, Hilderbran, et al.)**

**HJR 62**, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

**Amendment No. 1**

Representative C. Turner offered the following amendment to **HJR 62**:

Amend **HJR 62** (house committee printing) by striking SECTION 1 of the resolution (page 1, line 7, through page 2, line 5) and substituting the following:

SECTION 1. Section 1-b, Article VIII, Texas Constitution, is amended by adding Subsections (l) and (m) to read as follows:

(l) The legislature by general law may provide that the surviving spouse of a member of the armed services of the United States who is killed in action is entitled to an exemption from ad valorem taxation of all or part of the market value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services.

(m) The legislature by general law may provide that a surviving spouse who qualifies for and receives an exemption in accordance with Subsection (l) of this section and who subsequently qualifies a different property as the surviving spouse's residence homestead is entitled to an exemption from ad valorem taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from ad valorem taxation of the first homestead for which the exemption was received in accordance with Subsection (l) of this section in the last year in which the surviving spouse received the exemption in accordance with that subsection for that homestead if the surviving spouse has not remarried since the death of the member of the armed services.

Amendment No. 1 was adopted.

**HJR 62 - REMARKS**

REPRESENTATIVE C. TURNER: Mr. Speaker, members, over the last several years, Texas has been a national leader in honoring the service and sacrifice of our veterans and their families; not just with our words, but also with our deeds. And thanks to the leadership of this body, four years ago, we passed the constitutional amendment that enables veterans who are 100 percent disabled to receive a complete property tax exemption, and two years ago, the legislature and the voters wisely extended that exemption to the veteran's widow or widower, so the surviving spouse would not see a huge tax increase.

Now, members, I think the time has come that we also provide this very special benefit to the very special group of Texans whose spouses have made the ultimate sacrifice in service to our nation. If a member of our nation's armed forces is killed in action, we need to provide his or her spouse the same property tax exemption we currently provide to 100 percent disabled veterans. The average Texas homeowner pays a little over \$3,000 a year in property taxes. Think about what an additional \$3,000 a year could do for a suddenly and tragically single parent who is suddenly supporting a family by themselves.

Members, there are a lot of stories that could be told of this kind of situation around this state, and I'm sure you all have stories in your districts. I want to tell you one story about Marine Gunnery Sergeant John D. Fry from Lorena, Texas. Sergeant Fry was an ordinance technician who had spent two tours in Iraq successfully disarming 176 improvised explosive devices and disposing of over 10,000 pounds of explosive materials, saving the lives of countless Americans and Iraqis. He was offered the Bronze Star for his valor, but he declined because he felt he was simply doing his duty. On March 8, 2006, toward the end of his second tour, 28-year-old Sergeant Fry's bags were packed, as he was literally just a few days from returning home to his family in Central Texas, when a call came in that there were three IEDs in the Anbar Province that needed to be disarmed. Even though Sergeant Fry's tour was essentially complete and he did not have to go, he volunteered for this mission. Sergeant Fry successfully disarmed the first two IEDs, as he had done so many times before. But what he didn't know was that the third bomb was booby-trapped. When it exploded, Sergeant Fry's body shielded another marine from the bomb's blast. And so, even as he was giving his own life, Sergeant Fry was saving yet another, in addition to the countless others he had already saved.

Sergeant Fry left behind three children, all under the age of 10 at the time, and his wife, Malia, who came and visited with the committee members a few weeks ago when they heard this bill, and she gave very compelling testimony. In addition to the Fry family, there are thousands of other families across our state whose lives have been shattered by the loss of a husband, a wife, a mother, or a father who is killed defending our nation. Now that we are out of Iraq, and we are drawing down in Afghanistan, we do not see war on our TVs every day. It's perhaps easy to lose sight of war's impact on the families of those who serve. But the sacrifice they have made, the pain they feel, and the hardships they must endure are real, and they are ever-present. No matter how hard we try, we can't ever repay the debt of gratitude that we owe to these families. This constitutional amendment will allow the State of Texas to take one small yet important step to help partly repay that debt, and to acknowledge the sacrifice of those who, in the words of Lincoln, "gave the last full measure of devotion."

**HJR 62**, as amended, was adopted by (Record 753): 141 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.; Dukes;

Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; 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; 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; 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.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Márquez; Miles; Turner, S.

Absent, Excused, Committee Meeting — Deshotel; Dutton.

Absent — Hughes.

#### STATEMENT OF VOTE

When Record No. 753 was taken, my vote failed to register. I would have voted yes.

Hughes

#### REMARKS ORDERED PRINTED

Representative Menéndez moved to print remarks by Representative C. Turner.

The motion prevailed.

#### GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

#### CSHB 912 ON SECOND READING (by Gooden, Riddle, Burnam, Fallon, Stickland, et al.)

**CSHB 912**, A bill to be entitled An Act relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties.

#### Amendment No. 1

Representative Gooden offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) as follows:

(1) On page 1, line 12, strike "real property" and substitute "privately owned real property in this state".

(2) On page 2, line 10, strike "or authorizes the use of".

(3) On page 2, line 12, strike "monitor or".

(4) On page 4, between lines 9 and 10, insert the following:

(e) In this section, "intent" has the meaning assigned by Section 6.03, Penal Code.

(5) On page 4, strike lines 12 through 14 and substitute the following: the person:

(1) captures an image in violation of Section 423.003; and

(2) possesses, discloses, displays, distributes, or otherwise uses that image.

(6) Strike page 5, line 19, through page 6, line 13, and substitute the following:

Sec. 423.006. CIVIL ACTION. (a) An owner or tenant of privately owned real property located in this state may bring against a person who, in violation of Section 423.003, captured an image of the property or the owner or tenant while on the property an action to:

(1) enjoin a violation or imminent violation of Section 423.003 or 423.004;

(2) recover a civil penalty of:

(A) \$5,000 for all images captured in a single episode in violation of Section 423.003; or

(B) \$10,000 for disclosure, display, distribution, or other use of any images captured in a single episode in violation of Section 423.004; or

(3) recover actual damages if the person who captured the image in violation of Section 423.003 discloses, displays, or distributes the image with malice.

(b) For purposes of recovering the civil penalty or actual damages under Subsection (a), all owners of a parcel of real property are considered to be a single owner and all tenants of a parcel of real property are considered to be a single tenant.

(c) In this section, "malice" has the meaning assigned by Section 41.001, Civil Practice and Remedies Code.

(7) On page 6, strike lines 19 through 25 and substitute the following:

(f) An action brought under this section must be commenced within two years from the date the image was:

(1) captured in violation of Section 423.003; or

(2) initially disclosed, displayed, distributed, or otherwise used in violation of Section 423.004.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Gooden offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) as follows:

(1) On page 4, line 1, after the underlined semicolon, strike "or".

(2) On page 4, line 3, between "pixel" and the underlined period, insert the following:

;

(13) by an electric or telecommunication utility provider regulated by the Public Utility Commission of Texas;

(A) for the purpose of performing and reporting the results of the annual inspection of transmission lines and other facilities as required by the commission, if the images are captured without the intent to conduct surveillance on an individual or private property located in this state; or

(B) for the purpose of maintaining or repairing transmission lines or other facilities, if the images are captured without the intent to conduct surveillance on an individual or private property located in this state;

(14) by the owner or operator of an oil, gas, water, or other pipeline for the purpose of maintaining or repairing pipelines or other transmission facilities, if the images are captured without the intent to conduct surveillance on an individual or private property located in this state; or

(15) by a satellite for the purpose of mapping, provided that the images are not captured with the intent to conduct surveillance of an individual or real property located in this state

(3) On page 4, between lines 9 and 10, insert the following:

(e) This chapter does not apply to the manufacture, assembly, distribution, or sale of an unmanned vehicle or unmanned aircraft.

(Geren in the chair)

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representatives Villalba, C. Turner, Patrick, and Sheets offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) as follows:

(1) On page 1, strike line 9 and substitute the following:

Sec. 423.001. DEFINITIONS. In this chapter:

(1) "Image" means

(2) On page 1, between lines 13 and 14, insert the following:

(2) "Unmanned aircraft" means a powered aerial vehicle that:

(A) does not carry a human operator;

(B) is capable of flying autonomously or being piloted remotely;

(C) may be capable of capturing images;

(D) may be expendable or recoverable; and

(E) is not used for a legitimate law enforcement purpose.

(3) "Unmanned vehicle" means a powered vehicle that:

(A) does not carry a human operator;

(B) is capable of navigating autonomously or being controlled

remotely;

(C) may be capable of capturing images;

(D) may be expendable or recoverable; and

(E) is not used for a legitimate law enforcement purpose.

(3) Strike all language appearing on page 2, line 20, through page 3, line 5, and substitute the following:

(2) for any legitimate law enforcement purpose;

(4) Renumber subsequent subdivisions of added Section 423.003(c), Government Code, accordingly.

(S. Turner now present)

### LEAVES OF ABSENCE GRANTED

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

Kolkhorst on motion of Geren.

J. Sheffield on motion of Stephenson.

### CSHB 912 - (consideration continued)

Amendment No. 3 failed of adoption.

#### Amendment No. 4

Representative Lucio offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) as follows:

(1) On page 2, line 1, after the underlined semicolon, strike "or".

(2) On page 2, line 5, after the underlined semicolon, strike "or".

(3) On page 2, line 7, between "military" and the underlined period, insert the following:

⋮

(4) if the image is taken by a satellite for the purpose of mapping;

(5) by a manufacturer or distributor of the unmanned vehicle or unmanned aircraft in connection with the development, manufacture, testing, or research of the vehicle or the aircraft; or

(6) by a manufacturer or distributor incidental to the activities authorized under Subdivision (5) and the manufacturer or distributor discloses the image voluntarily to law enforcement because the manufacturer or distributor reasonably believes the image shows the commission of an offense

(4) On page 3, line 26, after the underlined semicolon, insert "or".

(5) On page 4, strike all language appearing on lines 1-3 and substitute "property."

### LEAVES OF ABSENCE GRANTED

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

Collier on motion of Kleinschmidt.

S. Davis on motion of Kleinschmidt.

Guerra on motion of Kleinschmidt.

### CSHB 912 - (consideration continued)

Amendment No. 4 was adopted.



### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a committee meeting:

Morrison on motion of P. King.

#### CSHB 912 - (consideration continued)

##### Amendment No. 5

Representative Price offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) as follows:

- (1) On page 2, line 2, between "(2)" and "airspace", insert "in".
- (2) On page 2, line 6, between "(3)" and "an operation", insert "as part of".
- (3) On page 2, line 21, between "authority" and the underlined colon, insert "or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority".
- (4) On page 3, line 6, between "authorities" and "for", insert ", or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities,".

Amendment No. 5 was adopted.

##### Amendment No. 6

Representative Price offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) as follows:

- (1) On page 3, line 6, between "authorities" and "for", insert ", or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities,".

(2) On page 3, line 9, after the underlined semicolon, strike "or".

(3) On page 3, line 12, after the underlined semicolon, insert the following:

or

(C) conducting routine air quality sampling and monitoring;

Amendment No. 6 was adopted.

##### Amendment No. 7

Representative Hughes offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) as follows:

- (1) On page 4, line 1, after the underlined semicolon, strike "or".
- (2) On page 4, line 3, between "pixel" and the underlined period, insert the following:

;

(13) in connection with oil pipeline safety and rig protection;

(14) in connection with port authority surveillance and security;

(15) in connection with cattle ranching or agriculture and wildlife management;

(16) in connection with oil and gas exploration;

(17) for the purpose of water supply safety;

- (18) for the purpose of surveying land;
- (19) for the purpose of agriculture and farming safety; or
- (20) in connection with an air show or related event

Amendment No. 7 was adopted.

### **Amendment No. 8**

Representative Darby offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) as follows:

- (1) On page 2, line 1, after the underlined semicolon, strike "or".
- (2) On page 2, line 5, after the underlined semicolon, strike "or".
- (3) On page 2, line 7, between "military" and the underlined period, insert the following:  
; or

- (4) by or for an electric or natural gas utility:
  - (A) for operations and maintenance of utility facilities for the purpose of maintaining utility system reliability and integrity;
  - (B) for inspecting utility facilities to determine repair, maintenance, or replacement needs during and after construction of such facilities;
  - (C) for assessing vegetation growth for the purpose of maintaining clearances on utility easements; and
  - (D) for utility facility routing and siting for the purpose of providing utility service

Amendment No. 8 was adopted.

### **Amendment No. 9**

Representative Schaefer offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) as follows:

- (1) On page 2, line 8, strike "OFFENSE: ILLEGAL" and substitute "PROHIBITED".
- (2) On page 2, lines 9-10, strike "commits an offense if the person uses or authorizes" and substitute "may not use or authorize".
- (3) On page 2, strike line 14 and reletter subsequent subsections of Section 423.003, Government Code, accordingly.
- (4) On page 4, line 4, strike "It is a defense to prosecution under this section that" and substitute "A person does not violate this section if".
- (5) On page 4, line 10, strike "OFFENSE:" and substitute "PROHIBITED".
- (6) On page 4, strike lines 11 through 14 and substitute the following:  
DISTRIBUTION, OR USE OF IMAGE. (a) A person may not possess, disclose, display, distribute, or otherwise use an image that was captured in violation of Section 423.003.
- (7) On page 4, strike lines 15-18 and reletter subsequent subsections of Section 423.004, Government Code, accordingly.
- (8) On page 4, line 21, strike "offense" and substitute "violation".

(9) On page 4, lines 22-23, strike "It is a defense to prosecution under this section for the possession of an image that" and substitute "A person does not violate this section by possessing an image if".

(10) On page 4, line 26, through page 5, line 1, strike "It is a defense to prosecution under this section for the disclosure, display, distribution, or other use of an image that" and substitute "A person does not violate this section by disclosing, displaying, distributing, or otherwise using an image if".

Representative Gooden moved to table Amendment No. 9.

The motion to table prevailed.

#### **Amendment No. 10**

On behalf of Representative Johnson, Representative Gooden offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) on page 2 of the bill by striking lines 11 through 13 and substituting the following:  
unmanned aircraft to capture an image of:

(1) an individual or real property with the intent to monitor or conduct surveillance on the individual or real property captured in the image;

(2) property on which a primary or secondary school or a licensed child-care facility is operated; or

(3) an individual located on property described by Subdivision (2).

Amendment No. 10 was adopted.

#### **Amendment No. 11**

Representative P. King offered the following amendment to **CSHB 912**:

Amend **CSHB 912** on page 6, between lines 25 and 26 by inserting into the bill the following:

Sec. 423.007. RULES FOR USE BY LAW ENFORCEMENT. The Department of Public Safety shall adopt rules and guidelines for use of an unmanned vehicle or unmanned aircraft by a law enforcement authority in this state.

Amendment No. 11 was adopted.

#### **Amendment No. 12**

Representative Patrick offered the following amendment to **CSHB 912**:

Amend **CSHB 912** (house committee printing) on page 3, line 6, between "state" and "authorities", by inserting "or local law enforcement".

Amendment No. 12 was adopted.

**CSHB 912**, as amended, was passed to engrossment. (Flynn recorded voting no.)

**HB 97 ON SECOND READING**  
**(by Perry, White, Flynn, Farias, R. Miller, et al.)**

**HB 97**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization.

**Amendment No. 1**

Representative P. King offered the following amendment to **HB 97**:

Amend **HB 97** (house committee printing) as follows:

(1) On page 1, between lines 7 and 8, add the following:

ARTICLE 1. EXEMPTIONS FOR CERTAIN PARTIALLY DISABLED  
 VETERANS

(2) On page 1, line 8, strike "SECTION 1." and substitute "SECTION 1.01."

(3) On page 3, line 6, strike "SECTION 2." and substitute "SECTION 1.02."

(4) On page 3, line 12, strike "SECTION 3." and substitute "SECTION 1.03."

(5) On page 4, line 3, strike "SECTION 4." and substitute "SECTION 1.04."

(6) On page 4, line 12, strike "SECTION 5." and substitute "SECTION 1.05."

(7) On page 5, line 10, strike "SECTION 6." and substitute "SECTION 1.06."

(8) On page 6, line 6, strike "SECTION 7." and substitute "SECTION 1.07."

(9) On page 6, line 18, strike "SECTION 8. This Act" and substitute "SECTION 1.08. This article".

(10) On page 6, line 20, strike "Act" and substitute "article".

(11) On page 6, line 21, strike "SECTION 9." and substitute "SECTION 1.09."

(12) On page 6, line 21, strike "Act" and substitute "article".

(13) On page 7, line 2, strike "Act" and substitute "article".

(14) On page 7, after line 2, add the following:

ARTICLE 2. EXEMPTIONS FOR CERTAIN SPOUSES OF DISABLED  
 VETERANS

SECTION 2.01. Section 11.26(i), Tax Code, is amended to read as follows:

(i) If an individual who qualifies for the exemption provided by Section 11.13(c) [~~for an individual 65 years of age or older~~] dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if:

(1) the surviving spouse is 55 years of age or older when the individual dies; and

(2) the residence homestead of the individual:

(A) is the residence homestead of the surviving spouse on the date that the individual dies; and

(B) remains the residence homestead of the surviving spouse.

SECTION 2.02. This article applies only to an ad valorem tax year that begins on or after the effective date of this article.

SECTION 2.03. This article takes effect January 1, 2014, but only if the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, allowing the surviving spouse of a person who is disabled to receive a limitation on school district ad valorem taxes on the person's residence homestead if the spouse is 55 years of age or older at the time of the person's death is approved by the voters. If that constitutional amendment is not approved by the voters, this article has no effect.

(Ritter in the chair)

Amendment No. 1 was adopted.

**HB 97**, as amended, was passed to engrossment.

**CSHB 1712 ON SECOND READING**  
**(by Lozano)**

**CSHB 1712**, A bill to be entitled An Act relating to an exemption from ad valorem and sales and use taxes for property used in connection with an offshore spill response containment system.

**CSHB 1712** was passed to engrossment.

**CSHB 503 ON SECOND READING**  
**(by Hernandez Luna)**

**CSHB 503**, A bill to be entitled An Act relating to the ability of a property owners' association to contract with an association board member or certain other persons or entities associated with the board member.

**CSHB 503** was passed to engrossment. (Flynn and Hunter recorded voting no.)

**CSHB 217 ON SECOND READING**  
**(by Alvarado, Zerwas, S. King, Lucio, and Cortez)**

**CSHB 217**, A bill to be entitled An Act relating to the types of beverages that may be sold to students on public school campuses.

**Amendment No. 1**

Representative Springer offered the following amendment to **CSHB 217**:

Amend **CSHB 217** as follows:

(1) On page 1, line 20, strike "or".

(2) On page 1, line 22, between "day" and the period insert " ;or

(4) to the sale of a beverage to a high school student on a school campus on which a high school is colocated with an elementary, middle, or junior high school".

Amendment No. 1 was adopted.

**CSHB 217**, as amended, was passed to engrossment. (Anderson, Button, Carter, Flynn, Hunter, Laubenberg, D. Miller, Phillips, Schaefer, Simpson, and Zedler recorded voting no.)

**HB 3498 ON SECOND READING**

(by **E. S. Turner, Fletcher, Toth, Strama, Murphy, et al.**)

**HB 3498**, A bill to be entitled An Act relating to a requirement that a student's postsecondary transcript include the average or median grade awarded in each class.

**HB 3498** was passed to engrossment. (Phillips recorded voting no.)

(Collier, S. Davis, Dutton, and Miles now present)

**CSHB 34 ON SECOND READING**

(by **Menéndez, Anchia, Geren, and Walle**)

**CSHB 34**, A bill to be entitled An Act relating to the consumption of alcoholic beverages on certain premises; providing a penalty and authorizing a fee.

**CSHB 34 - POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of **CSHB 34**.

The point of order was withdrawn.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Oliveira requested permission for the Committee on Business and Industry to meet while the house is in session, at 7:15 p.m. today, in 3W.9, to consider **SB 947**, **SB 1040**, **SB 1268**, and pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Business and Industry, 7:15 p.m. today, 3W.9, for a formal meeting, to consider **SB 947**, **SB 1040**, **SB 1268**, and pending business.

**CSHB 34 - (consideration continued)**

Representative Menéndez moved to postpone consideration of **CSHB 34** until 7:30 p.m. today.

The motion prevailed.

**CSSB 1142 ON SECOND READING**

(**J. Davis, Deshotel, Huberty, Farney, and Murphy - House Sponsors**)

**CSSB 1142**, A bill to be entitled An Act relating to an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age.

**CSSB 1142** was considered in lieu of **HB 1831**.

**CSSB 1142** was passed to third reading. (Flynn, Schaefer, Simpson, and Zedler recorded voting no.)

**HB 1831 - LAID ON THE TABLE SUBJECT TO CALL**

Representative J. Davis moved to lay **HB 1831** on the table subject to call.

The motion prevailed.

(J. Sheffield now present)

**HB 1642 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative D. Bonnen called up with senate amendments for consideration at this time,

**HB 1642**, A bill to be entitled An Act relating to the Port of Houston Authority.

(Deshotel and Morrison now present)

Representative D. Bonnen moved to concur in the senate amendments to **HB 1642**.

The motion to concur in the senate amendments to **HB 1642** prevailed by (Record 754): 63 Yeas, 44 Nays, 28 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bonnen, D.; Bonnen, G.; Burkett; Canales; Capriglione; Clardy; Cook; Crownover; Deshotel; Dukes; Dutton; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Harper-Brown; Hilderbran; Huberty; Hughes; Keffer; King, K.; King, P.; Krause; Kuempel; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; McClendon; Menéndez; Miller, R.; Moody; Morrison; Oliveira; Paddie; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Sanford; Sheets; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Vo; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Bell; Bohac; Button; Callegari; Carter; Coleman; Collier; Cortez; Craddick; Creighton; Davis, J.; Davis, S.; Davis, Y.; Eiland; Elkins; Farias; Farrar; Fletcher; González, M.; Guillen; Harless; Hernandez Luna; Herrero; Kleinschmidt; Lavender; Lewis; Martinez; Martinez Fischer; Murphy; Naishtat; Parker; Perez; Pitts; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Smith; Walle; White.

Present, not voting — Mr. Speaker; Anchia; Branch; Burnam; Dale; Darby; Farney; Gonzales; Gonzalez, N.; Gutierrez; Howard; Hunter; Isaac; King, T.; Klick; Miller, D.; Nevárez; Orr; Otto; Patrick; Perry; Ritter(C); Schaefer; Sheffield, J.; Stephenson; Strama; Villalba; Wu.

Absent, Excused — Giddings; Márquez.

Absent, Excused, Committee Meeting — Guerra; Kolkhorst.

Absent — Gooden; Johnson; Kacal; King, S.; Miles; Muñoz; Sheffield, R.; Turner, C.; Turner, S.; Villarreal; Workman.

### STATEMENTS OF VOTE

When Record No. 754 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gooden

I was shown voting yes on Record No. 754. I intended to vote no.

Huberty

I was shown voting no on Record No. 754. I intended to vote yes.

Martinez

When Record No. 754 was taken, my vote failed to register. I would have voted no.

Miles

I was shown voting present, not voting on Record No. 754. I intended to vote yes.

Nevárez

I was shown voting no on Record No. 754. I intended to vote yes.

Parker

When Record No. 754 was taken, I was in the house but away from my desk. I would have voted no.

S. Turner

### Senate Committee Substitute

**CSHB 1642**, A bill to be entitled An Act relating to the Port of Houston Authority.

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

SECTION 1. Subtitle A, Title 5, Special District Local Laws Code, is amended by adding Chapter 5007 to read as follows:

CHAPTER 5007. PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY,

TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5007.001. DEFINITIONS. In this chapter:

(1) "Authority" means the Port of Houston Authority of Harris County,  
Texas.

(2) "Executive director" means the executive director of the authority.

(3) "Port commission" means the navigation and canal commission of  
the authority.

(4) "Port commissioner" means a member of the port commission.

SECTION 2. Sections 1 and 7, Chapter 97, Acts of the 40th Legislature, 1st Called Session, 1927, are transferred to Subchapter A, Chapter 5007, Special District Local Laws Code, as added by this Act, redesignated as Sections 5007.002 and 5007.003, Special District Local Laws Code, and amended to read as follows:



Sec. 5007.002 [+]. CREATION OF DISTRICT; VALIDATION; TERRITORY. (a) That the Harris County Houston Ship Channel Navigation District of Harris County, Texas, in Harris County, as hereinafter described by metes and bounds, is hereby created and established under authority of Article 3, Section 52, of the Constitution of the State of Texas, for the purpose of the development of deep water navigation and the improvement of rivers, bays, creeks, streams, and canals within or adjacent to the authority [~~such District~~], and to construct and maintain canals or waterways to permit [~~of~~] navigation or in aid thereof and for the purpose of and authority to acquire, purchase, undertake, construct [~~construct~~], maintain, operate, develop, and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, lighterage, lands, towing facilities, and all other facilities or aids incident to or necessary to the operation or development of ports or waterways within the authority [~~said District~~] and extending to the Gulf of Mexico, as provided in Chapter 9 of the Revised Statutes of 1925; and all orders of the Commissioners' Court of Harris County, Texas, and of the Navigation Commissioners, heretofore made in respect to the creation of such authority [~~District~~] and the authorization and issuance of the bonds of said authority [~~District and particularly an issue of One Million Five Hundred Thousand (\$1,500,000.00) Dollars of bonds voted at an election under date of December 4, 1926, be and the same~~] are hereby in all things ratified, confirmed, and validated.

(b) The authority [~~said Harris County Houston Ship Channel Navigation District of Harris County, Texas,~~] herenow created and established after consideration of the benefits to the property therein located, is described by metes and bounds as follows, to-wit:-

Beginning at the entrance to Clear Creek into Galveston Bay; thence running up said creek with the line of Galveston and Brazoria Counties to a point on S. G. Haynie's survey 372 varas S. 62 degrees 32 minutes E. from its west line; thence N. 62 degrees 32 minutes W. 12 miles 318 varas to the head of Brays Bayou; thence N. 56 degrees 30 minutes W. 15 miles 1455 1/2 varas to the old crossing of Buffalo Bayou; thence with the line of Waller County in a straight line to the head of creek; thence down the same with its meanders to the San Jacinto River; thence N. 50 degrees east to the western line of Liberty County; thence with said line to the head of Cedar Bayou; thence down said bayou to its mouth; thence following the boundary line of Harris County to the mouth of Clear Creek, the place of beginning.

Sec. 5007.003 [7]. AUTHORITY TO ISSUE BONDS. The authority [~~Harris County Houston Ship Channel Navigation District of Harris County, Texas,~~] is authorized and empowered to issue in direct conformity with the Constitution and the laws of this State as and when necessary such bonds as may be voted from time to time by the [~~requisite two-thirds majority of the resident property tax paying~~] voters voting at any election when called and conducted in direct conformity with the Constitution and laws of Texas and to issue and sell the same subject to such provisions of the Constitution and laws of this State as may be in effect at the time, and subject to the approval of the Attorney General.

SECTION 3. Sections 1 through 8, Chapter 292, Acts of the 40th Legislature, Regular Session, 1927, are transferred to Subchapter A, Chapter 5007, Special District Local Laws Code, as added by this Act, redesignated as Sections 5007.004 and 5007.005, Special District Local Laws Code, and amended to read as follows:

Sec. 5007.004 ~~[4]~~. GRANT OF TITLE TO CERTAIN ISLANDS AND OTHER LAND; RELATED POWERS AND DUTIES; RIPARIAN LANDOWNERS; RESERVATION OF CERTAIN STATE RIGHTS AND POWERS. (a) That all right, title and interest of the State of Texas, to all lands hereinafter in this section described, to wit:

All islands and lands owned by the State of Texas, many of which are subject to overflow, known as Barnes Island, Alexander Island, Goat Island, Diamond Island and Hog Island in San Jacinto River above Lynchburg [~~Lunchburg~~], and certain accretions formed by dredged material excavated from the channel and forming land attached to or near said Alexander Island, Hog Island between Goose Creek and Morgan Point, Atkinson Island, and all the submerged lands lying and being situated under the waters of Buffalo Bayou, San Jacinto River, White Oak Bayou, Bray's Bayou, Simms Bayou, Vinces Bayou, Hunting Bayou, Greens Bayou, Carpenters Bayou, Old River, Lost River, Goose Creek and Cedar Bayou, and all other streams within the authority [~~Harris County Navigation District~~] tributary to the Houston Ship Channel, so far up said streams as the State may own same, together with all lands lying and being situated under the waters of Old River, Burnett's Bay, Crystal Lake, Scott's Bay, Peggy's Lake, Black Duck Bay, Tabbs Bay and San Jacinto Bay, and all other tidal flats or overflow land adjacent to or appurtenant to the above mentioned streams within the limits above mentioned except Mitchell's Bay and any area between said bay and the Houston Ship Channel, as now or hereafter located, is hereby granted to the authority [~~Harris County Houston Ship Channel Navigation District~~], or its successors, for public purposes and for the development of commerce only, in accordance with the following provisions and stipulations herein contained; provided that inasmuch as it is the purpose of this section [~~Act~~] to grant said lands to the public agency which is developing the Port of Houston, upon the creation by legislation of other public agency which shall supersede the authority [~~said navigation district~~] as the public agency developing the Port of Houston, the title to said lands shall be transferred from the authority [~~navigation district~~] to such public agency, either municipal or State, so provided, such public agency being referred to herein as the successors [~~successors~~] of the authority [~~navigation district~~].

(b) [~~Sec. 2.~~] The authority [~~navigation district~~], or its successors, is hereby granted the right, power and authority to authorize, establish, construct, purchase, own, maintain, equip, regulate, operate and lease wharves, piers, docks, dry docks, marine ways and all other structures and appliances for facilitating or accommodating [~~accommodating~~] commerce or navigation, and to dredge out channels, slips and turning basins, and to fill in space between the main land and islands and to fill areas for wharves, piers, docks, dry docks, marine ways and for all other structures and appliances for facilitating and accommodating

~~[accommodating]~~ commerce and navigation, having first secured a permit from the Government of the United States of America therefor, and to construct, or cause or authorize to be constructed on said wharves, piers, docks, dry docks, marine ways and other structures and appliances for facilitating and accommodating ~~[accommodating]~~ commerce and navigation, or on lands so filled in, any and all elevators, warehouses, bunkers, railway terminals and sidetracks, or any other facilities or aids whatsoever to navigation or commerce. Said lands shall be used by the authority ~~[navigation district]~~, or its successors, solely for the establishment, improvement and conduct of an harbor and for the construction, maintenance and operation thereon of any facilities or aids whatsoever to the same, and the authority ~~[said navigation district]~~, or its successors, shall not at any time, grant, convey, give or alien said lands or any part thereof, to any individual, firm or corporation for any purpose whatsoever; provided, that the authority ~~[said navigation district]~~, or its successors, may grant franchises thereon for limited periods of time for wharves, and other public uses and purposes, and may lease said lands or any part thereof for limited periods for purposes consistent with this chapter ~~[Act]~~, but no wharves, piers or structures of any kind shall be constructed on said lands by anyone save the authority ~~[navigation district]~~, except under a franchise granted by the authority ~~[said navigation district]~~ and in a manner first prescribed by and approved of by the authority ~~[said navigation district]~~ or its successors.

(c) ~~[Sec. 3.]~~ For the purpose of carrying out the provisions of this section ~~[Act]~~, the authority ~~[navigation district]~~, or its successors, is hereby granted the right, power and authority to abate and remove any and all encroachments or structures of any kind now or hereafter existing on said property, save such as may have been constructed under permit from the United States War Department, or other proper Federal authority, and shall have the right to bring such suit or suits as may be necessary to carry out the provisions of this section ~~[Act]~~ to the same extent and as fully and completely as the right to bring such a suit or suits existed in the State prior to the passage hereof.

(d) ~~[Sec. 4.]~~ The purposes and provisions of this section ~~[Act]~~, and the grants, rights and privileges, thereunder to the authority ~~[Harris County Houston Ship Channel Navigation District]~~, shall not affect, curtail or abridge the rights or privileges of riparian owners of lands abutting upon the islands and lands subject to overflow, and lands lying under the streams, bays and lakes herein described or referred to, as the same existed under the Common Law or the Constitution or Statutes of Texas as of June 14, 1927 ~~[at the time this Act shall become in force and effect]~~, or to deprive riparian land owners of access to such streams, channels or waters.

(e) ~~[Sec. 5.]~~ The State of Texas, may at any time, place the operation of the ~~[said]~~ facilities under Subsection (b) under the supervision of the Railroad Commission of Texas, to insure reasonable wharfage and storage charges.

(f) ~~[Sec. 6.]~~ The right is hereby expressly reserved by the State of Texas to erect on the lands herein conveyed such wharves, piers and buildings for State purposes as may hereafter be authorized by law.

(g) ~~[Sec. 7.]~~ All mines and mineral rights, including oil and gas in and under said lands, together with the right to enter there on for the purpose of development, and the granting of permits to excavate sand, shell or marl and to collect the tax on same, are hereby expressly reserved to the State of Texas; provided necessary or proper access to the lands hereby ceded, together with all improvements heretofore made, or to be made, under any mineral leases issued by the State in connection with mineral rights herein reserved are made a condition of this grant, and are covenants running with the ceded lands; provided further, that leases hereafter made by the State, or operations thereunder in connection with reserved mineral rights shall not interfere with the improvements made, or to be made in the development of the ship channel by the authority ~~[said navigation district]~~, or franchise holders thereunder.

Sec. 5007.005 ~~[8.]~~ RIGHTS OF WAY; EASEMENTS. Nothing in this chapter ~~[Act]~~ shall prohibit the authority ~~[Navigation District]~~ or its successors from granting to the United States of America such rights-of-way or easements as may be required by it for the construction of channels, basins, dumping grounds, or other allied purposes in connection with any work voluntarily undertaken by the Federal Government, or at the request of the authority ~~[navigation district]~~ or its successors.

SECTION 4. Sections 1, 2, 3, 4, and 5A, Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, are transferred to Subchapter A, Chapter 5007, Special District Local Laws Code, as added by this Act, redesignated as Sections 5007.006, 5007.007, 5007.008, 5007.009, and 5007.010, Special District Local Laws Code, and amended to read as follows:

Sec. 5007.006 ~~[4.]~~ REVENUE OBLIGATIONS; CERTAIN POWERS; FEES AND CHARGES; GRAIN ELEVATORS; TAXATION EXEMPTION; REFUNDING BONDS; CERTAIN BOND PROVISIONS. (a) The authority ~~[Harris County Houston Ship Channel Navigation District of Harris County, Texas]~~, in addition to all other powers conferred by law, is hereby given authority and shall hereafter have power in the manner hereinafter provided to acquire, purchase, construct, enlarge, extend, repair, maintain, operate, or develop channels and turning basins, wharves, docks, warehouses, grain elevators, bunkering facilities, railroads, floating plants~~[-]~~ and facilities, lightering facilities and towing facilities, bulk handling facilities, and everything appurtenant thereto, together with all other facilities or aids incident to or useful in the operation or development of the authority's ~~[District's]~~ ports and waterways or in aid of navigation and commerce thereon.

(b) The port commission ~~[Board of Navigation and Canal Commissioners of said District]~~ may covenant to and shall prescribe fees and charges to be collected for the use of those improvements and facilities of the authority ~~[District]~~ (the net revenues of which improvements and facilities are pledged, as hereinafter provided), which fees and charges shall be reasonable and equitable and fully sufficient to produce revenues adequate to pay, and said port commission ~~[Board of Navigation and Canal Commissioners]~~ shall cause to be paid:

(1) All expenses necessary to the operation, replacement and maintenance of said improvements and facilities. Such operating and maintenance expenses payable from current revenues shall include the cost of the acquisitions of properties and materials necessary to repair, replace and maintain said improvements and facilities in good condition and operate them efficiently, wages and salaries paid to the employees of the authority [~~District~~] in that connection, and such other expenses as may be necessary to the efficient operation of said improvements and facilities.

(2) The annual or semiannual interest upon any obligations issued hereunder and payable out of the revenues of said improvements and facilities.

(3) The amount required to be paid annually into the sinking fund for the payment of any obligations issued hereunder and payable out of the revenues of said improvements and facilities.

(4) The amount or amounts required to be paid in reserve funds or other funds as may be provided for in the proceedings authorizing such obligations, to secure the payment of the obligations issued pursuant to the provisions hereof.

(b-1) Revenues which may be received in excess of those required for the purposes listed in the above Subsection (b) [~~subparagraphs (1), (2), (3), and (4),~~] may be used by the port commission [~~Board of Navigation and Canal Commissioners~~] to pay the cost of any other authority [~~District~~] improvements or for any other lawful purpose.

(c) The port commission [~~Board of Navigation and Canal Commissioners of said District~~] may borrow money from any department or agency of the United States, or from any other source, and in evidence thereof issue the notes, warrants, certificates of indebtedness, negotiable bonds, or other forms of obligation of the authority [~~such District~~] (heretofore and hereafter referred to as "obligations") payable solely out of the revenues to be derived from said improvements and facilities for any or all of the purposes set forth in Subsection (a) [~~Section 1(a) of this Act~~].

(d) Such obligations shall not constitute an indebtedness or pledge of the credit of the authority [~~such District~~], and the holders thereof shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation, and such obligations shall contain a recital to that effect. All obligations issued hereunder shall be in registered or coupon form, and if in coupon form may be registerable as to principal only, or as to both principal and interest, shall bear interest at a rate not to exceed the amount allowed by law [~~six per cent (6%) per annum~~], payable annually or semiannually, and shall be in such denominations and shall mature serially or at one time not more than forty (40) years from their date in such manner as may be provided by the port commission [~~Board of Navigation and Canal Commissioners~~]. Principal of and interest on such obligations shall be made payable at any place or places within or without the State of Texas, and in the discretion of the port commission [~~Board of Navigation and Canal Commissioners~~] such obligations may be made callable and/or refundable at the option of the port commission [~~said Board~~] prior to maturity at such premium or premiums as the port commission [~~Board~~] shall determine. Such obligations shall be signed by the manual or facsimile signatures

of the Chairman and executive director [~~Secretary~~] of the port commission [~~Board of Navigation and Canal Commissioners~~] as may be provided in the proceedings authorizing said obligations, and the interest coupons attached thereto may also be executed by the facsimile signatures of such officers. Such obligations shall be sold in such manner and at such times as the port commission [~~Board of Navigation and Canal Commissioners~~] shall determine to be expedient and necessary to the interests of the authority [~~District~~], provided, that in no event shall such obligations be sold for a price which will result in an interest yield therefrom of more than the amount allowed by law [~~six percent (6%)~~] computed to maturity according to standard bond tables in general use by banks and insurance companies. Any premium or premiums provided for the call or refunding of any bonds issued pursuant to this Section [~~4~~] shall not be included in the computation of the maximum interest yield on such bonds. In the event of the officers whose signatures are on such obligations or coupons shall cease to be such officers before the delivery of such obligations to the purchaser, such signature or signatures, nevertheless, shall be valid and sufficient for all purposes. All obligations issued hereunder shall constitute negotiable instruments under Chapter 3, Business & Commerce Code [~~within the meaning of the Negotiable Instruments Law of the State of Texas~~].

(e) Any obligations issued hereunder may be issued payable from and secured by the pledge of all the revenues derived from the operation of the improvements and facilities of the authority [~~District~~], exclusive of any revenues derived from taxation or assessments, or may be payable from and secured by the pledge of only such revenues as may be derived from the operation of the improvements and facilities acquired with the proceeds of the sale of such obligations, or may be payable from and secured by the pledge of a specified part of the revenues derived from the operation of the improvements and facilities of the authority [~~District~~], all as may be provided in the proceedings authorizing the issuance of such obligations.

(f) In the resolution or order adopted by the port commission [~~Board of Navigation and Canal Commissioners~~] authorizing the issuance of any obligations hereunder, the port commission [~~said Board~~] may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund, reserve, and other funds, and may provide for such additional covenants with respect to the obligations and the pledged revenues and the operation, maintenance, and upkeep of those improvements and facilities (the income of which is pledged), including provision for the leasing of all or part of said improvements and facilities and the use or pledge of moneys derived from leases thereon, as it may deem appropriate. Said resolution or order may also prohibit the further issuance of obligations payable from the pledged net revenues, or may reserve the right to issue additional bonds to be secured by a pledge of and payable from said net revenues on a parity with, or subordinate to, the lien and pledge in support of the obligations being issued, subject to such conditions as are set forth in said resolution or order. Such resolution may contain a provision appropriating out of the bond proceeds an amount sufficient to pay the interest which will accrue on such obligations during the period of construction of the

improvements and facilities covered by such obligations. Such resolution or order may contain other provisions and covenants, as in the opinion of the port commission [~~said Board~~] may be necessary or desirable to insure marketability of the obligations, provided that such provisions and covenants are not prohibited by the Constitution of Texas or by this chapter [~~Act~~]; and the port commission [~~Board~~] may adopt and cause to be executed any other proceedings or instruments necessary and/or convenient in the issuance of said obligations.

(g) The authority [~~Said District~~] may adopt plans for the construction or refinancing of a grain elevator or elevators, to be paid for by the issuance and sale of obligations payable from and secured by a pledge of revenues to be derived from the operation of said grain elevator and further secured by a trust indenture, or by a deed of trust on the physical properties of such improvement; and during the time any such improvement is encumbered by the pledge of such revenues and the lien upon its physical properties, in the proceedings authorizing the bonds or the indenture, may vest its management and control in a Board of Trustees, to be named in such resolution or indenture, consisting of not less than five (5) nor more than nine (9) members. The compensation of the members of such Board of Trustees shall be fixed by such resolution or indenture, but shall never exceed one percent (1%) of the gross receipts of such improvement in any one (1) year. The terms of office of the members of such Board of Trustees, their powers and duties, including the power to fix fees and charges for the use of such improvements, and the manner of exercising same, the manner of the selection of their successors, and all matters pertaining to their duties and the organization of such Board of Trustees shall be specified in such resolution or indenture. Any such Board of Trustees may adopt bylaws regulating the procedure of the Board and fixing the duties of its officers, but the bylaws shall not contain any provision in conflict with the covenants and provisions contained in the resolution authorizing the bonds or the indenture. In all matters wherein the resolution or indenture are silent as to the powers, duties, obligations and procedure of the Board, the laws and rules governing the port commission [~~governing body of such District~~] shall control the Board of Trustees in so far as applicable. The Board may be created by the resolution or indenture, and in that event shall have all or any of the powers and authority which could be exercised by the port commission [~~governing body of the District~~] in so far as the management and operation of any such improvement is concerned. By the terms of any such resolution or indenture the port commission [~~governing board of any such District~~] may make provision for later supplementing such resolution or indenture so as to vest the management and control of such grain elevator in a Board of Trustees having the powers, rights and duties herein conferred or imposed.

(h) Any resolution or order authorizing the issuance of obligations hereunder may provide that the revenues from which such obligations are to be paid and which are pledged to the payment of such obligations shall from month to month as the same shall accrue and be received, be set apart and placed in the interest and sinking fund, reserve fund, and other funds established in said resolution or order, and disbursed in the manner hereinabove provided.

(i) Any holder of obligations issued hereunder or of coupons originally attached thereto, may either at law or in equity, by suit, action, mandamus or other proceeding, enforce and compel performance of all duties required by this chapter [~~Act~~] to be performed by the port commission [~~Board of Navigation and Canal Commissioners~~], including the making and collection of reasonable and sufficient fees or charges for the use of the improvements and facilities of the authority [~~District~~], the segregation of the income and revenues of such improvements and facilities, and the application of such income and revenues pursuant to the provisions of this chapter [~~Act~~].

(j) As additional security for the payment of any obligations issued hereunder, the port commission [~~Board of Navigation and Canal Commissioners~~] may in its discretion have executed in favor of the holders of such obligations an indenture or deed of trust mortgaging and encumbering all or any part of the physical properties comprising the improvements and facilities the net revenues of which are pledged to the payment of such obligations, including the lands upon which said improvements and facilities are located, and may provide in such mortgage or encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities and properties for a term of not over fifty (50) years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture or deed of trust may contain such terms and provisions as the port commission [~~Board of Navigation and Canal Commissioners~~] shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any such sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be vested with a permit or franchise conforming to the provisions stipulated in the indenture or deed of trust to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the authority [~~District~~] in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or any part or parts of said improvements, facilities and properties for diversion to other purposes. The provisions of Sections 61.164, 61.165, and 61.168, Water Code [~~Articles 8240, 8241, 8243, Revised Civil Statutes, 1925~~], and Chapter 134, Acts 1935, 44th Legislature, Regular Session, as amended, and any other Statutes relating to the authorization or execution of mortgages and encumbrances or the granting of franchises or leases shall not be applicable to the authorization or execution of any mortgage or encumbrance entered into pursuant to the provisions of this chapter [~~Act~~], nor to the granting of any franchise hereunder. Any obligations issued pursuant to the provisions of this chapter [~~Act~~] and additionally secured by an indenture or deed of trust as provided by this subsection [~~Section 1(j)~~], whether such obligations are notes or certificates of indebtedness or otherwise, and the record relating to their issuance, may, at the option of the port commission [~~Board of Navigation and~~



~~Canal Commissioners~~], be submitted to the Attorney General of Texas for his examination and approval, as in the case of bonds, and after the Attorney General has approved the same, such obligations shall be registered by the Comptroller of Public Accounts of Texas; and after such obligations have been approved by the Attorney General and registered by the Comptroller, they shall thereafter be incontestable for any cause except for forgery or fraud.

(k) The proceeds of the sale of any obligations issued hereunder may be deposited in such bank or banks as may be agreed upon between the purchaser at such sale and the port commission [~~Board of Navigation and Canal Commissioners~~], and may be deposited and paid out pursuant to such terms and conditions as may be so agreed upon, it being expressly provided that the Statutes of Texas pertaining to the deposit of [~~Navigation District~~] funds in the depository of the authority [~~such District~~] shall not be applicable to the deposit of the proceeds of such sale.

(l) The port commission [~~Board of Navigation and Canal Commissioners~~] is authorized to enter into an agreement or agreements with the purchaser or purchasers of any obligations issued hereunder under the terms of which the port commission [~~such Board~~] shall agree to keep all of the improvements and facilities, the revenues of which are pledged to the payment of such obligations, insured with insurers of good standing against loss or damage by fire, water or flood, and also from any other hazards customarily insured against by private companies operating similar properties, and to carry with insurers of good standing such insurance covering the use and occupancy of such property as is customarily carried by such private companies. The cost of such insurance shall be budgeted as maintenance and operation expense and such insurance shall be carried for the benefit of the holders of such obligations.

(m) The authority [~~Said District~~], in addition to the other powers hereinabove set out, shall have general power and authority to make and enter into all contracts, leases and agreements necessary or convenient to the carrying out of any of the powers granted in this chapter [~~Act~~], which contracts, leases or agreements may be entered into with any person, real or artificial, any corporation, municipal, public or private, and the government or governmental agency, including those of the United States and the State of Texas. Any and all contracts, leases or agreements entered into pursuant hereto shall be approved by resolution or order of the port commission [~~Board of Navigation and Canal Commissioners of such District~~], and shall be executed by the Chairman and attested by the executive director [~~Secretary~~] thereof.

(n) Any obligations issued pursuant to the provisions of this section [~~Act~~] shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

(o) The port commission [~~Board of Navigation and Canal Commissioners~~] shall have the power to issue obligations of the authority [~~District~~] for the purpose of refunding any outstanding obligations payable out of the revenues of the authority [~~District~~] and accrued interest thereon. Such refunding obligations may be issued to refund more than one series of issues of outstanding obligations and combine the pledges for the outstanding obligations for the security of the

refunding obligations, and such refunding obligations may be secured by other and additional revenues, provided that such refunding will not impair the contract rights of the holders of any of the outstanding obligations which are not to be refunded.

(o-1) Such refunding obligations shall be authorized, shall be executed, and shall mature as is provided herein for original obligations, and shall bear interest at the same or lower rate than that of the obligations refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid. Refunding bonds issued hereunder shall be approved by the Attorney General of Texas as in the case of other bonds issued hereunder, and shall be registered by the Comptroller of Public Accounts upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution or order authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the place or places where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest on the original bonds to their option or maturity date, and the Comptroller shall register them without the surrender and cancellation of the original bonds. The port commission [~~Board of Navigation and Canal Commissioners~~] may combine refunding bonds and new bonds in one issue, in which event the provisions of this subsection and Subsection [~~Section~~] (o) shall apply to those bonds of the combined issue which are designated in the resolution or order as the refunding bonds.

(p) After any bonds have been authorized by the authority [~~District~~] hereunder, such bonds and the record relating to their issuance shall be submitted to the Attorney General of Texas for his examination as to the validity thereof, and after the Attorney General has approved the same, such bonds shall be registered by the Comptroller of Public Accounts of Texas. After such bonds have been approved by the Attorney General and registered by the Comptroller, they shall thereafter be incontestable for any cause except for forgery or fraud.

(q) All bonds issued hereunder shall be and are hereby declared to be, and to have all the qualifications of, negotiable instruments under Chapter 3, Business & Commerce Code [~~the Negotiable Instruments Law of the State of Texas~~], and all such bonds shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians, for State funds and retirement system funds (without limiting the generalization of the foregoing, including the Permanent School Fund of Texas, and funds of retirement systems created under the Constitution and laws of the State of Texas), and for the sinking funds of cities, towns, villages, counties, school districts, or other governmental agencies, political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other governmental agencies, political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their face value when accompanied by all unmatured coupons appurtenant thereto.

(r) This Section [4], without reference to other Statutes of the State of Texas, shall constitute full authority for the authorization and issuance of obligations hereunder and for the accomplishment of all things herein authorized to be done, and no proceedings relating to the authorization or issuance of such obligations or the doing of such things shall be necessary except such as are herein required, and neither the Bond and Warrant Law of 1931 or any other provisions of the Laws of the State of Texas, pertinent to the authorization or issuance of obligations, the operation and maintenance of ports, canals and waterways, the granting of franchise, permits, or leases, the right to elections or referendum petitions, shall in anywise impede or restrict the carrying out of the acts authorized to be done hereunder or acts done pursuant hereto.

Sec. 5007.007 [2]. CONVERSION OF AUTHORITY [DISTRICT] AND TAX SUPPORTED OBLIGATIONS; CERTAIN POWERS AND DUTIES; ELECTIONS; REFUNDING BONDS; MAINTENANCE TAX; ASSESSMENT OF TAXES. (a) Effective and operative January 1, 1958, the authority [Port of Houston Authority of Harris County, Texas,] is hereby converted to a navigation district operating under the provisions of Section 59 of Article XVI, Constitution of Texas, and after that [said] date the authority [said Authority] will operate under Section 59 of Article XVI [and this Section 2 of this Act; provided, that neither said Constitutional Provision nor this Section 2 shall apply to said Authority until said effective date.]

(a-1) The authority is [Said Authority will thereafter be] empowered and authorized to exercise, in addition to all powers conferred by this section [Act], all powers conferred upon the authority [said Authority] by the law or laws under which it was organized, and, in addition, shall have all of the powers and jurisdiction conferred upon Districts originally organized under Article XVI, Section 59, of the Constitution of the State of Texas, and particularly Subchapters B, H, and K, Chapter 60, Water Code, and Sections 60.034 through 60.042, 61.075, 61.076, 61.082, 61.112, 61.115 through 61.117, 61.151 through 61.168, 61.172 through 61.174, and 61.176, Water Code, as amended, and Articles 8248, 8249, 8250, 8251, 8252, 8253, 8254, 8255, 8256, 8257, and 8258, Revised Civil Statutes of Texas, 1925, as amended, as well as [Chapter 90, Acts, 1945, Forty-ninth Legislature, Regular Session, Page 130, as amended;] Chapter 6, Acts, 1941, Forty-seventh Legislature, Page 8, as amended; Chapter 176, Acts, 1955, Fifty-fourth Legislature, Page 554; Chapter 217, Acts, 1949, Fifty-first Legislature, Page 407; provided, that if there is any conflict or inconsistency between said laws or any of them, and this chapter [Act], then to the extent of conflict or inconsistency, the provisions of this chapter [Act] shall govern.

(a-2) If the authority [Authority] makes a contract under which another entity performs for the authority [Authority] any work in which the authority [Authority] may engage under [Subsection (a) of] Section 5007.006(a) [1 of this Act], the authority [Authority] may require that a minimum of 25 percent of the work be performed by the contractor and, notwithstanding any other law to the contrary, may establish financial criteria for the surety companies that provide payment and performance bonds.

~~[The Port Commission of said Authority shall be a seven (7) commissioner board. Two (2) Port Commissioners shall be appointed by a majority of the city council of the City of Houston, and two (2) Port Commissioners shall be appointed by a majority of the Harris County Commissioners Court. One (1) Port Commissioner shall be appointed by a majority of the governing bodies of municipalities located adjacent to the Houston Ship Channel that have a population of 100,000 or more but less than 1,000,000 according to the most recent federal census. One (1) Port Commissioner shall be appointed by a majority of the Harris County Mayors' and Councils' Association. The Port Commissioner appointed by the Harris County Mayors' and Councils' Association must be a resident of a municipality in Harris County that is located adjacent to the Houston Ship Channel and has a population of less than 100,000 according to the most recent federal census. The chairman of the commission shall be appointed by the city council of the City of Houston and the Harris County Commissioners Court. The city council and the commissioners court shall each have five votes in the selection of the chairman of the commission. A majority of each governing body shall determine how the votes for that body will be cast. Except as specifically provided by this section, the Port Commissioners shall continue to be selected and shall hold office as provided by Sections 61.159 through 61.160, Water Code. Any act or thing authorized to be done by said Port Commission by provisions of this Act or by provision of any of the aforementioned laws and legislative acts may be done and performed by the General Manager of said Authority (or other person authorized to act in his place and stead) when so authorized by general or special rule, regulation, order, resolution or other direction of the Port Commission. The Navigation Board of said Authority is hereby defined and shall be composed of the County Judge and County Commissioners of Harris County, Texas, the Mayor and Council members of the City of Houston, Texas, and the members of the Harris County Mayors' and Councils' Association.]~~

(b) If the port commission ~~[Navigation and Canal Commissioners of said District]~~ shall from time to time determine to make further construction or improvements by the issuance of tax bonds or that additional tax bond funds are required with which to maintain the existing improvements, they shall certify to the Commissioners Court of Harris County the necessity for an additional bond issue or issues stating the amount required, the purposes of the same, the maximum rate of interest of said bonds, and the time for which they are to run. A certified copy of an order or resolution adopted by the port commission ~~[Board of Navigation and Canal Commissioners]~~, setting forth such information, shall constitute sufficient certification in this regard. The Commissioners Court at a regular or special meeting, shall order an election to vote on the proposition of the issuance of bonds and the levy of taxes as hereinafter provided. Said order shall specify the maximum amount of bonds to be issued, their maximum maturity date, and the maximum rate of interest. The ballots for such election shall contain words substantially as follows: "For the issuance of bonds and levy of tax in payment thereof"; "Against the issuance of bonds and levy of tax in payment thereof"; and said ballot shall conform to the requirements of the provisions of

the Constitution of Texas~~[, Chapter 9 of Title 128, Revised Civil Statutes, 1925,]~~ and all other Statutes of Texas applicable thereto. Any and all limitations, statutory or otherwise, restricting the amount of bonds that may be issued by the authority [~~District~~] are hereby removed.

(c) When any election is held under this chapter [~~Act~~], notice thereof shall be given for not less than thirty (30) days prior thereto, stating the time, places of holding the same, the proposition or propositions to be voted upon, and the purposes thereof, and shall contain a substantial copy of the election order. Such notices shall be posted by the County Clerk in five (5) public places in said County, one (1) of which shall be at the Courthouse door, and four (4) of which shall be posted within the limits of the authority [~~said Navigation District~~]. No other notice of election shall be necessary. The authority [~~This District~~], being presently a county-wide district, and so long as it remains such, the regular voting or election precincts established by the Commissioners Court for county-wide elections shall be the voting or election precincts for all such bond elections.

(d) [~~Only duly qualified resident electors of said District who own taxable property within said District and who have duly rendered the same for taxation shall be entitled to vote at said elections. Every person who offers to vote in any such election who is not known by the election officials to possess said qualifications shall take the following oath before the Presiding Judge of the polling place where he offers to vote, and the Presiding Judge is authorized to administer the same: "I do solemnly swear (or affirm) that I am a duly qualified resident elector of Harris County Houston Ship Channel Navigation District of Harris County, Texas, and that I own taxable property in said District which has been duly rendered for taxation, and that I have not voted before at this election."~~]

[~~(e)~~] The Commissioners Court shall canvass the returns of said election, and if a majority of those voting at the election vote in favor of the issuance of the bonds and the levy of the tax in payment thereof, then the Commissioners Court shall authorize the issuance of such bonds and levy taxes to pay the interest on and principal of such bonds, as hereinafter provided. In canvassing such returns and declaring the result of any such election, a simple resolution or order of said Commissioners Court shall be satisfactory.

(e) [~~(f)~~] Bonds so authorized at an election may be issued in one or more installments, and when the port commission [~~Board of Navigation and Canal Commissioners~~] shall have determined the amount of bonds to be issued in a particular series or issue, the port commission [~~said Board~~] shall adopt a resolution or order setting forth the amount of bonds then to be issued, and a certified copy of such resolution or order shall be furnished the Commissioners Court. Thereupon, said Commissioners Court, at a regular or special meeting, shall adopt an order authorizing and directing the issuance of bonds for the authority [~~such District~~] in the amount so certified.

(f) [~~(g)~~] All tax bonds of the authority [~~District~~] shall be issued in the name of the authority [~~District~~], shall be signed by the County Judge and attested by the County Clerk, and shall have the seal of the Commissioners Court impressed thereon; provided, that the order authorizing the issuance of such bonds may provide for the bonds to be signed by the facsimile signatures of said County

Judge and County Clerk, either or both, and for the seal on the bonds to be a printed facsimile seal of the Commissioners Court; and provided further that the interest coupons attached to said bonds may also be executed by the facsimile signatures of said officers. The County Treasurer shall register such bonds and shall keep a record thereof, and evidence of such registration may be shown on the bonds by the manual or facsimile signature of said County Treasurer. Such bonds shall be issued in such denominations, shall be payable at such time or times not exceeding forty (40) years from their date or dates, and shall bear interest at a rate or rates not to exceed the amount allowed by law [~~six percent (6%) per annum~~], all as may be determined by said Commissioners Court.

(g) [~~(h)~~] The port commission [~~Board of Navigation and Canal Commissioners~~] shall sell such bonds for the best price possible and in no event for less than their face value and accrued interest thereon. Such bonds may be sold either prior to, simultaneous with, or after the adoption of the order by the Commissioners Court authorizing the issuance of such bonds; and if such bonds are sold either prior to or simultaneous with the adoption of said order by the Commissioners Court, then such order shall contain a provision confirming the sale of such bonds. All moneys received from the sale of such bonds shall be deposited with the County Treasurer to the credit of the authority [~~District~~], and shall be expended only for the bond purpose and incidental expenses in connection therewith. No additional bond shall be required of the County Treasurer or of any officer or official of the authority [~~District~~] for the handling of the bond proceeds.

(h) [~~(i)~~] All such bonds, and the record of proceedings pertaining thereto, shall be submitted to the Attorney General of Texas for his examination as to the validity thereof, and after the Attorney General has approved the same, such bonds shall be registered by the Comptroller of Public Accounts of Texas. When such bonds have been approved by the Attorney General, registered by the Comptroller, and delivered to the purchasers, they shall thereafter be incontestable for any cause except for forgery or fraud.

(i) [~~(j)~~] When bonds have been issued, the Commissioners Court shall levy and cause to be assessed and collected taxes annually sufficient to pay the interest on such bonds, to provide a sinking fund to redeem said bonds as they mature, and to pay the cost of collection of such taxes.

(j) [~~(k)~~] The Commissioners Court shall have the power to issue bonds to refund outstanding bonds of the authority [~~District~~] and accrued interest thereon, and the provisions of this Section [~~2~~] relating to the issuance of voted bonds shall apply to the issuance of refunding bonds, except that no election therefor shall be necessary. Refunding bonds shall bear interest at the same or lower rate than the bonds to be refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid. Such bonds shall be approved by the Attorney General as in the case of original bonds, and shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the order authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the place or places where the bonds to be refunded are payable, in which case the refunding bonds may be issued in an

amount sufficient to pay the principal of the bonds to be refunded and the interest on such bonds to their option or maturity date, and the Comptroller shall register them without the surrender and cancellation of the bonds to be refunded. All refunding bonds, after they have been approved by the Attorney General and registered by the Comptroller, shall be incontestable for any cause except for forgery or fraud.

(k) ~~(h)~~ The Commissioners Court may, upon the request of the port commission [~~Board of Navigation and Canal Commissioners~~], invest the sinking fund created for the benefit of any bonds issued hereunder, in such county, municipal, district, or other bonds required by law to be approved by the Attorney General of Texas.

(l) ~~(m)~~ The Commissioners Court shall be authorized to levy and cause to be assessed and collected for the maintenance, operation and upkeep of the authority [~~said District~~] and the facilities, properties, and improvements of the authority [~~said District~~], whether heretofore or hereafter constructed or acquired and whether constructed or acquired under the provisions of this chapter [~~Act~~] or otherwise, an annual tax not to exceed ten cents (10¢) on each One Hundred Dollars (\$100) valuation of taxable property within the authority [~~such District~~]; provided that the levying of such tax shall be first submitted to the qualified taxpaying voters of the authority [~~said District~~] called and held as herein provided for bond elections and the proposition shall be adopted by a majority vote of those voting at the election.

(m) The Commissioners Court shall at the time of levy of taxes for County purposes each year levy and cause to be assessed and collected said maintenance tax within such voted limit of ten cents (10¢) as has been determined by the port commission [~~Board of Navigation and Canal Commissioners~~].

(n) The port commission [~~Board of Navigation and Canal Commissioners of said District~~] shall provide all necessary additional books for the use of the Assessor and Collector of taxes and the Clerk of the Commissioners Court of Harris County, Texas. The Tax Assessor of said Harris County shall be charged with the assessment of all property for taxation within the authority [~~said District~~] and when ordered to do so by the Commissioners Court of Harris County shall assess all property within the authority [~~said Navigation District~~] and list the same for taxation in the books or rolls furnished him for said purposes, and return said books or rolls at the same time when he returns the other books or rolls of the State and County Taxes for correction and approval to the Commissioners Court of said County, and if said Court shall find said books or rolls correct they shall approve the same, and in all matters pertaining to the assessment of property for taxation in the authority [~~said District~~], the Tax Assessor and Board of Equalization of said County shall be authorized to act and shall be governed by the laws of Texas for assessing and equalizing property for State and County Taxes, except as herein provided. All taxes authorized to be levied by this chapter [~~Act~~] shall be a lien upon the property upon which said taxes are assessed, and said taxes may be paid and shall mature and be paid at the time provided by the laws of this State for the payment of State and County Taxes; and all the penalties provided by the laws of this State for the nonpayment of State and County Taxes

shall apply to all taxes authorized to be levied by this chapter [~~Act~~]. The Tax Collector of Harris County shall be charged with the assessment rolls of the authority [~~said Navigation District~~], and is required to make collection of all taxes levied and assessed against the property in said County and promptly pay over the same to the Treasurer of the authority [~~District~~]. The Tax Assessor-Collector shall receive for such services such compensation as the port commission [~~Navigation and Canal Commissioners of said District~~] and said Commissioners Court shall agree upon; and such compensation shall be paid to the Officers' Salary Fund of the County. The bond of such Assessor-Collector shall stand as security for the proper performance of his duties as Tax Assessor-Collector of the authority [~~such District~~]; or, if in the judgment of the port commission [~~Navigation and Canal Commissioners of such District~~] it be necessary, an additional bond payable to the authority [~~such District~~] may be required, and in all matters pertaining to the collection of taxes levied under the provisions of this chapter [~~Act~~], the Tax Collector shall be authorized to act and shall be governed by the laws of the State of Texas for the collection of State and County Taxes, except as herein provided; and suits may be brought for the collection of said taxes and the enforcement of the tax liens created by this chapter [~~Act~~]. It shall be the duty of the Tax Collector to make a certified list of all delinquent property upon which the navigation tax has not been paid, and return the same to the County Commissioners Court, which shall proceed to have the same collected by the sale of such delinquent property in the same manner, both by suit and otherwise, as now or may be provided for the sale of property for the collection of State and County Taxes; and, at the sale of any property for any delinquent tax, the port commission [~~Navigation and Canal Commissioners~~] may become the purchasers of the same for the benefit of the authority [~~Navigation District~~]. Should said Tax Assessor and Collector fail or refuse to comply with the order of said Commissioners Court requiring him to assess and list for taxation all the property in the authority [~~such Navigation District~~], or fail or refuse to give such additional bond or security as herein provided, he shall be suspended from further discharge of his duties by the Commissioners Court of said County, and he shall be removed from office in the mode prescribed by law for the removal of county officers.

(o) The County Treasurer of Harris County shall be treasurer of the authority [~~said Navigation District~~], and it shall be his duty to open an account of all moneys received by him belonging to the authority [~~such District~~] and all amounts paid out by him. He shall deposit the funds of the authority [~~said District~~] in such depository or depositories as may be designated by the port commission [~~Navigation and Canal Commissioners~~] in the manner provided by law for the selection of a county depository, and such depository so selected shall be the depository of the authority [~~said district~~] for a period of two (2) years and until its successor is selected and qualified. Should the port commission [~~Navigation and Canal Commissioners~~] fail or refuse to select a depository such depository shall be selected in like manner by the Commissioners Court. The depository of the authority on April 29, 1957, [~~said district at the effective date of this Act~~] shall continue to be the depository of the authority [~~district~~] until its



successor is selected and qualified as herein provided. He shall pay out no money except upon the conditions provided for in this chapter [Act], and he shall carefully preserve on file all orders for the payment of money; and, as often as required by the said Commissioners Court, he shall render a correct account to them of all matters pertaining to the financial condition of the authority [district]. The County Treasurer shall execute a good and sufficient bond, payable to the port commissioners [Navigation and Canal Commissioners of such district] and to their successors in office for the benefit of the authority [said district] in an amount to be fixed by the port commission [Navigation and Canal Commissioners], such bond to be conditioned for the faithful performance of his duties as treasurer of the authority [such district] and to be approved by the port commission [said Navigation and Canal Commissioners]; provided whenever any bonds are issued by the authority [such navigation district] the County Treasurer before receiving the proceeds of sale thereof shall execute additional good and sufficient bond payable to the port commission [Navigation and Canal Commissioners of said district] in an amount to be fixed by the port commission [Navigation and Canal Commissioners], which bond shall likewise be conditioned and approved as aforesaid, but such additional bond shall not be required after such Treasurer shall have properly disbursed the proceeds of such bond issue; and the County Treasurer shall be allowed such compensation for his services as treasurer of the authority [such navigation district] as may be determined by the port commission [said Navigation and Canal Commissioners], and such compensation shall be paid to the Officers' Salary Fund of the County.

(p) The authority [Harris County Houston Ship Channel Navigation District of Harris County, Texas,] shall acquire, purchase, lease, maintain, repair and operate facilities and equipment for preventing, detecting, controlling and fighting fires on or adjacent to the waterways, channels and turning basins within its jurisdiction and for the protection of life and property from damage by fire and explosion. The authority [District] shall promulgate and enforce ordinances, rules and regulations for the promotion of the safety of life and property on or adjacent to the waterways, channels and turning basins within its jurisdiction from damages by fire and explosion thereon in the manner provided by Subchapter D, Chapter 60, Water Code [Chapter 486, Acts of the 57th Legislature, Regular Session, 1961, as amended]. The powers and functions herein authorized may be exercised both within and without the corporate limits of any city, town or village situated within the boundaries of the authority [District]. This chapter [Act] shall be cumulative of all other laws on the subject but in the event of conflict between this chapter [Act] and any law of this state or any charter provision or ordinance of any such city, town or village relating to the subject matter of this chapter [Act], the provisions of this chapter [Act] shall control.

(q) The authority [Harris County Houston Ship Channel Navigation District of Harris County, Texas,] is authorized to acquire, purchase, construct, enlarge, extend, repair, maintain, operate, or develop traffic control facilities and everything appurtenant thereto, together with all other facilities or aids incident to or useful in the operation or development of the authority's [district's] ports and

waterways or in aid of navigation and commerce thereon. The traffic control facilities shall be financed out of available revenue and shall not utilize bond revenue funds.

Sec. 5007.008 [3]. REFUNDING OF BONDS HERETOFORE VOTED. The Commissioners Court shall have the power to issue bonds of the authority [~~District~~] to refund bonds of the authority [~~District~~] which have heretofore been voted and which are outstanding at the time of the adoption of the refunding bond order, and no election therefor shall be necessary. Such refunding bonds shall mature serially or otherwise in not to exceed forty (40) years from their date, and shall bear interest at the same or lower rate than the bonds to be refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid. Such refunding bonds shall be approved by the Attorney General of Texas, and shall be registered by the Comptroller of Public Accounts of Texas upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the order authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the place or places where the bonds to be refunded are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the principal of the bonds to be refunded and the interest on such bonds to their option or maturity date, and the Comptroller shall register them without the surrender and cancellation of the bonds to be refunded. All such refunding bonds, after they have been approved by the Attorney General and registered by the Comptroller, shall be incontestable for any cause except for forgery or fraud.

Sec. 5007.009 [4]. CONSTRUCTION OF CHAPTER [~~ACT~~]. This chapter [~~Act~~] shall be cumulative of other laws, and shall be liberally construed to effectuate the purposes set forth herein. It is hereby found and declared that all property in the authority [~~District~~], both real and personal, is benefited by the authority [~~District~~] and by the improvements and facilities constructed or acquired under this chapter [~~Act~~]. It is expressly provided that nothing in this chapter [~~Act~~] shall be construed to amend, repeal, or affect the laws relating to pilots, pilotage, their appointment, or their remuneration.

Sec. 5007.010 [~~5A~~]. NAME AND TITLE CHANGES. (a) The name of the Harris County Houston Ship Channel Navigation District of Harris County, Texas, is changed to the Port of Houston Authority of Harris County, Texas.

(b) The name of the Board of Navigation and the Canal Commissioners of the authority is changed to the port commission, and the title of each member is port commissioner.

(c) The title of general manager of the authority is changed to executive director.

SECTION 5. Chapter 5007, Special District Local Laws Code, as added by this Act, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. ADMINISTRATION AND PLANNING

Sec. 5007.201. CONFLICT OF LAWS. To the extent of a conflict between this subchapter and any other law, including Subchapter A, this subchapter prevails.

Sec. 5007.202. PROVISIONS NOT APPLICABLE TO AUTHORITY. Chapter 90, Acts of the 49th Legislature, Regular Session, 1945, and Chapter 211, Acts of the 54th Legislature, Regular Session, 1955, do not apply to the authority.

Sec. 5007.203. SUNSET REVIEW. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2017.

(b) The review must assess the authority's governance, management, and operating structure, and the authority's compliance with legislative requirements.

(c) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing a review of the authority under this section. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

(d) This section expires September 1, 2019.

Sec. 5007.204. GOVERNING BODY; APPOINTMENT; TERMS; VACANCY. (a) The authority is governed by a port commission of seven port commissioners appointed as follows:

(1) two port commissioners appointed by a majority of the city council of the City of Houston;

(2) two port commissioners appointed by a majority of the Harris County Commissioners Court;

(3) one port commissioner appointed by the city council of the City of Pasadena, who must reside in the city of Pasadena;

(4) one port commissioner appointed by a majority of the Harris County Mayors' and Councils' Association, who must be a resident of a municipality in Harris County that is located adjacent to the Houston Ship Channel and has a population of less than 100,000; and

(5) the chair of the port commission, appointed as described by Section 5007.205.

(b) Sections 61.159(a) and (d) and 61.160, Water Code, apply to the authority.

(c) The port commissioners serve staggered two-year terms that expire on February 1.

(d) A person is not eligible for appointment to the port commission if the person has previously served the equivalent of at least 12 full years on the port commission.

(e) Of the two port commissioners each appointed under Subsections (a)(1) and (2), one serves a term expiring in an even-numbered year and one serves a term expiring in an odd-numbered year. The port commissioner appointed under Subsection (a)(3) serves a term expiring in an odd-numbered year. The port commissioner appointed under Subsection (a)(4) serves a term expiring in an even-numbered year.

(f) Not later than the 45th day after the date on which a term expires or on which a vacancy begins, the appointing entity must appoint a new port commissioner. If the appointing entity fails to make the appointment before the 45th day, the office is considered an open position and the person serving in that position is ineligible for reappointment to fill the position, and:

(1) if the appointing entity is the city council of the City of Houston, the city council of the City of Pasadena, or the Harris County Mayors' and Councils' Association, the Harris County Commissioners Court shall appoint a port commissioner to fill the position; or

(2) if the appointing entity is the Harris County Commissioners Court, the city council of the City of Houston shall appoint a port commissioner to fill the position.

(g) If a second appointing entity under Subsection (f)(1) or (2) fails to make an appointment before the 90th day after the date on which the term expires or the vacancy begins:

(1) the office is considered an open position and the person serving in that position is ineligible for reappointment to fill the position; and

(2) the governor shall appoint a port commissioner to fill the position with the advice and consent of the senate.

(h) If a vacancy occurs through death, resignation, or other reason, the vacancy shall be filled in the manner provided for making the original appointment and in accordance with Subsections (f) and (g).

(i) The governor may appoint a port commissioner under Subsection (g) only if the appointing entity under Subsection (f) fails to make an appointment within the period described by this section, and any subsequent appointment must be made by the appropriate appointing entity.

Sec. 5007.205. APPOINTMENT OF CHAIR; TERM. (a) The City of Houston mayor and city council and the Harris County Commissioners Court shall jointly appoint the chair of the port commission in January of odd-numbered years. The term of the chair expires on February 1 of each odd-numbered year.

(b) If the mayor, city council, and commissioners court do not make an appointment within the period specified by this section, the governor shall appoint the chair of the port commission with the advice and consent of the senate. The governor may appoint the chair only if the original appointing entities fail to make an appointment within the period described by this section, and any subsequent appointment must be made by the appointing entities.

(c) The person appointed as the chair of the port commission must comply with the qualifications described by Section 61.160, Water Code.

(d) On the second Monday of January in each odd-numbered year, the City of Houston mayor and city council, the Harris County commissioners, and the Harris County judge shall hold a joint meeting to appoint the chair of the port commission at the headquarters of the authority.

(e) In the meeting held under Subsection (d):

(1) each city council member and the mayor shall have one vote; and

(2) each county commissioner and the county judge shall have the mixed-fraction number of votes equal to the sum of the number of city council members plus the mayor divided by the sum of the number of county commissioners plus the county judge.

(f) The presence of individuals with a majority of the total potential votes is required to establish a quorum at the meeting. A separate quorum from each group, representing the city and the county, is not required. The chair must be appointed by at least a majority of the total potential votes, in any combination.

(g) In the event of a tie, the city council, mayor, county commissioners, and county judge have three calendar days to deliberate, convene a meeting, and revote. The period may be extended to allow for compliance with Chapter 551, Government Code, as it applies to the notice requirement for an open meeting. If a second vote results in a tie:

(1) the office of the chair of the port commission is considered an open position and the person serving as the chair is not eligible for reappointment to fill the position; and

(2) the governor shall appoint the chair as provided by Subsection (b).

Sec. 5007.206. NAVIGATION BOARD. The navigation board of the authority is composed of the county judge and county commissioners of Harris County, the mayor and city council members of the City of Houston, and the members of the Harris County Mayors' and Councils' Association.

Sec. 5007.207. CONFLICT OF INTEREST. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a port commissioner and may not be an authority employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in a field relating to maritime commerce, the members of which are regulated by the authority; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in a field relating to maritime commerce, the members of which are regulated by the authority.

(c) A person may not be a port commissioner or act as the general counsel to the port commission or the authority if the person is 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 authority.

(d) A person may not be a port commissioner if the person or an individual related to the person in the first degree of consanguinity or affinity, as determined under Chapter 573, Government Code:

(1) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the authority; or

(2) uses or receives a substantial amount of tangible goods, services, or money from the authority other than compensation or reimbursement authorized by law for port commission membership, attendance, or expenses.

Sec. 5007.208. FILING OF FINANCIAL STATEMENT BY PORT COMMISSIONERS. (a) A port commissioner shall file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, with:

(1) the authority; and

(2) the Texas Ethics Commission.

(b) Subchapter B, Chapter 572, Government Code:

(1) applies to a port commissioner subject to this section as if the port commissioner were a state officer; and

(2) governs the contents of, timeliness of filing, public inspection of, and civil and criminal penalties relating to a statement filed under this section.

Sec. 5007.209. PORT COMMISSIONER TRAINING. (a) A person who is appointed to and qualifies for office as a port commissioner may not vote, deliberate, or be counted as a port commissioner in attendance at a meeting of the port commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the authority;

(2) the programs, functions, policies, rules, and budget of the authority;

(3) the results of the most recent formal audit of the authority;

(4) the duties of the port commission as the board of pilot commissioners for Harris County ports under Chapter 66, Transportation Code;

(5) the requirements of laws relating to open meetings, public information, administrative procedure, financial disclosure, and conflicts of interest; and

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

(c) A person appointed to the port commission is entitled to reimbursement 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 office.

Sec. 5007.210. REMOVAL FROM OFFICE. (a) It is a ground for removal from the port commission that a port commissioner:

(1) does not have at the time of taking office the qualifications required by Section 5007.204;

(2) does not maintain during service on the port commission the qualifications required by Section 5007.204;

(3) is ineligible for membership under Section 5007.207;

(4) cannot, because of illness or disability, discharge the port commissioner's duties for a substantial part of the port commissioner's term;

(5) commits malfeasance in office; or

(6) is absent from more than half of the regularly scheduled port commission meetings that the port commissioner is eligible to attend during a calendar year without an excuse approved by a majority vote of the port commission.

(b) The validity of an action of the port commission is not affected by the fact that it is taken when a ground for removal of a port commissioner exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the chair of the port commission of the potential ground. The chair shall then notify the entity that appointed the port commissioner that a potential ground for removal exists. If the potential ground for removal involves the chair, the executive director shall notify the next highest ranking officer of the port commission, who shall then notify the entities who appointed the chair that a potential ground for removal exists.

Sec. 5007.211. PORT COMMISSION POLICIES. (a) The port commission shall adopt detailed policies that document its governance practices and make those policies available on the authority's website.

(b) The port commission shall develop and implement policies that clearly separate the policymaking responsibilities of the port commission and the management responsibilities of the executive director and the other employees of the authority.

(c) The port commission shall distribute a copy of all policies adopted under this subchapter to each port commissioner and authority employee not later than the third business day after the date the person begins employment or a term as port commissioner.

Sec. 5007.212. EXECUTIVE DIRECTOR. (a) The port commission shall appoint an executive director of the authority. The port commission shall prescribe the duties and compensation of the executive director. The port commission may delegate to the executive director full authority to manage and operate the affairs of the authority subject only to orders of the port commission.

(b) The port commission shall delegate to the executive director the authority to employ all persons necessary for the proper handling of the business and operation of the authority and to determine the compensation to be paid to all employees, other than the executive director or the chief audit executive employed under Section 5007.226(c).

(c) The executive director shall execute a bond for \$10,000 conditioned on the faithful performance of the executive director's duties and other conditions as required by the authority. The bond must be recorded in a record kept for that purpose in the authority's office.

(d) The port commission by general or special rule, regulation, order, resolution, or other direction may authorize the executive director or another person authorized to act instead of the executive director to perform any act on behalf of the port commission.

Sec. 5007.213. STANDARDS OF CONDUCT; ETHICS POLICY. (a) A port commissioner or an authority employee should not:

(1) accept or solicit any gift, favor, or service that might reasonably tend to influence the port commissioner or employee in the discharge of official duties or that the port commissioner or employee knows or should know is being offered with the intent to influence the port commissioner's or employee's official conduct;

(2) accept other employment or engage in a business or professional activity that the port commissioner or employee might reasonably expect would require or induce the port commissioner or employee to disclose confidential information acquired by reason of the official position;

(3) accept other employment or compensation that could reasonably be expected to impair the port commissioner's or employee's independence of judgment in the performance of the port commissioner's or employee's official duties;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the port commissioner's or employee's private interest and the public interest; or

(5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the port commissioner's or employee's official powers or performed the port commissioner's or employee's official duties in favor of another.

(b) The port commission shall adopt a written ethics policy for the port commissioners and authority employees consistent with the standards prescribed by Subsection (a).

Sec. 5007.214. ETHICS AFFIRMATION AND HOTLINE. (a) A port commissioner or an authority employee shall annually affirm the port commissioner's or employee's adherence to the ethics policy adopted under Section 5007.213.

(b) The port commission shall establish and operate a telephone hotline that enables a person to call the hotline number, anonymously or not anonymously, to report alleged fraud, waste, or abuse or an alleged violation of the ethics policy adopted under Section 5007.213.

Sec. 5007.215. COMPLAINTS. (a) The authority shall maintain a system to promptly and efficiently act on complaints filed with the authority. The authority shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The authority shall make information available to the public, including on the authority's website, describing its procedures for complaint investigation and resolution.

(c) The authority shall periodically notify the complaint parties of the status of the complaint until final disposition.



(d) The authority shall develop a standard form and a procedure for submitting complaints to the authority and shall make that form and procedure available on the authority's website. The authority shall also make available on its website clear information about what a person making a complaint should expect after the complaint is filed, including timelines for response and resolution.

(e) The authority shall compile detailed statistics and analyze trends on complaint information, including:

- (1) the nature of the complaints;
- (2) the disposition of the complaints; and
- (3) the length of time to resolve complaints.

(f) Authority staff shall report the information compiled under Subsection (e) to senior management as designated by the executive director and the port commission on a regular basis.

Sec. 5007.216. PUBLIC INVOLVEMENT POLICY. The port commission shall develop and implement a policy that provides a structure for public involvement. The policy must include:

(1) a clear and detailed description of how the authority will seek to actively engage stakeholders;

(2) specific actions the authority will take to meet or exceed the requirements of laws related to open meetings; and

(3) strategies that include use of the authority's website to make available clear, updated information on issues of public concern.

Sec. 5007.217. WHISTLEBLOWER POLICY. The port commission shall adopt a whistleblower policy consistent with Chapter 554, Government Code.

Sec. 5007.218. EXPENSE POLICY. The port commission shall adopt an expense policy that includes:

(1) spending guidelines for meals, lodging, and entertainment, including a process for handling and documenting exceptions to the guidelines if business needs require an exception;

(2) clear expense report protocols, including:

(A) the use of cash advances;

(B) the separation of reports from port commissioners and authority employees; and

(C) clear lines of accountability for the submission of reports; and

(3) a prohibition on the use of authority funds for a meal for a port commissioner or an authority employee that is not part of approved travel for authority business or part of a business-related function with outside parties.

Sec. 5007.219. PROMOTION AND DEVELOPMENT FUND. (a) In this section, "promotion and development fund" means a fund created and managed under Subchapter H, Chapter 60, Water Code.

(b) The port commission shall adopt clear, complete policy and procedures to govern the use of the promotion and development fund. The policy and procedures must include:

(1) provisions limiting acceptable uses of promotion and development fund money to uses with a direct tie to the mission of the authority;

(2) a consistent budget process;

(3) a process for requesting sponsorship funds by port commissioners, authority employees, and outside groups;

(4) an approval process for each type of expenditure from the promotion and development fund, including:

(A) the level of approval or notification required for authority employees, applicable task forces, and the port commission; and

(B) a requirement that each approved expenditure must include a description of:

(i) the expected impact of the expenditure; and

(ii) how the expenditure is consistent with the strategic direction for promotion and development fund money as adopted by the port commission;

(5) a procedure for handling exceptions to the policy, including a requirement that an exception be subject to the same reporting requirements as other approved expenditures from the promotion and development fund;

(6) a provision for evaluating the policy's effectiveness and having the port commission adopt updates to the policy as needed at regularly scheduled public meetings; and

(7) requirements for regular tracking of all expenditures from the promotion and development fund and reporting of the expenditures to the port commission and to the public by making the reports available on the authority's website.

(c) A report described by Subsection (b)(7) must include detailed information about:

(1) travel by port commissioners;

(2) special uses of the authority's resources, including the use of any public tour vessels and the associated costs, sorted by authority division;

(3) sponsorship and similar spending; and

(4) total expenditures from the promotion and development fund, including year-to-date summary information by category of expenditure.

Sec. 5007.220. PLANNING DEFINITIONS. For the purposes of Sections 5007.221, 5007.222, 5007.224, and 5007.225:

(1) "Long-range plan" means the plan developed under Section 5007.221.

(2) "Mid-range plan" means the plan developed under Section 5007.222.

(3) "One-year capital plan" means the plan developed under Section 5007.224.

(4) "Staff" means one or more authority employees and does not include a port commissioner.

Sec. 5007.221. LONG-RANGE PLANNING. (a) Appropriate staff shall develop a long-range plan containing:

(1) a mission and values statement;

(2) an assessment of the authority's state as of the date of the plan;

(3) an assessment of the projected operating environment over the course of the long-range plan;

(4) a discussion of high-level goals, strategies, and priorities;

(5) a scheme for ongoing evaluation of progress toward stated goals, including performance measures; and

(6) other strategic planning elements, as considered appropriate by the staff or port commission.

(b) The port commission shall establish a planning horizon of at least 10 years for the long-range plan.

(c) The staff shall identify and collaborate with stakeholders to obtain input on the long-range plan.

(d) The port commission may amend and shall adopt the plan and any updates to the plan in an open meeting.

(e) The staff shall provide annual progress updates according to performance measures developed under Subsection (a)(5). The staff shall present a report on the annual progress to the port commission.

(f) The staff shall complete a comprehensive reevaluation and update of the long-range plan at least every five years, or more frequently if the port commission finds that conditions warrant a more frequent update.

Sec. 5007.222. MID-RANGE PLANNING. (a) Appropriate staff shall develop a mid-range plan consistent with the long-range plan. The mid-range plan must include:

(1) a five-year financial forecast addressing the financial needs and financing options of the authority for the five-year period, with information about the relative cost of the options;

(2) a five-year capital plan, including a preliminary analysis and prioritization of projects; and

(3) other detailed action plans as the port commission or staff finds necessary to achieve the goals of the mid-range plan or long-range plan.

(b) The staff shall present the mid-range plan in an open meeting of the port commission. The port commission is not required to adopt a mid-range plan.

Sec. 5007.223. BUDGET. The port commission shall annually adopt a budget for the authority in an open meeting.

Sec. 5007.224. ONE-YEAR CAPITAL PLAN. (a) Appropriate staff shall develop a one-year capital plan, including associated financing, that is integrated with the budget of the authority.

(b) The port commission shall adopt the one-year capital plan in an open meeting.

(c) The port commission shall establish and document a detailed process for the analysis and approval of a project proposed for inclusion in the one-year capital plan. A project may be included in the one-year capital plan only if it is approved in accordance with that process.

Sec. 5007.225. PUBLIC ACCESS TO BUDGET AND PLANNING INFORMATION. (a) The port commission shall post on the authority's website and otherwise make available to the public the authority's most recently adopted budget and any plan adopted by the port commission at an open meeting, including the long-range plan, mid-range plan, one-year capital plan, and updates to that budget or those plans.

(b) The port commission may redact sensitive business information from the plans made publicly available under this section.

Sec. 5007.226. INTERNAL AUDIT. (a) The port commission shall establish an internal audit procedure consistent with the purposes, duties, and standards for state agency internal audit procedures under Chapter 2102, Government Code.

(b) The port commission shall create an internal audit task force consisting of port commissioners.

(c) The port commission only shall hire and may fire or suspend a chief audit executive, who shall report to the internal audit task force. The chief audit executive shall coordinate all audit activity, including:

(1) compliance reviews;

(2) reviews of internal controls;

(3) audits by the county auditor of Harris County;

(4) contracted audits;

(5) performance reviews; and

(6) investigations of alleged fraud, waste, abuse, or ethics violations reported under Section 5007.214(b).

(d) The chief audit executive shall monitor the authority's compliance with statutory requirements governing use of the promotion and development fund, as defined by Section 5007.219(a).

(e) The port commission shall create, approve, and make available on the authority's website a risk-based annual audit plan.

(f) The port commission shall make internal audits available on request to:

(1) the county auditor of Harris County; and

(2) any entity with the authority to appoint a port commissioner.

Sec. 5007.227. HARRIS COUNTY AUDITOR. (a) The county auditor of Harris County may conduct a financial audit of the authority as part of an annual, county-wide risk assessment and audit plan. An audit performed under this subsection must be conducted in accordance with generally accepted auditing standards as prescribed by:

(1) the American Institute of Certified Public Accountants;

(2) the Governmental Accounting Standards Board;

(3) the United States Government Accountability Office; or

(4) any other professionally recognized entity that prescribes auditing standards.

(b) The county auditor of Harris County may not conduct an operational audit of the authority or any audit that exceeds the scope of the audit described in Subsection (a).

(c) The authority shall reimburse the county auditor of Harris County for an audit conducted under Subsection (a), according to standard rates agreed to by the authority and the county before an audit is scheduled or performed. The rates shall be updated periodically.

(d) Sections 60.204(c) and 61.174(b) and (c), Water Code, do not apply to the authority.

Sec. 5007.228. ACCEPTANCE OF GIFTS. (a) In this section, "gift" means a gift, grant, donation, or bequest of money or property accepted under Section 60.124, Water Code, that has a value of \$500 or more.

(b) The authority may accept a gift only if, not later than the 90th day after the date the port commission receives the gift, the port commission, in an open meeting, acknowledges the acceptance of the gift.

(c) For a gift accepted under Subsection (b), the authority must record the name of the donor, a description of the gift, and a statement of the purpose of the gift in the minutes of the port commission.

SECTION 6. The following provisions are repealed:

(1) Sections 2, 3, 4, 5, 6, and 7a, Chapter 97, Acts of the 40th Legislature, 1st Called Session, 1927;

(2) Section 9, Chapter 97, Acts of the 40th Legislature, 1st Called Session, 1927, as added by Section 22, Chapter 1027, Acts of the 82nd Legislature, Regular Session, 2011;

(3) Section 9, Chapter 97, Acts of the 40th Legislature, 1st Called Session, 1927, as added by Section 1.10, Chapter 1232, Acts of the 82nd Legislature, Regular Session, 2011;

(4) Sections 2 and 3, Chapter 86, Acts of the 49th Legislature, Regular Session, 1945;

(5) Sections 5, 6, and 7, Chapter 117, Acts of the 55th Legislature, Regular Session, 1957;

(6) Sections 2 and 3, Chapter 186, Acts of the 57th Legislature, Regular Session, 1961;

(7) Section 2, Chapter 43, Acts of the 62nd Legislature, Regular Session, 1971; and

(8) Sections 2 and 3, Chapter 1042, Acts of the 70th Legislature, Regular Session, 1987.

SECTION 7. (a) If a port commissioner of the Port of Houston Authority of Harris County, Texas, serving on the effective date of this Act has served before that date the equivalent of at least 12 full years on the port commission, that port commissioner's term expires on October 1, 2013.

(b) For a term that expires under Subsection (a) of this section, not later than October 2, 2013, the appropriate entity shall make an appointment as described by Section 5007.204, Special District Local Laws Code, as added by this Act, to a term as provided by Subsection (d) of this section.

(c) If a port commissioner, including the chair of the port commission, serving on the effective date of this Act has not served before that date the equivalent of 12 full years on the port commission, that person is reappointed to a term as provided in Subsection (d) of this section.

(d) The initial term for a person appointed or reappointed under Subsection (b) or (c) of this section shall be designated by the appropriate appointing entity in accordance with Sections 5007.204(e) and 5007.205(a), Special District Local Laws Code, as added by this Act. For purposes of the initial appointments or reappointments made under this section:

(1) a term that ends in an even-numbered year expires February 1, 2016; and

(2) a term that ends in an odd-numbered year expires February 1, 2015.

(e) A person is not eligible for an initial appointment or reappointment under Subsection (b) or (c) of this section, or for any appointment to the port commission after the effective date of this Act, if the person has served the equivalent of at least 12 full years on the port commission before the effective date of this Act.

(f) Notwithstanding Section 5007.204(d), Special District Local Laws Code, as added by this Act, the person serving as chair on the effective date of this Act may not be reappointed as the chair after the sixth anniversary of the first date on which the person was appointed as chair.

SECTION 8. (a) Not later than December 1, 2013, the port commissioners of the Port of Houston Authority of Harris County, Texas, shall adopt the policies, plans, and procedures necessary to implement Subchapter B, Chapter 5007, Special District Local Laws Code, as added by this Act.

(b) Notwithstanding Section 5007.211, Special District Local Laws Code, as added by this Act, all policies adopted by the port commission of the Port of Houston Authority of Harris County, Texas, shall be distributed to:

(1) each port commissioner and authority employee who holds the office of commissioner or is employed by the authority on October 2, 2013, not later than December 1, 2013;

(2) each employee hired after October 2, 2013, not later than the third business day after the date the person begins employment with the authority or December 1, 2013, whichever is later; and

(3) each port commissioner whose term of office begins after October 2, 2013, not later than the third business day after the date the person qualifies for office or December 1, 2013, whichever is later.

SECTION 9. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 10. This Act takes effect September 1, 2013.

### **POSTPONED BUSINESS**

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

**HB 742 ON THIRD READING****(by Strama, Villarreal, Otto, Anchia, and Villalba)**

**HB 742**, A bill to be entitled An Act relating to a grant program for certain school districts to provide summer instruction primarily for students who are educationally disadvantaged and summer teaching opportunities for high-performing, new, and student teachers.

**HB 742** was read third time earlier today and was postponed until this time.

**HB 742** was passed by (Record 755): 78 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycoc; Branch; Canales; Carter; Coleman; Collier; Cortez; Dale; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Geren; Gonzales; González, M.; Gonzalez, N.; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Isaac; Keffer; Kleinschmidt; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Perez; Pickett; Pitts; Price; Ratliff; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Smith; Stephenson; Strama; Taylor; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Anderson; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Button; Callegari; Capriglione; Clardy; Cook; Craddick; Creighton; Crownover; Davis, S.; Elkins; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Harper-Brown; Hilderbran; Hughes; Hunter; Kacal; King, P.; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Lewis; Miller, D.; Miller, R.; Morrison; Paddie; Parker; Patrick; Perry; Phillips; Raney; Riddle; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stickland; Toth; Turner, E.S.; Zedler.

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

Absent, Excused — Giddings; Márquez.

Absent, Excused, Committee Meeting — Guerra; Kolkhorst.

Absent — Burnam; Gooden; Johnson; King, K.; King, S.; King, T.; Naishtat; Thompson, E.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 755. I intended to vote yes.

Bohac

When Record No. 755 was taken, I was temporarily out of the house chamber. I would have voted no.

Gooden

When Record No. 755 was taken, I was excused for a committee meeting. I would have voted yes.

Guerra

(Guerra now present)

**GENERAL STATE CALENDAR**  
**(consideration continued)**  
**HB 3013 ON SECOND READING**  
**(by Larson and Anderson)**

**HB 3013**, A bill to be entitled An Act relating to the underground storage of water for later retrieval and beneficial use; authorizing the imposition of fees.

**Amendment No. 1**

Representative D. Miller offered the following amendment to **HB 3013**:

Amend **HB 3013** (house committee printing) as follows:

(1) On page 15, line 11, strike "ADMINISTRATION." and substitute "ADMINISTRATION; MODEL RULES; EXEMPTION. (a)".

(2) On page 15, between lines 19 and 20, insert the following:

(b) Notwithstanding Subsection (a), a district that before September 1, 2012, adopted rules regulating aquifer storage and recovery projects is not required to adopt the model rules, and, to the extent of any conflict with the model rules or with any provision of this chapter related to those projects, the district's rules prevail.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Coleman and Darby offered the following amendment to **HB 3013**:

Amend **HB 3013** (house committee report) as follows:

(1) On page 7, after subsection (b), add (b-1) The board shall contract with a Texas nonprofit entity to study aquifers and develop data to better understand the chemical composition and storage potential of the aquifers. The entity should exhibit an established record of managing complex, multi-institutional research projects in Texas.

Amendment No. 2 was withdrawn.

**Amendment No. 3**

On behalf of Representative Ritter, Representative Larson offered the following amendment to **HB 3013**:

Amend **HB 3013** (house committee report) on page 15, line 26, between "state water plan" and the period, by inserting "if the project is included in the plan".

Amendment No. 3 was adopted.

**HB 3013**, as amended, was passed to engrossment.



**CSHB 2578 ON SECOND READING**  
**(by Larson, Callegari, and Anderson)**

**CSHB 2578**, A bill to be entitled An Act relating to the development of brackish groundwater.

**Amendment No. 1**

Representative Callegari offered the following amendment to **CSHB 2578**:

Amend **CSHB 2578** (house committee report) as follows:

(1) On page 3, line 19, strike "16.060(b)(5)" and substitute "16.060(c)(5)".

(2) Strike page 4, line 9, through page 6, line 5, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 16.060, Water Code, is amended to read as follows:

Sec. 16.060. DESALINATION STUDIES AND RESEARCH. (a) In this section, "brackish water desalination project" means a desalination project the primary purpose of which is the development of new drinking water. The term does not include the reuse, recycling, or disposal of wastewater.

(b) The board shall undertake or participate in research, feasibility and facility planning studies, investigations, and surveys [as it considers] necessary to further the development of cost-effective water supplies from seawater or brackish water desalination in the state.

(c) [(b)] The board shall prepare a biennial progress report on the implementation of seawater or brackish water desalination activities in the state and shall submit it to the governor, lieutenant governor, and speaker of the house of representatives not later than December 1 of each even-numbered year. The report shall include:

(1) results of the board's studies and activities relative to seawater or brackish water desalination during the preceding biennium;

(2) identification and evaluation of research, regulatory, technical, and financial impediments to the implementation of seawater or brackish water desalination projects;

(3) evaluation of the role the state should play in furthering the development of large-scale seawater or brackish water desalination projects in the state; [and]

(4) the anticipated appropriation from general revenues necessary to continue investigating water desalination activities in the state during the next biennium;

(5) identification and designation of local or regional brackish water production zones in areas of the state with moderate to high availability and productivity of brackish water that can be used to reduce the use of fresh groundwater and that:

(A) are separated by hydrogeologic barriers sufficient to prevent significant impacts to water availability or water quality in other aquifers, subdivisions of aquifers, or geologic strata;

(B) are not, at the time of designation as a brackish water production zone, serving as a primary water supply for any purpose other than supplying a desalination project; and

(C) are not located:

(i) in areas determined to be susceptible to subsidence; or

(ii) in the Edwards Aquifer and within the boundaries of the

Edwards Aquifer Authority; and

(6) information regarding state participation in public-private partnerships to advance research efforts, implement pilot projects, and develop new technologies related to:

(A) water transport;

(B) brine disposal;

(C) pretreatment of seawater and brackish water; and

(D) innovative concentrate management strategies.

(d) [(e)] The board shall actively pursue federal sources of funding for seawater and brackish water desalination projects in the state.

(e) The board shall work together with groundwater conservation districts and stakeholders and shall consider the Brackish Groundwater Manual for Texas Regional Water Planning Groups, and any updates to the manual, and other relevant scientific data or findings when identifying and designating brackish water production zones under Subsection (c)(5).

(f) In preparing the report described by Subsection (c), the board shall incorporate input from water utilities, water providers, municipalities, and other public or private entities that have an interest in developing and implementing seawater or brackish water desalination projects.

(g) The board shall coordinate with the Texas Center for Innovative Desalination Technology and any other entity created by the state to study, promote, facilitate, or improve the development, financing, implementation, or enhancement of seawater or brackish water desalination technology or projects.

(h) The board shall coordinate with each agency identified in the report to provide assistance with applicable regulatory requirements to improve implementation of seawater or brackish water desalination technology or projects.

(3) On page 6, line 12, strike "16.060(b)(5)" and substitute "16.060(c)(5)".

(4) Add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. (a) With this state facing an ongoing drought, continuing population growth, and the need to remain economically competitive, this state must secure and develop plentiful and cost-effective water supplies to meet the ever-increasing demand for water. The purpose of this Act is not to hinder conservation efforts, because such efforts help reduce the need for new sources of water, or to hinder current development of fresh groundwater, fresh surface water, water reclamation, or aquifer storage and recovery. However, this state must explore every water resource in order to balance the supply and demand for water, one of the most precious resources of this state.

(b) Brackish groundwater and marine seawater are potentially new sources of public drinking water for this state. This state has an estimated 880 trillion gallons of brackish groundwater and access to over 600 quadrillion gallons of marine seawater from the Gulf of Mexico. The purpose of this Act is to streamline the process and reduce the cost and regulation of desalination.

SECTION \_\_\_\_\_. Section 11.121, Water Code, is amended to read as follows:

Sec. 11.121. PERMIT REQUIRED. Except as provided in Sections 11.142, 11.1421, ~~[and] 11.1422, and 11.1423 [of this code]~~, no person may appropriate any state water or begin construction of any work designed for the storage, taking, or diversion of water without first obtaining a permit from the commission to make the appropriation.

SECTION \_\_\_\_\_. Section 11.1311, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The board may transfer interests in a permit issued under Subsection (a) [this section] to a municipality, river authority, other political subdivision, or water supply corporation organized under Chapter 67 as otherwise provided by law.

(b-1) In this subsection, "marine seawater" has the meaning assigned by Section 11.1423, and "brackish water" means water that contains a total dissolved solids concentration of more than 1,000 milligrams per liter and is not marine seawater. On submission of an application to the commission, the commission shall issue without a hearing a permit to use the bed and banks of any flowing natural stream in the state to convey marine seawater or brackish water. The commission shall adopt rules to implement a procedure for application for a permit to convey marine seawater or brackish water consistent with this subsection. A flowing natural stream does not include impounded water. The commission shall provide notice and an opportunity for hearing for an application for a permit to convey marine seawater or brackish water into or through a lake, reservoir, or other impoundment.

SECTION \_\_\_\_\_. Subchapter D, Chapter 11, Water Code, is amended by adding Section 11.1423 to read as follows:

Sec. 11.1423. PERMIT EXEMPTION FOR USE BY WATER SUPPLY ENTITY OF MARINE SEAWATER. (a) In this section:

(1) "Marine seawater" means water that contains a total dissolved solids concentration based on a yearly average of samples taken at the water source of more than 10,000 milligrams per liter that is derived from the Gulf of Mexico or an adjacent bay, estuary, or arm of the Gulf of Mexico.

(2) "Water supply entity" includes:

(A) a retail public utility as defined by Section 13.002;

(B) a wholesale water supplier; or

(C) an irrigation district operating under Chapter 58.

(b) Without obtaining a permit, a water supply entity may use for any beneficial purpose state water that consists of marine seawater.

(c) A water supply entity must treat marine seawater and brackish water so that it meets the water quality level of the receiving stream before the entity may put the water into a stream under an authorization granted under Section 11.042.

(d) This section does not prohibit a water supply entity from conveying water under this section in any other manner authorized by law, including through the use of facilities owned or operated by the state if authorized by the state.

SECTION \_\_\_\_\_. Section 341.001, Health and Safety Code, is amended by adding Subdivisions (1-a), (2-a), and (4-a) to read as follows:

(1-a) "Brackish water" means water that contains a total dissolved solids concentration of more than 1,000 milligrams per liter. The term does not include marine seawater.

(2-a) "Desalination facility" means a facility used for the treatment of brackish water or marine seawater to remove dissolved mineral salts and other dissolved solids.

(4-a) "Marine seawater" means water that contains a total dissolved solids concentration based on a yearly average of samples taken at the water source of more than 10,000 milligrams per liter that is derived from the Gulf of Mexico or an adjacent bay, estuary, or arm of the Gulf of Mexico.

SECTION \_\_\_\_\_. Subchapter C, Chapter 341, Health and Safety Code, is amended by adding Section 341.0359 to read as follows:

Sec. 341.0359. DESALINATION OF WATER FOR DRINKING WATER.

(a) This section applies only to a desalination facility that is intended to produce water for the public drinking water supply. This section does not apply to a desalination facility used to produce nonpotable water.

(b) The commission shall adopt rules to:

(1) allow water treated by a desalination facility to be used as public drinking water; and

(2) ensure that water treated by a desalination facility meets the requirements of Section 341.031 and rules adopted under that section.

(c) A person may not begin construction of a desalination facility unless the commission approves in writing the plans and specifications for the facility.

(d) A person may not begin construction of a desalination facility that treats brackish water or marine seawater for the purpose of removing primary or secondary drinking water contaminants unless the commission approves in writing a report containing:

(1) a computer model acceptable to the commission;

(2) a pilot study with a minimum 40-day run duration without treatment intervention to meet federal and state safe drinking water standards;

(3) data from a similar system installed at another desalination facility that treats source water of a similar or lower quality; or

(4) a full-scale verification protocol with a minimum 40-day run duration without treatment intervention to meet federal and state safe drinking water standards.

(e) If a full-scale verification protocol report is approved, a person may not send water to a public water distribution system without a full-scale verification study:

(1) completed after construction; and

(2) approved by the commission.

(f) Not later than the 100th day after the date the commission receives the report for a proposed desalination facility, the commission shall review the report and issue an exception response letter that may contain conditions for approval.

(g) Not later than the 60th day after the date the commission receives the plans and specifications for a proposed desalination facility, the commission shall review the plans and specifications and issue a response letter that may contain conditions for approval.

(h) A person violates this section if the person fails to meet a condition for approval in a letter issued to the person under Subsection (f) or (g).

SECTION \_\_\_\_\_. Chapter 111, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TEXAS CENTER FOR INNOVATIVE  
DESALINATION TECHNOLOGY

Sec. 111.131. DEFINITIONS. In this subchapter:

(1) "Boards" means the board of regents of the University of Houston System and the board of regents of The University of Texas System.

(2) "Center" means the Texas Center for Innovative Desalination Technology established under this subchapter.

Sec. 111.132. ESTABLISHMENT. (a) The Texas Center for Innovative Desalination Technology is established as a partnership between the University of Houston, The University of Texas at Brownsville, and The University of Texas at El Paso.

(b) The organization, control, and management of the center are vested in the boards, and the respective institutions shall execute a memorandum of understanding for that purpose.

(c) The center shall be hosted by the University of Houston's Cullen College of Engineering, The University of Texas at Brownsville's College of Science, Mathematics, and Technology, and The University of Texas at El Paso's Center for Inland Desalination Systems. Participation in the center's activities shall be open to any faculty or staff member of each host university who is an active researcher in the field of water desalination, engineering, hydrology, biology, water supply development, or energy efficiency, or in another relevant field as determined by the boards.

Sec. 111.133. PURPOSE. The center is created to:

(1) promote interdisciplinary research, education, and training for the development of state-of-the-art products, materials, systems, and technologies designed for the desalination of seawater from the Gulf of Mexico and brackish water within surface and groundwater resources throughout the state; and

(2) develop cost-effective, energy-efficient, and environmentally sound water desalination, brine disposal, and water conveyance technologies that can enhance the potential for desalinated water to contribute toward the state's long-term water portfolio.

Sec. 111.134. POWERS AND DUTIES. The center shall:

(1) collaborate with appropriate international, federal, state, and local agencies and private business or nonprofit entities as necessary to develop innovative desalination technologies;

(2) research and develop innovative seawater and brackish water desalination technologies, including pretreatment technologies and improvements, that are energy efficient and cost effective, minimize environmental impacts, and offer long-term water supply solutions for the state;

(3) research and develop brine disposal and reuse methods and technologies;

(4) research and develop water conveyance systems and technologies that may be used to transport desalinated water to target use populations;

(5) develop test facilities for evaluating the performance of new products, materials, or techniques;

(6) develop specifications and standards for products used for desalinating water, conveying water, and disposing of brine;

(7) provide public information, education, and outreach regarding desalination technologies and appropriate uses and conservation methods for desalinated water; and

(8) provide data, recommendations, and any other information necessary relating to desalination for local, regional, or statewide water planning programs and processes.

Sec. 111.135. COLLABORATION WITH OTHER ENTITIES. The University of Houston, The University of Texas at Brownsville, and The University of Texas at El Paso shall encourage public and private entities to participate in or support the operation of the center and may enter into an agreement with any public or private entity for that purpose. An agreement may allow the center to provide information, services, or other assistance to an entity in exchange for the entity's participation or support.

Sec. 111.136. GIFTS AND GRANTS. The boards may solicit, accept, and administer gifts and grants from any public or private source for the purposes of the center.

Sec. 111.137. PERSONNEL. The boards may employ personnel for the center as necessary.

Sec. 111.138. EXPIRATION. This subchapter expires September 1, 2023.

(5) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

**CSHB 2578**, as amended, was passed to engrossment.

**CSHB 3660 ON SECOND READING**  
(by Simmons)

**CSHB 3660**, A bill to be entitled An Act relating to requiring the Texas Commission on Fire Protection to conduct a study and prepare a report on administrative attachment.

**Amendment No. 1**

Representative Simmons offered the following amendment to **CSHB 3660**:

Amend **CSHB 3660** (house committee printing) as follows:

(1) On page 1, strike lines 14-16 and substitute the following:

(b) The commission shall conduct a study on the administrative attachment of the commission to another state agency in order to:

(2) On page 2, strike lines 1-11 and substitute the following:

(d) Not later than September 1, 2014, the commission shall report the results of the study to the legislature, the governor, and the Legislative Budget Board. The report submitted must include a complete explanation of the process used by the commission in conducting the study required under this section and:

(1) if the commission finds that administrative attachment to another state agency would further the goals listed in Subsection (b):

(A) identify a single state agency to which the commission shall be administratively attached, selected using the criteria prescribed by Subsection (b); and

(B) include drafts of proposed legislation necessary to accomplish the administrative attachment; or

(2) if the commission finds that administrative attachment to another state agency would not further the goals listed in Subsection (b):

(A) identify, for each goal listed in Subsection (b), at least five reasons why administrative attachment would not further that goal;

(B) describe in detail the commission's plan for meeting each goal listed in Subsection (b); and

(C) include drafts of proposed legislation necessary to accomplish the commission's plan under Paragraph (B).

Amendment No. 1 was adopted.

**CSHB 3660**, as amended, was passed to engrossment.

### **CSHB 743 ON SECOND READING**

**(by R. Miller and Hughes)**

**CSHB 743**, A bill to be entitled An Act relating to the regulation of certain child-care facilities; increasing a fee.

Representative R. Miller moved to postpone consideration of **CSHB 743** until 8:30 p.m. today.

The motion prevailed.

### **HB 3005 ON SECOND READING**

**(by Burkett, J. Davis, Branch, Lucio, Crownover, et al.)**

**HB 3005**, A bill to be entitled An Act relating to the authority of the Texas Workforce Commission to use certain unemployment compensation funds for reemployment activities.

### **HB 3005 - POINT OF ORDER**

Representative C. Turner raised a point of order against further consideration of **HB 3005** under Rule 7, Section 37 of the House Rules on the grounds that the motion to reconsider by the standing committee was not properly made.

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

Representative C. Turner raised a point of order against further consideration of **HB 3005** under Rule 7, Section 37 of the House Rules. He argues that the method by which the motion to reconsider **HB 3005** was handled by the bill's standing committee was incorrect under the House Rules and that Rule 7, Section 37 requires that when "a question has been decided by the house and the yeas and nays have been called and recorded, any member voting with the prevailing side may, on the same legislative day, or on the next legislative day, move a reconsideration." The text of Rule 7, Section 37 of the House Rules reads as follows:

"Section 37. Motion to Reconsider a Vote. (a) When a question has been decided by the house and the yeas and nays have been called for and recorded, any member voting with the prevailing side may, on the same legislative day, or on the next legislative day, move a reconsideration; however, if a reconsideration is moved on the next legislative day, it must be done before the order of the day, as designated in the 10th item of Rule 6, Section 1(a) is taken up. If the house refuses to reconsider, or on reconsideration, affirms its decision, no further action to reconsider shall be in order.

(b) Where the yeas and nays have not been called for and recorded, any member, regardless of whether he or she voted on the prevailing side or not, may make the motion to reconsider; however, even when the yeas and nays have not been recorded, the following shall not be eligible to make a motion to reconsider:

- (1) a member who was absent;
- (2) a member who was paired and, therefore, did not vote; and
- (3) a member who was recorded in the journal as having voted on the losing side.

(c) A motion to reconsider the vote by which a bill, joint resolution, or concurrent resolution was defeated is not in order unless a member has previously provided at least one hours notice of intent to make the motion by addressing the house when the house is in session and stating that a member intends to make a motion to reconsider the vote by which the bill or resolution was defeated. It is not necessary for the member providing the notice to be eligible to make or to be the member who subsequently makes the motion to reconsider. If notice of intent to make a motion to reconsider is given within the period that the motion to reconsider may be made under Subsection (a) of this section and that period expires during the one-hour period required by this subsection, then the period within which the motion may be made under Subsection (a) is extended by the amount of time, not to exceed one hour during which the house is in session, necessary to satisfy the one-hour notice required by this subsection. For purposes of this subsection, a motion to reconsider includes a motion to reconsider and table and a motion to reconsider and spread on the journal."



The point of order is respectfully overruled. As admitted by Representative C. Turner and reflected in the committee minutes, no member of the committee objected to the motion to reconsideration. Therefore, any objection was waived. Second, even if an objection had been raised in committee, it does not survive to the house floor provided the bill was eventually voted out by a majority vote for favorable report and with a quorum present. See Rule 4, Section 14 of the House Rules, explanatory notes and house precedents. Third, it is unclear how or even if Rule 7, Section 37 of the House Rules could be applied to committee process. It is hard to tell how one would graft this rule to a committee process. For instance, Rule 7, Section 37 of the House Rules requires that if a reconsideration is moved on the next legislative day, it must be done before the order of the day, as designated in the 10th item of Rule 6, Section 1(a) of the House Rules. Does this mean the committee must meet before the end of the next routine motion period of the house? What is the "next legislative day" in a committee? Do different committees have a different number of legislative days? Fourth, below is a graph of the number of motions to reconsider votes by house committees from 1989 forward:

<b>Regular Session</b>	<b>House Bills</b>	<b>Senate Bills</b>	<b>All Bills</b>
83rd	199	23	222
82nd	83	24	107
81st	83	28	111
80th	60	104	164
79th	59	13	72
78th	61	43	104
77th	43	22	65
76th	45	25	70
75th	49	26	75
74th	30	3	33
73rd	8	14	22
72nd	24	7	31
71st	108	40	148

While there are ebbs and flows in the total number raised, it is clear from the review of the over 1,200 motions in that time period that the membership has the information to determine if additional regulation of those motions in committees is warranted. Because the House Rules and established house practice address the issue, if the body desires to restrict the time, place, and manner of raising motions for reconsideration in committee, we are certain that it should be done by rule.

(Kolkhorst now present)

**HB 3005** was passed to engrossment. (Herrero recorded voting no.)

### **CSHB 1352 ON SECOND READING**

(by **Callegari, Harper-Brown, Ratliff, Fallon, et al.**)

**CSHB 1352**, A bill to be entitled An Act relating to an exemption for certain persons who sell signs from the requirement to be licensed as an electrician.

**Amendment No. 1**

Representative Isaac offered the following amendment to **CSHB 1352**:

Amend **CSHB 1352** (house committee printing) as follows:

(1) On page 6, line 10, strike "and".

(2) On page 6, line 13, between "work" and the period, insert the following:

; and

(C) includes on the final invoice for the sale of the sign the name and license number of the electrical contractor or electrical sign contractor who performs the electrical work or electrical sign work

Amendment No. 1 was adopted.

**CSHB 1352**, as amended, was passed to engrossment.

**POSTPONED BUSINESS**

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

**CSHB 743 ON SECOND READING**

(by R. Miller and Hughes)

**CSHB 743**, A bill to be entitled An Act relating to the regulation of certain child-care facilities; increasing a fee.

**CSHB 743** was read second time earlier today and was postponed until this time.

Representative R. Miller moved to postpone consideration of **CSHB 743** until 8 a.m. Monday, June 3.

The motion prevailed.

**GENERAL STATE CALENDAR**

(consideration continued)

**CSHB 3593 ON SECOND READING**

(by Burnam, Hernandez Luna, et al.)

**CSHB 3593**, A bill to be entitled An Act relating to the determination that a voter is deceased.

**Amendment No. 1**

Representative Burnam offered the following amendment to **CSHB 3593**:

Amend **CSHB 3593** on page 4 by striking lines 5-7 and substituting the following:

(f) The secretary of state may obtain, for purposes of determining whether a voter is deceased, information from other state agency databases relating to a voter that is the same type of information that the secretary of state or a voter registrar collects or stores for voter registration purposes.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Burnam offered the following amendment to **CSHB 3593**:

Amend **CSHB 3593** (house committee report) as follows:

(1) Strike page 2, line 20, through page 3, line 9, and substitute the following:

(b) The secretary of state shall by rule determine what information combinations identified as common to a voter and to an individual who is deceased constitute a weak match or a strong match in order to:

(1) produce the least possible impact on Texas voters; and

(2) fulfill its responsibility to manage the voter rolls.

(2) On page 3, line 26, through page 4, line 3, strike the following:

An exact match of the last name, full social security number, and date of birth of a voter and an individual who is deceased is considered a strong match, except that the secretary of state may by rule require more information in common to determine that a strong match exists.

Amendment No. 2 was adopted.

**CSHB 3593**, as amended, was passed to engrossment. (Anderson, Carter, Flynn, Paddie, Schaefer, and R. Sheffield recorded voting no.)

### POSTPONED BUSINESS

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

#### **CSHB 34 ON SECOND READING**

**(by Menéndez, Anchia, Geren, and Walle)**

**CSHB 34**, A bill to be entitled An Act relating to the consumption of alcoholic beverages on certain premises; providing a penalty and authorizing a fee.

**CSHB 34** was read second time earlier today and was postponed until this time.

#### **CSHB 34 - POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of **CSHB 34** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Dutton raised a point of order against further consideration of **CSHB 34** under Rule 4, Section 32(c) of the House Rules arguing that Chapter 81 of the Alcoholic Beverage Code is not adequately described in the bill analysis. The point of order is respectfully overruled.

Chapter 81 of the Alcoholic Beverage Code addresses use of permitted premises in a manner constituting a common nuisance. The bill analysis states that the bill "specifies that statutory provisions relating to a common nuisance apply to a permit issued under these provisions." Having examined the complete bill analysis and the bill, the chair finds that the bill analysis complies with Rule 4, Section 32(c) of the House Rules.

**CSHB 34 - POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of **CSHB 34** under Rule 4, Section 41 and Rule 11, Section 2 of the House Rules on the grounds that the committee substitute is not germane to the bill.

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

Representative Dutton raised a point of order against further consideration of **CSHB 34** under Rule 4, Section 41 and Rule 11, Section 2 of the House Rules claiming that the original bill and the substitute are not germane to each other. Specifically, Representative Dutton asserts that the regulatory scheme and criminal penalty added by the committee substitute are not germane to the original bill. The point of order is respectfully overruled.

The original bill required operators of certain commercial establishments to obtain permits allowing for the consumption of alcoholic beverages on the permitted premises. The provisions of which Representative Dutton complains in the committee substitute are those that added regulatory provisions detailing who would issue the permit; the grounds for which the permit could be refused, canceled, or suspended; a requirement for a surety bond for the permit application; and a provision that applied the existing criminal penalty under Section 46.02(c) to persons who intentionally, knowingly, or recklessly carry a handgun onto premises for which a permit was obtained under the provisions of the bill. The regulatory scheme for how the permits required by the original bill could be obtained and application of the criminal penalty that already applies to other types of premises requiring permits under the Alcoholic Beverage Code are all related to regulating consumption of alcohol on certain premises. Accordingly, the chair, after reviewing both versions, holds that the original bill and the substitute comply with Rule 4, Section 41 and Rule 11, Section 2 of the House Rules.

**CSHB 34** was passed to engrossment. (Anderson, Button, Flynn, D. Miller, and Schaefer recorded voting no.)

**CSHB 2753 ON SECOND READING**  
**(by Branch, Patrick, and Pitts)**

**CSHB 2753**, A bill to be entitled An Act relating to excellence funding for health-related institutions of higher education.

**CSHB 2753** was read second time on May 8, postponed until 6 a.m. today, and was again postponed until this time.

The vote of the house was taken on the passage to engrossment of **CSHB 2753** and the vote was announced yeas 67, nays 71.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 756): 72 Yeas, 69 Nays, 4 Present, not voting.

Yeas — Alonzo; Anchia; Bohac; Branch; Burkett; Button; Canales; Capriglione; Carter; Clardy; Collier; Cortez; Craddick; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Elkins; Farias; Farrar; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Howard; Hughes; Isaac; King, P.; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Miller, D.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Patrick; Perez; Phillips; Pitts; Ratliff; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Stephenson; Strama; Taylor; Thompson, S.; Turner, C.; Turner, E.S.; Villalba; Vo; Walle; Wu; Zerwas.

Nays — Allen; Alvarado; Anderson; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burnam; Callegari; Creighton; Crownover; Dale; Darby; Dutton; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Harless; Hilderbran; Huberty; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Menéndez; Miles; Miller, R.; Morrison; Orr; Otto; Paddie; Parker; Perry; Pickett; Price; Raney; Reynolds; Sanford; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stickland; Thompson, E.; Toth; Turner, S.; Villarreal; White; Workman; Zedler.

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

Absent, Excused — Giddings; Márquez.

Absent — Coleman; Gooden; Johnson.

The chair stated that **CSHB 2753** was passed to engrossment by the above vote.

### STATEMENT OF VOTE

When Record No. 756 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gooden

### GENERAL STATE CALENDAR (consideration continued)

#### CSHB 581 ON SECOND READING (by Howard, S. King, K. King, and Naishtat)

**CSHB 581**, A bill to be entitled An Act relating to a limited waiver of sovereign immunity for state and local governmental entities in certain employment lawsuits filed by nurses.

#### Amendment No. 1

Representatives Bohac, Fletcher, Howard, and Moody offered the following amendment to **CSHB 581**:

Amend **CSHB 581** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Chapter 451, Labor Code, is amended by adding Section 451.0025 to read as follows:

Sec. 451.0025. WAIVER OF IMMUNITY; PERMISSION FOR FIRST RESPONDER TO SUE. (a) In this section, "first responder" has the meaning assigned by Section 421.095, Government Code.

(b) A first responder who alleges a violation of Section 451.001 by a state or local governmental entity that employs the first responder may sue the governmental entity for the relief provided by this chapter. Sovereign or governmental immunity from suit is waived and abolished to the extent of liability created by this chapter.

(c) To the extent a person has official or individual immunity from a claim for damages, this section does not affect that immunity.

SECTION \_\_\_\_\_. Section 504.002, Labor Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The following provisions of Subtitles A and B apply to and are included in this chapter except to the extent that they are inconsistent with this chapter:

(1) Chapter 401, other than Section 401.011(18) defining "employer" and Section 401.012 defining "employee";

(2) Chapter 402;

(3) Chapter 403, other than Sections 403.001-403.005;

(4) Chapters 404 and 405;

(5) Sections 406.006-406.009 and Subchapters B and D-G, Chapter 406, other than Sections 406.033, 406.034, 406.035, 406.091, and 406.096;

(6) Chapter 408, other than Sections 408.001(b) and (c);

(7) Chapters 409-412;

(8) Chapter 413, except as provided by Section 504.053;

(9) Chapters 414-417; and

(10) Chapter 451, subject to the limitations of Subsection (a-1).

(a-1) The liability of a political subdivision under Chapter 451 is limited to money damages in a maximum amount of \$100,000 for each person aggrieved by a violation of that chapter.

SECTION \_\_\_\_\_. Section 451.0025, Labor Code, as added by this Act, and Section 504.002, Labor Code, as amended by this Act, apply only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect on the date the cause of action accrued, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

**CSHB 581**, as amended, was passed to engrossment. (Flynn recorded voting no.)

### **CSHB 586 ON SECOND READING**

**(by Workman, Leach, Callegari, Menéndez, Smithee, et al.)**

**CSHB 586**, A bill to be entitled An Act relating to the waiver of sovereign immunity for certain design and construction claims arising under written contracts with state agencies.

**Amendment No. 1**

Representative Phillips offered the following amendment to **CSHB 586**:

Amend **CSHB 586** (house committee printing) on page 4, between lines 20 and 21 by inserting the following:

Sec. 114.013. REPORT. Before January 1 of each even-numbered year, each state agency shall report to the governor, comptroller, and each house of the legislature, the cost of defense to the state agency and the office of the attorney general in an adjudication brought against the agency under a contract subject to this chapter. Included in the report shall be the amount claimed in any adjudication pending on the date of the report.

Amendment No. 1 was adopted.

**CSHB 586**, as amended, was passed to engrossment.

**CSHB 2765 ON SECOND READING**  
**(by Branch, Otto, and Pitts)**

**CSHB 2765**, A bill to be entitled An Act relating to the creation of the Texas competitive knowledge fund to support excellence at qualifying institutions of higher education.

**Amendment No. 1**

Representative Branch offered the following amendment to **CSHB 2765**:

Amend **CSHB 2765** (house committee printing) by striking SECTION 2 of the bill (page 4, line 18, through page 5, line 13) and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

**CSHB 2765**, as amended, was passed to engrossment.

**CSHB 2690 ON SECOND READING**  
**(by Elkins)**

**CSHB 2690**, A bill to be entitled An Act relating to the sale of a vehicle by an unlicensed seller; creating an offense.

**Amendment No. 1**

Representative Elkins offered the following amendment to **CSHB 2690**:

Amend **CSHB 2690** (house committee printing) on page 1, line 15, by striking "reasonable suspicion" and substituting "probable cause".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Elkins offered the following amendment to **CSHB 2690**:

Amend **CSHB 2690** (house committee printing) as follows:

(1) On page 1, strike line 23 and substitute "(c) Before a vehicle may be towed under Subsection".

(2) On page 1, line 24, strike "the peace officer" and substitute "a peace officer, an appropriate local government employee, or an investigator employed by the department".

(3) On page 2, line 11, strike "will" and substitute "may".

Amendment No. 2 was adopted.

**CSHB 2690**, as amended, was passed to engrossment. (Schaefer and Simpson recorded voting no.)

**CSHB 2500 ON SECOND READING**  
**(by Bohac, Strama, Button, and Anchia)**

**CSHB 2500**, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of solar energy property.

**CSHB 2500** was passed to engrossment.

**CSHB 2145 ON SECOND READING**  
**(by Hilderbran)**

**CSHB 2145**, A bill to be entitled An Act relating to apportionment of certain receipts of a broadcaster under the franchise tax.

**CSHB 2145** was passed to engrossment.

**HB 12 ON SECOND READING**  
**(by Flynn, Alvarado, Perry, Martinez Fischer, et al.)**

**HB 12**, A bill to be entitled An Act relating to gifts made to a state agency for a state employee salary supplement.

**Amendment No. 1**

Representative Alvarado offered the following amendment to **HB 12**:

Amend **HB 12** (house committee report) as follows:

(1) On page 1, line 6, strike "Section 659.0201" and substitute "Sections 659.0201 and 659.026".

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

Sec. 659.026. INFORMATION REGARDING STAFF COMPENSATION.

(a) In this section:

(1) "Compensation" includes an emolument provided in lieu of base salary or wages or a supplement to base salary or wages.

(2) "Executive staff" means:

(A) the director, executive director, commissioner, administrator, or other individual who is appointed by the governing body of a state agency or by another state officer to act as the chief executive or administrative head of the agency and who is not an appointed officer; and

(B) other management or senior level staff members of a state agency who directly reports to the individual listed in subsection (2)(A).

(3) "State agency" means a board, commission, department, institute, office, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including an institution of higher education as defined by Section 61.003, Education Code.



(b) At the time and in the manner provided by the state auditor, a state agency shall make available to the public by posting on the agency's Internet website:

(1) the number of full-time equivalent employees employed by the agency;

(2) the amount of legislative appropriations to the agency for each fiscal year of the current state fiscal biennium;

(3) the agency's methodology, including any employment market analysis, for determining the compensation of executive staff employed by the agency, along with the name of the person and the person's position who selected the methodology;

(4) whether executive staff are eligible for a salary supplement;

(5) the market average for compensation of similar executive staff in the private and public sectors;

(6) the average compensation paid to employees employed by the agency who are not executive staff; and

(7) the percentage increase in compensation of executive staff for each fiscal year of the five preceding fiscal years and the percentage increase in legislative appropriations to the agency each fiscal year of the five preceding fiscal years.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Martinez Fischer offered the following amendment to **HB 12**:

Amend **HB 12** as follows:

(1) On page 1, line 20, between "Subsection (d)" and the period, insert "or Subsection (d-1)".

(2) On page 2, between lines 14 and 15, insert the following:

(d-1) If a person described by Subsection (d) does not have an Internet website at the time the person makes a gift, grant, or donation or provides other consideration to the state agency, the person shall provide to the state agency:

(1) the information required by Subsection (d) in an electronic format determined by the state agency; and

(2) a statement signed by the person that the person does not have an Internet website.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Alvarado offered the following amendment to **HB 12**:

Amend **HB 12** on page 2, between lines 5 and 6, by inserting the following:

(c-1) The state agency by rule shall adopt conflict of interest provisions regarding the acceptance by the agency of a gift, grant, donation, or other consideration to be used as a salary supplement for an employee of the agency. The agency shall post the conflict of interest provisions on the agency's Internet website.

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Perry offered the following amendment to **HB 12**:

Amend **HB 12** (house committee printing) as follows:

(1) On page 1, strike lines 16-20, and substitute "the agency unless the person provides the agency with the methodology, including any employment market analysis, the person used to determine the amount provided for the salary supplement."

(2) On page 2, strike lines 6-14.

(3) On page 2, line 15, strike "(e)" and substitute "(d)".

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Martinez Fischer offered the following amendment to **HB 12**:

Amend **HB 12** (house committee report) on page 2, between lines 16 and 17, by inserting the following:

(f) Each state agency receiving a gift, grant, donation, or other consideration from a person shall report the following information to the state auditor in the form determined by the state auditor:

(1) whether the person making the gift, grant, or donation or providing other consideration to the state agency is an individual or an entity;

(2) if the person is an entity, the type of entity;

(3) if the entity is a nonprofit entity or organization, whether the entity is classified as a supporting organization by the Internal Revenue Service;

(4) if the entity is classified as a supporting organization by the Internal Revenue Service, the type of supporting organization, the name of the supported organization, and any other information relating to that classification;

(5) any internal or external oversight procedures the state agency has established to monitor the use of any gift, grant, donation, or other consideration the agency receives; and

(6) how the state agency uses gifts, grants, donations, and other consideration the agency receives, including whether they are used to provide salary supplements for agency employees.

(g) The state auditor shall compile the information received under Subsection (f) into a report and submit the report to the legislature.

Amendment No. 5 was adopted.

**Amendment No. 6**

Representative Martinez Fischer offered the following amendment to **HB 12**:

Amend **HB 12** (house committee report) on page 2, between lines 14 and 15, by inserting the following:

(d-1) If the person making a gift, grant, or donation or providing other consideration to the state agency is an entity created solely to provide support for the state agency, the entity shall report to the agency:

(1) the name of each person who makes gifts, grants, or donations, or provides other consideration to the entity, in an amount or having a value that exceeds \$10,000; and

(2) the amount or value of each specific gift, grant, donation, or other consideration.

Amendment No. 6 was adopted.

**HB 12**, as amended, was passed to engrossment.

**CSHB 3669 ON SECOND READING**  
(by Naishtat)

**CSHB 3669**, A bill to be entitled An Act relating to the recusal or disqualification of a statutory probate judge or other judge authorized to hear probate, guardianship, or mental health matters, and the subsequent assignment of another judge.

**CSHB 3669** was passed to engrossment.

**CSHB 3316 ON SECOND READING**  
(by Keffer, Workman, and Deshotel)

**CSHB 3316**, A bill to be entitled An Act relating to an account or bond for construction retainage under certain contracts.

**CSHB 3316 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 3316**.

The point of order was withdrawn.

Representative Keffer moved to postpone consideration of **CSHB 3316** until 10:32 p.m. today.

The motion prevailed.

(Speaker pro tempore in the chair)

**CSHB 3065 ON SECOND READING**  
(by Menéndez)

**CSHB 3065**, A bill to be entitled An Act relating to the payment of state funds by the secretary of state directly to an entity conducting a primary election under contract.

**CSHB 3065** was passed to engrossment. (Flynn and Phillips recorded voting no.)

**HB 16 ON SECOND READING**  
(by Flynn, Alvarado, Perry, Larson, Martinez Fischer, et al.)

**HB 16**, A bill to be entitled An Act relating to a requirement that a state agency post the results of certain audits on the state agency's Internet website.

**Amendment No. 1**

Representative Perry offered the following amendment to **HB 16**:

Amend **HB 16** (house committee printing) on page 1 by striking lines 14-17 and substituting the following:

(b) Subject to Subsection (c), at the time and in the manner provided by the state auditor, a state agency shall post on the agency's Internet website:

(1) the agency's internal audit plan approved as provided by Section 2102.008; and

(2) the agency's annual report required under Section 2102.009.

(c) A state agency is not required to post information contained in the agency's internal audit plan or annual report if:

(1) the information is exempted from public disclosure under Section 552.116, 552.125, or 552.139; or

(2) the attorney general determines that posting the information would pose a threat to public safety.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Alvarado offered the following amendment to **HB 16**:

Amend **HB 16** (house committee printing) by inserting the following on page 1, between lines 17 and 18:

(c) A state agency shall update the posting required under this section to include a summary of the action taken by the agency to address the concerns, if any, that are raised by the audit.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Martinez Fischer offered the following amendment to **HB 16**:

Amend **HB 16** (house committee printing) by inserting the following on page 1, between lines 17 and 18:

(c) A state agency shall update the posting required under this section at the time and in the manner provided by the state auditor to include a detailed summary of the weaknesses, deficiencies, wrongdoings, or other concerns, if any, raised by the audit.

Amendment No. 3 was adopted.

**HB 16**, as amended, was passed to engrossment.

## **CSHB 1468 ON SECOND READING** **(by Sheets and Fallon)**

**CSHB 1468**, A bill to be entitled An Act relating to confidential communications between an insurance carrier and a covered employer under the Texas Workers' Compensation Act.

### **Amendment No. 1**

Representative Sheets offered the following amendment to **CSHB 1468**:

Amend **CSHB 1468** (house committee printing) on page 2 by striking lines 11 through 13 and substituting the following:

(B) the right of the commissioner to obtain information from an insurance carrier or an employer.

Amendment No. 1 was adopted.

### **CSHB 1468 - REMARKS**

REPRESENTATIVE HERRERO: Representative Sheets, I haven't had a chance to look at this amendment—what are we doing with the amendment?

REPRESENTATIVE SHEETS: The amendment is strictly a technical change. When they drafted the committee sub, there was a provision put in there that was not meant to be part of the agreed language between the differing parties. It strikes that minor provision out.

HERRERO: Which is what provision?

SHEETS: It is—you have to forgive me, I don't have the amendment up here. It changes—it strikes line 11 through 13 and it replaces it with "the right of the commissioner to obtain information from the insurance carrier or an employer," and it takes out a reference to a provision in the statute that was not applicable and was not agreed to.

HERRERO: Is this within page 1, line 11 through 13, or where?

SHEETS: Page 2, sir.

HERRERO: Okay, so page 2, line 11 strikes "that the right of the commissioner to obtain information from an insurance carrier or covered employer," under Chapter 414?

SHEETS: Essentially, we're taking out the reference to Chapter 414.

HERRERO: Okay. I just have questions about the bill and what we're trying to do. I guess my first question—is this bill limited to the context of workers' compensation claims?

SHEETS: It is limited to workers' compensation claims.

HERRERO: And, wasn't there a recent Supreme Court ruling that I think—if I understood the Supreme Court ruling correctly—determined something different what the intent of this bill is supposed to do? In other words, I understand the Supreme Court rule—do you agree with me the Supreme Court ruling found that communications between an insurance carrier's adjuster, or claims adjuster if you will, and the insurance carrier, and those communications between them and the attorney representing the insurance, or the employers through the insurance carrier, were not attorney-client privilege? Am I correct in that?

SHEETS: What has happened here in Texas for several—for a long time—is that the employers and the insurance companies have worked together to minimize the risk, and they've always operated under the assumption that there was attorney-client privilege there. You are correct in that a recent Supreme Court decision has put that into doubt. The purpose of this bill is to make sure that the

carrier and the employer can communicate so that they can manage the employers' risk. We've worked out with a lot of the people who have been opposed to this bill, we've worked with them to make the bill acceptable in its current form, and we believe that it does narrow—because the original bill was way too broad—this narrows the scope of the bill so that it allows for the single function, making sure that the employer can manage their risk.

HERRERO: Thank you for agreeing with me, because that is in fact what the ruling was in the Supreme Court decision of XL Specialty Insurance Company and Cambridge Integrated Services Group, and, specifically, the Supreme Court ruled in determining that the communications between the attorney representing the employer and the employer at that time were not protected by the attorney-client privilege, and more generally, the insurer-insured relationship. And I think that's the context in which we're discussing this bill, which is, these communications aren't limited between the lawyer and the client. And you would agree with me that in the context that we're talking about in this bill, the attorney would be the individual that is representing the employer, correct?

SHEETS: In which circumstances?

HERRERO: Well, in any of these circumstances. Under Texas law, when you have an attorney representing an insured, the attorney is the attorney, obviously, that is licensed to practice in Texas—

SHEETS: Attorney-client privilege is between the client and the attorney, and what we're doing here is we're establishing a privilege between the employer and the insurance carrier for the sole purpose of workers' compensation.

HERRERO: Right, so we're expanding the definition of what—the client privilege would be more than what the Supreme Court determined would be the case under this circumstance. Correct?

SHEETS: Well, under their ruling, but that's not been the practice prior to the ruling—prior to their practice it was understood by all parties involved in these cases that those communications were privilege. So we're bringing—we're bringing what's been the practice back in line with what it should be.

HERRERO: Right, but don't you agree with me that the Supreme Court, in rendering its decision, takes into consideration what the practice is, and what the arguments are being made by counsel, and that if that were in fact the practice in court, that communications between insurance companies and the insured were privileged, that that somehow would have been argued and the Supreme Court would have found precedent for that?

SHEETS: Well, I would agree with you that we, as the legislative body of this state, we have the ability to establish privilege and we're doing so here through this bill so that—because it's important that employers and the insurance companies are able to communicate, and do so in a confidential manner so the employers can properly manage their risk.

HERRERO: I understand that's what the intent of the bill is. So, the intent of the bill, essentially, is to undo the Supreme Court ruling that evaluated the circumstances under which this situation arose, correct?

SHEETS: Well, the purpose of the bill is to allow the companies to operate under the way they were before the ruling.

HERRERO: Right, but you would agree with me though, right, that the Supreme Court ruling is different than what the intent of this bill is trying to establish?

SHEETS: Right, yeah, I'll agree with you.

HERRERO: Okay, and what your bill is trying to do is expand a privilege that the Supreme Court determined does not exist, correct?

SHEETS: Yes.

HERRERO: Okay. Why do you think that privileged communication between someone who is not an attorney and a claimant in a litigation represented by another individual—not the insurance company, not the insurance adjuster, but an actual attorney—you would agree with me that the communication is privileged between the attorney in that situation and the employer in that case, correct?

SHEETS: We have privilege in a lot of different cases that don't involve attorneys. We have privilege when it comes to medical providers, we have privilege when it comes to clergy; the reason why we're doing this, as I said earlier, is to make sure that an employer can properly manage their risk and feel comfortable discussing this with their insurance company.

HERRERO: But in the context of how this case arose, you had an insurance company that was sued for bad faith because they had denied a claim to an employee that should have been paid those benefits but was denied, and so in the administrative proceedings, the individual employee was trying to obtain the communication between the third-party adjuster and the insurance company, and the argument was no, it's privileged because it involved a communication between the insurance third-party adjuster, the attorney representing the company, and the actual company, but the Supreme Court said no, that is not the case, that that privilege does not extend to the insurance company or to the carrier. You would agree with me that that was the ruling?

SHEETS: I'm not sure, I've not read the case, but it sounds like what you're concerned about is the employer being directly involved in the claims handling process, and that's not the case.

HERRERO: Well, the concern that I have is that somehow we're now extending a privilege that is limited to what is considered to be an attorney-client privilege. In other words, the litigation strategy and other matters that help defend or represent a client, that would be attorney-client privilege, but the moment that someone else that walks in, that is not the client, into that discussion, it no longer becomes privilege. And that's why, in many cases, you would agree with me that the lawyer meeting with the client limits that meeting to only the attorney and the client, not anyone else who is not represented by the attorney. You would agree with me on that?

SHEETS: I agree with you that when you're an attorney and you're dealing with your client, you limit your communications with the client to protect the attorney-client privilege. What I'm getting at here is, I understand your argument, that you're saying we're creating a new privilege here, but I would argue with you that we're not. The standard prior to this suit—the case you're talking about, the XL Specialty case—prior to this lawsuit and this ruling by the Supreme Court, everybody operated under this standard, thinking that this was the law, and I understand the Supreme Court had their ruling, and it changed what the law is and how the privilege is applied. The purpose of this statute is to bring it back into what the standard was, and in essence, bring it back to the status quo.

HERRERO: Right, but you would agree with me that just because something has been occurring over time doesn't mean that that is the correct method in which the statute should be carried out. In other words, it seems to me what you're saying is because it was being done before, it should continue to be done, even though a court in hearing the evidence said no, that is not the case. Whether it had been done before, it shouldn't be privilege—and this is where we get to the point that I'm trying to make—is privilege is between an attorney and client because communication is between an attorney and client. The moment that you have someone else who is not the attorney, someone else who is not the client, then you no longer have that privilege. So why would we want to provide that cover to an insurance company, that privilege as a lawyer or as a client, when in fact they're not either. They're not the attorney, they're not the client, so why would we want to extend that privilege to an insurance company in that context?

SHEETS: Again, I would tell you this about making sure that the employers and the medical providers—the team working together making sure the employee heals and get them back to work sooner, and it's about managing the risk of the employer in this case, making sure we can get workers' compensation that's working here in Texas. And we've been very successful with our workers' compensation system; it is the model system for the rest of the country. And we've been operating under the standard that this privilege existed until the Supreme Court ruling, so we're trying to get the standard back to where it needs to be so that we can continue to operate an effective workers' compensation system here in Texas.

HERRERO: So what do you say to people that argue that the Supreme Court has already looked at this issue, despite the fact that this may have been the practice, and then determined that it is not the route that should be followed?

SHEETS: Well, I mean, that's the privilege that we have as legislators—we're the ones that make the law, and it's the Supreme Court's job to interpret the law, so through this statute, we are going to be setting what the law is and what the standard is.

HERRERO: Right, and so given that they had statute to look at, and had interpreted it different than what this bill intends, are you just saying that it doesn't matter what the Supreme Court says?



SHEETS: No, that's why we're bringing it. It does matter what the Supreme Court says, and we're fixing the issue that they brought up. They said that there's nothing in statute that's creating that privilege that needs to exist, so we're correcting that problem, and we're creating that privilege.

HERRERO: And so, if I understand what your argument is, we should do it, in extending that privilege that was only between an attorney and client, because it was the practice that was done before.

SHEETS: Well, I would argue with you that it's been an effective practice, and it was the practice and was the standard before, and it's making so our workers' comp system and our claims handling process is more effective.

HERRERO: And so, if there were communications that were made by the adjuster and the employee, for example, would that not be something that would be important, if in fact the claim was a bad faith claim, and it goes into whether the insurance company, in denying the claim, followed procedures, did what they were supposed to do—would that not, under your bill, no longer be information that would be available? Given that it was a bad faith claim that was asserted against the insurance company, you then have to look at what was the conduct of the insurance company and their adjusters in handling that claim, and so, is the effect of your bill that, in a bad faith claim against an insurance company in the workers' compensation context, you will no longer be able to determine what the actions were, if you argue that now it's privileged information?

SHEETS: Well, what I would tell you is that employers have a long-standing statutory right to participate in the resolution of their claims, and workers' compensation policies require—in essence, what this is going to do, as I said, is it's going to allow the employers to manage their claims, and it allows for us to have an effective workers' compensation policy where we have the employee, the employer, and the insurance company all working together.

HERRERO: Right, but in a bad faith insurance claim, where you look at the actions of the insurance company and the adjuster—are those actions then taken if they're either written in e-mail, or verbal communications, no longer going to be then discoverable, because now the insurance company is going to shield itself under the guise that it's privileged information?

SHEETS: Representative Herrero, you know that there are times when any privilege can be pierced, and I don't know how it would be handled in a particular case involving bad faith.

HERRERO: Right, and that's what I'm trying to find out. Given that this case that you have explained as the reason why you brought this bill, I'm trying to figure out in that same context how would it be handled now under this proposed bill, if it does in fact pass? Would the insurance company then be able to hide behind a shield and say I'm sorry, it's privileged information, the fact that we denied this injured employee the care that he needed or the medications that he needed because we now have privileged communications—is that the intent of the bill?

SHEETS: We're dancing around the issue. I think I've answered your question numerous times on what the intent of the bill is.

HERRERO: Right, but in that context, in the context of a workers' compensation claim where the insurance company has denied someone medical care, prescription medication, or a procedure like surgery, would the insurance company—would the effect of this bill be able to argue that none of their actions taken in deliberating or making a decision about whether or not to approve that procedure would be protected under the privilege, now, that you seek to establish? That's my question.

SHEETS: Representative Herrero, I think again I'm going to have to answer the question—again, I think your whole concern is about the claims handling process, where you're coming in, and I think the answer is it is specifically prohibited by statute and also this legislation, and it was never intended to allow that, but at the request of stakeholders and working with stakeholders, that language has been added.

**CSHB 1468**, as amended, was passed to engrossment by (Record 757): 91 Yeas, 42 Nays, 3 Present, not voting.

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

Nays — Alonzo; Alvarado; Anchia; Burnam; Collier; Cortez; Dale; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gonzales; González, M.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; King, K.; Lucio; Martinez Fischer; McClendon; Menéndez; Muñoz; Nevárez; Oliveira; Perez; Pickett; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Thompson, S.; Turner, C.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Giddings; Márquez.

Absent — Canales; Coleman; Kacal; Lewis; Lozano; Martinez; Moody; Naishtat; Pitts; Smith; Strama; Toth.

**STATEMENTS OF VOTE**

When Record No. 757 was taken, my vote failed to register. I would have voted no.

Canales

I was shown voting no on Record No. 757. I intended to vote yes.

Dale

I was shown voting no on Record No. 757. I intended to vote yes.

Gonzales

I was shown voting no on Record No. 757. I intended to vote yes.

K. King

I was shown voting no on Record No. 757. I intended to vote yes.

Muñoz

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Kolkhorst moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **SB 949**, **SB 1079**, **SB 1100**, **SB 1643**, and **SB 1646** upon final recess Monday, May 13 in E2.010.

The motion prevailed.

**HB 3227 ON SECOND READING**

(by Coleman, C. Turner, Moody, Walle, and Anchia)

**HB 3227**, A bill to be entitled An Act relating to coverage of certain eating disorders as serious mental illnesses under certain group health benefit plans.

**HB 3227** was passed to engrossment. (Button, Cook, Flynn, Hunter, Phillips, Schaefer, and Simpson recorded voting no.)

**CSHB 3475 ON SECOND READING**

(by Paddie and N. Gonzalez)

**CSHB 3475**, A bill to be entitled An Act relating to information relating to hotel occupancy tax receipts.

Representative Frullo moved to postpone consideration of **CSHB 3475** until 11:58 p.m. today.

The motion prevailed.

**HB 2163 ON SECOND READING**

(by Eiland)

**HB 2163**, A bill to be entitled An Act relating to an annual assessment on insurers for the examination of insurers; imposing an assessment.

**Amendment No. 1**

Representative Eiland offered the following amendment to **HB 2163**:

Amend **HB 2163** (house committee printing) on page 1, between lines 14 and 15, by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 401.156, Insurance Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) The department shall deposit any assessments or fees collected under this subchapter relating to the examination of insurers and other regulated entities by the financial examinations division or actuarial division, as those terms are defined by Section 401.251, to the credit of an account with the Texas Treasury Safekeeping Trust Company to be used exclusively to pay examination costs, as defined by Section 401.251, to reimburse administrative support costs for the Texas Department of Insurance operating account, and to reimburse premium tax credits for examination costs and examination overhead assessments.

(a-1) Money deposited under Subsection (a) [~~this subsection~~] accumulates and may be disbursed to the department in a manner consistent with Subchapter F.

(d) The department may transfer funds between the account described by Subsection (a) and the Texas Department of Insurance operating account as necessary to ensure that funds are deposited to the correct account and used for the correct purposes. This subsection does not authorize a disbursement or transfer of funds in a manner that is inconsistent with the purposes [~~purpose~~] of Subchapter F and this section.

Amendment No. 1 was adopted.

**HB 2163**, as amended, was passed to engrossment. (Anderson, Button, Cook, Flynn, Hunter, D. Miller, and Schaefer recorded voting no.)

### **CSHB 2996 ON SECOND READING**

(by T. King)

**CSHB 2996**, A bill to be entitled An Act relating to regulation by the Texas Commission on Environmental Quality of the land application of Class B sludge.

### **CSHB 2996 - POINT OF ORDER**

Representative Morrison raised a point of order against further consideration of **CSHB 2996** under Rule 8, Section 1 of the House Rules on the grounds that the caption does not reflect that the bill imposes a new fee.

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

Representative Morrison raised a point of order against further consideration of **CSHB 2996** under Rule 8, Section 1 of the House Rules. Specifically, Representative Morrison argues that under Rule 8, Section 1 of the House Rules, the bill imposed a new fee that should have been reflected in the caption. Consistent with the previous ruling, 83 H.J. Reg. 1615-16 (2013), the chair determines that no new fee was imposed, authorized, increased, or changed. That point of order is overruled.

**CSHB 2996 - POINT OF ORDER**

Representative Morrison raised a point of order against further consideration of **CSHB 2996** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Morrison's second point of order is that under Rule 4, Section 32 of the House Rules the rulemaking authority portion of the bill analysis is incorrect. The chair sustains this point of order.

Rule 4, Section 32(c)(3) of the House Rules says that a bill analysis must contain "a statement indicating whether or not any rulemaking authority is expressly delegated to certain state officers or institutions." This is a (1) new, and (2) express delegation of authority. It is not an expansion of an existing delegation of authority (as it is in this case). Usually, such delegations are easily able to be spotted by the use of the phrase, "The state agency shall adopt rules." In this case, the bill analysis states that rulemaking authority was expressly granted to the TCEQ. The chair examined the bill and found that no new authority was expressly granted to the TCEQ.

**CSHB 382 ON SECOND READING****(by Burnam, C. Turner, et al.)**

**CSHB 382**, A bill to be entitled An Act relating to certain limitations on settlement agreements with a governmental unit.

**Amendment No. 1**

Representative Burnam offered the following amendment to **CSHB 382**:

Amend **CSHB 382** as follows:

(1) On page 1, lines 19-20, strike "settlement agreement" and substitute "nondisclosure provision".

Amendment No. 1 was adopted.

**CSHB 382**, as amended, was passed to engrossment. (Phillips and Schaefer recorded voting no.)

**HB 1340 ON SECOND READING****(by Rose, Zerwas, and J. Sheffield)**

**HB 1340**, A bill to be entitled An Act relating to consent to the immunization of certain children.

**Amendment No. 1**

Representative Rose offered the following amendment to **HB 1340**:

Amend **HB 1340** (house committee printing) on page 1, line 9, between "older" and the underlined semicolon, by inserting "and is committed to the Texas Juvenile Justice Department under Title 3".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Rose offered the following amendment to **HB 1340**:

Amend **HB 1340** (house committee printing) as follows:

(1) On page 1, line 9, after the underlined semicolon, strike "and".

(2) On page 1, line 15, between "Section 32.001" and the underlined period, insert the following:

; and

(3) the health care provider administering the immunization has made a reasonable attempt to contact the person who completed the consent form described by Subdivision (2) and was unable to contact that person for consent to the immunization

Amendment No. 2 was adopted.

**HB 1340**, as amended, was passed to engrossment by (Record 758): 82 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bonnen, G.; Burnam; Callegari; Canales; Clardy; Collier; Cook; Cortez; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Frank; Frullo; Geren; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Hunter; Johnson; Keffer; King, K.; King, S.; King, T.; Kolkhorst; Kuempel; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Perez; Pickett; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Anderson; Bell; Bohac; Branch; Button; Capriglione; Carter; Craddick; Creighton; Crownover; Dale; Elkins; Fallon; Fletcher; Flynn; Goldman; Gonzales; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Isaac; King, P.; Kleinschmidt; Klick; Larson; Laubenberg; Lavender; Leach; Miller, D.; Miller, R.; Morrison; Orr; Paddie; Parker; Patrick; Perry; Phillips; Price; Riddle; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Workman; Zedler.

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

Absent, Excused — Giddings; Márquez.

Absent — Burkett; Coleman; Kacal; Krause; Lewis; Pitts; Sanford; Smith.

**STATEMENTS OF VOTE**

When Record No. 758 was taken, I was in the house but away from my desk. I would have voted no.

Burkett

I was shown voting yes on Record No. 758. I intended to vote no.

Frullo

I was shown voting yes on Record No. 758. I intended to vote no.

Gooden

I was shown voting yes on Record No. 758. I intended to vote no.

Hunter

When Record No. 758 was taken, I was in the house but away from my desk. I would have voted yes.

Kacal

When Record No. 758 was taken, I was in the house but away from my desk. I would have voted no.

Krause

When Record No. 758 was taken, I was in the house but away from my desk. I would have voted no.

Sanford

### **HB 1843 ON SECOND READING (by Branch)**

**HB 1843**, A bill to be entitled An Act relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.

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

Representative Branch offered the following amendment to **HB 1843**:

Amend **HB 1843** by striking SECTIONS 1 and 2 of the bill, substituting the following appropriately numbered SECTION, and renumbering the other SECTIONS accordingly:

SECTION 1. Subsections (a-3) and (k), Section 51.803, Education Code, are amended to read as follows:

(a-3) Notwithstanding Subsection (a-1), The University of Texas at Austin may not offer admission under that subsection for an academic year after the 2017-2018 ~~[2015-2016]~~ academic year.

(k) A general academic teaching institution may not offer admission under Subsection (a-1) for an academic year if, on the date of the institution's general deadline for applications for admission of first-time undergraduate students for that academic year:

(1) federal law as then interpreted by applicable federal judicial decisions does not prohibit ~~[a final court order applicable to the institution prohibits]~~ the institution from considering an applicant's race or ethnicity as a factor in the institution's decisions relating to first-time undergraduate admissions; and ~~[or]~~

(2) the institution's governing board by rule, policy, or other manner has provided that an applicant's race or ethnicity may not be considered as a factor in the institution's decisions relating to first-time undergraduate admissions for that, ~~except that this subdivision does not apply to an institution that did not consider, on or before June 1, 2009, an applicant's race or ethnicity as a factor in its admissions of first-time resident undergraduate students for the 2009-2010~~ academic year.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Martinez Fischer offered the following amendment to **HB 1843**:

Amend **HB 1843** (house committee printing) as follows:

(1) On page 1, line 5, strike "Section 51.803 (a-3), Education Code, is" and substitute "Sections 51.803 (a-3) and (k), Education Code, are".

(2) Strike page 1, line 10, and substitute the following:

(k) A general academic teaching institution may not offer admission under Subsection (a-1) for an academic year after the 2017-2018 academic year if, on the date of the institution's general deadline for applications for admission of first-time undergraduate students for that academic year:

(1) a final court order applicable to the institution prohibits the institution from considering an applicant's race or ethnicity as a factor in the institution's decisions relating to first-time undergraduate admissions; or

(2) the institution's governing board by rule, policy, or other manner has provided that an applicant's race or ethnicity may not be considered as a factor in the institution's decisions relating to first-time undergraduate admissions for that, ~~except that this subdivision does not apply to an institution that did not consider, on or before June 1, 2009, an applicant's race or ethnicity as a factor in its admissions of first-time resident undergraduate students for the 2009-2010~~ academic year.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

**HB 1843**, as amended, was passed to engrossment. (Schaefer recorded voting no.)

### **CSHB 2972 ON SECOND READING** (by K. King)

**CSHB 2972**, A bill to be entitled An Act relating to exempting premiums for certain insurance covering stored or in-transit baled cotton from surplus lines insurance premium taxes.

**CSHB 2972** was passed to engrossment.



**CSHB 1382 ON SECOND READING****(by Simpson, E. Rodriguez, Kolkhorst, Burnam, et al.)**

**CSHB 1382**, A bill to be entitled An Act relating to the regulation of food prepared, stored, distributed, or sold at farms and farmers' markets; limiting the applicability of a fee.

**Amendment No. 1**

Representative Flynn offered the following amendment to **CSHB 1382**:

Amend **CSHB 1382** (house committee printing) on page 3, between lines 20 and 21, by inserting the following:

(e) A person who holds a permit under Section 435.006 may sell or provide samples of milk or milk products at a farm or farmers' market and must comply with Subchapter A, Chapter 435.

Amendment No. 1 was withdrawn.

**CSHB 1382** was passed to engrossment.

**CSSB 914 ON SECOND READING****(Ratliff - House Sponsor)**

**CSSB 914**, A bill to be entitled An Act relating to a behavior improvement plan or a behavioral intervention plan adopted for certain students with an individualized education program.

**CSSB 914** was considered in lieu of **HB 1853**.

**CSSB 914** was passed to third reading.

**HB 1853 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Ratliff moved to lay **HB 1853** on the table subject to call.

The motion prevailed.

**POSTPONED BUSINESS**

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

**CSHB 3316 ON SECOND READING****(by Keffer, Workman, and Deshotel)**

**CSHB 3316**, A bill to be entitled An Act relating to an account or bond for construction retainage under certain contracts.

**CSHB 3316** was read second time earlier today and was postponed until this time.

**CSHB 3316 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 3316** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Martinez Fischer raised two points of order against further consideration of **CSHB 3316** under Rule 4, Section 32(c) of the House Rules. In his first point, he argued that the bill analysis should have defined "construction trust fund account" and explained more thoroughly the provisions on page 5 of the bill. Although the bill defines "construction trust fund account," the bill analysis does not state that the bill is defining this key term. As noted by the chair's previous rulings and the ruling issued yesterday, May 8, 2013, regarding the same point of order raised by Representative Schaefer against **HB 75**, this is not a fatal flaw. Regarding the provisions on page 5 of the bill, the chair has reviewed the bill and the bill analysis and has found these provisions to be adequately explained on page 2 of the bill analysis. Therefore, this point of order is respectfully overruled.

### **CSHB 3316 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 3316** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

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

In his second point, Representative Martinez Fischer challenges the bill analysis's explanation of the definition of "retainage" as materially and substantially misleading. The background and purpose of the bill analysis states that under certain provisions, "an owner is required to hold a specified percentage of the amount paid for such labor or materials during the project's progress until after the entire project is completed. This unpaid portion of the bill is known as retainage." The bill, however, defines retainage as "an amount or agreed percentage of money in a construction contract between an owner and a contractor that is withheld from a payment and not due to be paid until completion of the contract or on an agreed date." The bill analysis failed to explain the difference between these definitions. Therefore, the point of order that the definition was materially and substantially misleading was sustained.

### **GENERAL STATE CALENDAR (consideration continued)**

#### **CSHB 1882 ON SECOND READING (by Callegari, et al.)**

**CSHB 1882**, A bill to be entitled An Act relating to the powers and duties of and contributions to and benefits from the systems and programs administered by the Employees Retirement System of Texas.

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

Representative Callegari offered the following amendment to **CSHB 1882**:

Amend **CSHB 1882** (house committee printing) as follows:

(1) On page 8, line 25, strike "6.5" and substitute "7.5 [~~6.5~~]".

(2) Strike page 8, line 26, through page 9, line 9, and substitute "not a member of the legislature [~~provided that if the state contribution to the retirement system is computed using a percentage less than 6.5 percent, the member's contribution is computed using a percentage equal to the percentage used to compute the state contribution, which may not be less than six percent~~]; or".

(3) On page 13, strike lines 13-23 and substitute the following:

- (1) Section 76.006(i);
- (2) Section 606.030(f);
- (3) Sections 813.509(d) and (e);
- (4) Sections 813.511(d) and (e);
- (5) Section 814.105(c);
- (6) Section 814.1075; and
- (7) Section 840.401.

(b) Section 1551.321, Insurance Code, is repealed.

(4) Strike page 13, line 24, through page 14, line 23, and substitute the following:

SECTION 25. The changes in law made by this Act to Sections 661.091, 813.509, 813.511, 814.105, and 814.107, Government Code, apply only to a person who is hired on or after September 1, 2013, to work in a position that requires membership in the Employees Retirement System of Texas. A person hired before September 1, 2013, to work in a position that requires membership in the Employees Retirement System of Texas is subject to those laws as they existed immediately before that date, and the former law is continued in effect for that purpose.

(5) On page 15, strike lines 13-22 and substitute the following:

(c) The changes in law made by this Act to Section 1551.1055, Insurance Code, take effect September 1, 2014.

(d) Section 1551.3196, Insurance Code, as added by this Act, takes effect September 1, 2014.

(6) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Subchapter E, Chapter 815, Government Code, is amended by adding Section 815.4035 to read as follows:

Sec. 815.4035. COLLECTION OF STATE RETIREMENT CONTRIBUTION. (a) Except as provided by Section 813.201, each payroll period each department or agency of the state shall make a state retirement contribution in an amount equal to 0.5 percent of the total compensation of all of that department's or agency's employees who are members of the retirement system.

(b) Each department or agency head shall certify to the board of trustees and to the disbursing officer of the department or agency on each payroll, or in another manner prescribed by the board, the amount of the department's or agency's state retirement contribution based on the department's or agency's total compensation amount for that payroll period.

(c) The disbursing officer of each department or agency on authority from the department or agency head shall:

(1) transmit monthly, or at the time designated by the board of trustees, a certified copy of the payroll or report to the retirement system; and

(2) pay the amount of the department's or agency's state retirement contribution to the retirement system for deposit in the state accumulation account.

(d) The retirement system shall record all receipts of department or agency contributions and shall deliver the receipts to the comptroller. The comptroller shall credit the receipts to the state accumulation account.

(7) Renumber the SECTIONS of the bill accordingly.

#### **CSHB 1882 - POINT OF ORDER**

Representative Gutierrez raised a point of order against further consideration of **CSHB 1882**.

The point of order was withdrawn.

Representative Callegari moved to postpone consideration of **CSHB 1882** until 11:40 p.m. today.

The motion prevailed.

#### **HB 1174 ON SECOND READING**

**(by Fallon, Farney, Carter, Ashby, Raymond, et al.)**

**HB 1174**, A bill to be entitled An Act relating to the penalties for illegally passing a stopped school bus.

**HB 1174** was passed to engrossment. (Simpson recorded voting no.)

(Geren in the chair)

#### **CSHB 3509 ON SECOND READING**

**(by D. Bonnen)**

**CSHB 3509**, A bill to be entitled An Act relating to endangered species habitat conservation and to the creation of a committee to oversee and guide the state's coordinated response to federal actions regarding endangered species.

#### **CSHB 3509 - POINT OF ORDER**

Representative White raised a point of order against further consideration of **CSHB 3509**.

The point of order was withdrawn.

Representative D. Bonnen moved to postpone consideration of **CSHB 3509** until 11:42 p.m. today.

The motion prevailed.

#### **CSHB 741 ON SECOND READING**

**(by Walle, Lucio, Hernandez Luna, and S. King)**

**CSHB 741**, A bill to be entitled An Act relating to the right of a public employee to express breast milk in the workplace.

**CSHB 741** was passed to engrossment. (Button, Carter, Flynn, and Schaefer recorded voting no.)

**CSHB 133 ON SECOND READING**  
**(by Raymond)**

**CSHB 133**, A bill to be entitled An Act relating to the dissemination of criminal history record information by the Department of Public Safety concerning the offense of intoxication manslaughter.

**Amendment No. 1**

Representative Dutton offered the following amendment to **CSHB 133**:

Amend **CSHB 133** (house committee printing) on page 2, between lines 18 and 19, by adding the following new subsection:

(b-1) The department shall provide written notice to the convicted person not later than the 10th day after the day on which the department places the person's name on the internet website described by Subsection (b).

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Toth offered the following amendment to **CSHB 133**:

Amend **CSHB 133** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subtitle B, Title 4, Government Code, is amended by adding Chapter 423 to read as follows:

CHAPTER 423. TASK FORCE TO REDUCE HABITUAL INCIDENTS OF  
DRIVING WHILE INTOXICATED

Sec. 423.001. DEFINITION. In this chapter, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09(c), Penal Code.

Sec. 423.002. TASK FORCE COMPOSITION. The Task Force to Reduce Habitual Incidents of Driving While Intoxicated is composed of 12 members appointed as follows:

- (1) six members appointed by the governor:
  - (A) one of whom is a judge from a specialty court;
  - (B) one of whom has expertise in specialty courts designed to address addiction;
  - (C) one of whom has been charged with or convicted of an offense relating to the operating of a motor vehicle while intoxicated;
  - (D) one of whom has been a victim of an offense relating to the operating of a motor vehicle while intoxicated;
  - (E) one of whom has expertise in criminal justice; and
  - (F) one of whom has expertise in best practice substance abuse treatment;

- (2) three members appointed by the lieutenant governor:

- (A) one of whom is a prosecuting attorney;
- (B) one of whom is a public defense attorney; and
- (C) one of whom is a university scholar with expertise in substance

abuse treatment; and

(3) three members appointed by the speaker of the house of representatives;

- (A) one of whom is a state representative;
- (B) one of whom is a state senator; and
- (C) one of whom is appropriately qualified as determined by the

speaker.

Sec. 423.003. APPOINTMENT OF PRESIDING OFFICER. The governor shall designate a member of the task force to serve as presiding officer.

Sec. 423.004. DUTIES. (a) The task force shall:

(1) study the best practice responses to habitual offenses relating to the operating of a motor vehicle while intoxicated, for purposes of reducing habitual incidents of those offenses and incidents of driving fatalities among intoxicated drivers;

(2) examine first time, repeat, and habitual driving while intoxicated data collected in this state, including data relating to:

- (A) driving fatalities involving intoxicated drivers; and
- (B) automatic driver's license suspensions by the Department of

Public Safety for convictions of an offense relating to the operating of a motor vehicle while intoxicated;

(3) monitor other states for laws and programs that have been successful in reducing the occurrence of offenses relating to the operating of a motor vehicle while intoxicated in those states; and

(4) confer with the Texas Department of Transportation, the Department of Public Safety, the Texas Department of Criminal Justice, and the Department of State Health Services to reduce alcoholism, recidivism, and the occurrence of offenses relating to the operating of a motor vehicle while intoxicated in this state.

(b) Not later than December 1, 2014, the task force shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives that:

(1) describes its findings, including the success of state laws and programs in reducing the occurrence of offenses relating to the operating of a motor vehicle while intoxicated;

(2) recommends best practice responses to habitual driving while intoxicated; and

(3) recommends legislation relating to the prevention of offenses relating to the operating of a motor vehicle while intoxicated in this state.

(c) The Texas Legislative Council and the Legislative Budget Board shall assist the task force in performing its duties.

Sec. 423.005. EXPIRATION. The task force is abolished and this chapter expires January 1, 2015.

SECTION \_\_\_\_\_. The governor, lieutenant governor, and speaker of the house of representatives shall make the appointments to the Task Force to Reduce Habitual Incidents of Driving While Intoxicated required by Chapter 423, Government Code, as added by this Act, as soon as practicable after the effective date of this Act.

Amendment No. 2 was adopted.

**CSHB 133**, as amended, was passed to engrossment. (Button and Schaefer recorded voting no.)

### **POSTPONED BUSINESS**

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

#### **CSHB 1882 ON SECOND READING (by Callegari, et al.)**

**CSHB 1882**, A bill to be entitled An Act relating to the powers and duties of and contributions to and benefits from the systems and programs administered by the Employees Retirement System of Texas.

**CSHB 1882** was read second time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

#### **CSHB 1882 - POINT OF ORDER**

Representative Gutierrez raised a point of order against further consideration of **CSHB 1882** under Rule 4, Section 10 and Rule 4, Section 11 of the House Rules on the grounds that proper notice of the committee meeting was not given.

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

Representative Gutierrez raised a point of order against further consideration of **CSHB 1882** under Rule 4, Section 10 and Rule 4, Section 11 of the House Rules arguing that the testimony of Ann Bishop, the executive director of the Employees Retirement System of Texas, as a resource witness at a formal meeting on April 15, 2013, of the Committee on Pensions was in error. Specifically, he argues that the explanatory notes of the House Rules provide that "a resource witness is a person who is employed by an agency of the legislative branch of government." Representative Gutierrez's written materials argue that since the Employees Retirement System of Texas is not a legislative agency, Ms. Bishop could not be a resource witness who would be allowed to testify at a formal meeting. The point of order is respectfully overruled.

Interestingly, the explanatory note on Rule 4, Section 10 of the House Rules has an additional provision, immediately following Representative Gutierrez's quoted provision, that directly addresses and resolves the matter. A resource witness may also offer testimony "in very limited circumstances, by an agency of the executive branch of government . . . when providing a committee with background information or technical information on a particular bill or resolution but may not testify for or against the measure." In this case, Ms. Bishop, who

testified neutrally and provided the committee with background or technical information on **CSHB 1882**, was a proper resource witness who properly provided testimony to the Committee on Pensions.

(Ritter in the chair)

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Callegari offered the following amendment to **CSHB 1882**:

Amend **CSHB 1882** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Notwithstanding any other law, for the 2014-15 state fiscal biennium, it is the intent of the legislature that all state retirement assets and liabilities attributable to members and retirees of the law enforcement and custodial officer supplemental retirement fund be measured and accounted for in aggregate and separately from the retirement assets and liabilities attributable to members and retirees in any other retirement plan for purposes of determining an actuarially required contribution or making any other actuarial calculation.

(b) For purposes of Section 811.006, Government Code, the law enforcement and custodial officer supplemental retirement fund shall be considered a part of the retirement system, as that term is defined by Section 811.001(15), Government Code, and shall be subject to all other provisions of Subtitle B, Title 8, Government Code, that do not directly conflict with Subsection (a) of this section.

(c) The board of trustees of the Employees Retirement System of Texas may adopt rules necessary to implement or administer this section.

### **CSHB 1882 - POINT OF ORDER**

Representative Cortez raised a point of order against further consideration of **CSHB 1882**.

The point of order was withdrawn.

Representative Callegari moved to postpone consideration of **CSHB 1882** until 11:51 p.m. today.

The motion prevailed.

### **CSHB 3509 ON SECOND READING**

(by D. Bonnen)

**CSHB 3509**, A bill to be entitled An Act relating to endangered species habitat conservation and to the creation of a committee to oversee and guide the state's coordinated response to federal actions regarding endangered species.

**CSHB 3509** was read second time earlier today and was postponed until this time.



**Amendment No. 1**

Representatives D. Bonnen, Ashby, Paddie, K. King, Kacal, Clardy, and Geren offered the following amendment to **CSHB 3509**:

Amend **CSHB 3509** (house committee report) as follows:

(1) On page 3, strike lines 6 through 7, and substitute the following:

(b) A state agency may:

(2) On page 3, strike lines 18 through 22 and substitute the following:

(c) An agency that takes an action described by Subsection (b) must:

(1) cooperate with the department; and

(2) enter into an interagency contract that may provide for the payment of funds held by the department, or funds to which the department has access, for purposes of carrying out the action.

(3) On page 3, line 24, between "department" and "shall", insert "or state agency".

(4) On page 4, line 13, between "department" and "may", insert "or state agency".

(5) On page 4, line 14, between "department" and "in", insert "or state agency".

(6) On page 4, line 15, after the underlined period, add the following:

The membership of an advisory committee created under this subsection must be appointed so that one-third of the members are representatives of affected landowners or property owners.

(c-1) The composition of an advisory committee created under Subsection (c) must provide the balance necessary to address economic, environmental, and policy issues related to the specific issue or action under consideration.

(7) On page 5, line 1, strike "at the department".

(8) On page 5, line 3, strike "by the department".

(9) On page 5, line 6, strike "department" and substitute "state agency".

(10) On page 5, line 11, between "members" and the underlined colon, insert "or their designees".

(11) On page 5, strike line 12 and renumber subsequent subdivisions of the section accordingly.

(12) On page 5, line 26, strike "attorney general" and substitute "commissioner of the Department of Agriculture".

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

(d) Notwithstanding Section 402.045, Government Code, the attorney general, at the request of the response committee, shall provide legal advice to the response committee.

(14) On page 6, strike lines 17 through 22 and substitute the following:

Sec. 83.104. DUTIES OF RESPONSE COMMITTEE. The response committee shall:

(1) oversee and guide the state's:

(A) coordinated response to listings and potential listings of endangered species in this state; and

(B) comments and positions in response to actions of the United States Fish and Wildlife Service; and

(2) select the holder of a federal permit issued in connection with a habitat conservation plan, candidate conservation plan, or similar plan, authorized or required by federal law in connection with a candidate species or endangered species.

(15) On page 9, line 2, strike "403.452(a)(1), [~~(2)~~] (3)," and substitute "403.452(a)(3), [403.452(a)(1), (2), (3);]".

Amendment No. 1 was adopted.

**CSHB 3509**, as amended, was passed to engrossment. (Simpson recorded voting no.)

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**CSHB 690 ON SECOND READING**  
**(by Lewis and Naishtat)**

**CSHB 690**, A bill to be entitled An Act relating to reimbursing public institutions of higher education for tuition and fee exemptions for certain military personnel and their dependents.

**CSHB 690** was passed to engrossment.

**CSHB 1344 ON SECOND READING**  
**(by Canales)**

**CSHB 1344**, A bill to be entitled An Act relating to the expunction of arrest records and files relating to certain nonviolent offenses.

**Amendment No. 1**

Representative Canales offered the following amendment to **CSHB 1344**:

Amend **CSHB 1344** (house committee printing) as follows:

(1) On page 1, line 9, strike "under Title 5, Penal Code," and substitute "described by or listed in Subsection (d)".

(2) On page 2, between lines 18 and 19, insert the following:

(d) A person is not entitled to an expunction under Subsection (a) for an offense requiring registration under Chapter 62, Code of Criminal Procedure, or for an offense under:

(1) any of the following provisions of the Penal Code:

(A) Title 5;

(B) Section 15.031, 25.08, 28.02, 29.02, 29.03, 30.02, 33.021, 34.02, 37.03, 38.06, 38.10, 38.112, 38.14, 38.17, 39.02, 39.03, 39.04, 39.05, 42.072, 42.08, 42.09, 43.04, 43.05, 43.24, 43.25, 43.251, 43.26, 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08;

(2) Section 37.125, Education Code;

(3) Section 262.1015, Family Code;

(4) Section 33.108, 33.109, 122.254, 152.201, or 153.401, Finance Code;

(5) Section 557.001, 557.011, 557.012, 811.101, or 821.101, Government Code;

(6) Section 81.085, 167.001, 485.032, 535.014, or 841.085, Health and Safety Code;

(7) Section 165.1535, 204.352, 264.151, 301.554, or 1702.384, Occupations Code;

(8) Section 31.127, Parks and Wildlife Code; or

(9) Section 550.021, Transportation Code.

### **CSHB 1344 - POINT OF ORDER**

Representative Farrar raised a point of order against further consideration of **CSHB 1344** under Rule 8, Section 13(b) of the House Rules on the grounds that the deadline for consideration of house bills on second reading had passed.

The chair sustained the point of order.

### **PROVIDING FOR RECESS**

At 12:03 a.m., Representative Zedler moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. today, Friday, May 10.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Taylor in the chair)

### **RECESS**

In accordance with a previous motion, the house, at 12:05 a.m. Friday, May 10, recessed until 9 a.m. today.

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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**

**SB 212** to Energy Resources.

**SB 221** to Public Health.

**SB 392** to Judiciary and Civil Jurisprudence.

**SB 414** to Higher Education.

**SB 438** to Government Efficiency and Reform.

**SB 524** to Agriculture and Livestock.

**SB 925** to Public Education.

**SB 1083** to Judiciary and Civil Jurisprudence.

**SB 1150** to Human Services.

**SB 1151** to Ways and Means.

**SB 1192** to Criminal Jurisprudence.

**SB 1348** to Judiciary and Civil Jurisprudence.

**SB 1432** to Culture, Recreation, and Tourism.

**SB 1458** to Pensions.

**SB 1506** to Urban Affairs.

**SB 1720** to Public Education.

**SB 1906** to Special Purpose Districts.

#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### **House List No. 27**

**HB 278, HB 419, HB 584, HB 994, HB 1187, HB 1305, HB 1550, HB 1553, HB 1968, HB 2095, HB 2548, HCR 23, HCR 36**

#### **Senate List No. 24**

**SB 166, SB 265, SB 348, SB 354, SB 365, SB 367, SB 611, SB 698, SB 743, SB 820, SB 866, SB 965, SB 1489**

#### **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  
Thursday, May 9, 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:**

**HB 1422** Geren SPONSOR: Eltife  
Relating to the reporting in a lobbyist registration of certain persons from whom compensation or reimbursement is received.

**HB 1685** Price SPONSOR: Whitmire  
Relating to the continuation of the self-directed and semi-independent status of the Texas State Board of Public Accountancy, the Texas Board of Professional Engineers, and the Texas Board of Architectural Examiners.

**SB 221** Zaffirini  
Relating to the composition and employees of the Texas Funeral Service Commission.

**SB 414** Ellis  
Relating to a study and report regarding authorizing certain public junior colleges to offer baccalaureate degree programs to address regional workforce needs.

**SB 438** Birdwell  
Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

**SB 925** Lucio  
Relating to a license requirement for licensed professional counselors employed by school districts.

**SB 1150** Hinojosa  
Relating to a provider protection plan that ensures efficiency and reduces administrative burdens on providers participating in a Medicaid managed care model or arrangement.

**SB 1506** Schwertner  
Relating to training regarding fire safety inspections required by law.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 181** (30 Yeas, 0 Nays)

**SB 274** (30 Yeas, 0 Nays)

**SB 748** (26 Yeas, 4 Nays)

**SB 864** (29 Yeas, 1 Nay)

**SB 1093** (30 Yeas, 0 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Thursday, May 9, 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:  
LOCAL AND UNCONTESTED CALENDAR

**HB 13** Callegari SPONSOR: Duncan  
Relating to the State Pension Review Board and public retirement systems;  
authorizing a fee.

**HB 597** Guillen SPONSOR: Eltife  
Relating to boater education and examinations on preventing the spread of exotic  
harmful or potentially harmful aquatic plants, fish, and shellfish.

**HB 949** Smithee SPONSOR: Watson  
Relating to continuation of automobile insurance coverage for certain motor  
vehicles acquired during a personal automobile insurance policy term.  
(Committee Substitute)

**HB 1164** Thompson, Ed SPONSOR: Huffman  
Relating to the territory that may be included in a single county election precinct.

**HB 1186** Thompson, Senfronia SPONSOR: Duncan  
Relating to the Texas Racing Commission's ability to share investigatory  
information with other state regulatory agencies.

**HB 1271** Martinez Fischer SPONSOR: Schwertner  
Relating to providing links in the online text of proposed legislation to other state  
laws referenced in that legislation.

**HB 1493** King, Tracy O. SPONSOR: Hegar  
Relating to the transfer of programs from the Texas Department of Rural Affairs  
to the Department of Agriculture.

**HB 1521** Clardy SPONSOR: Nichols  
Relating to the slaughter of certain domestic or exotic fowl infected with or  
exposed to disease and compensation of owners of fowl infected with or exposed  
to disease.

**HB 2623** Oliveira SPONSOR: Lucio  
Relating to the authority of certain counties and the General Land Office to  
temporarily close a beach or beach access point.

**HB 2738** Elkins SPONSOR: Ellis  
Relating to a study by the Department of Information Resources regarding state  
agency technology efficiency.  
(Committee Substitute)

**HCR 54** Harper-Brown SPONSOR: Hancock  
Designating Grand Prairie as the Purple Martin Conservation Capital of Texas.

**SB 524** Rodríguez

Relating to a study regarding the prohibition of dairy farming in certain areas of the state.

**SB 1083**

Rodríguez

Relating to an appeal from an interlocutory order of certain courts.

Respectfully,

Patsy Spaw

Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**May 8**

Criminal Jurisprudence - **SB 124, SB 222, SB 270, SB 344, SB 357, SB 394, SB 395, SB 970, SB 1451**

Economic and Small Business Development - **SB 340, SB 1678**

Government Efficiency and Reform - **SB 176, SB 1430**

Higher Education - **SB 215**

Homeland Security and Public Safety - **SB 1708, SB 1907, SB 1907**

Human Services - **SB 128, SB 152, SB 352, SB 502, SB 534, SB 717, SB 718, SB 747, SB 769, SB 771, SB 886, SB 939, SB 1060**

Judiciary and Civil Jurisprudence - **SB 651**

Land and Resource Management - **SCR 30**

Public Education - **SB 709, SB 715, SB 914, SB 1142, SB 1365, SB 1541**

Special Purpose Districts - **HB 2205, HB 3941**

State Affairs - **SB 259, SB 583**

### ENGROSSED

**May 8 - HB 308, HB 500, HB 506, HB 546, HB 619, HB 647, HB 679, HB 714, HB 738, HB 871, HB 887, HB 953, HB 1004, HB 1050, HB 1114, HB 1122, HB 1123, HB 1143, HB 1179, HB 1183, HB 1256, HB 1357, HB 1361, HB 1384, HB 1396, HB 1452, HB 1523, HB 1573, HB 1633, HB 1734, HB 1755, HB 1847, HB 1856, HB 1866, HB 1975, HB 1996, HB 2006, HB 2021, HB 2024, HB 2080, HB 2110, HB 2450, HB 2483, HB 2511, HB 2539, HB 2636, HB 2648, HB 2707, HB 2733, HB 2780, HB 2808, HB 2902, HB 2910, HB 2975, HB 3142, HB 3153, HB 3161, HB 3334, HB 3385, HB 3438, HB 3439, HB 3440, HB 3441, HB 3443, HB 3568, HB 3686, HB 3794, HB 3815, HB 3871, HB 3907, HB 3913,**

**HB 3933, HJR 24**

**ENROLLED**

**May 8 - HCR 36**

**SENT TO THE GOVERNOR**

**May 8 - HB 666, HB 1016**