

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-FOURTH DAY — THURSDAY, MAY 16, 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 849).

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

Absent, Excused — Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Lucio; Naishtat; Nevárez.

The speaker recognized Representative Hunter who introduced Mark Pugh, pulpit minister, Kings Crossing Church of Christ, Corpus Christi, who offered the invocation as follows:

Dear God and Father of all, above all, and in all, we come this morning to honor you as the Creator and giver of all good gifts. You sustain us, you love us even when we are unlovable, and you guide our footsteps. We thank you for the blessing of life, family, and friends. We give thanks for our jobs that you bless us with, an income that allows us to care for our families and to help those in need.

Today, I thank you for our men and women who serve in the state legislature, for their selfless devotion to the millions of citizens of our great state. Few except their families and close friends know the long hours they spend, often late into the night, giving careful thought to the laws and programs under consideration. Today, please give them clarity of thought, the conviction of their principles, and a passion for their purpose. Please keep them from fatigue and frustration. May they work together for the common good, despite their differences in political persuasion and philosophy.

Father, we pray for much needed rain in those areas of our state that are suffering drought and even extreme drought. Some of our towns have almost run out of water and desperately need the rain, as do our farmers. Also, as we are about to enter into the hurricane season, we pray for your protection of our coastlines from the fury of the storms that may come.

We also pray for the brave men and women who are serving in harm's way in the Middle East, around the world, and along our borders. Every time we hear of the death of one of our soldiers, our hearts are touched and we are reminded that freedom is not free.

Today, I pray for all of our young people as countless high schools and universities around our state are having their graduation ceremonies. Many of them are going to be looking for jobs. We thank you for the vibrant economy of our state and pray that these young men and women who are the future of our state and nation will find their place. All of these things we humbly bring before you today, dear Father. In the name of our Savior. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

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

Vo on motion of Geren.

The following member was granted leave of absence for today to attend a meeting of the Conference Committee on **SB 1**:

Pitts on motion of Lewis.

### **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.

(Lucio and Nevárez now present)

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Parker who presented Dr. Dan Sepdham of Flower Mound as the "Doctor for the Day."

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

(K. King in the chair)

**LEAVE OF ABSENCE GRANTED**

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

Orr on motion of Otto.

**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. 32).

**HR 1541 - PREVIOUSLY ADOPTED  
(by G. Bonnen)**

The chair laid out the following previously adopted resolution:

**HR 1541**, Congratulating the Galveston County 4-H Senior Horse Quiz Bowl team on its achievements.

On motion of Representative G. Bonnen, the names of all the members of the house were added to **HR 1541** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative G. Bonnen who introduced members of the Galveston County 4-H Senior Horse Quiz Bowl team.

(Naishtat now present)

**HR 1618 - PREVIOUSLY ADOPTED  
(by Naishtat)**

The chair laid out the following previously adopted resolution:

**HR 1618**, Honoring the Miakan/Garza Band of the Coahuiltecan Indians of Texas for its cultural and educational contributions.

**HR 1432 - PREVIOUSLY ADOPTED  
(by J. Davis)**

The chair laid out the following previously adopted resolution:

**HR 1432**, Commending NASA for its achievements as part of the International Space Station program.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 1432** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative J. Davis who introduced representatives of NASA and Boeing.

**HR 1680 - PREVIOUSLY ADOPTED  
(by Hilderbran)**

The chair laid out the following previously adopted resolution:

**HR 1680**, Honoring the Texas Lions Camp in Kerrville on the occasion of its 60th anniversary.

**HR 2111 - ADOPTED  
(by Isaac)**

Representative Isaac moved to suspend all necessary rules to take up and consider at this time **HR 2111**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2111**, Commemorating the 50th anniversary of the Benson Farm & Ranch in Johnson City.

**HR 2111** was adopted.

(Speaker in the chair)

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 215 ON THIRD READING  
(Anchia - House Sponsor)**

**SB 215**, A bill to be entitled An Act relating to the continuation and functions of the Texas Higher Education Coordinating Board, including related changes to the status and functions of the Texas Guaranteed Student Loan Corporation.

**Amendment No. 1**

Representative Anchia offered the following amendment to **SB 215**:

Amend **SB 215** on third reading as follows:

(1) In the SECTION of the bill amending Section 61.0572(d), Education Code (as amended by Second Reading Floor Amendment No. 29 by Darby, page 2, line 29), between "efficiency," and "and space use", insert "space need,".

(2) In the SECTION of the bill amending Section 61.0572(d), Education Code (as amended by Second Reading Floor Amendment No. 29 by Darby, page 2, line 30), between the period and "If the property", insert "Standards must be adopted by the board using the negotiated rulemaking procedures under Chapter 2008, Government Code."

(3) In the SECTION of the bill amending Section 61.058(b), Education Code (as amended by Second Reading Floor Amendment No. 29 by Darby, page 4, line 29), between "efficiency," and "and space use", insert "space need,".

(4) In the SECTION of the bill amending Section 61.058(b), Education Code (as amended by Second Reading Floor Amendment No. 29 by Darby, page 4, line 31), between the period and "If the construction", insert "Standards must be adopted by the board using the negotiated rulemaking procedures under Chapter 2008, Government Code."

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Aycok, Callegari, Harless, Otto, Kleinschmidt, Walle, Kolkhorst, Cook, Simpson, Lavender, Springer, Stickland, Darby, Harper-Brown, Márquez, N. Gonzalez, K. King, Zedler, Pickett, Raney, Larson, Orr, Paddie,

Dutton, Farias, Gonzales, Kuempel, and Ritter offered the following amendment to **SB 215**:

Amend **SB 215** as follows:

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

SECTION \_\_\_\_\_. Section 61.002, Education Code, is amended by adding Subsection (c) to read as follows:

(c) The Texas Higher Education Coordinating Board has only the powers expressly provided by this chapter or other law. A power not expressly granted to the board by law in regard to the administration, organization, control, management, jurisdiction, or governance of an institution of higher education is reserved to the governing board of the institution unless that power is expressly reposed by law in another officer or entity.

(2) In SECTION 17 of the bill, in amended Section 61.051(a), Education Code, (page 16, lines 12-13) strike "represents" [~~shall represent~~] the highest authority in the state in matters of public higher education and" and substitute "~~shall represent the highest authority in the state in matters of public higher education and~~".

### **Amendment No. 3**

Representative Anchia offered the following amendment to Amendment No. 2:

Amend Floor Amendment No. 2 by Aycock to **SB 215** on page 1 by striking lines 13 through 18.

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

### **Amendment No. 4**

Representative McClendon offered the following amendment to **SB 215**:

Amend **SB 215** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 61.822(b), Education Code, is amended to read as follows:

(b) Each institution of higher education shall adopt a core curriculum of ~~not~~ ~~[no]~~ less than 42 semester credit hours, including specific courses comprising the curriculum. The core curriculum shall be consistent with the single common course numbering system approved by the board under Section 61.832(a) and with the statement, recommendations, and rules issued by the board. An institution may have a core curriculum of other than 42 semester credit hours only if approved by the board.

SECTION \_\_\_\_\_. Section 61.830, Education Code, is amended to read as follows:

Sec. 61.830. PUBLICATION OF GUIDELINES ADDRESSING TRANSFER PRACTICES. In its course catalogs and on its website, each institution of higher education shall publish guidelines addressing the practices of the institution regarding the transfer of course credit. In the guidelines, the institution must identify a course by using the single common course numbering system approved by the board under Section 61.832(a).

SECTION \_\_\_\_\_. Section 61.832, Education Code, is amended to read as follows:

Sec. 61.832. COMMON COURSE NUMBERING SYSTEM. (a) The board shall approve a single common course numbering system for lower-division courses to facilitate the transfer of those courses among institutions of higher education by promoting consistency in course designation and identification.

(b) The board shall solicit input from institutions of higher education regarding the development of the single common course numbering system.

(c) Each institution of higher education other than The University of Texas at Austin and Texas A&M University shall:

(1) use the approved common course numbering system for each course for which a common number designation and course description are included in that system; and

(2) include the applicable course numbers from that system in its course catalogs and other course listings.

(d) The board may approve only a common course numbering system already in common use in this state by one or more institutions of higher education.

(e) [(e)] The board shall cooperate with institutions of higher education in any additional development or alteration of the common course numbering system approved under Subsection (a), including the taxonomy to be used, and in the development of rules for the administration and applicability of the system.

(f) Not later than June 1, 2014, the board shall:

(1) approve a single common course numbering system as required by Subsection (a); and

(2) establish a timetable that requires the institutions of higher education to which Subsection (c) applies to phase in the inclusion of the applicable course numbers from the common course numbering system in their individual course listings and course numbering systems as required by this section so that each institution fully complies with this section for all courses offered for the 2018-2019 academic year and subsequent years.

(f-1) Subsection (f) and this subsection expire January 1, 2020.

~~[(d) An institution of higher education shall include in its course listings the applicable course numbers from the common course numbering system approved by the board under this section. For good cause, the board may grant to an institution of higher education an exemption from the requirements of this subsection.]~~

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Raney offered the following amendment to **SB 215**:

Amend **SB 215** on third reading in the SECTION of the bill amending Section 61.0512, Education Code, by striking added Section 61.0512(g), Education Code, and substituting the following:

(g) An institution of higher education must certify to the board that each off-campus or distance learning course offered by the institution outside this state for credit meets the board's academic criteria. An institution shall include that certification with any other report required to be submitted to the board relating to courses offered by the institution.

Amendment No. 5 was withdrawn.

**Amendment No. 6**

Representative Zedler offered the following amendment to **SB 215**:

Amend **SB 215** is to read as follows:

SECTION \_\_\_\_\_. Subtitle H, Title 3, Education Code, is amended by adding Chapter 156 to read as follows:

CHAPTER 156. ADULT STEM CELL RESEARCH PROGRAM

Sec. 156.001. DEFINITIONS. In this chapter:

(1) "Adult stem cell" means an undifferentiated cell that is:  
(A) found in differentiated tissue; and  
(B) able to renew itself and differentiate to yield all or nearly all of the specialized cell types of the tissue from which the cell originated.

(2) "Consortium" means the Texas Adult Stem Cell Research Consortium.

(3) "Institution of higher education" means an institution of higher education as defined by Section 61.003 or a private college or university that receives state funds.

(4) "Program" means the adult stem cell research program established under this chapter.

(5) "Research coordinating board" means the Texas Adult Stem Cell Research Coordinating Board.

Sec. 156.002. COMPOSITION OF RESEARCH COORDINATING BOARD. (a) The Texas Adult Stem Cell Research Coordinating Board is composed of:

(1) two members representing the Texas Higher Education Coordinating Board; each of whom is appointed by the commissioner of higher education;

(2) three members who are interested persons, including at least one person who represents an institution of higher education, appointed by the governor;

(3) two members who are interested persons appointed by the lieutenant governor; and

(4) two members who are interested persons appointed by the speaker of the house of representatives.

(b) The governor shall designate as the presiding officer of the research coordinating board a board member appointed under Subsection (a)(1) who represents an institution of higher education. The presiding officer serves in that capacity at the will of the governor.

(c) The members of the research coordinating board serve staggered six-year terms. If a vacancy occurs on the board, the appropriate appointing authority shall appoint, in the same manner as the original appointment, another person to serve for the remainder of the unexpired term.

Sec. 156.003. CONFLICT OF INTEREST. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined 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 member of the research coordinating board if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of medicine; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of medicine.

(c) A person may not be a member of the research coordinating board 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 board.

Sec. 156.004. COMPOSITION OF CONSORTIUM. (a) The research coordinating board shall establish the Texas Adult Stem Cell Research Consortium.

(b) The consortium is composed of participating institutions of higher education and businesses that:

(1) accept public money for adult stem cell research; or

(2) otherwise agree to participate in the consortium.

Sec. 156.005. ADMINISTRATION OF PROGRAM; GUIDELINES AND PROCEDURES. (a) The research coordinating board shall administer the program to:

(1) make grants, investments, and loans to consortium members for:

(A) adult stem cell research activities and projects including but not limited to: pre-clinical trials and studies, treatment protocol development, state and/or regulatory submissions including FDA Investigational New Drug Applications and approvals, clinical trials including the use of Contract Research Organizations, Data Safety Monitoring Boards, intellectual property development; pathways and processes to commercialization as well as to address the collection; development; cGMP manufacturing; characterization and use of adult stem cells;

(B) the development of facilities to be used solely for adult stem cell research projects or for the cGMP manufacturing of adult stem cell and related projects; and

(C) the commercialization of products or technology involving adult stem cell research and treatments;



(2) support consortium members in all stages of the process of developing treatments and cures based on adult stem cell research, beginning with initial laboratory research through successful cGMP manufacturing and clinical trials;

(3) establish appropriate regulatory standards and oversight bodies for:

(A) adult stem cell research conducted by consortium members;

and

(B) the development of facilities for consortium members conducting adult stem cell research and cGMP manufacturing; and

(4) assist consortium members in applying for grants, investments, or loans under the program.

(b) The research coordinating board shall develop research priorities, guidelines, and procedures for providing grants, investments, and loans for specific research projects conducted by consortium members. The priorities, guidelines, and procedures must require the grants and loans to be made on a competitive, peer review basis.

Sec. 156.006. FUNDING. The program may only be funded by gifts, grants, investments, and donations described by Section 156.007.

Sec. 156.007. GIFTS, GRANTS, AND DONATIONS. The consortium shall solicit, and the research coordinating board may accept on behalf of the consortium, a gift, grant, or donation made from any public or private source for the purpose of promoting adult stem cell research or commercialization.

Sec. 156.008. BIENNIAL REPORT. Not later than September 1 of each even-numbered year, the research coordinating board shall submit a report of the board's activities and recommendations to the Texas Higher Education Coordinating Board and to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee or subcommittee with jurisdiction over higher education.

SECTION \_\_\_\_. Section 162.001, Health and Safety Code, is amended by adding Subdivision (4) to read as follows:

(4) "Adult stem cell" means an undifferentiated cell that is:

(A) found in differentiated tissue; and

(B) able to renew itself and differentiate to yield all or nearly all of the specialized cell types of the tissue from which the cell originated.

SECTION \_\_\_\_. Chapter 162, Health and Safety Code, is amended by adding Section 162.020 to read as follows:

Sec. 162.020. ADULT STEM CELL COLLECTION. Blood obtained by a blood bank may be used for the collection of adult stem cells if the donor consents in writing to that use.

SECTION \_\_\_\_. Section 241.003, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Adult stem cell" has the meaning assigned by Section 162.001.

(1-a) "Advanced practice nurse" means a registered nurse recognized as an advanced practice nurse by the Texas Board of Nursing.

SECTION \_\_\_\_. Subchapter A, Chapter 241, Health and Safety Code, is amended by adding Section 241.009 to read as follows:

Sec. 241.009. USE OF ADULT STEM CELLS. A hospital may use adult stem cells in a procedure if a physician providing services at the hospital determines that the use of adult stem cells in the procedure is appropriate and the patient consents in writing to the use.

SECTION \_\_\_\_\_. (a) As soon as practicable after the effective date of this Act, the governor, lieutenant governor, and speaker of the house of representatives shall appoint members to the Texas Adult Stem Cell Research Coordinating Board, as required by Section 156.002, Education Code, as added by this Act, as follows:

(1) the governor shall appoint one member to a term expiring February 1, 2015, one member to a term expiring February 1, 2017, and one member to a term expiring February 1, 2019;

(2) the lieutenant governor shall appoint one member to a term expiring February 1, 2017, and one member to a term expiring February 1, 2019; and

(3) the speaker of the house of representatives shall appoint one member to a term expiring February 1, 2017, and one member to a term expiring February 1, 2019.

(b) Not later than September 1, 2014, the Texas Adult Stem Cell Research Coordinating Board shall submit the first report of the board's activities and recommendations as required by Chapter 156, Education Code, as added by this Act.

Amendment No. 6 was adopted.

#### **Amendment No. 7**

Representative Branch offered the following amendment to **SB 215**:

Amend **SB 215** on third reading by amending Section 54.017, Education Code, as added on second reading by Floor Amendment No. 20 by Capriglione, as that amendment was amended by Floor Amendment No. 22 by Capriglione, as follows:

(1) Strike the heading to added Section 54.017, Education Code, and substitute "STUDY ON TUITION RATES AND FEE AMOUNTS".

(2) Strike added Section 54.017(b), Education Code.

(3) In added Section 54.017(c), Education Code, strike "affordability of tuition and fee rates" and substitute "affordability of tuition rates and fee amounts".

(4) Strike the last sentence of added Section 54.017(c), Education Code, and substitute "The coordinating board shall submit the results of the study to general academic teaching institutions, the governor, and the legislative standing committees with primary jurisdiction over higher education."

(5) Redesignate added Section 54.017(c), Education Code, as Section 54.017(b), Education Code.

Amendment No. 7 was adopted.

#### **Amendment No. 8**

Representative Giddings offered the following amendment to **SB 215**:

Amend **SB 215** on third reading as follows:

(1) In the SECTION of the bill amending Section 56.451, Education Code, as amended by Second Reading Amendment No. 17 by Giddings:

(A) In the recital, strike "Section 56.451, Education Code, is amended by amending Subdivisions (2) and (3) and adding Subdivisions (4) and (5)" and substitute "Subdivisions (2) and (3), Section 56.451, Education Code, are amended".

(B) Strike added Subdivisions (4) and (5), Section 56.451, Education Code.

(2) Strike the SECTION of the bill amending Section 56.453, Education Code, as added by Second Reading Amendment No. 17 by Giddings, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 56.453, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The coordinating board, in collaboration with eligible institutions and other appropriate entities, shall adopt and implement measures to:

(1) improve student participation in the Texas B-On-time loan program, including strategies to better inform students and prospective students about the program; and

(2) improve the rate of student satisfaction of the requirements for obtaining Texas B-On-time loan forgiveness.

(3) In the SECTION of the bill amending Section 56.455, Education Code, as amended by Second Reading Amendment No. 17 by Giddings, strike amended Subdivision (5) and substitute the following:

(5) comply with any additional nonacademic requirement adopted by the coordinating board under this subchapter.

(4) In the SECTION of the bill amending Section 56.456(a), Education Code, as amended by second reading Amendment No. 17 by Giddings, strike amended Subdivision (5) and substitute the following:

(5) complies with any additional nonacademic requirement adopted by the coordinating board.

(5) In the SECTION of the bill amending Section 56.459, Education Code, as amended by second reading Amendment No. 17 by Giddings:

(A) In the recital, strike "Subsections (a), (b), (e), and (f)" and substitute "Subsections (a), (b), and (f)".

(B) Strike amended Subsection (a) and substitute the following:

(a) The amount of a Texas B-On-time loan for a semester or term for a student enrolled full-time at an eligible institution other than an institution covered by Subsection (b)[~~-, (e), or (d)~~] is an amount determined by the coordinating board as the average statewide amount of tuition and required fees that a resident student enrolled full-time in a baccalaureate [~~an undergraduate~~] degree program would be charged for that semester or term at general academic teaching institutions.

(C) Strike amended Subsections (e) and (f) and substitute the following:

(f) If in any academic year the amount of money in the Texas B-On-time student loan account, other than money appropriated to the account exclusively for loans at eligible institutions that are private or independent institutions of higher education, is insufficient to provide the loans in the maximum amount specified by this section to all eligible persons at eligible institutions that are institutions of higher education [in amounts specified by this section], the coordinating board shall determine the amount of that available money and shall allocate that amount to those eligible institutions in proportion to the amount of tuition set aside by [number of full-time equivalent undergraduate students enrolled at] each of those institutions under Section 56.465 for the preceding academic year [institution]. In the manner prescribed by the coordinating board for purposes of this subsection, each eligible institution that is a private or independent institution of higher education is entitled to receive an allocation only from the general revenue appropriations made for that academic year to eligible private or independent institutions of higher education for the purposes of this subchapter. Each institution shall use the money allocated to award Texas B-On-time loans to eligible students enrolled at the institution selected according to financial need.

(6) Strike the SECTION of the bill amending Section 56.465, Education Code, as added by second reading Amendment No. 17 by Giddings, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 56.465, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) If the amount of tuition set aside by an eligible institution under Subsection (a) in any academic year exceeds the amount necessary to fund Texas B-On-time loans awarded to students enrolled at the institution in that academic year, the coordinating board shall determine the amount by which the tuition set aside by the institution exceeds the amount necessary to fund those loans. The coordinating board shall transfer that amount from the Texas B-On-time student loan account to the credit of an account established for the institution if:

(1) the coordinating board determines that the participation rate of students of the institution in the Texas B-On-time loan program has increased from the participation rate for the preceding academic year; or

(2) the measures adopted by the coordinating board under Section 56.453(d) have been fully implemented at the institution in the current academic year.

(d) Money transferred to the credit of the account established for an eligible institution under Subsection (c) is considered to be institutional funds of the institution and may be used only for a purpose for which tuition set aside under Subchapter B may be used.

(7) Strike the following SECTIONS of the bill, as added by Second Reading Amendment No. 17 by Giddings:

(A) the SECTION amending Section 56.457, Education Code;

(B) the SECTION adding Section 56.4621, Education Code;

(C) the SECTION amending Sections 56.463 and 56.464, Education Code; and

- (D) the SECTION adding Section 56.466, Education Code.  
(8) Renumber the SECTIONS of the bill as appropriate.

Amendment No. 8 was adopted.

### Amendment No. 9

Representative Branch offered the following amendment to **SB 215**:

Amend **SB 215** 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 \_\_\_\_\_. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.96852 to read as follows:

Sec. 51.96852. TRANSFER OF CREDIT FROM LOWER-DIVISION INSTITUTIONS; ARTICULATION AGREEMENTS. (a) In this section:

(1) "Articulation agreement" means a formal written agreement between a public junior college and a general academic teaching institution identifying courses offered by the public junior college that must be accepted for credit toward specific course requirements at the general academic teaching institution.

(2) "Lower-division institution of higher education" means a public junior college, public state college, or public technical institute.

(3) "Public junior college" and "general academic teaching institution" have the meanings assigned by Section 61.003.

(b) Each general academic teaching institution shall:

(1) publish on the institution's Internet website for use by prospective undergraduate students a detailed description developed by the institution's faculty of the learning objectives, content, and prior knowledge requirements for at least 12 courses offered by the institution for which credit is frequently transferred to the institution from lower-division institutions of higher education;

(2) identify the public junior colleges from which the general academic teaching institution regularly receives transfer students; and

(3) establish, for at least five degree plans for which credit is frequently transferred to the institution from lower-division institutions of higher education, articulation agreements with each public junior college from which the general academic teaching institution has received an average of at least five percent of the institution's transfer students in the three preceding academic years.

(c) A general academic teaching institution's participation in an articulation agreement under this section does not affect the institution's admissions policies.

(d) In consultation with general academic teaching institutions and public junior colleges, the Texas Higher Education Coordinating Board shall adopt any rules the coordinating board considers necessary for the administration of this section.

SECTION \_\_\_\_\_. Section 61.0515, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) To earn a baccalaureate degree, a student may not be required by a general academic teaching institution to complete more than the minimum number of semester credit hours required for the degree by the institution's board-recognized accrediting agency [~~Southern Association of Colleges and~~

~~Schools or its successor]~~ unless the institution determines that there is a compelling academic reason for requiring completion of additional semester credit hours for the degree.

(d) The board shall adopt any rules the board considers necessary for the administration of this section.

SECTION \_\_\_\_\_. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.05151 to read as follows:

Sec. 61.05151. SEMESTER CREDIT HOURS REQUIRED FOR ASSOCIATE DEGREE. (a) To earn an associate degree, a student may not be required by an institution of higher education to complete more than the minimum number of semester credit hours required for the degree by the institution's board-recognized accrediting agency unless academic accreditation or professional licensure requirements require the completion of additional semester credit hours for the degree.

(b) The board may review one or more of an institution's associate degree programs to ensure compliance with this section.

(c) Subsection (a) does not apply to an associate degree awarded by an institution to a student enrolled in the institution before the 2015 fall semester.

(d) The board shall adopt any rules the board considers necessary for the administration of this section.

SECTION \_\_\_\_\_. Section 61.052, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) Each governing board shall submit to the board once each year on dates designated by the board a comprehensive list by department, division, and school of all courses, together with a description of content, scope, and prerequisites of all these courses, that will be offered by each institution under the supervision of that governing board during the following academic year. The list for each institution must also specifically identify any course included in the single common course numbering system under Section 61.832 that has been added to or removed from the institution's list for the current academic year, and the board shall distribute that information as necessary to accomplish the purposes of Section 61.832.

(b) After the comprehensive list of courses is submitted by a governing board under Subsection (a) [of this section], the governing board shall submit on dates designated by the board any changes in the comprehensive list of courses to be offered, including any changes relating to offering a course included in the single common course numbering system.

(b-1) Each governing board must certify at the time of submission under Subsection (a) that the institution does not:

(1) prohibit the acceptance of transfer credit based solely on the accreditation of the sending institution; or

(2) include language in any materials published by the institution, whether in printed or electronic form, suggesting that such a prohibition exists.

SECTION \_\_\_\_\_. Section 61.822, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (f) to read as follows:



(a) The board, with the assistance of advisory committees composed of representatives of institutions of higher education, shall develop a recommended core curriculum of at least 42 semester credit hours, including a statement of the content, component areas, and objectives of the core curriculum. Administrators of an institution of higher education may serve as representatives of the institution on any advisory committee under this section. At least a majority of the members of any advisory committee named under this section shall be faculty members of an institution of higher education. An institution shall consult with the faculty of the institution before nominating or recommending a person to the board as the institution's representative on an advisory committee.

(b) Each institution of higher education shall adopt a core curriculum of ~~no~~ not less than 42 semester credit hours, including specific courses comprising the curriculum. The core curriculum shall be consistent with the single common course numbering system approved by the board under Section 61.832(a) and with the statement, recommendations, and rules issued by the board. An institution may have a core curriculum of other than 42 semester credit hours only if approved by the board.

(f) In an effort to facilitate the transfer of major-related coursework beyond the general education core curriculum, the board, with the assistance of the advisory committees described by Subsection (a), shall:

(1) develop a course-specific core curriculum for each broad academic discipline within the general core curriculum; and

(2) identify those degree programs offered at institutions of higher education to which the course-specific core curriculum, if successfully completed by a student at another institution of higher education, is fully transferable.

SECTION \_\_\_\_\_. Section 61.830, Education Code, is amended to read as follows:

Sec. 61.830. PUBLICATION OF GUIDELINES ADDRESSING TRANSFER PRACTICES. In its course catalogs and on its website, each institution of higher education shall publish guidelines addressing the practices of the institution regarding the transfer of course credit. In the guidelines, the institution must identify a course by using the single common course numbering system approved by the board under Section 61.832(a).

SECTION \_\_\_\_\_. Section 61.832, Education Code, is amended to read as follows:

Sec. 61.832. COMMON COURSE NUMBERING SYSTEM. (a) The board shall approve a single common course numbering system for lower-division courses to facilitate the transfer of those courses among institutions of higher education by promoting consistency in course designation and identification.

(b) The board shall solicit input from institutions of higher education regarding the development of the single common course numbering system.

(c) Each institution of higher education other than The University of Texas at Austin and Texas A&M University shall:

(1) use the approved common course numbering system for each course for which a common number designation and course description are included in that system; and

(2) include the applicable course numbers from that system in its course catalogs and other course listings.

(d) The board may approve only a common course numbering system already in common use in this state by one or more institutions of higher education.

(e) [(e)] The board shall cooperate with institutions of higher education in any additional development or alteration of the common course numbering system approved under Subsection (a), including the taxonomy to be used, and in the development of rules for the administration and applicability of the system.

(f) A student who transfers from one institution of higher education to another shall receive academic credit from the receiving institution for each course that the student has successfully completed that serves as an equivalent course under the single common course numbering system at the institution from which the student transfers.

(g) Not later than June 1, 2014, the board shall:

(1) approve a single common course numbering system as required by Subsection (a); and

(2) establish a timetable that requires the institutions of higher education to which Subsection (c) applies to phase in the inclusion of the applicable course numbers from the single common course numbering system in their individual course listings and course numbering systems as required by this section so that each institution fully complies with this section for all courses offered for the 2018-2019 academic year and subsequent years.

~~(g-1) Subsection (g) and this subsection expire January 1, 2020. [(d) An institution of higher education shall include in its course listings the applicable course numbers from the common course numbering system approved by the board under this section. For good cause, the board may grant to an institution of higher education an exemption from the requirements of this subsection.]~~

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.

SECTION \_\_\_\_\_. Not later than May 31, 2015, each general academic teaching institution shall publish on the institution's Internet website the information required by Section 51.96852, Education Code, as added by this Act, and establish articulation agreements in accordance with that section.

SECTION \_\_\_\_\_. The change in law made by this Act to Section 61.0515(a), Education Code, applies beginning with undergraduate students who initially enroll in a general academic teaching institution for the 2015 fall semester. An undergraduate student who initially enrolls in a general academic teaching institution before that semester is covered by the law in effect before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. The changes in law made by this Act to Section 61.052, Education Code, apply to the comprehensive lists of courses offered by public institutions of higher education beginning with lists required to be submitted for the 2014-2015 academic year. Course lists for an academic year before that academic year are covered by the law in effect before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Not later than May 31, 2015, the Texas Higher Education Coordinating Board shall develop core curricula for broad academic disciplines included within the general core curriculum that conform to the requirements of Section 61.822, Education Code, as amended by this Act.

SECTION \_\_\_\_\_. Section 61.832(f), Education Code, as added by this Act, applies beginning with the 2013 fall semester.

Amendment No. 9 was adopted.

**SB 215**, as amended, was passed by (Record 850): 143 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Johnson; Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Lozano.

### STATEMENT OF VOTE

When Record No. 850 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

(Harper-Brown in the chair)

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 1367 ON THIRD READING  
(Smithee - House Sponsor)**

**SB 1367**, A bill to be entitled An Act relating to abolishing the Texas Health Insurance Pool.

**SB 1367** was passed by (Record 851): 126 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gooden; Guillen; Gutierrez; Harless; 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; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Walle; Workman; Wu; Zedler.

Nays — Simpson.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Alonzo; Bell; Callegari; Cortez; Dukes; Frank; Gonzalez, N.; Guerra; Hughes; Lozano; Miller, R.; Raney; Riddle; Rodriguez, E.; Stickland; Turner, E.S.; White; Zerwas.

**STATEMENTS OF VOTE**

When Record No. 851 was taken, my vote failed to register. I would have voted yes.

Bell

When Record No. 851 was taken, my vote failed to register. I would have voted yes.

Cortez

When Record No. 851 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting yes on Record No. 851. I intended to vote no.

Eiland

When Record No. 851 was taken, I was in the house but away from my desk. I would have voted yes.

Frank

When Record No. 851 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

When Record No. 851 was taken, I was in the house but away from my desk. I would have voted yes.

R. Miller

When Record No. 851 was taken, my vote failed to register. I would have voted yes.

E. S. Turner

When Record No. 851 was taken, I was in the house but away from my desk. I would have voted yes.

White

**SB 734 ON THIRD READING**  
**(Smithee - House Sponsor)**

**SB 734**, A bill to be entitled An Act relating to the licensing of captive insurance companies; authorizing fees and authorizing and imposing taxes.

**SB 734** was passed by (Record 852): 139 Yeas, 1 Nays, 2 Present, not voting.

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

Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Zedler; Zerwas.

Nays — Eiland.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Callegari; Lozano; Rodriguez, E.; Toth; Wu.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 852. I intended to vote yes.

Eiland

When Record No. 852 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

### SB 462 ON THIRD READING (Lewis - House Sponsor)

**SB 462**, A bill to be entitled An Act relating to specialty court programs in this state.

**SB 462** was passed by (Record 853): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Gonzales; Lozano.

### STATEMENT OF VOTE

When Record No. 853 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

### SB 109 ON THIRD READING

#### (Dutton - House Sponsor)

**SB 109**, A bill to be entitled An Act relating to a housing plan developed and certain housing information collected and reported by the Texas Department of Housing and Community Affairs.

**SB 109** was passed by (Record 854): 122 Yeas, 23 Nays, 2 Present, not voting.

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

Nays — Aycock; Bell; Bohac; Branch; Cook; Craddick; Creighton; Darby; Fletcher; Flynn; Gooden; Hilderbran; Kleinschmidt; Kuempel; Lavender; Parker; Phillips; Simmons; Simpson; Springer; Stickland; Zedler; Zerwas.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 854. I intended to vote no.

Anderson

I was shown voting no on Record No. 854. I intended to vote yes.

Bohac

I was shown voting yes on Record No. 854. I intended to vote no.

Hunter

I was shown voting yes on Record No. 854. I intended to vote no.

Price

**SB 112 ON THIRD READING****(Smithee - House Sponsor)**

**SB 112**, A bill to be entitled An Act relating to a requirement for and the contents of a declarations page required for certain standard insurance policy forms for residential property insurance.

**SB 112** was passed by (Record 855): 97 Yeas, 44 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bonnen, G.; Burnam; Callegari; Canales; Carter; Clardy; Coleman; Collier; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Frank; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Hunter; Isaac; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Kolkhorst; Larson; Lewis; Longoria; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, R.; Simmons; Smith; Smithee; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Ashby; Aycock; Bell; Bohac; Bonnen, D.; Branch; Burkett; Button; Capriglione; Cook; Craddick; Creighton; Crownover; Fallon; Farney; Fletcher; Flynn; Frullo; Goldman; Gooden; Harless; Hilderbran; Huberty; Hughes; Kacal; Kleinschmidt; Klick; Krause; Kuempel; Laubenberg; Lavender; Leach; Paddie; Parker; Perry; Phillips; Schaefer; Sheets; Sheffield, J.; Simpson; Springer; Stickland; Taylor; Villalba.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Cortez; Lozano.



**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 855. I intended to vote no.

Anderson

When Record No. 855 was taken, my vote failed to register. I would have voted yes.

Cortez

I was shown voting no on Record No. 855. I intended to vote yes.

Hughes

I was shown voting yes on Record No. 855. I intended to vote no.

Hunter

When Record No. 855 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. 855. I intended to vote no.

E. S. Turner

I was shown voting present, not voting on Record No. 855. I intended to vote no.

White

**SB 152 ON THIRD READING  
(Kolkhorst - House Sponsor)**

**SB 152**, A bill to be entitled An Act relating to the protection and care of persons who are elderly or disabled or who are children.

**SB 152** was passed by (Record 856): 142 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; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith;

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

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Cortez; Lozano; Workman.

### STATEMENTS OF VOTE

When Record No. 856 was taken, my vote failed to register. I would have voted yes.

Cortez

When Record No. 856 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

### SB 222 ON THIRD READING (Dukes - House Sponsor)

**SB 222**, A bill to be entitled An Act relating to the venue for prosecution of certain computer crimes.

#### SB 222 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WU: This bill was designed to protect victims of cyber crimes?

REPRESENTATIVE DUKES: That is correct.

WU: This bill was created because victims who are attacked from other counties and other states have a difficult time getting those outside counties and outside states to begin the prosecution?

DUKES: That is correct.

WU: And a lot of times those victims go and beg other jurisdictions that they don't live in for help, and those jurisdictions won't help them?

DUKES: That is correct.

WU: And this bill allows the victim's own jurisdiction to begin the process of investigation, is that correct?

DUKES: That is correct.

WU: Because, if there is no jurisdiction, the police in that area will not even begin to investigate?

DUKES: That is correct.

(Speaker pro tempore in the chair)

**REMARKS ORDERED PRINTED**

Representative Wu moved to print remarks between Representative Dukes and Representative Wu.

The motion prevailed.

**SB 222** was passed by (Record 857): 140 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Canales; Simpson; Stephenson.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Cortez; King, S.

**STATEMENT OF VOTE**

When Record No. 857 was taken, my vote failed to register. I would have voted yes.

Cortez

**SB 246 ON THIRD READING  
(Harper-Brown - House Sponsor)**

**SB 246**, A bill to be entitled An Act relating to the electronic submission of a request for an attorney general opinion.

**SB 246** was passed by (Record 858): 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; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Cortez.

**SB 286 ON THIRD READING**  
**(G. Bonnen - House Sponsor)**

**SB 286**, A bill to be entitled An Act relating to a home loan program operated by the Texas State Affordable Housing Corporation.

**SB 286** was passed by (Record 859): 141 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.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee;

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

Nays — Schaefer; Simpson.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Cortez; King, P.

### STATEMENTS OF VOTE

When Record No. 859 was taken, my vote failed to register. I would have voted yes.

Cortez

When Record No. 859 was taken, my vote failed to register. I would have voted yes.

P. King

I was shown voting yes on Record No. 859. I intended to vote no.

Stickland

### SB 394 ON THIRD READING (Herrero and Wu - House Sponsors)

**SB 394**, A bill to be entitled An Act relating to restricting access to records of children convicted of or receiving deferred disposition for certain fine-only misdemeanors.

**SB 394** was passed by (Record 860): 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; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.;

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

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Morrison.

**SB 395 ON THIRD READING  
(Herrero - House Sponsor)**

**SB 395**, A bill to be entitled An Act relating to fines and court costs imposed on a child in a criminal case.

**SB 395** was passed by (Record 861): 76 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Burnam; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cortez; Dale; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Hilderbran; Howard; Johnson; Kacal; Keffer; King, T.; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, R.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Perez; Pickett; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu; Zedler; Zerwas.

Nays — Anderson; Bohac; Bonnen, G.; Branch; Burkett; Button; Capriglione; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gooden; Harless; Harper-Brown; Huberty; Hughes; Hunter; Isaac; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Miller, D.; Murphy; Paddie; Parker; Patrick; Perry; Phillips; Price; Ratliff; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bell; Márquez.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 861. I intended to vote no.

Ashby

When Record No. 861 was taken, my vote failed to register. I would have voted no.

Bell

I was shown voting yes on Record No. 861. I intended to vote no.

Clardy

I was shown voting yes on Record No. 861. I intended to vote no.

Darby

I was shown voting yes on Record No. 861. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 861. I intended to vote no.

R. Miller

I was shown voting yes on Record No. 861. I intended to vote no.

Morrison

I was shown voting yes on Record No. 861. I intended to vote no.

Ritter

**SB 673 ON THIRD READING**  
**(Smith - House Sponsor)**

**SB 673**, A bill to be entitled An Act relating to the requirements for elevators, escalators, and related equipment; providing penalties.

**SB 673** was passed by (Record 862): 141 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Schaefer; Simpson.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Kolkhorst; Morrison.

**SB 700 ON THIRD READING**  
**(Kacal and Raney - House Sponsors)**

**SB 700**, A bill to be entitled An Act relating to energy and water management planning and reporting by state agencies and institutions of higher education.

**SB 700** was passed by (Record 863): 116 Yeas, 25 Nays, 3 Present, not voting.

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

Nays — Bonnen, G.; Branch; Button; Capriglione; Dale; Fallon; Frank; Goldman; Gonzales; Hughes; Isaac; Klick; Krause; Lavender; Parker; Phillips; Ratliff; Sanford; Schaefer; Simpson; Springer; Stickland; Villalba; White; Zedler.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Longoria; Miller, D.; Patrick.

**STATEMENT OF VOTE**

I was shown voting no on Record No. 863. I intended to vote yes.

Springer

**SB 1372 ON THIRD READING**  
**(P. King - House Sponsor)**

**SB 1372**, A bill to be entitled An Act relating to timeshare owners' associations.



**SB 1372** was passed by (Record 864): 142 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; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simmons; Simpson.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Turner, E.S.

### **SB 123 ON THIRD READING**

#### **(Márquez, Moody, and N. Gonzalez - House Sponsors)**

**SB 123**, A bill to be entitled An Act relating to the authority of the commissioner of education to issue subpoenas and conduct accreditation investigations.

**SB 123** was passed by (Record 865): 123 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bohac; Branch; Burkett; Callegari; Canales; Capriglione; Carter; Coleman; Collier; Cook; Cortez; Crownover; Dale; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Patrick;

Perez; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Ashby; Bonnen, G.; Button; Clardy; Craddick; Creighton; Darby; Frullo; Goldman; Kolkhorst; Lavender; Leach; Parker; Perry; Phillips; Schaefer; Sheffield, R.; Simmons; Thompson, E.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bell; Burnam; Villarreal.

### STATEMENTS OF VOTE

When Record No. 865 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bell

I was shown voting yes on Record No. 865. I intended to vote no.

White

### SB 270 ON THIRD READING (Herrero - House Sponsor)

**SB 270**, A bill to be entitled An Act relating to a limited exception to the prohibition on releasing personal information about a juror collected during the jury selection process in certain cases.

**SB 270** was passed by (Record 866): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam; Longoria.

**SB 344 ON THIRD READING**  
**(S. Turner and Wu - House Sponsors)**

**SB 344**, A bill to be entitled An Act relating to the procedure for an application for a writ of habeas corpus based on relevant scientific evidence.

**Amendment No. 1**

Representative Alonzo offered the following amendment to **SB 344**:

Amend **SB 344** on third reading as follows:

(1) On page 1, line 6, strike "Article 11.073" and substitute "Articles 11.073 and 11.074".

(2) On page 2, between lines 25 and 26, insert the following:

Art. 11.074. APPLICATION AFTER PLEA OF GUILTY OR NOLO CONTENDERE. With the consent of the attorney representing the state, the court may set aside the plea of guilty or nolo contendere if the court finds that the person was not properly advised as to a material direct or indirect consequence of the plea, if the plea is for an offense other than an offense:

(1) described by Section 3g(a)(1), Article 42.12, or for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article; or

(2) involving family violence, as defined by Section 71.004, Family Code.

Amendment No. 1 was withdrawn.

**SB 344** was passed by (Record 867): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Murphy; Toth.

### STATEMENT OF VOTE

When Record No. 867 was taken, I was in the house but away from my desk. I would have voted yes.

Toth

### SB 357 ON THIRD READING (Anchia - House Sponsor)

**SB 357**, A bill to be entitled An Act relating to the issuance of protective orders for certain sexual, stalking, and trafficking offenses.

#### Amendment No. 1

Representative Carter offered the following amendment to **SB 357**:

Amend **SB 357** (house committee report) as follows:

(1) In SECTION 3 of the bill, in the transition provision (page 2, line 10), strike "Article 7A.03" and substitute "Chapter 7A".

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

SECTION \_\_\_\_\_. The heading to Chapter 7A, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 7A. PROTECTIVE ORDER FOR [~~CERTAIN~~] VICTIMS OF  
[~~TRAFFICKING OR~~] SEXUAL ASSAULT OR ABUSE, STALKING, OR  
TRAFFICKING

SECTION \_\_\_\_\_. Article 7A.05(a), Code of Criminal Procedure, is amended to read as follows:

(a) In a protective order issued under this chapter, the court may:

(1) order the alleged offender to take action as specified by the court that the court determines is necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of the applicant's family or household; or

(2) prohibit the alleged offender from:

(A) communicating:

(i) directly or indirectly with the applicant or any member of the applicant's family or household in a threatening or harassing manner; or

(ii) in any manner with the applicant or any member of the applicant's family or household except through the applicant's attorney or a person appointed by the court, if the court finds good cause for the prohibition;

(B) going to or near the residence, place of employment or business, or child-care facility or school of the applicant or any member of the applicant's family or household;

(C) engaging in conduct directed specifically toward the applicant or any member of the applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person; and

(D) possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

Amendment No. 1 was adopted.

**SB 357**, as amended, was passed by (Record 868): 143 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; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Cortez; Strama.

#### STATEMENT OF VOTE

When Record No. 868 was taken, my vote failed to register. I would have voted yes.

Cortez

**HB 1738 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1738**, A bill to be entitled An Act relating to a standard form of notification for the detention of a person with mental illness.

Representative Naishtat moved to concur in the senate amendments to **HB 1738**.

The motion to concur in the senate amendments to **HB 1738** prevailed by (Record 869): 143 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; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Stickland.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Cortez.

**STATEMENT OF VOTE**

When Record No. 869 was taken, my vote failed to register. I would have voted yes.

Cortez

**Senate Committee Substitute**

**CSHB 1738**, A bill to be entitled An Act relating to the emergency detention by a peace officer of a person who may have mental illness, including information provided to the person subject to detention and a standard form of notification of detention to be provided to a facility by a peace officer.

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

SECTION 1. Section 573.001, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) A peace officer who takes a person into custody under Subsection (a) shall immediately inform the person orally in simple, nontechnical terms:

(1) of the reason for the detention; and

(2) that a staff member of the facility will inform the person of the person's rights within 24 hours after the time the person is admitted to a facility, as provided by Section 573.025(b).

SECTION 2. Section 573.002, Health and Safety Code, is amended to read as follows:

Sec. 573.002. PEACE OFFICER'S NOTIFICATION OF [APPLICATION FOR] DETENTION. (a) A peace officer shall immediately file with a facility a notification of [an application for] detention after transporting a person to that [a] facility in accordance with [under] Section 573.001.

(b) The notification of [application for] detention must contain:

(1) a statement that the officer has reason to believe and does believe that the person evidences mental illness;

(2) a statement that the officer has reason to believe and does believe that the person evidences a substantial risk of serious harm to the person [himself] or others;

(3) a specific description of the risk of harm;

(4) a statement that the officer has reason to believe and does believe that the risk of harm is imminent unless the person is immediately restrained;

(5) a statement that the officer's beliefs are derived from specific recent behavior, overt acts, attempts, or threats that were observed by or reliably reported to the officer;

(6) a detailed description of the specific behavior, acts, attempts, or threats; and

(7) the name and relationship to the apprehended person of any person who reported or observed the behavior, acts, attempts, or threats.

(c) The facility where the person is detained shall include in the detained person's clinical file the notification of detention described by this section.

(d) The peace officer shall give the notification of detention on the following form:

Notification—Emergency Detention NO. \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

THE STATE OF TEXAS  
FOR THE BEST INTEREST AND PROTECTION OF:

NOTIFICATION OF EMERGENCY DETENTION

Now comes \_\_\_\_\_, a peace officer with (name of agency) \_\_\_\_\_, of the State of Texas, and states as follows:

1. I have reason to believe and do believe that (name of person to be detained) \_\_\_\_\_ evidences mental illness.

2. I have reason to believe and do believe that the above-named person evidences a substantial risk of serious harm to himself/herself or others based upon the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I have reason to believe and do believe that the above risk of harm is imminent unless the above-named person is immediately restrained.

4. My beliefs are based upon the following recent behavior, overt acts, attempts, statements, or threats observed by me or reliably reported to me:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The names, addresses, and relationship to the above-named person of those persons who reported or observed recent behavior, acts, attempts, statements, or threats of the above-named person are (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For the above reasons, I present this notification to seek temporary admission to the (name of facility) \_\_\_\_\_ inpatient mental health facility or hospital facility for the detention of (name of person to be detained) \_\_\_\_\_ on an emergency basis.

6. Was the person restrained in any way? Yes      No       
\_\_\_\_\_ BADGE NO. \_\_\_\_\_

PEACE OFFICER'S SIGNATURE

Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

A mental health facility or hospital emergency department may not require a peace officer to execute any form other than this form as a predicate to accepting for temporary admission a person detained under Section 573.001, Texas Health and Safety Code.



(e) A mental health facility or hospital emergency department may not require a peace officer to execute any form other than the form provided by Subsection (d) as a predicate to accepting for temporary admission a person detained under Section 573.001.

SECTION 3. Section 573.021(a), Health and Safety Code, is amended to read as follows:

(a) A facility shall temporarily accept a person for whom an application for detention is filed or for whom a peace officer files a notification of detention under Section 573.002(a).

SECTION 4. Section 573.025, Health and Safety Code, is amended to read as follows:

Sec. 573.025. RIGHTS OF PERSONS APPREHENDED, DETAINED, OR TRANSPORTED FOR EMERGENCY DETENTION. (a) A person apprehended, detained, or transported for emergency detention under this chapter has the right:

(1) to be advised of the location of detention, the reasons for the detention, and the fact that the detention could result in a longer period of involuntary commitment;

(2) to a reasonable opportunity to communicate with and retain an attorney;

(3) to be transported to a location as provided by Section 573.024 if the person is not admitted for emergency detention, unless the person is arrested or objects;

(4) to be released from a facility as provided by Section 573.023;

(5) to be advised that communications with a mental health professional may be used in proceedings for further detention; ~~and~~

(6) to be transported in accordance with Sections 573.026 and 574.045, if the person is detained under Section 573.022 or transported under an order of protective custody under Section 574.023; and

(7) to a reasonable opportunity to communicate with a relative or other responsible person who has a proper interest in the person's welfare.

(b) A person apprehended, detained, or transported for emergency detention under this subtitle shall be informed of the rights provided by this section and this subtitle:

(1) orally in simple, nontechnical terms, within 24 hours after the time the person is admitted to a facility, and in writing in the person's primary language if possible; or

(2) through the use of a means reasonably calculated to communicate with a hearing or visually impaired person, if applicable.

(c) The executive commissioner of the Health and Human Services Commission by rule shall prescribe the manner in which the person is informed of the person's rights under this section and this subtitle.

SECTION 5. This Act takes effect September 1, 2013.

**HB 1717 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1717**, A bill to be entitled An Act relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.

Representative Price moved to concur in the senate amendments to **HB 1717**.

The motion to concur in the senate amendments to **HB 1717** prevailed by (Record 870): 112 Yeas, 25 Nays, 2 Present, not voting.

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

Nays — Capriglione; Creighton; Elkins; Fallon; Frank; Goldman; Harless; Harper-Brown; Isaac; Kleinschmidt; Krause; Laubenberg; Lavender; Leach; Phillips; Sanford; Schaefer; Simpson; Springer; Stickland; Thompson, E.; Toth; Turner, E.S.; White; Zedler.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam; Cortez; Gutierrez; Hughes; Keffer; Klick; Longoria; Márquez.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 870. I intended to vote no.

G. Bonnen

I was shown voting yes on Record No. 870. I intended to vote no.

Carter

When Record No. 870 was taken, my vote failed to register. I would have voted yes.

Cortez

I was shown voting yes on Record No. 870. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 870. I intended to vote no.

Flynn

I was shown voting yes on Record No. 870. I intended to vote no.

Gooden

I was shown voting yes on Record No. 870. I intended to vote no.

Parker

I was shown voting yes on Record No. 870. I intended to vote no.

Simmons

I was shown voting yes on Record No. 870. I intended to vote no.

Taylor

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

Amend **HB 1717** (senate committee printing) in SECTION 3 of the bill, in proposed Section 1051.351(c-1), Occupations Code (page 1), as follows:

- (1) On line 58, strike each instance of "2016" and substitute "2017".
- (2) On line 60, strike "September 1, 2013" and substitute "January 1, 2014".
- (3) On line 61, strike "2018" and substitute "2019".

### **HB 752 - RETURNED TO SENATE BY THE SPEAKER**

Pursuant to the provisions of Rule 13, Section 5A of the House Rules, the speaker returned **HB 752** with senate amendments to the senate and submitted the following statement:

Pursuant to Rule 13, Section 5A of the House Rules, the house returned **HB 752** to the senate for further consideration because the amendment added by the senate is not germane, would add a second subject to the bill, and would change the original purpose of the bill in violation of Rule 11, Sections 2 and 3 and Rule 8, Section 3 of the House Rules, and Article III, Sections 30 and 35 of the Texas Constitution.

### **HB 1106 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1106**, A bill to be entitled An Act relating to the identification and operation of vessels in the waters of this state; authorizing a change in fees.

Representative Larson moved to concur in the senate amendments to **HB 1106**.

The motion to concur in the senate amendments to **HB 1106** prevailed by (Record 871): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bohac.

#### STATEMENT OF VOTE

When Record No. 871 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

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

Amend **HB 1106** (senate committee report) as follows:

(1) Strike SECTION 5 of the bill (page 1, line 59, through page 2, line 27) and renumber subsequent SECTIONS of the bill accordingly.

(2) Strike the recital to SECTION 6 of the bill (page 2, lines 28 and 29), and substitute the following:

Section 31.047(b), Parks and Wildlife Code, is amended to read as follows:

(3) In SECTION 6 of the bill, in amended Section 31.047, Parks and Wildlife Code (page 2), strike lines 49 through 56.

**SB 176 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Flynn, the house granted the request of the senate for the appointment of a Conference Committee on **SB 176**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 176**: Flynn, chair; Zedler, Pickett, Guillen, and Elkins.

**SB 1312 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Aycock submitted the conference committee report on **SB 1312**.

Representative Aycock moved to adopt the conference committee report on **SB 1312**.

The motion to adopt the conference committee report on **SB 1312** prevailed by (Record 872): 97 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bohac; Branch; Burnam; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Smith; Smithee; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Walle; Wu; Zerwas.

Nays — Bell; Bonnen, G.; Burkett; Button; Capriglione; Carter; Craddick; Creighton; Fallon; Fletcher; Flynn; Goldman; Gooden; Harless; Harper-Brown; Hilderbran; Isaac; King, P.; Kleinschmidt; Kolkhorst; Krause; Laubenberg; Lavender; Leach; Parker; Perry; Phillips; Riddle; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Springer; Stickland; Taylor; Thompson, E.; Toth; White; Workman; Zedler.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farney; Hughes; Klick; Morrison; Paddie; Turner, E.S.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 872. I intended to vote no.

Branch

When Record No. 872 was taken, my vote failed to register. I would have voted yes.

Farney

I was shown voting yes on Record No. 872. I intended to vote no.

Frank

I was shown voting yes on Record No. 872. I intended to vote no.

R. Miller

When Record No. 872 was taken, my vote failed to register. I would have voted no.

E. S. Turner

### **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. 29).

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Economic and Small Business Development, during lunch recess today, Desk 10, for a formal meeting, to consider pending business.

Rules and Resolutions, during lunch recess today, Desk 89, for a formal meeting, to set a calendar.

Elections, during lunch recess today, Desk 86, for a formal meeting, to consider **SB 722** and pending business.

Natural Resources, during lunch recess today, 1W.14, for a formal meeting, to consider **SB 1612**, **SB 1635**, and pending business.

### **PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR**

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. tomorrow.

The motion prevailed.

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

Representative Farias requested permission for the Committee on County Affairs to meet while the house is in session, at 1 p.m. today, in 3W.9, to consider **SB 1034**, **SB 1863**, **SB 1916**, and pending business.

Permission to meet was granted.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Deshotel moved to suspend the five-day posting rule to allow the Committee on Land and Resource Management to consider **SB 1560** at 8:30 a.m. tomorrow in E2.016.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Land and Resource Management, 8:30 a.m. tomorrow, E2.016, for a public hearing, to consider **SB 1560**.

County Affairs, 1 p.m. today, 3W.9, for a formal meeting, to consider **SB 1034**, **SB 1863**, **SB 1916**, and pending business.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Otto requested permission for the Conference Committee on **SB 1** to meet while the house is in session, at 2 p.m. today, in E1.036.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Conference Committee on **SB 1**, 2 p.m. today, E1.036.

**RECESS**

At 12:18 p.m., the chair announced that the house would stand recessed until 1:20 p.m. today.

**AFTERNOON SESSION**

The house met at 1:20 p.m. and was called to order by the speaker.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Crownover on motion of Geren.

Otto on motion of Geren.

S. Turner on motion of Geren.

**MAJOR STATE CALENDAR****SENATE BILLS****SECOND READING**

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

**SB 209 ON SECOND READING**

**(Dutton - House Sponsor)**

**SB 209**, A bill to be entitled An Act relating to the functions and operation of the State Commission on Judicial Conduct.

**Amendment No. 1**

Representative Lewis offered the following amendment to **SB 209**:

Amend **SB 209** (house committee report) as follows:

(1) In SECTION 5 of the bill, strike Sec. 33.0055(a) and substitute the following: Sec. 33.0055. PUBLIC MEETING. (a) The Commission shall in each even numbered year hold a public hearing to consider comment from the public regarding the commission's mission and operations. Such comments shall be considered in a manner which does not compromise the confidentiality of matters considered by the commission.

Amendment No. 1 was adopted.

**SB 209**, as amended, was passed to third reading.

**CSSB 2 ON SECOND READING**  
**(Aycock - House Sponsor)**

**CSSB 2**, A bill to be entitled An Act relating to certain charter schools.

Representative Huberty moved to postpone consideration of **CSSB 2** until 1:45 p.m. today.

The motion prevailed.

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**SENATE JOINT RESOLUTIONS**  
**SECOND READING**

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

**SJR 42 ON SECOND READING**  
**(Dutton - House Sponsor)**

**SJR 42**, A joint resolution proposing a constitutional amendment relating to expanding the types of sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct.

**SJR 42** was adopted by (Record 873): 141 Yeas, 1 Nays, 1 Present, not voting.

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



Oliveira; Paddie; Parker; Patrick; Perez; Perry; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Crownover; Otto; Pitts; Turner, S.

Absent — Cortez.

**SJR 18 ON SECOND READING  
(Villarreal - House Sponsor)**

**SJR 18**, A joint resolution proposing a constitutional amendment to authorize the making of a reverse mortgage loan for the purchase of homestead property and to amend certain requirements in connection with a reverse mortgage loan.

Representative Zerwas moved to postpone consideration of **SJR 18** until 1:50 p.m. today.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Zerwas on motion of Geren.

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**CSSB 1365 ON SECOND READING  
(Villarreal and Ratliff - House Sponsors)**

**CSSB 1365**, A bill to be entitled An Act relating to the provision of credit by examination for public school students.

Representative Canales moved to postpone consideration of **CSSB 1365** until 1:50 p.m. today.

The motion prevailed.

**SB 12 ON SECOND READING  
(Riddle - House Sponsor)**

**SB 12**, A bill to be entitled An Act relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

**SB 12** was passed to third reading. (Schaefer and Simpson recorded voting no.)

**SB 63 ON SECOND READING**  
**(J. Sheffield - House Sponsor)**

**SB 63**, A bill to be entitled An Act relating to consent to the immunization of certain children.

**SB 63** was passed to third reading. (Schaefer recorded voting no.)

**SB 356 ON SECOND READING**  
**(Ratliff - House Sponsor)**

**SB 356**, A bill to be entitled An Act relating to the audit of court registry funds in certain counties.

**SB 356** was passed to third reading.

**SB 358 ON SECOND READING**  
**(Muñoz - House Sponsor)**

**SB 358**, A bill to be entitled An Act relating to the use of a polygraph statement as evidence that a defendant or releasee from the Texas Department of Criminal Justice has violated a condition of release.

**Amendment No. 1**

Representative J. Sheffield offered the following amendment to **SB 358**:

Amend **SB 358** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 508.045, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A parole panel or a designated agent of the board may conduct a hearing for a releasee who has not been convicted of an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure.

Amendment No. 1 was withdrawn.

**SB 358** was passed to third reading. (Anderson, Button, Hunter, D. Miller, and Schaefer recorded voting no.)

**SB 495 ON SECOND READING**  
**(Walle, Kolkhorst, and S. Davis - House Sponsors)**

**SB 495**, A bill to be entitled An Act relating to the creation of a task force to study maternal mortality and severe maternal morbidity.

**Amendment No. 1**

Representative Kolkhorst offered the following amendment to **SB 495**:

Amend **SB 495** (house committee printing) on page 11 by striking lines 24 through 27 and substituting the following:

Sec. 34.014. FUNDING. The department may accept gifts and grants from any

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Walle offered the following amendment to **SB 495**:

Amend **SB 495** (house committee printing) on page 12, line 9, by striking "34.005(a)(3)" and substituting "34.005(3)".

Amendment No. 2 was adopted.

**SB 495**, as amended, was passed to third reading. (Button, Flynn, Lavender, Schaefer, Simpson, Toth, and Zedler recorded voting no.)

**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 9 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 1:50 p.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, 1:50 p.m. today, 3W.15, for a formal meeting, to set a calendar.

(Speaker pro tempore in the chair)

**MESSAGE FROM THE SENATE**

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

**SB 219 - RECOMMENDED**

Representative Morrison moved to recommit **SB 219** to the Committee on Elections.

The motion prevailed.

**SB 772 ON SECOND READING  
(Springer - House Sponsor)**

**SB 772**, A bill to be entitled An Act relating to the elimination of obsolete and redundant reporting requirements for the Department of Agriculture.

**SB 772** was passed to third reading. (Simpson recorded voting no.)

**SB 983 ON SECOND READING**  
**(Harper-Brown - House Sponsor)**

**SB 983**, A bill to be entitled An Act relating to in camera review and filing of the information at issue in a suit filed under the public information law.

**SB 983** was passed to third reading.

**SB 1156 ON SECOND READING**  
**(Longoria - House Sponsor)**

**SB 1156**, A bill to be entitled An Act relating to land reclamation projects using tires.

Representative Muñoz moved to postpone consideration of **SB 1156** until 2 p.m. today.

The motion prevailed.

**CSSB 1238 ON SECOND READING**  
**(Pickett - House Sponsor)**

**CSSB 1238**, A bill to be entitled An Act relating to the composition and duties of and investigations conducted by the Texas Forensic Science Commission, the administrative attachment of the Texas Forensic Science Commission to Sam Houston State University, the accreditation of criminal laboratories by the Department of Public Safety of the State of Texas, and the status of certain local government corporations as criminal justice agencies for the purpose of engaging in criminal identification activities, including forensic analysis.

**CSSB 1238** was passed to third reading.

**SB 1451 ON SECOND READING**  
**(Sheets - House Sponsor)**

**SB 1451**, A bill to be entitled An Act relating to the prosecution of the offense of money laundering and to the forfeiture of certain contraband.

**Amendment No. 1**

Representative Guillen offered the following amendment to **SB 1451**:

Amend **SB 1451** (house committee printing) as follows:

(1) On page 11, strike line 1 and substitute the following:  
SECTION 5. Subdivisions (2) and (4), Section 34.01, Penal Code, are

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

(2) "Funds" includes:

(A) coin or paper money of the United States or any other country that is designated as legal tender and that circulates and is customarily used and accepted as a medium of exchange in the country of issue;

(B) United States silver certificates, United States Treasury notes, and Federal Reserve System notes;

(C) an official foreign bank note that is customarily used and accepted as a medium of exchange in a foreign country and a foreign bank draft;  
and

(D) currency or its equivalent, including an electronic fund, a personal check, a bank check, a traveler's check, a money order, a bearer negotiable instrument, a bearer investment security, a bearer security, a [✗] certificate of stock in a form that allows title to pass on delivery, or a stored value card as defined by Section 604.001, Business & Commerce Code.

Amendment No. 1 was adopted.

**SB 1451**, as amended, was passed to third reading. (Schaefer and Simpson recorded voting no.)

**SB 1665 ON SECOND READING**  
**(Smithee - House Sponsor)**

**SB 1665**, A bill to be entitled An Act relating to the deposit of assessments and fees collected for examination expenses.

**SB 1665** was passed to third reading.

**SB 1756 ON SECOND READING**  
**(Villalba, Keffer, Ritter, D. Bonnen, and Guillen - House Sponsors)**

**SB 1756**, A bill to be entitled An Act relating to the expedited processing of certain applications for permits under the Clean Air Act; authorizing a surcharge.

**Amendment No. 1**

Representative Villalba offered the following amendment to **SB 1756**:

Amend **SB 1756** (house committee report) on page 2, line 13, by striking "proceeded" and substituting "processed".

Amendment No. 1 was adopted.

**SB 1756**, as amended, was passed to third reading. (Taylor recorded voting no.)

**CSSB 1803 ON SECOND READING**  
**(Kolkhorst and Raymond - House Sponsors)**

**CSSB 1803**, A bill to be entitled An Act relating to investigations of and payment holds relating to allegations of fraud or abuse and investigations of and hearings on overpayments and other amounts owed by providers in connection with the Medicaid program or other health and human services programs.

Representative Kolkhorst moved to postpone consideration of **CSSB 1803** until 3 p.m. today.

The motion prevailed.

**SB 427 ON SECOND READING**  
**(Raymond - House Sponsor)**

**SB 427**, A bill to be entitled An Act relating to the regulation of certain child-care facilities and administrators of those facilities.

**Amendment No. 1**

Representative N. Gonzalez offered the following amendment to **SB 427**:

Amend **SB 427** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 42.041(b), Human Resources Code, is amended to read as follows:

(b) This section does not apply to:

- (1) a state-operated facility;
- (2) an agency foster home or agency foster group home;
- (3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities, including retreats or classes for religious instruction, on or near the premises, that does not advertise as a child-care facility or day-care center, and that informs parents that it is not licensed by the state;
- (4) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;
- (5) a youth camp licensed by the Department of State Health Services;
- (6) a facility licensed, operated, certified, or registered by another state agency;
- (7) an educational facility that is accredited by the Texas Education Agency, the Southern Association of Colleges and Schools, or an accreditation body that is a member of the Texas Private School Accreditation Commission and that operates primarily for educational purposes for prekindergarten and above, a before-school or after-school program operated directly by an accredited educational facility, or a before-school or after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency, the Southern Association of Colleges and Schools, or the other accreditation body, as applicable, has approved the curriculum content of the before-school or after-school program operated under the contract;
- (8) an educational facility that operates solely for educational purposes for prekindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;
- (9) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Texas Education Agency, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day;
- (10) a family home, whether registered or listed;

(11) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers an educational program in one or more of the following: prekindergarten through at least grade three, elementary grades, or secondary grades;

(12) an emergency shelter facility providing shelter to minor mothers who are the sole support of their natural children under Section 32.201, Family Code, unless the facility would otherwise require a license as a child-care facility under this section;

(13) a juvenile detention facility certified under Section 51.12, Family Code, a juvenile correctional facility certified under Section 51.125, Family Code, a juvenile facility providing services solely for the Texas Juvenile Justice Department [~~Youth Commission~~], or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state;

(14) an elementary-age (ages 5-13) recreation program operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility;

(15) an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more than three months and that has been operated for at least 10 years by a nonprofit organization that provides care for the homeless;

(16) a food distribution program that:

(A) serves an evening meal to children two years of age or older;

and

(B) is operated by a nonprofit food bank in a nonprofit, religious, or educational facility for not more than two hours a day on regular business days;

(17) a child-care facility that operates for less than three consecutive weeks and less than 40 days in a period of 12 months;

(18) a program:

(A) in which a child receives direct instruction in a single skill, talent, ability, expertise, or proficiency;

(B) that does not provide services or offerings that are not directly related to the single talent, ability, expertise, or proficiency;

(C) that does not advertise or otherwise represent that the program is a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) that informs the parent or guardian:

(i) that the program is not licensed by the state; and

(ii) about the physical risks a child may face while participating in the program; and

(E) that conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(19) an elementary-age (ages 5-13) recreation program that:

(A) adopts standards of care, including standards relating to staff ratios, staff training, health, and safety;

(B) provides a mechanism for monitoring and enforcing the standards and receiving complaints from parents of enrolled children;

(C) does not advertise as or otherwise represent the program as a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) informs parents that the program is not licensed by the state;

(E) is organized as a nonprofit organization or is located on the premises of a participant's residence;

(F) does not accept any remuneration other than a nominal annual membership fee;

(G) does not solicit donations as compensation or payment for any good or service provided as part of the program; and

(H) conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(20) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the caretaker:

(A) had a prior relationship with the child or sibling group or other family members of the child or sibling group;

(B) does not care for more than one unrelated child or sibling group;

(C) does not receive compensation or solicit donations for the care of the child or sibling group; and

(D) has a written agreement with the parent to care for the child or sibling group;

(21) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which:

(A) the department is the managing conservator of the child or sibling group;

(B) the department placed the child or sibling group in the caretaker's home; and

(C) the caretaker had a long-standing and significant relationship with the child or sibling group before the child or sibling group was placed with the caretaker; [✗]



(22) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the child is in the United States on a time-limited visa under the sponsorship of the caretaker or of a sponsoring organization; or

(23) a facility operated by a nonprofit organization that:

(A) does not otherwise operate as a child-care facility that is required to be licensed under this section;

(B) provides emergency shelter and care for not more than 15 days to children 13 years of age or older but younger than 18 years of age who are victims of human trafficking alleged under Section 20A.02, Penal Code;

(C) is located in a municipality with a population of at least 600,000 that is in a county on an international border; and

(D) meets one of the following criteria:

(i) is licensed by, or operates under an agreement with, a state or federal agency to provide shelter and care to children; or

(ii) meets the eligibility requirements for a contract under Section 51.005(b)(3).

Amendment No. 1 was adopted.

(Harper-Brown in the chair)

**SB 427**, as amended, was passed to third reading.

#### **LEAVE OF ABSENCE GRANTED**

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

Giddings on motion of Kolkhorst.

#### **SB 819 ON SECOND READING**

**(S. King - House Sponsor)**

**SB 819**, A bill to be entitled An Act relating to the disposal of demolition waste from abandoned or nuisance buildings by certain local governments.

**SB 819** was passed to third reading.

#### **CSSB 894 ON SECOND READING**

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

**CSSB 894**, A bill to be entitled An Act relating to real property within the Capitol complex.

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

Representatives Dutton and Hilderbran offered the following amendment to **CSSB 894**:

Amend **CSSB 894** (house committee printing) as follows:

(1) On page 1, line 10, strike "complex." and substitute the following: complex, except by specific authority:

(1) granted by the legislature if the legislature is in session; or

(2) granted jointly by the governor and the Legislative Budget Board if the legislature is not in session.

(2) On page 1, line 17, between the period and "This", insert "(a)".

(3) On page 2, line 3, between "(4)" and "a", insert "except as provided by Subsection (b),".

(4) On page 2, between lines 4 and 5, insert the following:

(b) The Texas Facilities Commission may develop or operate a qualifying project located in the Capitol complex, as defined by Section 443.0071, as provided by this chapter if specifically granted the authority:

(1) by the legislature if the legislature is in session; or

(2) jointly by the governor and the Legislative Budget Board if the legislature is not in session.

Amendment No. 1 was withdrawn.

### **Amendment No. 2**

Representatives Dutton and Hilderbran offered the following amendment to **CSSB 894**:

Amend **CSSB 894** (house committee printing) as follows:

(1) On page 1, line 10, strike "complex." and substitute the following: complex, except by specific authority:

(1) granted by the legislature if the legislature is in session; or

(2) granted jointly by the governor and the Legislative Budget Board if the legislature is not in session.

(2) On page 1, line 17, between the period and "This", insert "(a)".

(3) On page 2, line 3, between "(4)" and "a", insert "except as provided by Subsection (b),".

(4) On page 2, between lines 4 and 5, insert the following:

(b) The Texas Facilities Commission may develop or operate a qualifying project located in the Capitol complex, as defined by Section 443.0071, as provided by this chapter if specifically granted the authority:

(1) by the legislature if the legislature is in session; or

(2) jointly by the governor and the Legislative Budget Board if the legislature is not in session.

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

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 2:30 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 2:30 p.m. today, 3W.15, for a formal meeting, to set a calendar.

**CSSB 894 - (consideration continued)**

Representative D. Bonnen moved to postpone consideration of **CSSB 894** until 2:30 p.m. today.

The motion prevailed.

**SB 944 ON SECOND READING  
(Kolkhorst - House Sponsor)**

**SB 944**, A bill to be entitled An Act relating to criminal history record checks for certain employees of facilities licensed by the Department of State Health Services.

**SB 944** was passed to third reading. (Flynn, Schaefer, and Zedler recorded voting no.)

**SB 1719 ON SECOND READING  
(Moody - House Sponsor)**

**SB 1719**, A bill to be entitled An Act relating to the construction, remodeling, or rehabilitation of certain hotel projects.

**SB 1719** was passed to third reading. (Schaefer and Simpson recorded voting no.)

**SB 1120 ON SECOND READING  
(Anchia - House Sponsor)**

**SB 1120**, A bill to be entitled An Act relating to a residential tenant's lease obligation after the loss of the leased premises resulting from a natural disaster.

**SB 1120** was passed to third reading. (Anderson, Button, Carter, Flynn, Hunter, Kacal, Schaefer, Simpson, Taylor, Workman, and Zedler recorded voting no.)

**SB 1167 ON SECOND READING  
(Coleman - House Sponsor)**

**SB 1167**, A bill to be entitled An Act relating to the creation of a county assistance district.

**SB 1167** was passed to third reading. (Simpson recorded voting no.)

**CSSB 1556 ON SECOND READING  
(J. Davis - House Sponsor)**

**CSSB 1556**, A bill to be entitled An Act relating to the establishment of a school safety certification program and the School Safety Task Force.

**Amendment No. 1**

Representative Toth offered the following amendment to **CSSB 1556**:

Amend **CSSB 1556** (house committee report) as follows:

(1) On page 2, between lines 9 and 10, insert the following:

(c) The certification program is abolished and this section expires September 1, 2017.

(2) On page 3, between lines 20 and 21, insert the following:

(g) The task force is abolished and this section expires September 1, 2017.

Amendment No. 1 was adopted.

**CSSB 1556**, as amended, was passed to third reading. (Schaefer and Simpson recorded voting no.)

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

Representative Morrison requested permission for the Committee on Elections to meet while the house is in session, at 2:45 p.m. today, in 1W.14, to consider **SB 219**.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Elections, 2:45 p.m. today, 1W.14, for a formal meeting, to consider **SB 219**.

#### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Hilderbran moved to suspend the five-day posting rule to allow the Committee on Ways and Means to consider **SB 158** and the previously posted agenda at 3 p.m. today in E2.014.

The motion prevailed.

#### **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 3 p.m. today, in E2.014, to consider **SB 158** and the previously posted agenda.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Ways and Means, 3 p.m. today, E2.014, for a public hearing, to consider **SB 158** and the previously posted agenda.

#### **POSTPONED BUSINESS**

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

#### **CSSB 1365 ON SECOND READING (Villarreal and Ratliff - House Sponsors)**

**CSSB 1365**, A bill to be entitled An Act relating to the provision of credit by examination for public school students.

**CSSB 1365** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Villarreal offered the following amendment to **CSSB 1365**:

Amend **CSSB 1365** (house committee report) as follows:

(1) On page 1, line 14, strike "board review" and substitute "[board] review by the district board of trustees".

(2) On page 1, strike lines 19 through 24 and substitute the following:

The board of trustees shall approve for each subject, to the extent available, at least four examinations that satisfy State Board of Education [board] guidelines. The examinations approved by the board of trustees must include:

(1) advanced placement examinations developed by the College Board;  
and

(3) On page 2, lines 5 and 6, strike "a board-approved examination for acceleration" and substitute "an [a board-approved] examination for acceleration approved by the board of trustees under Subsection (a)".

(4) On page 2, lines 14 through 16, strike "a board-approved examination for credit in the subject if the student scores in the 80th [90th] percentile or above on the board-approved examination" and substitute the following:

an [a board-approved] examination for credit in the subject approved by the board of trustees under Subsection (a) if the student scores in the 80th [90th] percentile or above on the examination

(5) Strike page 2, line 25, through page 3, line 15, and substitute the following:

(1) a three or higher on an advanced placement examination approved by the board of trustees under Subsection (a) and developed by the College Board; or

(2) a scaled score of 60 or higher on an examination approved by the board of trustees under Subsection (a) and administered through the College-Level Examination Program.

(d) Each district shall administer each examination approved by the board of trustees under Subsection (a) not fewer [less] than four times each [once a] year, at times to be determined by the State Board of Education.

(e) Subsection (d) does not apply to an examination that has an administration date that is established by an entity other than the school district.

(6) On page 3, line 17, strike "a board-approved", and substitute "an".

Amendment No. 1 was adopted.

**CSSB 1365**, as amended, was passed to third reading. (Schaefer recorded voting no.)

**SJR 18 ON SECOND READING**  
**(Villarreal - House Sponsor)**

**SJR 18**, A joint resolution proposing a constitutional amendment to authorize the making of a reverse mortgage loan for the purchase of homestead property and to amend certain requirements in connection with a reverse mortgage loan.

**SJR 18** was read second time earlier today and was postponed until this time.

(Zerwas now present)

**SJR 18** was adopted by (Record 874): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Craddick; Creighton; 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; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Paddie; Parker; Patrick; Perez; Perry; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Phillips.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Crownover; Giddings; Otto; Pitts; Turner, S.

Absent — Cortez.

### **SB 1156 ON SECOND READING (Longoria - House Sponsor)**

**SB 1156**, A bill to be entitled An Act relating to land reclamation projects using tires.

**SB 1156** was read second time earlier today and was postponed until this time.

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

Representative T. King offered the following amendment to **SB 1156**:

Amend **SB 1156** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 361.112, Health and Safety Code, is amended by adding Subsections (n) and (n-1) to read as follows:

(n) A person shall store scrap tires or used tires in a manner that shall be made secure by locking if that person:

(1) stores scrap tires outdoors for use in a land reclamation project; or

(2) is a scrap tire generator or used tire generator who stores scrap tires or used tires outdoors on its business premises.

(n-1) Subsection (n) of this section shall not apply to employees of state agencies acting within the scope of their employment by the agency.

(Speaker 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 Calendars:

Alonzo on motion of Guillen.

Alvarado on motion of Guillen.

Branch on motion of Guillen.

Button on motion of Guillen.

Cook on motion of Guillen.

S. Davis on motion of Guillen.

Eiland on motion of Guillen.

Frullo on motion of Guillen.

Geren on motion of Guillen.

Hunter on motion of Guillen.

Kuempel on motion of Guillen.

Lucio on motion of Guillen.

D. Miller on motion of Guillen.

### **SB 1156 - (consideration continued)**

(Alonzo, Alvarado, Branch, Button, Cook, S. Davis, Eiland, Frullo, Geren, Hunter, Kuempel, Lucio, D. Miller, and S. Turner now present)

#### **Amendment No. 1 - Point of Order**

Representative Taylor raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

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

Representative Taylor raised a point of order against further consideration of Amendment No. 1 to **SB 1156** under Rule 11, Section 2, asserting that the amendment is not germane to the bill. The point of order is sustained.

**SB 1156** regulates land reclamation projects using scrap tires. Amendment No. 1 requires a person to score scrap tires in a secure manner if they are either stored outdoors or if the person is a scrap or used tire generator who stores the tires outdoors on its business premises. Because storage of used or scrap tires on the business premises of a scrap or used tire generator is not germane to the regulation of land reclamation projects using scrap tires, the amendment was out of order.

The ruling precluded further consideration of Amendment No. 1.

### **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:

Bohac on motion of J. Davis.

Button on motion of J. Davis.

Eiland on motion of J. Davis.

N. Gonzalez on motion of J. Davis.

Hilderbran on motion of J. Davis.

Martinez Fischer on motion of J. Davis.

Ritter on motion of J. Davis.

Strama on motion of J. Davis.

### **SB 1156 - (consideration continued)**

(S. Turner now present)

**SB 1156** failed to pass to third reading by (Record 875): 48 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Farias; Farrar; González, M.; Guerra; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Johnson; King, T.; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Nays — Anderson; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burkett; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Dale; Darby; Davis, J.; Davis, S.; Dutton; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harper-Brown; Hughes; Isaac; Kacal; Keffer; King, K.; King, P.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Miller, D.; Miller, R.; Morrison; Murphy; Paddie; Parker; Patrick; Perry; Phillips; Price; Raney; Ratliff; Riddle; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithe; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.



Present, not voting — Mr. Speaker(C).

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Bohac; Button; Crownover; Eiland; Giddings; Gonzalez, N.; Hilderbran; Martinez Fischer; Otto; Pitts; Ritter; Strama.

Absent — Burnam; Guillen; Huberty; Hunter; King, S.; Klick.

### STATEMENTS OF VOTE

When Record No. 875 was taken, I was excused for a committee meeting. I would have voted no.

Button

I was shown voting yes on Record No. 875. I intended to vote no.

Harless

When Record No. 875 was taken, I was temporarily out of the house chamber. I would have voted no.

Huberty

When Record No. 875 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 875 was taken, I was in the house but away from my desk. I would have voted no.

S. King

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 28).

(Price in the chair)

#### HR 2140 - ADOPTED (by Gutierrez)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 2140**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2140**, Welcoming the Honorable Jesus Everardo Villarreal Salinas, mayor of Reynosa, Tamaulipas, Mexico, to the State Capitol.

**HR 2140** was adopted.

On motion of Representative Menéndez, the names of all the members of the house were added to **HR 2140** as signers thereof.

**HCR 121 - ADOPTED**  
**(by Gutierrez and Martínez Fischer)**

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HCR 121**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 121**, Declaring May 15, 2013, as Ramon Ayala Day at the State Capitol.

**HCR 121** was adopted.

On motion of Representative Menéndez, the names of all the members of the house were added to **HCR 121** as signers thereof.

**RESOLUTIONS ADOPTED**

Representative Menéndez moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions:

**HCR 129** (by Menéndez), In memory of U.S. Army Sergeant Joshua C. Michael of Converse.

**HCR 130** (by Menéndez), In memory of United States Navy Seaman Benjamin D. Rast.

**HCR 131** (by Menéndez), In memory of Robert Mitchell Wilson of Arlington.

**HCR 132** (by Menéndez), In memory of U.S. Army Private First Class Genaro Bedoy of Amarillo.

**HCR 133** (by Menéndez), In memory of U.S. Marine Corps Major Nathan W. Anderson of Amarillo.

**HCR 134** (by Menéndez), In memory of U.S. Navy Petty Officer Third Class Clayton R. Beauchamp of Weatherford.

**HCR 135** (by Menéndez), In memory of U.S. Army Staff Sergeant Nicholas P. Bellard of El Paso.

**HCR 136** (by Menéndez), In memory of U.S. Army Sergeant Robert John Billings of Amarillo.

**HCR 137** (by Menéndez), In memory of U.S. Army Staff Sergeant Scott H. Burgess of Franklin.

**HCR 138** (by Menéndez), In memory of U.S. Army Sergeant John P. Castro of Andrews.

**HCR 139** (by Menéndez), In memory of U.S. Marine Corps Lance Corporal John F. Farias of New Braunfels.

**HCR 140** (by Menéndez), In memory of U.S. Army Chief Warrant Officer Bradley J. Gaudet of Gladewater.

**HCR 141** (by Menéndez), In memory of U.S. Marine Corps Lance Corporal Mark R. Goyet of Sinton.

**HCR 142** (by Menéndez), In memory of U.S. Army Specialist Alex Hernandez III of Round Rock.

**HCR 143** (by Menéndez), In memory of U.S. Marine Corps Private First Class Josue Ibarra of Midland.

**HCR 144** (by Menéndez), In memory of U.S. Army Sergeant Adam Huckstep-La Porte of Round Rock.

**HCR 145** (by Menéndez), In memory of U.S. Army Sergeant Tanner S. Higgins of Yantis.

**HCR 146** (by Menéndez), In memory of U.S. Army Specialist Kurt W. Kern of McAllen.

**HCR 147** (by Menéndez), In memory of U.S. Army Private Andrew M. Krippner of Garland.

**HCR 148** (by Menéndez), In memory of U.S. Army Staff Sergeant Roberto Loeza of El Paso.

**HCR 149** (by Menéndez), In memory of U.S. Army Staff Sergeant Mecolus C. McDaniel of Fort Hood.

**HCR 150** (by Menéndez), In memory of U.S. Army Sergeant Enrique Mondragon of The Colony.

**HCR 151** (by Menéndez), In memory of U.S. Army Sergeant James M. Darrough of Austin.

**HCR 152** (by Menéndez), In memory of U.S. Air Force Captain Nathan J. Nylander of Hockley.

**HCR 153** (by Menéndez), In memory of U.S. Army Lieutenant Colonel David E. Cabrera of Abilene.

**HCR 154** (by Menéndez), In memory of U.S. Army Sergeant Joshua D. Powell of Quitman.

**HCR 155** (by Menéndez), In memory of U.S. Army Master Sergeant Charles L. Price III of Milam.

**HCR 156** (by Menéndez), In memory of U.S. Army Private First Class Joel A. Ramirez of Waxahachie.

**HCR 157** (by Menéndez), In memory of U.S. Army Chief Warrant Officer 2 Thalia S. Ramirez of San Antonio.

**HCR 158** (by Menéndez), In memory of U.S. Army Second Lieutenant Clovis T. Ray of San Antonio.

**HCR 159** (by Menéndez), In memory of U.S. Army Sergeant Paul A. Rivera of Round Rock.

**HCR 160** (by ), In memory of U.S. Army Sergeant Rodolfo Rodriguez, Jr., of Pharr.

**HCR 161** (by Menéndez), In memory of U.S. Marine Corps Lance Corporal Benjamin W. Schmidt of San Antonio.

**HCR 162** (by Menéndez), In memory of U.S. Marine Corps Staff Sergeant Jeremy D. Smith of Arlington.

**HCR 163** (by Menéndez), In memory of U.S. Army Master Sergeant Benjamin A. Stevenson of Canyon Lake.

**HCR 164** (by Menéndez), In memory of U.S. Army Sergeant Steven L. Talamantez of Laredo.

**HCR 165** (by Menéndez), In memory of U.S. Army First Lieutenant Robert F. Welch III of Denton.

**HCR 166** (by Menéndez), In memory of U.S. Marine Corps Sergeant Wade D. Wilson of Normangee.

**HCR 167** (by Menéndez), In memory of U.S. Army First Lieutenant Andres Zermeno of San Antonio.

**HCR 168** (by Menéndez), In memory of U.S. Army Staff Sergeant Estevan Altamirano of Edcouch.

**HCR 169** (by Menéndez), In memory of U.S. Army First Sergeant Russell R. Bell of Tyler.

**HCR 170** (by Menéndez), In memory of U.S. Army Staff Sergeant Jeremie S. Border of Mesquite.

**HCR 171** (by Menéndez), In memory of U.S. Navy Culinary Specialist Second Class Milton W. Brown of Dallas.

**HCR 172** (by Menéndez), In memory of U.S. Army Specialist Charles J. Wren of Beeville.

**HCR 173** (by Menéndez), In memory of U.S. Army First Lieutenant Dustin D. Vincent of Mesquite.

**HCR 174** (by Menéndez), In memory of U.S. Navy Petty Officer Second Class Jorge Luis Velasquez of Houston.

**HCR 175** (by Menéndez), In memory of U.S. Army Staff Sergeant Houston M. Taylor of Hurst.

**HCR 176** (by Menéndez), In memory of U.S. Army Sergeant First Class Riley G. Stephens of Tolar.

**HCR 177** (by Menéndez), In memory of U.S. Army Specialist Riley S. Spaulding of Sheridan.

**HCR 178** (by Menéndez), In memory of U.S. Army Sergeant Glenn M. Sewell of Live Oak.

**HCR 179** (by Menéndez), In memory of U.S. Army Specialist Philip C. S. Schiller of The Colony.

**HCR 180** (by Menéndez), In memory of U.S. Army Specialist Michael C. Roberts of Watauga.

**HCR 181** (by Menéndez), In memory of U.S. Army Corporal Juan Pantoja Navarro of Austin.

**HCR 182** (by Menéndez), In memory of U.S. Army Private First Class Anthony M. Nunn of Burnet.

**HCR 183** (by Menéndez), In memory of U.S. Army Private First Class Cody R. Norris of Houston.

**HCR 184** (by Menéndez), In memory of U.S. Army Staff Sergeant Nelson D. Trent of Austin.

**HCR 185** (by Menéndez), In memory of U.S. Army Chief Warrant Officer 2 Jose L. Montenegro, Jr., of Houston.

**HCR 186** (by Menéndez), In memory of U.S. Army Sergeant Jacob Molina of Houston.

**HCR 187** (by Menéndez), In memory of U.S. Navy Special Warfare Operator Chief Petty Officer Stephen Matthew Mills of Fort Worth.

**HCR 188** (by Menéndez), In memory of U.S. Army Staff Sergeant Kashif M. Memon of Houston.

**HCR 189** (by Menéndez), In memory of U.S. Navy Petty Officer Brian K. Lundy of Austin.

**HCR 190** (by Menéndez), In memory of U.S. Marine Corps Corporal Joseph D. Logan of Willis.

**HCR 191** (by Menéndez), In memory of U.S. Army Private First Class Payton A. Jones of Marble Falls.

**HCR 192** (by Menéndez), In memory of U.S. Army Sergeant John E. Hansen of Austin.

**HCR 193** (by Menéndez), In memory of U.S. Marine Corps Staff Sergeant Joseph H. Fankhauser of Mason.

**HCR 194** (by Menéndez), In memory of U.S. Army Specialist Krystal M. Fitts of Houston.

**HCR 195** (by Menéndez), In memory of U.S. Army Private First Class Jesse W. Dietrich of Venus.

**HCR 196** (by Menéndez), In memory of U.S. Army Private First Class David A. Drake of Lumberton.

The motion to suspend all necessary rules prevailed, and the resolutions were unanimously adopted by a rising vote.

On motion of Representatives Anderson, Aycock, Dale, R. Miller, and R. Sheffield, the names of all the members of the house were added to the resolutions as signers thereof.

(Crownover now present)

**CSSB 2 ON SECOND READING**  
**(Aycock - House Sponsor)**

**CSSB 2**, A bill to be entitled An Act relating to certain charter schools.

**CSSB 2** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Aycock offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) as follows:

(1) On page 7, lines 3 and 4, strike "under this subsection" and substitute "if the requirements of this subsection, including the absence of commissioner disapproval under Subdivision (3), are satisfied".

(2) On page 14, line 18, between "Education" and "~~[board may]~~", insert "shall".

(3) On page 20, line 21, between "39" and the semicolon, insert "for the three preceding school years".

(4) On page 21, line 8, between "procedures" and the period, insert "for the three preceding school years".

(5) On page 24, between lines 10 and 11, insert the following:

(k) For purposes of determination of renewal under Subsection (b)(1) or (3) or (d)(1) or (4), performance during the 2011-2012 school year may not be considered. For purposes of determination of renewal under Subsection (b)(1) or (3) or (d)(1) or (4), the initial three school years for which performance ratings under Subchapter C, Chapter 39, shall be considered are the 2009-2010, 2010-2011, and 2012-2013 school years. For purposes of determination of renewal under Subsection (b)(2) or (d)(2), the earliest school year for which financial accountability performance ratings under Subchapter D, Chapter 39, may be considered is the 2010-2011 school year. This subsection expires September 1, 2016.

(6) On page 25, between lines 22 and 23, insert the following:

(c-1) For purposes of revocation under Subsection (c)(1), performance during the 2011-2012 school year may not be considered. For purposes of revocation under Subsection (c)(1), the initial three school years for which performance ratings under Subchapter C, Chapter 39, shall be considered are the 2009-2010, 2010-2011, and 2012-2013 school years. For purposes of revocation under Subsection (c)(2), the initial three school years for which financial accountability performance ratings under Subchapter D, Chapter 39, shall be considered are the 2010-2011, 2011-2012, and 2012-2013 school years. This subsection expires September 1, 2016.

(d) In reconstituting the governing body of a charter holder under this section, the commissioner shall appoint members to the governing body. In appointing members under this subsection the commissioner:

(1) shall consider:

(A) local input from community members and parents; and

(B) appropriate credentials and expertise for membership, including financial expertise, whether the person lives in the geographic area the charter holder serves, and whether the person is an educator; and

(2) may reappoint current members of the governing body.

(e) If a governing body of a charter holder subject to reconstitution under this section governs enterprises other than the open-enrollment charter school, the commissioner may require the charter holder to create a new, single-purpose organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, to govern the open-enrollment charter school and may require the charter holder to surrender the charter to the commissioner for transfer to the organization created under this subsection. The commissioner shall appoint the members of the governing body of an organization created under this subsection.

(7) On page 25, line 23, strike "(d)" and substitute "(f)".

(8) On page 25, between lines 24 and 25, insert the following:

(g) The commissioner shall adopt rules necessary to administer this section.

(h) The commissioner shall adopt initial rules under Subsection (g) not later than September 1, 2014. This subsection expires October 1, 2014.

(9) Strike page 25, line 25, through page 26, line 3.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Patrick offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee printing) as follows:

(1) On page 5, line 10, strike "and (b-6)" and substitute "(b-6), and (b-7)".

(2) On page 8, between lines 5 and 6, insert the following:

(b-7) In adopting any financial standards under this subchapter that an applicant for a charter for an open-enrollment charter school must meet, the commissioner shall not:

(1) exclude any loan or line of credit in determining an applicant's available funding; or

(2) exclude an applicant from the grant of a charter solely because the applicant fails to demonstrate having a certain amount of current assets in cash.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative S. Turner offered the following amendment to **CSSB 2**:

Amend **CSSB 2** as follows:

(1) On page 6, line 11, strike "2014" and substitute "2015".

(2) On page 6, line 12, strike "2014" and substitute "2015".

- (3) On page 6, line 13, strike "2015" and substitute "2016".
- (4) On page 6, line 14, strike "2016" and substitute "2017".
- (5) On page 6, line 15, strike "2017" and substitute "2018".
- (6) On page 6, line 16, strike "2018" and substitute "2019".
- (7) On page 6, line 18, strike "2019" and substitute "2020".

(Giddings, Martinez Fischer, and Strama now present)

Amendment No. 3 failed of adoption by (Record 876): 52 Yeas, 86 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cook; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Fletcher; Giddings; González, M.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Keffer; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Phillips; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Stephenson; Thompson, S.; Turner, C.; Turner, S.; Walle.

Nays — Anchia; Anderson; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burkett; Callegari; Capriglione; Carter; Clardy; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Elkins; Fallon; Farney; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Huberty; Hughes; Hunter; Isaac; Kacal; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Menéndez; Miller, D.; Miller, R.; Morrison; Murphy; Paddie; Parker; Patrick; Perry; Raney; Ratliff; Riddle; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; Villarreal; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Bohac; Button; Eiland; Gonzalez, N.; Hilderbran; Otto; Pitts; Ritter.

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

Representative Patrick offered the following amendment to **CSSB 2**:

Amend **CSSB 2** as follows:

- (1) On page 5, line 22, strike "or".
- (2) On page 6, line 1, strike the period and substitute "; or".
- (3) On page 6, between lines 1 and 2, insert the following:

(3) is not, under rules adopted by the State Board of Education, considered to be a corporate affiliate or substantially related to an entity considered to be a course provider under Chapter 30A, other than a provider school district or school as defined by Section 30A.001(7)(A).

Amendment No. 4 was withdrawn.



**Amendment No. 5**

Representative Dutton offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) as follows:

(1) On page 11, lines 11 and 12, strike "Subsection (b), Section 12.104, Education Code, is amended" and substitute "Section 12.104, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1)".

(2) On page 12, between lines 21 and 22, insert the following:

(b-1) During the first three years an open-enrollment charter school is in operation, the agency shall assist the school as necessary in complying with requirements under Subsection (b)(2)(A).

Amendment No. 5 was adopted.

**Amendment No. 6**

Representative Dutton offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) as follows:

(1) On page 5, line 10, strike "and (b-6)" and substitute "(b-6), and (b-7)".

(2) On page 8, between lines 5 and 6, insert the following:

(b-7) Notwithstanding any other provision of this subchapter, beginning September 1, 2013, the State Board of Education may grant a charter only for an open-enrollment charter school that limits enrollment to students in grade levels one through five.

Amendment No. 6 was withdrawn.

**Amendment No. 7**

Representative Frank offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) as follows:

(1) On page 14, line 8, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

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

(d) Notwithstanding any other provision of this section, a person who was not restricted or prohibited under this section as this section existed before September 1, 2013, from being employed by an open-enrollment charter school and who was employed by an open-enrollment charter school before September 1, 2013, is considered to have been in continuous employment as provided by Section 573.062(a), Government Code, and is not prohibited from continuing employment with the school.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Farias requested permission for the Committee on County Affairs to meet while the house is in session, at 4:15 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

County Affairs, 4:15 p.m. today, 1W.14, for a formal meeting, to consider pending business.

**CSSB 2 - (consideration continued)**

(Bohac, Button, Eiland, Hilderbran, and Ritter now present)

Amendment No. 7 was adopted by (Record 877): 105 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Guillen; Harless; Harper-Brown; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Martinez; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Naishtat; Paddie; Parker; Patrick; Perry; Pickett; Raney; Ratliff; Raymond; Reynolds; Riddle; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; White; Workman; Wu; Zedler; Zerwas.

Nays — Allen; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Dukes; Farias; Farrar; Giddings; Gonzales; González, M.; Gooden; Guerra; Gutierrez; Hernandez Luna; Herrero; King, S.; Longoria; Lucio; Márquez; Martinez Fischer; McClendon; Miles; Muñoz; Nevárez; Oliveira; Perez; Phillips; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Thompson, S.; Turner, S.; Walle.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Gonzalez, N.; Otto; Pitts.

Absent — Ritter.

**Amendment No. 8**

Representative Huberty offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) as follows:

(1) On page 23, between lines 3 and 4, insert the following:

(d-1) This subsection expires August 31, 2015. Notwithstanding Subsection (d), the commissioner shall use the discretionary consideration process and criteria established under this subsection in determining whether to renew the charter for an open-enrollment charter school in a case to which Subsection (d) would otherwise apply, if the charter holder demonstrates to the satisfaction of the commissioner that a turnaround plan for the school is being implemented and that during the preceding two school years there has been measurable improvement in the school's academic or financial performance. In making a determination under

this subsection, the commissioner shall use criteria established by commissioner rule that are appropriate to measure the specific improvement goals of the school, which may include:

(1) financial audit results for the current year that have not yet been considered by the agency;

(2) financial audit results for the preceding year that are being considered by the agency but for which the agency has not yet made a determination;

(3) any action taken by the school to address performance ratings assigned under Subchapter C or D, Chapter 39, as applicable, that demonstrates systemic reform, including modification of the governing body, consolidation of resources, or repurposing of the management team; and

(4) the results of the turnaround efforts.

(2) On page 25, between lines 22 and 23, insert the following:

(c-1) This subsection expires August 31, 2015. Notwithstanding Subsection (c), the commissioner shall use the criteria established under this subsection in determining whether to revoke the charter for an open-enrollment charter school in a case to which Subsection (c) would otherwise apply, if the charter holder demonstrates to the satisfaction of the commissioner that a turnaround plan is being implemented for the school and that during the preceding two school years there has been measurable improvement in the school's academic or financial performance. In making a determination under this subsection, the commissioner shall use criteria established by commissioner rule that are appropriate to measure the specific improvement goals of the school, which may include:

(1) financial audit results for the current year that have not yet been considered by the agency;

(2) financial audit results for the preceding year that are being considered by the agency but for which the agency has not yet made a determination;

(3) any action taken by the school to address performance ratings assigned under Subchapter C or D, Chapter 39, as applicable, that demonstrates systemic reform, including a modification of the governing body, consolidation of resources, or repurposing of the management team; and

(4) the results of the turnaround efforts.

Amendment No. 8 was withdrawn.

### **Amendment No. 9**

Representative Huberty offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) as follows:

(1) On page 35, line 2, strike "and".

(2) On page 35, line 3, strike the period and insert "; and".

(3) On page 35, between lines 3 and 4, insert the following:

(3) Subsection (b), Section 30A.101, Education Code, as amended by Chapters 895 (**HB 3**) and 1328 (**HB 3646**), Acts of the 81st Legislature, Regular Session, 2009.

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

SECTION \_\_\_\_\_. Subsection (a), Section 30A.101, Education Code, is amended to read as follows:

(a) A school district or open-enrollment charter school is eligible to act as a provider school district or school under this chapter only if the district or school is rated acceptable [~~or higher~~] under Section 39.054. An open-enrollment charter school may serve as a provider school only:

(1) to a student within the school district in which the campus is located or within its service area, whichever is smaller; or

(2) to another student in the state:

(A) through an agreement with the school district in which the student resides; or

(B) if the student receives educational services under the supervision of a juvenile probation department, the Texas Juvenile Justice Department, or the Texas Department of Criminal Justice, through an agreement with the applicable agency.

Amendment No. 9 was adopted.

#### **Amendment No. 10**

Representative C. Turner offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 12.129, Education Code, is amended to read as follows:

Sec. 12.129. MINIMUM [~~TEACHER~~] QUALIFICATIONS FOR ADMINISTRATORS AND TEACHERS. A person employed as an administrator or a teacher by an open-enrollment charter school must hold a baccalaureate degree [~~high school diploma~~].

Amendment No. 10 was adopted.

#### **Amendment No. 11**

Representatives Ratliff and Simmons offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1014 to read as follows:

Sec. 12.1014. AUTHORIZATION FOR GRANT OF CHARTERS FOR SCHOOLS PRIMARILY SERVING STUDENTS WITH DISABILITIES. (a) The State Board of Education may grant under Section 12.101 a charter on the application of an eligible entity for an open-enrollment charter school intended primarily to serve students eligible to receive services under Subchapter A, Chapter 29.

(b) The limit on the number of charters for open-enrollment charter schools imposed by Section 12.101(b-1) does not apply to a charter granted under this section to a school at which at least 50 percent of the students are eligible to receive services under Subchapter A, Chapter 29. Not more than five charters may be granted for schools described by this subsection.

(c) For purposes of the applicability of state and federal law, including a law prescribing requirements concerning students with disabilities, an open-enrollment charter school described by Subsection (a) is considered the same as any other school for which a charter is granted under Section 12.101.

(d) To the fullest extent permitted under federal law, a parent of a student with a disability may choose to enroll the parent's child in an open-enrollment charter school described by Subsection (a) regardless of whether a disproportionate number of the school's students are students with disabilities.

(e) This section does not authorize an open-enrollment charter school to discriminate in admissions or in the services provided based on the presence, absence, or nature of an applicant's or student's disability.

(f) Each educator, including a person performing the duties of a superintendent, employed or under contract to serve on the instructional or administrative staff of an open-enrollment charter school described by Subsection (a) must hold the appropriate certificate, as determined in accordance with State Board for Educator Certification rule, to serve students with a disability of the same type as a disability of students enrolled in the school.

(g) The commissioner and the State Board for Educator Certification shall adopt rules as necessary to administer this section.

SECTION \_\_\_\_\_. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1062 to read as follows:

Sec. 12.1062. FUNDING FOR CHARTER SCHOOLS PRIMARILY SERVING STUDENTS WITH DISABILITIES. A charter holder granted a charter under Section 12.1014 is entitled to receive for the open-enrollment charter school the sum of:

(1) funding under Chapter 42 equal to 105 percent of the amount of funding per student that the charter holder is entitled to receive under Section 12.106 for students receiving special education services under Subchapter A, Chapter 29;

(2) funding under Chapter 42 that the charter holder is entitled to receive under Section 12.106 for students not receiving special education services under Subchapter A, Chapter 29; and

(3) federal funds a student is eligible for under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

SECTION \_\_\_\_\_. The State Board of Education is required to implement Sections 12.1014 and 12.1062, Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the board may, but it is not required to, implement those sections using other appropriations available for that purpose.

(N. Gonzalez now present)

**CSSB 2 - POINTS OF ORDER**

Representative Y. Davis raised a point of order against further consideration of **CSSB 2** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

Representative Y. Davis raised a point of order against further consideration of **CSSB 2** Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

Representative Y. Davis raised a point of order against further consideration of **CSSB 2** under Rule 11, Section 2 and Rule 4, Section 41 of the House Rules on the grounds that the committee substitute is not germane to the bill.

The chair overruled the three points of order and submitted the following statement:

Representative Y. Davis raised three points of order against further consideration of **CSSB 2**. Her first two points assert that the bill analysis fails to satisfy Rule 4, Section 32(c) of the House Rules. Her third point asserts that the committee substitute to **CSSB 2** is not germane to the original bill, thereby violating Rule 11, Section 2 of the House Rules, and invoking Rule 4, Section 41 of the House Rules. These points of order are respectfully overruled.

In her first point of order, Representative Y. Davis alleges the bill analysis inadequately addresses three conditions that must be satisfied before a charter holder may establish a new open-enrollment charter school campus because, rather than listing the conditions, the analysis explains that the campus may be established "if certain conditions are met."

In her second point, Representative Y. Davis asserts the bill analysis's statement regarding a campus or program's ability to challenge an "adverse academic or financial accountability rating" is misleading because the bill refers to Subchapter (F) of Chapter 39 of the Education Code, which permits an open-enrollment charter school to challenge an agency decision that relates to "an academic or financial accountability rating that affects the district or school" without using the term "adverse." Determining whether a bill analysis complies with Rule 4, Section 32 of the House Rules requires examining the particular bill and analysis in question and comparing them to the mandates of Rule 4, Section 32. See 83 H.J. Reg. 2323-2324 (2013). Having carefully reviewed the bill, the analysis, and the requirements of Subchapter (F) of Chapter 39 of the Education Code, the chair determines that the bill analysis complies with Rule 4, Section 32(c) of the House Rules.

In her third point of order, Representative Y. Davis challenges the germaneness of the committee substitute to **SB 2**, contending the section in the substitute that requires the University Interscholastic League (UIL) to allow participation by the high schools of open-enrollment charter schools is not germane to the senate engrossment. The senate engrossment is a comprehensive charter schools bill; it sets out requirements for multiple entities (such as the State Board of Education, the Commissioner of Education, employees of the Texas Education Agency, boards of trustees of school districts, independent school

districts, and open-enrollment charter schools) to act in relation to charter schools. The chair determines that the portion of the substitute relating to participation by charter high schools in UIL activities is germane to the original bill.

Amendment No. 11 was adopted.

### **Amendment No. 12**

Representative Zedler offered the following amendment to **CSSB 2**:

Amend **CSSB 2** to read as follows:

SECTION \_\_\_\_\_. Section 12.1059, Education Code, is amended to read as follows:

Sec. 12.1059. REQUIREMENTS ~~[AGENCY APPROVAL REQUIRED]~~ FOR CERTAIN EMPLOYEES. (a) A person may not be employed by or serve as a teacher, librarian, education aide, administrator, or counselor for an open-enrollment charter school unless the person has been approved by the agency following a review of the person's national criminal history record information as provided by Section 22.0832.

(b) a majority of the five highest-paid administrators employed at an open-enrollment charter school must be:

(1) a qualified voter; or

(2) lawfully present in the United States under the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) and authorized by that Act or the United States attorney general to be employed.

SECTION \_\_\_\_\_. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1202 to read as follows:

Sec. 12.1202. REQUIREMENT FOR MAJORITY OF MEMBERS OF GOVERNING BODY. A majority of the members of the governing body of an open-enrollment charter school or the governing body of a charter holder must be qualified voters.

### **LEAVES OF ABSENCE GRANTED**

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

Farias on motion of Muñoz.

Hunter on motion of Muñoz.

Simpson on motion of Muñoz.

Stickland on motion of Muñoz.

### **CSSB 2 - (consideration continued)**

Amendment No. 12 was withdrawn.

### **Amendment No. 13**

Representative Zedler offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1202 to read as follows:

Sec. 12.1202. REQUIREMENT FOR MAJORITY OF MEMBERS OF GOVERNING BODY. A majority of the members of the governing body of an open-enrollment charter school or the governing body of a charter holder must be qualified voters.

(Farias, Hunter, Simpson, and Stickland now present)

Amendment No. 13 was adopted. (Allen, Alvarado, Anchia, Burnam, Canales, Collier, Farrar, M. González, N. Gonzalez, Martinez, Menéndez, Márquez, Moody, Muñoz, Pickett, E. Rodriguez, J. Rodriguez, and C. Turner recorded voting no.)

#### **Amendment No. 14**

Representative Zedler offered the following amendment to **CSSB 2**:

Amend **CSSB 2** to read as follows:

SECTION \_\_\_\_\_. Subchapter A, Chapter 44, Education Code, is amended by adding Section 44.0031 to read as follows:

Sec. 44.0031. ELECTRONIC CHECKING ACCOUNT TRANSACTION REGISTER. (a) A charter school shall maintain the transaction register for the school's checking account in a searchable portable document format (PDF) in which the transaction register is readily available for purposes of Subsections (d) and (e). Except as provided by Subsection (b) or (c), the electronic checking account transaction register must include for each check written from a school checking account:

- (1) the transaction amount; and
- (2) the name of the payee.

(a-1) Beginning September 1, 2013, a charter school's electronic checking account transaction register must contain the information required by Subsection (a) for each check dated on or after August 1, 2013. This subsection expires September 1, 2014.

(b) A charter school may not include in the school's electronic checking account transaction register a check issued to an employee in payment of:

- (1) salary, wages, or an employment stipend; or
- (2) a workers' compensation income benefit, medical benefit, death benefit, or burial benefit that is issued by a school district operating as a self-insurer under Chapter 504, Labor Code.

(c) This section does not apply to a checking account maintained by a charter school or campus solely for a student activity fund.

(d) A charter school shall prominently post at all times on the home page of its Internet website a direct link to the web page on the school's website that contains its electronic checking account transaction register for viewing and downloading by interested persons.



(e) A charter school shall share data from the electronic checking account transaction register with any interested person who requests the data under Chapter 552, Government Code.

(f) A charter school shall:

(1) update the electronic checking account transaction register not later than the 90th day after the closing date of the most recent monthly statement for the checking account; and

(2) maintain each transaction or listing in the electronic checking account transaction register on the school's Internet website until the second anniversary of the date of the transaction or listing.

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

### **Amendment No. 15**

Representative Ratliff offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 140.006(c), Local Government Code, is amended to read as follows:

(c) The presiding officer of a school district shall submit a financial statement prepared under Section 140.005 to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the school district, the financial statement shall be published in the manner provided by Subsections (a) and (b). The governing body of an open-enrollment charter school shall take action to ensure that the school's financial statement is [of an open enrollment charter school shall be] made available in the manner provided by Chapter 552, Government Code, and is posted continuously on the school's Internet website.

Amendment No. 15 was adopted.

### **Amendment No. 16**

Representative Villarreal offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) on page 7, line 6, between "Chapter 39," and "may establish", by inserting "or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years".

(Speaker pro tempore in the chair)

Amendment No. 16 was adopted.

### **Amendment No. 17**

Representative Burnam offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) by striking page 9, line 17, through page 10, line 22, and substituting the following:

Sec. 12.1013. REPORT COMPARING PUBLIC SCHOOLS. (a) The commissioner shall select a center for education research authorized by Section 1.005 to prepare a report providing a valid and reliable analysis of the performance of students at each public school on assessment instruments required under Section 39.023. The format of the report must enable the public to distinguish and compare student performance at each type of public school by placing each public school in the appropriate category as follows:

(1) open-enrollment charter school;  
(2) campus or program operating under a charter granted by a school district; or

(3) traditional campus.

(b) The analysis under Subsection (a) must:

(1) consider:

(A) factors that affect a parent's or student's ability or decision to enroll the student in a particular school;

(B) student mobility at each school; and

(C) the past academic achievement of each school's students; and

(2) disaggregate performance results for each school by student:

(A) eligibility for participation in a special education program;

(B) status as a student of limited English proficiency as defined by Section 29.052;

(C) status as a student at risk of dropping out of school as defined by Section 29.081;

(D) race or ethnicity; and

(E) socioeconomic status.

(c) The agency shall make the report required by this section readily available to the public.

Amendment No. 17 was adopted.

### **Amendment No. 18**

Representative Villarreal offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) by inserting into the bill the following appropriately numbered new SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 12.052(a), Education Code, is amended to read as follows:

(a) In accordance with this subchapter, the board of trustees of a school district or the governing body of a home-rule school district shall ~~may~~ grant or deny, through a public vote, a charter to parents and teachers for a campus or a program on a campus if the board is presented with a petition signed by:

(1) the parents of a majority of the students at that school campus; and

(2) a majority of the classroom teachers at that school campus.

SECTION \_\_\_\_\_. Subchapter C, Chapter 12, Education Code, is amended by adding Section 12.0531 to read as follows:

Sec. 12.0531. PERFORMANCE CONTRACT; DURATION OF CHARTER. If a charter is granted under this subchapter, the board of trustees of the school district that granted the charter shall enter into a performance contract with, as applicable, a campus- or program-level planning and decision-making committee representing the parents, teachers, and the principal or equivalent chief operating officer of the campus or program. The performance contract must specify enhanced authority granted to the principal or equivalent officer in order to achieve the academic goals that must be met by campus or program students. A charter granted under this subchapter expires 10 years from the date the charter is granted unless the specified goals are substantially met, as determined by the board of trustees of the school district that granted the charter.

Amendment No. 18 was adopted.

#### **Amendment No. 19**

Representative Villarreal offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) by inserting into the bill the following appropriately numbered new SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 12, Education Code, is amended by adding Section 12.0532 to read as follow:

Sec. 12.0532. NEIGHBORHOOD SCHOOL. (a) A charter granted under this subchapter for a campus may, as determined by the board of trustees of the school district granting the charter, provide for the campus to be a neighborhood school.

(b) Except as otherwise provided by this subsection, the principal or equivalent chief operating officer of a neighborhood school shall manage the funding provided for the school under this code and any other funding provided for the school in the manner the principal or other officer determines best meets the needs of the school's students. The district in which the school is located may retain that portion of funding that the district generally withholds from a campus for costs associated with the salary of the district superintendent or other district governance.

(c) The principal or equivalent chief operating officer of a neighborhood school may use school funding to purchase from the school district in which the school is located services for the school, including bus service, facilities maintenance services, and other services generally provided by a school district to district campuses. The school shall pay for each service an amount that reflects the actual cost to the district of providing the service for the number of the school's students for which the service is provided.

Amendment No. 19 was adopted.

#### **Amendment No. 20**

Representative Gutierrez offered the following amendment to **CSSB 2**:

Amend **CSSB 2** (house committee report) on page 10, between lines 22 and 23, by inserting the following:

(f) The commissioner shall also include in the report an analysis of whether the performance of matched traditional campuses would likely improve if there were consolidation of school districts within the county in which the campuses are located. This subsection applies only to a county that:

(1) includes at least seven school districts and at least 10 open-enrollment charter schools;

Amendment No. 20 was adopted.

**CSSB 2**, as amended, was passed to third reading by (Record 878): 105 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Menéndez; Miller, D.; Miller, R.; Morrison; Murphy; Naishtat; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; White; Workman; Wu; Zedler; Zerwas.

Nays — Allen; Alonzo; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Dukes; Farias; Farrar; Giddings; González, M.; Gutierrez; Hernandez Luna; Herrero; Johnson; King, T.; Martinez; Martinez Fischer; McClendon; Moody; Muñoz; Nevárez; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Stephenson; Thompson, S.; Turner, S.; Walle.

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

Absent, Excused — Orr; Vo.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Dutton; Kacal; Klick; Miles; Simmons.

#### **STATEMENTS OF VOTE**

When Record No. 878 was taken, my vote failed to register. I would have voted no.

Dutton

When Record No. 878 was taken, I was in the house but away from my desk. I would have voted no.

Kacal

#### **LEAVE OF ABSENCE GRANTED**

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

Simmons on motion of Goldman.

**CSSB 1803 ON SECOND READING**  
**(Kolkhorst and Raymond - House Sponsors)**

**CSSB 1803**, A bill to be entitled An Act relating to investigations of and payment holds relating to allegations of fraud or abuse and investigations of and hearings on overpayments and other amounts owed by providers in connection with the Medicaid program or other health and human services programs.

**CSSB 1803** was read second time earlier today and was postponed until this time.

(Harper-Brown in the chair)

**Amendment No. 1**

Representative Kolkhorst offered the following amendment to **CSSB 1803**:

Amend **CSSB 1803** (house committee printing) as follows:

(1) Between page 2, line 27, and page 3, line 1, insert the following:

(7) "Physician" includes an individual licensed to practice medicine in this state, a professional association composed solely of physicians, a partnership composed solely of physicians, a single legal entity authorized to practice medicine owned by two or more physicians, and a nonprofit health corporation certified by the Texas Medical Board under Chapter 162, Occupations Code.

(2) On page 3, line 1, strike "(7)" and substitute "(8)".

(3) On page 3, line 4, strike "(8)" and substitute "(9)".

(4) On page 3, line 8, strike "(9)" and substitute "(10)".

(5) On page 3, lines 16 and 17, strike "Subsections (l), (m), (n), (o), and (p)" and substitute "Subsections (l), (m), and (n)".

(6) On page 5, lines 4 and 5, strike "and the criteria adopted under Subsection (n)(3)".

(7) On page 5, lines 25 and 26, strike "or the appeals division of the commission, as requested by the provider,".

(8) On page 6, lines 5 and 6, strike "before the State Office of Administrative Hearings under this subdivision".

(9) On page 6, lines 20 and 21, strike "before the State Office of Administrative Hearings under Subdivision (3)".

(10) On page 8, lines 20 and 21, strike "who preferably has knowledge of Medicaid program rules and requirements".

(11) On page 9, lines 3 and 4, strike "who preferably has knowledge of Medicaid program rules and requirements".

(12) Strike page 9, line 7, through page 10, line 24, and substitute the following:

(n) To the extent permitted under federal law, the office, acting through the commission, shall adopt rules establishing the criteria for initiating a full-scale fraud or abuse investigation, conducting the investigation, collecting evidence, accepting and approving a provider's request to post a surety bond to secure potential recoupments in lieu of a payment hold or other asset or payment guarantee, and establishing minimum training requirements for Medicaid provider fraud or abuse investigators.

(13) On page 11, line 11, strike "as provided by Section 531.102(f)(1)." and substitute the following:

to determine whether there is a sufficient basis to warrant a full investigation. A preliminary investigation must begin not later than the 30th day after the date the commission receives or identifies an allegation of fraud or abuse.

(14) Strike page 13, line 13, through page 17, line 18, and substitute the following:

(b) A provider must request an initial informal resolution meeting under this section not later than the 30th day after the date the provider receives notice under Subsection (a). On receipt of a timely request, the office shall schedule an initial informal resolution meeting not later than the 60th day after the date the office receives the request, but the office shall schedule the meeting on a later date, as determined by the office if requested by the provider. The office shall give notice to the provider of the time and place of the initial informal resolution meeting not later than the 30th day before the date the meeting is to be held. A provider may request a second informal resolution meeting not later than the 20th day after the date of the initial informal resolution meeting. On receipt of a timely request, the office shall schedule a second informal resolution meeting not later than the 45th day after the date the office receives the request, but the office shall schedule the meeting on a later date, as determined by the office if requested by the provider. The office shall give notice to the provider of the time and place of the second informal resolution meeting not later than the 20th day before the date the meeting is to be held. A provider must have an opportunity to provide additional information before the second informal resolution meeting for consideration by the office.

Sec. 531.1201. APPEAL OF DETERMINATION TO RECOUP OVERPAYMENT OR DEBT. (a) A provider must request an appeal under this section not later than the 15th day after the date the provider is notified that the commission or the commission's office of inspector general will seek to recover an overpayment or debt from the provider. On receipt of a timely written request by a provider who is the subject of a recoupment of overpayment or recoupment of debt arising out of a fraud or abuse investigation, the office of inspector general shall file a docketing request with the State Office of Administrative Hearings or the Health and Human Services Commission appeals division, as requested by the provider, for an administrative hearing regarding the proposed recoupment amount and any associated damages or penalties. The office shall file the docketing request under this section not later than the 60th day after the date of the provider's request for an administrative hearing or not later than the 60th day after the completion of the informal resolution process, if applicable.

(b) Unless otherwise determined by the administrative law judge for good cause, at any administrative hearing under this section before the State Office of Administrative Hearings, the state and the provider shall each be responsible for:

(1) one-half of the costs charged by the State Office of Administrative Hearings;

(2) one-half of the costs for transcribing the hearing;

(3) the party's own costs related to the hearing, including the costs associated with preparation for the hearing, discovery, depositions, and subpoenas, service of process and witness expenses, travel expenses, and investigation expenses; and

(4) all other costs associated with the hearing that are incurred by the party, including attorney's fees.

(c) The executive commissioner and the State Office of Administrative Hearings shall jointly adopt rules that require a provider, before an administrative hearing under this section before the State Office of Administrative Hearings, to advance security for the costs for which the provider is responsible under Subsection (b).

(d) Following an administrative hearing under Subsection (a), a provider who is the subject of a recoupment of overpayment or recoupment of debt arising out of a fraud or abuse investigation may appeal a final administrative order by filing a petition for judicial review in a district court in Travis County.

Sec. 531.1202. RECORD OF INFORMAL RESOLUTION MEETINGS. The commission shall, at no expense to the provider who requested the meeting, provide for an informal resolution meeting held under Section 531.102(g)(6) or 531.120(b) to be recorded. The recording of an informal resolution meeting shall be made available to the provider who requested the meeting.

Amendment No. 1 was adopted.

(Otto now present)

## **Amendment No. 2**

Representative Guerra offered the following amendment to **CSSB 1803**:

Amend **CSSB 1803** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The House Public Health Committee, the House Human Services Committee, and the Senate Health and Human Services Committee shall periodically request and review information from the Health and Human Services Commission and the commission's office of inspector general to monitor the enforcement of and the protections provided by the changes in law made by this Act and to recommend additional changes in law to further the purposes of this Act. In performing the duties required under this section, the House Public Health Committee and the House Human Services Committee shall perform the duties jointly and the Senate Health and Human Services Committee shall perform the duties independently.

Amendment No. 2 was adopted.

**CSSB 1803**, as amended, was passed to third reading. (Button, Carter, Flynn, Schaefer, and Zedler recorded voting no.)

**CSSB 894 ON SECOND READING**  
**(D. Bonnen - House Sponsor)**

**CSSB 894**, A bill to be entitled An Act relating to real property within the Capitol complex.

**CSSB 894** was read second time earlier today, amendments were offered and disposed of, and **CSSB 894** was postponed until this time. Amendment No. 2 was pending at the time of postponement.

Amendment No. 2 was withdrawn.

**Amendment No. 3**

Representative D. Bonnen offered the following amendment to **CSSB 894**:

Amend **CSSB 894** (house committee printing) by striking SECTION 2 of the bill and substituting the following:

SECTION 2. Subchapter A, Chapter 2267, Government Code, as added by Chapter 1334 (**SB 1048**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Section 2267.005 to read as follows:

Sec. 2267.005. QUALIFYING PROJECTS IN CAPITOL COMPLEX. The Texas Facilities Commission may develop or operate a qualifying project located in the Capitol complex, as defined by Section 443.0071, as provided by this chapter only if specifically granted the authority by the legislature.

Amendment No. 3 was adopted.

**CSSB 894**, as amended, was passed to third reading.

**HB 857 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

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

**HB 857**, A bill to be entitled An Act relating to the frequency of water audits by certain retail public utilities.

Representative Márquez moved to concur in the senate amendments to **HB 857**.

The motion to concur in the senate amendments to **HB 857** prevailed by (Record 879): 139 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Huberty; 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; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Anderson; Lavender; Phillips; Springer.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Howard.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 879. I intended to vote yes.

Anderson

When Record No. 879 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 857**, A bill to be entitled An Act relating to the frequency of water audits by certain retail public utilities.

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

SECTION 1. Sections 16.0121(b), (b-1), and (c), Water Code, are amended to read as follows:

(b) Except as provided by Subsection (b-1), a retail public utility providing potable water [~~that receives from the board financial assistance~~] shall perform and file with the board an annual water audit computing the utility's system water loss during the preceding year.

(b-1) A retail public utility providing potable water that does not receive from the board financial assistance and is serving a population of 3,300 or less shall perform and file with the board every five years a water audit computing the utility's most recent annual system water loss.

(c) The board shall develop appropriate methodologies and submission dates for a water audit required under Subsection (b) or (b-1) for the following categories of retail public utilities:

- (1) retail public utilities serving populations of 100,000 or more;
- (2) retail public utilities serving populations of 50,000 or more but less than 100,000;
- (3) retail public utilities serving populations of [~~more than~~] 10,000 or more but less than 50,000; ~~and~~
- (4) retail public utilities serving populations of more than 3,300 but less than 10,000; and

(5) retail public utilities serving populations of 3,300 or less.

SECTION 2. Not later than May 1, 2014, a retail public utility shall submit its initial annual water audit required by Section 16.0121(b), Water Code, as amended by this Act. The initial water audit shall compute the utility's most recent annual system water loss.

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

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

Amend **CSHB 857** in SECTION 1 of the bill, in amended Section 16.0121(b-1), Water Code (page 1, lines 34-35), by striking "and is serving a population of 3,300 or less" and substituting "and is providing service to 3,300 or fewer connections".

**Senate Amendment No. 2 (Senate Floor Amendment No. 2)**

Amend Floor Amendment No. 1 to **CSHB 857** (senate committee printing) as follows by adding the following sections:

\_\_\_\_\_ In SECTION 1 of the bill, page 1, line 26, after "Sections 16.0121(b)", delete ", (b-1), and (c)" and insert "and (b-1)".

\_\_\_\_\_ In SECTION 1 of the bill, page 1, strike lines 38-50.

**HB 1768 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1768**, A bill to be entitled An Act relating to identification requirements for certain fire hydrants and flush valves.

Representative Canales moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1768**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1768**: Canales, chair; Lucio, Neváez, J. Rodriguez, and Larson.

**HB 1445 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative S. Thompson called up with senate amendments for consideration at this time,

**HB 1445**, A bill to be entitled An Act relating to the distribution of certain civil penalties and civil restitution received by the attorney general.

Representative S. Thompson moved to concur in the senate amendments to **HB 1445**.

The motion to concur in the senate amendments to **HB 1445** prevailed by (Record 880): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Lozano.

### STATEMENT OF VOTE

When Record No. 880 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 1445**, A bill to be entitled An Act relating to the distribution of certain civil penalties and civil restitution received by the attorney general.

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

SECTION 1. This Act shall be known as the Chief Justice Jack Pope Act.

SECTION 2. Section 402.007, Government Code, is amended to read as follows:

Sec. 402.007. PAYMENT TO TREASURY; ALLOCATION OF CERTAIN MONEY RECEIVED BY ATTORNEY GENERAL ~~[PENALTIES]~~. (a) The attorney general shall immediately pay into the state treasury money received for a debt, a ~~[or]~~ penalty, or restitution.

(b) Subject to Subsection (d) ~~[or]~~, the comptroller shall credit to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent the net amount of:

(1) a civil penalty that is recovered in an action by the attorney general in any matter actionable under Subchapter E, Chapter 17, Business & Commerce Code, after deducting amounts allocated to or retained by the attorney general as authorized by law, unless:

(A) ~~[(+)]~~ another law requires that the penalty be credited to a different fund or account; or

(B) ~~[(2)]~~ the judgment awarding the penalty requires that the penalty be paid to another named recipient; and

(2) civil restitution recovered by the attorney general in an action brought by the attorney general arising from conduct that violates a consumer protection, public health, or general welfare law, if, on the hearing of an ex parte motion filed by the attorney general after the entry of a judgment awarding civil restitution, the court:

(A) determines that, based on the facts and circumstances of the case:

(i) it is impossible or impracticable to identify injured parties;

(ii) it is impossible or impracticable to determine the degree to which each claimant was injured and entitled to recover;

(iii) the cost of administering a claim procedure will disproportionately reduce the amount of restitution available for the payment of individual claims; or

(iv) the claims of all identifiable persons eligible to receive restitution have been paid without exhausting the funds available for restitution; and

(B) enters a judgment or order that the restitution be credited to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent.

(c) If a court enters a judgment or order that restitution be credited to the judicial fund, the attorney general shall notify the Legislative Budget Board and shall distribute that restitution in accordance with the court judgment or order.

(d) The total amount credited to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent under Subsection (b) may not exceed \$50 [~~\$10~~] million per state fiscal biennium.

(e) The provisions of this section do not limit the common law authority or other statutory authority of the attorney general to seek and obtain cy pres distribution from a court.

SECTION 3. The change in law made by this Act applies only to a civil penalty or civil restitution that is received by the attorney general on or after the effective date of this Act.

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

**HB 1272 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative N. Gonzalez called up with senate amendments for consideration at this time,

**HB 1272**, A bill to be entitled An Act relating to the continuation and duties of the Human Trafficking Prevention Task Force.

Representative N. Gonzalez moved to concur in the senate amendments to **HB 1272**.

The motion to concur in the senate amendments to **HB 1272** prevailed by (Record 881): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Lozano.

**STATEMENT OF VOTE**

When Record No. 881 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

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

Amend **HB 1272** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, add Subsection (b-1) to read as follows:

(b-1) A state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking shall, at the request of the task force, cooperate and assist the task force in collecting any statistical data on the nature and extent of human trafficking in the possession of the law enforcement agency or district or county attorney.

(2) In SECTION 1 of the bill, amend Subsection (d)(2) on page 1, lines 40 to 42, to read as follows:

(2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

(3) In SECTION 1 of the bill, amend Subsection (d)(4) on page 1, lines 48-51, to read as follows:

(4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:

(4) In SECTION 1 of the bill, amend Subsection (d)(4)(C) on page 2, lines 1-4, to read as follows:

(C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

## **HB 944 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 944.** A bill to be entitled An Act relating to an exemption from license requirements for a limited number of sales of manufactured housing.

Representative Riddle moved to concur in the senate amendments to **HB 944.**

The motion to concur in the senate amendments to **HB 944** prevailed by (Record 882): 140 Yeas, 2 Nays, 2 Present, not voting.

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

Oliveira; Otto; Paddie; Parker; Patrick; Perez; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Perry; Schaefer.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farrar; Turner, S.

### STATEMENT OF VOTE

When Record No. 882 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 944**, A bill to be entitled An Act relating to an exemption from license requirements for a limited number of sales of manufactured housing.

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

SECTION 1. Subchapter C, Chapter 1201, Occupations Code, is amended by adding Section 1201.1025 to read as follows:

Sec. 1201.1025. EXEMPTION FROM RETAILER'S LICENSE REQUIREMENT. (a) Notwithstanding any other law, in any 12-month period a person is exempt from holding a retailer's license as required by Section 1201.101(b) if during that period the person sells or offers to sell not more than three manufactured homes.

(b) The department by rule shall develop a form necessary for a person to establish eligibility for the exemption provided by this section.

(c) A person who is eligible for an exemption under this section remains subject to the other applicable provisions of this subchapter regarding the sale of manufactured homes.

SECTION 2. The change in law made by this Act applies only to a sale of or an offer to sell manufactured homes on or after the effective date of this Act. A sale of or an offer to sell manufactured homes before that date is governed by the law in effect on the date of the sale, and the former law is continued in effect for that purpose.

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

### HB 1160 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

**HB 1160**, A bill to be entitled An Act relating to the transfer of a certificate of convenience and necessity in certain municipalities.

Representative Geren moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1160**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1160**: Geren, chair; Frullo, Kuempel, Paddie, and Schaefer.

### **HB 243 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 243**, A bill to be entitled An Act relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.

Representative Menéndez moved to concur in the senate amendments to **HB 243**.

The motion to concur in the senate amendments to **HB 243** prevailed by (Record 883): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farrar; Lozano.



## STATEMENT OF VOTE

When Record No. 883 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 243**, A bill to be entitled An Act relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.

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

SECTION 1. Subchapter A, Chapter 534, Health and Safety Code, is amended by adding Section 534.023 to read as follows:

Sec. 534.023. SALE OF REAL PROPERTY ACQUIRED SOLELY THROUGH PRIVATE GIFT OR GRANT. (a) Except as provided by Subsection (d), a community center may sell center real property, including a building, without the approval of the department or any local agency that appoints members to the board of trustees, only if the real property was acquired solely through a gift or grant of money or real property from a private entity, including an individual.

(b) A community center that acquires real property by gift or grant shall, on the date the center acquires the gift or grant, notify the private entity providing the gift or grant that:

(1) the center may subsequently sell the real property; and

(2) the sale is subject to the provisions of this section.

(c) Except as provided by Subsection (d), real property sold under Subsection (a) must be sold for the property's fair market value.

(d) Real property sold under Subsection (a) may be sold for less than fair market value only if the board of trustees adopts a resolution stating:

(1) the public purpose that will be achieved by the sale; and

(2) the conditions and circumstances for the sale, including conditions to accomplish and maintain the public purpose.

(e) A community center must notify the department and each local agency that appoints members to the board of trustees not later than the 31st day before the date the center enters into a binding obligation to sell real property under this section. The commissioner, on request, may waive the 30-day notice requirement on a case-by-case basis.

(f) The board shall adopt rules relating to the notification process.

(g) A community center may use proceeds received from a sale of real property under this section only for a purpose authorized by this subchapter or for a public purpose authorized for a community center by state or federal law.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**HB 3559 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3559**, A bill to be entitled An Act relating to the Texas Peace Officers' Memorial Monument.

Representative Pickett moved to concur in the senate amendments to **HB 3559**.

The motion to concur in the senate amendments to **HB 3559** prevailed by (Record 884): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farrar.

**STATEMENT OF VOTE**

When Record No. 884 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

**Senate Committee Substitute**

**CSHB 3559**, A bill to be entitled An Act relating to the Texas Peace Officers' Memorial Monument.

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

SECTION 1. The heading to Chapter 3105, Government Code, is amended to read as follows:

CHAPTER 3105. TEXAS PEACE OFFICERS' MEMORIAL MONUMENT

SECTION 2. Section 3105.001, Government Code, is amended to read as follows:

Sec. 3105.001. PURPOSE OF MONUMENT [~~MEMORIAL~~]. The Texas Peace Officers' Memorial Monument is [~~a monument~~] erected on the grounds of the Capitol Complex to recognize and honor the ultimate sacrifice made by law enforcement and corrections officers in this state who were killed in the line of duty.

SECTION 3. Section 3105.002(3), Government Code, is amended to read as follows:

(3) "Monument" [~~"Memorial"~~] means the Texas Peace Officers' Memorial Monument.

SECTION 4. Section 3105.003, Government Code, is amended to read as follows:

Sec. 3105.003. ELIGIBILITY FOR MONUMENT [~~MEMORIAL~~]. A person is eligible to have the person's name on the monument [~~memorial~~] if the person was killed in the line of duty and was:

(1) a law enforcement officer or peace officer for this state or a political subdivision of this state under Article 2.12, Code of Criminal Procedure, or other law;

(2) a federal law enforcement officer or special agent performing duties in this state, including those officers under Article 2.122, Code of Criminal Procedure; or

(3) a corrections or detention officer or county or municipal jailer employed or appointed by a municipal, county, or state penal institution in this state.

SECTION 5. The heading to Section 3105.004, Government Code, is amended to read as follows:

Sec. 3105.004. MAINTENANCE OF MONUMENT [~~MEMORIAL~~].

SECTION 6. Sections 3105.004(a), (b), and (d), Government Code, are amended to read as follows:

(a) The board is responsible for the maintenance of the monument. The board may raise money from private or public entities for the continued maintenance and update of the monument [~~memorial~~]. The board shall:

(1) establish a schedule for the maintenance of the monument [~~memorial~~]; and

(2) select persons to maintain the monument [~~memorial~~].

(b) The commission shall:

(1) establish and maintain historical and archival records of the inducted officers and jailers that must be accessible to family members and independent researchers; and

(2) adopt rules and establish procedures for adding names to the monument [~~memorial~~] in accordance with Section 3105.003 [~~and~~]

~~[(3) raise money from private or public entities for the continued maintenance and update of the memorial and transfer all the money to the board].~~

(d) An entity that collects funds for the maintenance and improvement of the Texas Peace Officers' Memorial Monument shall send that money to the board [commission] to be deposited in the Capitol fund account.

SECTION 7. Section 3105.005(a), Government Code, is amended to read as follows:

(a) Money contributed to the state for a purpose related to the monument [memorial] shall be deposited by the board in the Capitol fund to the credit of a separate interest-bearing account established for the monument [memorial].

SECTION 8. This Act takes effect September 1, 2013.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Branch requested permission for the Committee on Higher Education to meet while the house is in session, at 5:20 p.m. today, in 3W.9, to consider **SB 490**, **SB 1604**, and pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Higher Education, 5:20 p.m. today, 3W.9, for a formal meeting, to consider **SB 490**, **SB 1604**, and pending business.

### HB 1818 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 1818**, A bill to be entitled An Act relating to the disposition of confiscated game, animal parts, and animal products.

Representative Kuempel moved to concur in the senate amendments to **HB 1818**.

The motion to concur in the senate amendments to **HB 1818** prevailed by (Record 885): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farrar.

### STATEMENT OF VOTE

When Record No. 885 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 1818**, A bill to be entitled An Act relating to the disposition of confiscated game, animal parts, and animal products.

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

SECTION 1. Sections 12.109(b) and (d), Parks and Wildlife Code, are amended to read as follows:

(b) The confiscated aquatic products shall be sold to the highest of three bidders. The proceeds of the sale shall be deposited in the state treasury to the credit of the appropriate suspense fund [account No. 900] pending the outcome of the action taken against the person charged with illegal possession. The officer shall give to the person a receipt for all aquatic products seized upon the sale of the aquatic products. If bids cannot be obtained, the department, if practicable, shall donate the aquatic products to a charitable institution, hospital, or other person. To the extent practicable, Subtitle A, Title 6, Health and Safety Code, applies to an aquatic product sold under this subsection that is intended for sale and use as human food.

(d) If [Unless] the person is found guilty, pleads guilty or nolo contendere, [or] is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense, all the proceeds shall be transferred to the credit of the game, fish, and water safety account. If the person is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired, the department shall pay the proceeds of the sale to the person from whom [paid to the owner of] the aquatic products were seized.

SECTION 2. Section 12.110(d), Parks and Wildlife Code, is amended to read as follows:

(d) The department may sell confiscated live game described by Subsection (a) to the highest of three bidders. At the time of a sale under this subsection, the department shall provide the buyer a receipt for all game sold to the buyer. The department shall deposit the proceeds of the sale in the state treasury to the credit of the appropriate suspense fund [account 900] pending the outcome of any action against the person charged with an unlawful action described by Subsection (a). If that person is found guilty, pleads guilty or nolo contendere, ~~[or]~~ is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense, the department shall transfer [deposit] the proceeds of the sale to the credit of [into] the game, fish, and water safety account. If the person is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired [found not guilty], the department shall pay the proceeds of the sale to the person from whom the game was seized.

SECTION 3. Section 12.1101, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.1101. SEIZURE AND DISPOSAL OF CERTAIN ANIMALS' PELTS AND CARCASSES. (a) A game warden or authorized employee of the department may seize a [the pelt of any] fur-bearing animal, pelt, or carcass taken or possessed in violation of a provision of this code or a lawful regulation of the commission. ~~[If an alleged violator is charged with a violation of a provision of this code or of a regulation of the commission in connection with the pelt seized, the warden or employee shall hold the pelt as evidence. On conviction of the alleged violator or on his plea of nolo contendere, the pelts may be sold to the highest bidder after taking the minimum of three written bids by the department. If the alleged violator is not guilty of the offense or if the charge is dismissed the pelts shall be returned to their lawful owner.]~~

(b) The department may sell a confiscated fur-bearing animal, pelt, or carcass to the highest of three bidders. At the time of a sale under this subsection, the department shall provide the buyer a receipt for all fur-bearing animals, pelts, or carcasses sold to the buyer. The department shall deposit the proceeds of the sale in the state treasury to the credit of the appropriate suspense fund pending the outcome of any action against the person charged with an unlawful action described by Subsection (a). If that person is found guilty, pleads guilty or nolo contendere, is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense, the department shall transfer the proceeds of the sale to the credit of the game, fish, and water safety account. If the person is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired, the department shall pay the proceeds of the sale to the person from whom the items were seized.

(c) A game warden or authorized employee of the department acting under the authority of this section is immune from liability and from suit for the seizure of items under this section ~~[pelts]~~.

(d) To the extent practicable, Subtitle A, Title 6, Health and Safety Code, applies to an animal or animal part sold under this section that is intended for sale and use as human food.

SECTION 4. Section 65.009, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) If a person from whom an item described by Subsection (a) was seized is found guilty, pleads guilty or nolo contendere, is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense ~~[On conviction of a violation, on a plea of nolo contendere, or on assessment of deferred adjudication in connection with an alligator, alligator hide, alligator egg, or alligator part seized under this section]~~, the department shall transfer the proceeds of the sale from the suspense fund to the credit of the game, fish, and water safety account ~~[fund]~~. If the person is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired, the department shall pay the proceeds of the sale to the person from whom the items were seized.

(e) To the extent practicable, Subtitle A, Title 6, Health and Safety Code, applies to an animal or animal part sold under this section that is intended for sale and use as human food.

SECTION 5. Section 65.009(c), Parks and Wildlife Code, is repealed.

SECTION 6. (a) The changes in law made by this Act apply only to items seized by the Parks and Wildlife Department on or after the effective date of this Act. Items seized before the effective date of this Act are covered by the law in effect on the date of the seizure, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act apply to funds under the control of the Parks and Wildlife Department on and after the effective date of this Act acquired by the sale of seized items under Sections 12.109, 12.110, 12.1101, and 65.009, Parks and Wildlife Code, regardless of whether those items were seized before, on, or after the effective date of this Act.

SECTION 7. This Act takes effect September 1, 2013.

### **HB 2683 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2683**, A bill to be entitled An Act relating to employment in certain consumer-directed services and by certain facilities and to the nurse aide registry and the employee misconduct registry.

Representative Price moved to concur in the senate amendments to **HB 2683**.

The motion to concur in the senate amendments to **HB 2683** prevailed by (Record 886): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farrar; Huberty.

### STATEMENTS OF VOTE

When Record No. 886 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 886 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 2683**, A bill to be entitled An Act relating to employment in certain consumer-directed services and by certain facilities and to the nurse aide registry and the employee misconduct registry.

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

SECTION 1. Section 250.001, Health and Safety Code, is amended by adding Subdivisions (1-a) and (1-b) and amending Subdivisions (2) and (3-b) to read as follows:

(1-a) "Consumer" means a resident of or an individual receiving services from a facility covered by this chapter.



(1-b) "Consumer-directed service option" has the meaning assigned by Section 531.051, Government Code.

(2) "Direct contact with a consumer" means any contact with a consumer [resident or client in a facility covered by this chapter].

(3-b) "Individual employer" means an individual or legally authorized representative who participates in the consumer-directed service option [described by Section 531.051, Government Code,] and is responsible for hiring service providers to deliver program services.

SECTION 2. Sections 250.003(a), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) A facility or individual employer may not employ an applicant:

(1) if the facility or individual employer determines, as a result of a criminal history check, that the applicant has been convicted of an offense listed in this chapter that bars employment or that a conviction is a contraindication to employment with the [consumers the] facility or to direct contact with the individual using the consumer-directed service option [employer serves];

(2) if the applicant is a nurse aide, until the facility or individual employer further verifies that the applicant is listed in the nurse aide registry; and

(3) until the facility or individual employer verifies that the applicant is not designated in the registry maintained under this chapter or in the employee misconduct registry maintained under Section 253.007 as having a finding entered into the registry concerning abuse, neglect, or mistreatment of an individual using the consumer-directed service option or a consumer [of a facility], or misappropriation of the property of an individual using the consumer-directed service option or of a consumer [a consumer's property].

(c) A facility or individual employer shall immediately discharge any employee:

(1) who is designated in the nurse aide registry or the employee misconduct registry established under Chapter 253 as having committed an act of abuse, neglect, or mistreatment of an individual using the consumer-directed service option or a consumer [of a facility], or misappropriation of the property of an individual using the consumer-directed service option or of a consumer; [a consumer's property,] or

(2) whose criminal history check reveals conviction of a crime that bars employment or that the individual employer or the facility determines is a contraindication to employment as provided by this chapter.

(d) In addition to the initial verification of employability, a facility or an individual employer or financial management services agency on behalf of an individual employer shall:

(1) annually search the nurse aide registry maintained under this chapter and the employee misconduct registry maintained under Section 253.007 to determine whether any employee of the facility or of an individual employer is designated in either registry as having abused, neglected, or exploited a [resident or] consumer [of a facility] or an individual using the consumer-directed service option [receiving services from a facility]; and

(2) maintain in the facility's or individual employer's books and records ~~[each employee's personnel file]~~ a copy of the results of the search conducted under Subdivision (1).

SECTION 3. Section 250.006(a), Health and Safety Code, is amended to read as follows:

(a) A person for whom the facility or the individual employer is entitled to obtain criminal history record information may not be employed in a facility or by an individual employer if the person has been convicted of an offense listed in this subsection:

- (1) an offense under Chapter 19, Penal Code (criminal homicide);
- (2) an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);
- (3) an offense under Section 21.02, Penal Code (continuous sexual abuse of young child or children), or Section 21.11, Penal Code (indecenty with a child);
- (4) an offense under Section 22.011, Penal Code (sexual assault);
- (5) an offense under Section 22.02, Penal Code (aggravated assault);
- (6) an offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
- (7) an offense under Section 22.041, Penal Code (abandoning or endangering child);
- (8) an offense under Section 22.08, Penal Code (aiding suicide);
- (9) an offense under Section 25.031, Penal Code (agreement to abduct from custody);
- (10) an offense under Section 25.08, Penal Code (sale or purchase of a child);
- (11) an offense under Section 28.02, Penal Code (arson);
- (12) an offense under Section 29.02, Penal Code (robbery);
- (13) an offense under Section 29.03, Penal Code (aggravated robbery);
- (14) an offense under Section 21.08, Penal Code (indecent exposure);
- (15) an offense under Section 21.12, Penal Code (improper relationship between educator and student);
- (16) an offense under Section 21.15, Penal Code (improper photography or visual recording);
- (17) an offense under Section 22.05, Penal Code (deadly conduct);
- (18) an offense under Section 22.021, Penal Code (aggravated sexual assault);
- (19) an offense under Section 22.07, Penal Code (terroristic threat);
- (20) an offense under Section 32.53, Penal Code (exploitation of a child, elderly individual, or disabled individual);
- (21) an offense under Section 33.021, Penal Code (online solicitation of a minor);
- (22) ~~[(21)]~~ an offense under Section 34.02, Penal Code (money laundering);
- (23) ~~[(22)]~~ an offense under Section 35A.02, Penal Code (Medicaid fraud);

(24) [(23)] an offense under Section 36.06, Penal Code (obstruction or retaliation);

(25) [(24)] an offense under Section 42.09, Penal Code (cruelty to livestock animals), or under Section 42.092, Penal Code (cruelty to nonlivestock animals); or

(26) [(25)] a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed by this subsection.

SECTION 4. Section 253.001, Health and Safety Code, is amended by adding Subdivisions (1-a), (1-b), (4-a), and (4-b) and amending Subdivisions (3) and (5) to read as follows:

(1-a) "Consumer" means a resident of or an individual receiving services from a facility covered by this chapter.

(1-b) "Consumer-directed service option" has the meaning assigned by Section 531.051, Government Code.

(3) "Employee" means a person who:

(A) works at a facility or for an individual employer;

(B) is an individual who provides personal care services, active treatment, or any other personal services to a ~~resident or~~ consumer or to an individual using the consumer-directed service option ~~[of the facility];~~ and

(C) is not licensed by an agency of the state to perform the services the employee performs for the individual using the consumer-directed service option or at the facility or is a nurse aide employed by a facility.

(4-a) "Financial management services agency" means an entity that contracts with the department to serve as a fiscal and employer agent for an individual employer using the consumer-directed service option.

(4-b) "Individual employer" means an individual or legally authorized representative who participates in the consumer-directed service option and is responsible for hiring providers to deliver program services.

(5) "Reportable conduct" includes:

(A) abuse or neglect that causes or may cause death or harm to an individual using the consumer-directed service option or a ~~resident or~~ consumer ~~[of a facility];~~

(B) sexual abuse of an individual using the consumer-directed service option or a ~~resident or~~ consumer ~~[of a facility];~~

(C) financial exploitation of an individual using the consumer-directed service option or a ~~resident or~~ consumer ~~[of a facility]~~ in an amount of \$25 or more; and

(D) emotional, verbal, or psychological abuse that causes harm to an individual using the consumer-directed service option or a ~~resident or~~ consumer ~~[of a facility].~~

SECTION 5. Section 253.002(b), Health and Safety Code, is amended to read as follows:

(b) If the Department of Aging and Disability Services receives a report that an employee of a facility licensed under Chapter 252 or of an individual employer committed reportable conduct, the department shall forward that report to the Department of Family and Protective Services for investigation.

SECTION 6. Section 253.004, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The department must complete the hearing and the hearing record not later than the 120th day after the date the department receives a request for a hearing.

SECTION 7. Section 253.007(a), Health and Safety Code, is amended to read as follows:

(a) The department shall establish an employee misconduct registry. If the department in accordance with this chapter finds that an employee of a facility or of an individual employer has committed reportable conduct, the department shall make a record of the employee's name, the employee's address, the employee's social security number, the name of the facility or individual employer, the address of the facility or individual employer, the date the reportable conduct occurred, and a description of the reportable conduct.

SECTION 8. Section 253.008, Health and Safety Code, is amended to read as follows:

Sec. 253.008. VERIFICATION OF EMPLOYABILITY; ANNUAL SEARCH. (a) Before a facility or individual employer as defined in this chapter or an agency as defined in Section 48.401, Human Resources Code, may hire an employee, the individual employer or a financial management services agency on behalf of the individual employer, the facility, or agency shall search the employee misconduct registry under this chapter and the nurse aide registry maintained under Chapter 250 as required by the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) to determine whether the applicant for employment is designated in either registry as having abused, neglected, or exploited an individual using the consumer-directed service option or a [resident or] consumer [of a facility or agency or an individual receiving services from a facility or agency].

(b) A facility, individual employer or financial management services agency on behalf of an individual employer, or agency may not employ a person who is listed in either registry as having abused, neglected, or exploited an individual using the consumer-directed service option or a [resident or] consumer [of a facility or agency or an individual receiving services from a facility or agency].

(c) In addition to the initial verification of employability, a facility, [or] agency, individual employer, or financial management services agency on behalf of an individual employer shall:

(1) annually search the employee misconduct registry and the nurse aide registry maintained under Chapter 250 to determine whether any employee of the individual employer, facility, or applicable agency is designated in either registry as having abused, neglected, or exploited an individual using the consumer-directed service option or a [resident or] consumer [of a facility or agency or an individual receiving services from a facility or agency]; and

(2) maintain in the facility's or individual employer's books and records ~~[each employee's personnel file]~~ a copy of the results of the search conducted under Subdivision (1).

SECTION 9. Section 253.009(a), Health and Safety Code, is amended to read as follows:

(a) Each facility or individual employer as defined in this chapter and each agency as defined in Section 48.401, Human Resources Code, shall notify its employees in a manner prescribed by the Department of Aging and Disability Services:

(1) about the employee misconduct registry; and

(2) that an employee may not be employed if the employee is listed in the registry.

SECTION 10. Section 48.401(3), Human Resources Code, is amended to read as follows:

(3) "Employee" means a person who:

(A) works for:

(i) an agency; or

(ii) an individual employer participating in the consumer-directed service option, as defined by Section 531.051, Government Code;

(B) provides personal care services, active treatment, or any other personal services to an individual receiving agency services, ~~or to~~ an individual who is a child for whom an investigation is authorized under Section 261.404, Family Code, or an individual receiving services through the consumer-directed service option, as defined by Section 531.051, Government Code; and

(C) is not licensed by the state to perform the services the person performs for the agency or the individual employer participating in the consumer-directed service option, as defined by Section 531.051, Government Code.

SECTION 11. Section 250.003(c-1), Health and Safety Code, is repealed.

SECTION 12. This Act takes effect January 1, 2014.

### **HB 1711 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1711**, A bill to be entitled An Act relating to civil liability for prohibited barratry.

Representative Fletcher moved to concur in the senate amendments to **HB 1711**.

The motion to concur in the senate amendments to **HB 1711** prevailed by (Record 887): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycok; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick;

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

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Huberty; Klick; Paddie.

#### STATEMENTS OF VOTE

When Record No. 887 was taken, I was temporarily out of the house chamber. I would have voted yes.

Huberty

When Record No. 887 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

#### Senate Committee Substitute

**CSHB 1711**, A bill to be entitled An Act relating to barratry.

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

SECTION 1. Section 82.065(b), Government Code, is amended to read as follows:

(b) Any contract for legal services is voidable by the client if it is procured as a result of conduct violating Section 38.12(a) or (b), Penal Code, [the laws of this state] or Rule 7.03 of the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, regarding barratry by attorneys or other persons.

SECTION 2. Section 82.0651, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (g) to read as follows:

(a) A client may bring an action to void a contract for legal services that was procured as a result of conduct violating Section 38.12(a) or (b), Penal Code, [the laws of this state] or Rule 7.03 of the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, regarding barratry by attorneys or other persons, and to recover any amount that may be awarded under Subsection

(b). A client who enters into a contract described by this subsection may bring an action to recover any amount that may be awarded under Subsection (b) even if the contract is voided voluntarily.

(b) A client who prevails in an action under Subsection (a) shall recover from any person who committed barratry:

- (1) all fees and expenses paid to that person under the contract;
- (2) the balance of any fees and expenses paid to any other person under the contract, after deducting fees and expenses awarded based on a quantum meruit theory as provided by Section 82.065(c);
- (3) actual damages caused by the prohibited conduct; ~~and~~
- (4) a penalty in the amount of \$10,000; and
- (5) reasonable and necessary attorney's fees.

(c) A person who was solicited by conduct violating Section 38.12(a) or (b), Penal Code, [the laws of this state] or Rule 7.03 of the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, regarding barratry by attorneys or other persons, but who did not enter into a contract as a result of that conduct, may file a civil action against any person who committed barratry.

(g) The expedited actions process created by Rule 169, Texas Rules of Civil Procedure, does not apply to an action under this section.

SECTION 3. Sections 38.12(d) and (e), Penal Code, are amended to read as follows:

(d) A person commits an offense if the person:

(1) is an attorney, chiropractor, physician, surgeon, or private investigator licensed to practice in this state or any person licensed, certified, or registered by a health care regulatory agency of this state; and

(2) with the intent to obtain professional employment for the person or for another, provides or knowingly permits to be provided to an individual who has not sought the person's employment, legal representation, advice, or care a written communication or a solicitation, including a solicitation in person or by telephone, that:

(A) concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person to whom the communication or solicitation is provided or a relative of that person and that was provided before the 31st day after the date on which the accident or disaster occurred;

(B) concerns a specific matter and relates to legal representation and the person knows or reasonably should know that the person to whom the communication or solicitation is directed is represented by a lawyer in the matter;

(C) ~~[concerns an arrest of or issuance of a summons to the person to whom the communication or solicitation is provided or a relative of that person and that was provided before the 31st day after the date on which the arrest or issuance of the summons occurred;~~

~~(D)~~ concerns a lawsuit of any kind, including an action for divorce, in which the person to whom the communication or solicitation is provided is a defendant or a relative of that person, unless the lawsuit in which the person is named as a defendant has been on file for more than 31 days before the date on which the communication or solicitation was provided;

(D) ~~(E)~~ is provided or permitted to be provided by a person who knows or reasonably should know that the injured person or relative of the injured person has indicated a desire not to be contacted by or receive communications or solicitations concerning employment;

(E) ~~(F)~~ involves coercion, duress, fraud, overreaching, harassment, intimidation, or undue influence; or

(F) ~~(G)~~ contains a false, fraudulent, misleading, deceptive, or unfair statement or claim.

(e) For purposes of Subsection (d)(2)(D) ~~(d)(2)(E)~~, a desire not to be contacted is presumed if an accident report reflects that such an indication has been made by an injured person or that person's relative.

SECTION 4. (a) Section 82.065(b), Government Code, as amended by this Act, applies only to a contract procured as a result of conduct described by that subsection, as amended by this Act, occurring on or after the effective date of this Act. A contract procured as a result of conduct occurring before the effective date of this Act is governed by the law applicable to the contract immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Except as provided by this section, Section 82.0651, Government Code, as amended by this Act, applies only to an action concerning a contract procured as a result of conduct described by Section 82.0651(a), Government Code, as amended by this Act, that occurs on or after the effective date of this Act. An action concerning a contract procured as a result of conduct that occurred before the effective date of this Act is governed by the law applicable to the contract immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Section 82.0651(g), Government Code, as added by this Act, applies to an action:

- (1) commenced on or after the effective date of this Act; or
- (2) pending on the effective date of this Act and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2013.

## **HB 915 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 915**, A bill to be entitled An Act relating to the administration and monitoring of health care provided to foster children.

Representative Kolkhorst moved to concur in the senate amendments to **HB 915**.



The motion to concur in the senate amendments to **HB 915** prevailed by (Record 888): 140 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Huberty; Klick; Moody; Walle.

#### STATEMENTS OF VOTE

When Record No. 888 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 888 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

When Record No. 888 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

#### Senate Committee Substitute

**CSHB 915**, A bill to be entitled An Act relating to the administration and monitoring of health care provided to foster children.

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

SECTION 1. Section 107.002, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the duties required by Subsection (b), a guardian ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

(1) review the medical care provided to the child; and

(2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided.

SECTION 2. Section 107.003, Family Code, is amended to read as follows:

Sec. 107.003. POWERS AND DUTIES OF ATTORNEY AD LITEM FOR CHILD AND AMICUS ATTORNEY. (a) An attorney ad litem appointed to represent a child or an amicus attorney appointed to assist the court:

(1) shall:

(A) subject to Rules 4.02, 4.03, and 4.04, Texas Disciplinary Rules of Professional Conduct, and within a reasonable time after the appointment, interview:

(i) the child in a developmentally appropriate manner, if the child is four years of age or older;

(ii) each person who has significant knowledge of the child's history and condition, including any foster parent of the child; and

(iii) the parties to the suit;

(B) seek to elicit in a developmentally appropriate manner the child's expressed objectives of representation;

(C) consider the impact on the child in formulating the attorney's presentation of the child's expressed objectives of representation to the court;

(D) investigate the facts of the case to the extent the attorney considers appropriate;

(E) obtain and review copies of relevant records relating to the child as provided by Section 107.006;

(F) participate in the conduct of the litigation to the same extent as an attorney for a party;

(G) take any action consistent with the child's interests that the attorney considers necessary to expedite the proceedings;

(H) encourage settlement and the use of alternative forms of dispute resolution; and

(I) review and sign, or decline to sign, a proposed or agreed order affecting the child;

(2) must be trained in child advocacy or have experience determined by the court to be equivalent to that training; and

(3) is entitled to:

(A) request clarification from the court if the role of the attorney is ambiguous;

(B) request a hearing or trial on the merits;

(C) consent or refuse to consent to an interview of the child by another attorney;

(D) receive a copy of each pleading or other paper filed with the court;

(E) receive notice of each hearing in the suit;

(F) participate in any case staffing concerning the child conducted by an authorized agency; and

(G) attend all legal proceedings in the suit.

(b) In addition to the duties required by Subsection (a), an attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

(1) review the medical care provided to the child;

(2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided; and

(3) for a child at least 16 years of age, advise the child of the child's right to request the court to authorize the child to consent to the child's own medical care under Section 266.010.

SECTION 3. Section 263.001, Family Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (3-a) to read as follows:

(1) "Advanced practice nurse" has the meaning assigned by Section 157.051, Occupations Code.

(1-a) "Department" means the Department of Family and Protective Services.

(3-a) "Physician assistant" has the meaning assigned by Section 157.051, Occupations Code.

SECTION 4. Section 263.306(a), Family Code, is amended to read as follows:

(a) At each permanency hearing the court shall:

(1) identify all persons or parties present at the hearing or those given notice but failing to appear;

(2) review the efforts of the department or another agency in:

(A) attempting to locate all necessary persons;

(B) requesting service of citation; and

(C) obtaining the assistance of a parent in providing information necessary to locate an absent parent, alleged father, or relative of the child;

(3) review the efforts of each custodial parent, alleged father, or relative of the child before the court in providing information necessary to locate another absent parent, alleged father, or relative of the child;

(4) return the child to the parent or parents if the child's parent or parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest;

(5) place the child with a person or entity, other than a parent, entitled to service under Chapter 102 if the person or entity is willing and able to provide the child with a safe environment and the placement of the child is in the child's best interest;

(6) evaluate the department's efforts to identify relatives who could provide the child with a safe environment, if the child is not returned to a parent or another person or entity entitled to service under Chapter 102;

(7) evaluate the parties' compliance with temporary orders and the service plan;

(8) review the medical care provided to the child as required by Section 266.007;

(9) ensure the child has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on the medical care provided;

(10) for a child receiving psychotropic medication, determine whether the child:

(A) has been provided appropriate psychosocial therapies, behavior strategies, and other non-pharmacological interventions; and

(B) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days for purposes of the review required by Section 266.011;

(11) determine whether:

(A) the child continues to need substitute care;

(B) the child's current placement is appropriate for meeting the child's needs, including with respect to a child who has been placed outside of the state, whether that placement continues to be in the best interest of the child; and

(C) other plans or services are needed to meet the child's special needs or circumstances;

(12) [~~9~~] if the child is placed in institutional care, determine whether efforts have been made to ensure placement of the child in the least restrictive environment consistent with the best interest and special needs of the child;

(13) [~~10~~] if the child is 16 years of age or older, order services that are needed to assist the child in making the transition from substitute care to independent living if the services are available in the community;

(14) [~~11~~] determine plans, services, and further temporary orders necessary to ensure that a final order is rendered before the date for dismissal of the suit under this chapter;

(15) [~~12~~] if the child is committed to the Texas Juvenile Justice Department [~~Youth Commission~~] or released under supervision by the Texas Juvenile Justice Department [~~Youth Commission~~], determine whether the child's needs for treatment, rehabilitation, and education are being met; and

(16) [~~13~~] determine the date for dismissal of the suit under this chapter and give notice in open court to all parties of:

(A) the dismissal date;

(B) the date of the next permanency hearing; and

(C) the date the suit is set for trial.

SECTION 5. Section 263.503(a), Family Code, is amended to read as follows:

(a) At each placement review hearing, the court shall determine whether:

(1) the child's current placement is necessary, safe, and appropriate for meeting the child's needs, including with respect to a child placed outside of the state, whether the placement continues to be appropriate and in the best interest of the child;

(2) efforts have been made to ensure placement of the child in the least restrictive environment consistent with the best interest and special needs of the child if the child is placed in institutional care;

(3) the services that are needed to assist a child who is at least 16 years of age in making the transition from substitute care to independent living are available in the community;

(4) the child is receiving appropriate medical care;

(5) the child has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on the medical care provided;

(6) a child who is receiving psychotropic medication:

(A) has been provided appropriate psychosocial therapies, behavior strategies, and other non-pharmacological interventions; and

(B) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days for purposes of the review required by Section 266.011;

(7) other plans or services are needed to meet the child's special needs or circumstances;

(8) ~~(5)~~ the department or authorized agency has exercised due diligence in attempting to place the child for adoption if parental rights to the child have been terminated and the child is eligible for adoption;

(9) ~~(6)~~ for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, a permanent placement, including appointing a relative as permanent managing conservator or returning the child to a parent, is appropriate for the child;

(10) ~~(7)~~ for a child whose permanency goal is another planned, permanent living arrangement, the department has:

(A) documented a compelling reason why adoption, permanent managing conservatorship with a relative or other suitable individual, or returning the child to a parent is not in the child's best interest; and

(B) identified a family or other caring adult who has made a permanent commitment to the child;

(11) ~~(8)~~ the department or authorized agency has made reasonable efforts to finalize the permanency plan that is in effect for the child; and

(12) ~~(9)~~ if the child is committed to the Texas Juvenile Justice Department [~~Youth Commission~~] or released under supervision by the Texas Juvenile Justice Department [~~Youth Commission~~], the child's needs for treatment, rehabilitation, and education are being met.

SECTION 6. Section 264.121, Family Code, is amended by adding Subsection (g) to read as follows:

(g) For a youth taking prescription medication, the department shall ensure that the youth's transition plan includes provisions to assist the youth in managing the use of the medication and in managing the child's long-term physical and mental health needs after leaving foster care, including provisions that inform the youth about:

(1) the use of the medication;

(2) the resources that are available to assist the youth in managing the use of the medication; and

(3) informed consent and the provision of medical care in accordance with Section 266.010(l).

SECTION 7. Section 266.001, Family Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (6), and (7) to read as follows:

(1) "Advanced practice nurse" has the meaning assigned by Section 157.051, Occupations Code.

(1-a) "Commission" means the Health and Human Services Commission.

(6) "Physician assistant" has the meaning assigned by Section 157.051, Occupations Code.

(7) "Psychotropic medication" means a medication that is prescribed for the treatment of symptoms of psychosis or another mental, emotional, or behavioral disorder and that is used to exercise an effect on the central nervous system to influence and modify behavior, cognition, or affective state. The term includes the following categories when used as described by this subdivision:

(A) psychomotor stimulants;

(B) antidepressants;

(C) antipsychotics or neuroleptics;

(D) agents for control of mania or depression;

(E) antianxiety agents; and

(F) sedatives, hypnotics, or other sleep-promoting medications.

SECTION 8. Section 266.004, Family Code, is amended by adding Subsections (h-1) and (h-2) to read as follows:

(h-1) The training required by Subsection (h) must include training related to informed consent for the administration of psychotropic medication and the appropriate use of psychosocial therapies, behavior strategies, and other non-pharmacological interventions that should be considered before or concurrently with the administration of psychotropic medications.

(h-2) Each person required to complete a training program under Subsection (h) must acknowledge in writing that the person:

(1) has received the training described by Subsection (h-1);

(2) understands the principles of informed consent for the administration of psychotropic medication; and

(3) understands that non-pharmacological interventions should be considered and discussed with the prescribing physician, physician assistant, or advanced practice nurse before consenting to the use of a psychotropic medication.

SECTION 9. Chapter 266, Family Code, is amended by adding Section 266.0042 to read as follows:

Sec. 266.0042. CONSENT FOR PSYCHOTROPIC MEDICATION. Consent to the administration of a psychotropic medication is valid only if:

(1) the consent is given voluntarily and without undue influence; and

(2) the person authorized by law to consent for the foster child receives verbally or in writing information that describes:

(A) the specific condition to be treated;

(B) the beneficial effects on that condition expected from the medication;

(C) the probable health and mental health consequences of not consenting to the medication;

(D) the probable clinically significant side effects and risks associated with the medication; and

(E) the generally accepted alternative medications and non-pharmacological interventions to the medication, if any, and the reasons for the proposed course of treatment.

SECTION 10. The heading to Section 266.005, Family Code, is amended to read as follows:

Sec. 266.005. PARENTAL NOTIFICATION OF CERTAIN ~~[SIGNIFICANT]~~ MEDICAL CONDITIONS.

SECTION 11. Section 266.005, Family Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) The department shall notify the child's parents of the initial prescription of a psychotropic medication to a foster child and of any change in dosage of the psychotropic medication at the first scheduled meeting between the parents and the child's caseworker after the date the psychotropic medication is prescribed or the dosage is changed.

(c) The department is not required to provide notice under Subsection (b) or (b-1) to a parent who:

(1) has failed to give the department current contact information and cannot be located;

(2) has executed an affidavit of relinquishment of parental rights;

(3) has had the parent's parental rights terminated; or

(4) has had access to medical information otherwise restricted by the court.

SECTION 12. Section 266.007(a), Family Code, is amended to read as follows:

(a) At each hearing under Chapter 263, or more frequently if ordered by the court, the court shall review a summary of the medical care provided to the foster child since the last hearing. The summary must include information regarding:

(1) the nature of any emergency medical care provided to the child and the circumstances necessitating emergency medical care, including any injury or acute illness suffered by the child;

(2) all medical and mental health treatment that the child is receiving and the child's progress with the treatment;

(3) any medication prescribed for the child, ~~and~~ the condition, diagnosis, and symptoms for which the medication was prescribed, and the child's progress with the medication;

(4) for a child receiving a psychotropic medication:

(A) any psychosocial therapies, behavior strategies, or other non-pharmacological interventions that have been provided to the child; and

(B) the dates since the previous hearing of any office visits the child had with the prescribing physician, physician assistant, or advanced practice nurse as required by Section 266.011;

(5) the degree to which the child or foster care provider has complied or failed to comply with any plan of medical treatment for the child;

(6) [~~5~~] any adverse reaction to or side effects of any medical treatment provided to the child;

(7) [~~6~~] any specific medical condition of the child that has been diagnosed or for which tests are being conducted to make a diagnosis;

(8) [~~7~~] any activity that the child should avoid or should engage in that might affect the effectiveness of the treatment, including physical activities, other medications, and diet; and

(9) [~~8~~] other information required by department rule or by the court.

SECTION 13. Chapter 266, Family Code, is amended by adding Section 266.011 to read as follows:

Sec. 266.011. MONITORING USE OF PSYCHOTROPIC DRUG. The person authorized to consent to medical treatment for a foster child prescribed a psychotropic medication shall ensure that the child has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days to allow the physician, physician assistant, or advanced practice nurse to:

(1) appropriately monitor the side effects of the medication; and

(2) determine whether:

(A) the medication is helping the child achieve the treatment goals;

and

(B) continued use of the medication is appropriate.

SECTION 14. Section 533.0161(b), Government Code, is amended to read as follows:

(b) The commission shall implement a system under which the commission will use Medicaid prescription drug data to monitor the prescribing of psychotropic drugs for ~~children who are~~:

(1) children who are in the conservatorship of the Department of Family and Protective Services[;] and

[~~2~~] enrolled in the STAR Health Medicaid managed care program or eligible for both Medicaid and Medicare; and

(2) children who are under the supervision of the Department of Family and Protective Services through an agreement under the Interstate Compact on the Placement of Children under Subchapter B, Chapter 162, Family Code.

SECTION 15. The heading to Subchapter A, Chapter 266, Family Code, is repealed.

SECTION 16. The changes in law made by this Act apply to a suit affecting the parent-child relationship pending in a trial court on or filed on or after the effective date of this Act.

SECTION 17. This Act takes effect September 1, 2013.



**HB 2462 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

Representative S. Thompson called up with senate amendments for consideration at this time,

**HB 2462**, A bill to be entitled An Act relating to automobile club memberships offered in connection with certain motor vehicle retail installment contracts.

Representative S. Thompson moved to concur in the senate amendments to **HB 2462**.

The motion to concur in the senate amendments to **HB 2462** prevailed by (Record 889): 139 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Schaefer; Stickland.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Creighton; Huberty; Klick.

**STATEMENTS OF VOTE**

When Record No. 889 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 889 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 2462**, A bill to be entitled An Act relating to automobile club memberships offered in connection with certain motor vehicle retail installment contracts.

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

SECTION 1. Section 348.005, Finance Code, is amended to read as follows:

Sec. 348.005. ITEMIZED CHARGE. An amount in a retail installment contract is an itemized charge if the amount is not included in the cash price and is the amount of:

(1) fees for registration, certificate of title, and license and any additional registration fees charged by a full service deputy under Section 520.008 [~~502.114~~], Transportation Code;

(2) any taxes;

(3) fees or charges prescribed by law and connected with the sale or inspection of the motor vehicle; and

(4) charges authorized for insurance, service contracts, warranties, automobile club memberships, or a debt cancellation agreement by Subchapter C.

SECTION 2. Subchapter E, Chapter 348, Finance Code, is amended by adding Section 348.414 to read as follows:

Sec. 348.414. AUTOMOBILE CLUB MEMBERSHIP OFFERED IN CONNECTION WITH RETAIL INSTALLMENT CONTRACT. (a) A retail seller may, at the time a retail installment contract is executed, offer to sell to the retail buyer an automobile club membership.

(b) The retail seller shall give the retail buyer written notice at the time the retail installment contract is executed that the retail buyer:

(1) is not required to purchase the membership as a condition for approval of the contract; and

(2) is entitled to cancel the membership and receive a full refund of the purchase price of the membership before the 31st day after the date the contract is executed.

(c) The retail seller shall notify the retail buyer if the membership includes services that are provided by the manufacturer as part of the motor vehicle purchase.

(d) The amount charged for a membership as authorized by Subsection (a) must be reasonable.

SECTION 3. The changes in law made by this Act apply only to a retail installment contract executed on or after the effective date of this Act. A retail installment contract executed before the effective date of this Act is governed by the law in effect when the retail installment contract was executed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

**HB 15 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 15**, A bill to be entitled An Act relating to level of care designations for hospitals that provide neonatal and maternal services.

Representative Kolkhorst moved to concur in the senate amendments to **HB 15**.

The motion to concur in the senate amendments to **HB 15** prevailed by (Record 890): 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; 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; 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; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Coleman; Giddings; Huberty; Klick; Longoria; Moody; Toth.

**STATEMENTS OF VOTE**

When Record No. 890 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 890 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

When Record No. 890 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 15**, A bill to be entitled An Act relating to level of care designations for hospitals that provide neonatal and maternal services.

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

SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter H to read as follows:

#### SUBCHAPTER H. HOSPITAL LEVEL OF CARE DESIGNATIONS FOR NEONATAL AND MATERNAL CARE

Sec. 241.181. DEFINITIONS. In this subchapter:

- (1) "Department" means the Department of State Health Services.
- (2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

Sec. 241.182. LEVEL OF CARE DESIGNATIONS. (a) The executive commissioner, in accordance with the rules adopted under Section 241.183, shall assign level of care designations to each hospital based on the neonatal and maternal services provided at the hospital.

(b) A hospital may receive different level designations for neonatal and maternal care, respectively.

Sec. 241.183. RULES. (a) The executive commissioner, in consultation with the department, shall adopt rules:

- (1) establishing the levels of care for neonatal and maternal care to be assigned to hospitals;
- (2) prescribing criteria for designating levels of neonatal and maternal care, respectively, including specifying the minimum requirements to qualify for each level designation;
- (3) establishing a process for the assignment of levels of care to a hospital for neonatal and maternal care, respectively;
- (4) establishing a process for amending the level of care designation requirements, including a process for assisting facilities in implementing any changes made necessary by the amendments;
- (5) dividing the state into neonatal and maternal care regions;
- (6) facilitating transfer agreements through regional coordination;
- (7) requiring payment, other than quality or outcome-based funding, to be based on services provided by the facility, regardless of the facility's level of care designation; and
- (8) prohibiting the denial of a neonatal or maternal level of care designation to a hospital that meets the minimum requirements for that level of care designation.

(b) The criteria for levels one through three of neonatal and maternal care adopted under Subsection (a)(2) may not include requirements related to the number of patients treated at a hospital.

(c) The Health and Human Services Commission shall study patient transfers that are not medically necessary but would be cost-effective. Based on the study under this subsection, if the executive commissioner determines that the transfers are feasible and desirable, the executive commissioner may adopt rules addressing those transfers.

(d) Each level of care designation must require a hospital to regularly submit outcome and other data to the department as required or requested.

(e) The criteria a hospital must achieve to receive each level of care designation must be posted on the department's Internet website.

Sec. 241.184. CONFIDENTIALITY; PRIVILEGE. (a) All information and materials submitted by a hospital to the department under Section 241.183(d) are confidential and:

(1) are not subject to disclosure under Chapter 552, Government Code, or discovery, subpoena, or other means of legal compulsion for release to any person; and

(2) may not be admitted as evidence or otherwise disclosed in any civil, criminal, or administrative proceeding.

(b) The confidentiality protections under Subsection (a) apply without regard to whether the information or materials are submitted by a hospital or an entity that has an ownership or management interest in a hospital.

(c) A state employee or officer may not be examined in a civil, criminal, or special proceeding, or any other proceeding, regarding the existence or contents of information or materials submitted to the department under Section 241.183(d).

(d) The submission of information or materials under Section 241.183(d) is not a waiver of a privilege or protection granted under law.

(e) The provisions of this section regarding the confidentiality of information or materials submitted by a hospital in compliance with Section 241.183(d) do not restrict access, to the extent authorized by law, by the patient or the patient's legally authorized representative to records of the patient's medical diagnosis or treatment or to other primary health records.

(f) A department summary or disclosure, including an assignment of a level of care designation, may not contain information identifying a patient, employee, contractor, volunteer, consultant, health care practitioner, student, or trainee.

Sec. 241.185. ASSIGNMENT OF LEVEL OF CARE DESIGNATION. (a) The executive commissioner, in consultation with the department, shall assign the appropriate level of care designation to each hospital that meets the minimum standards for that level of care. The executive commissioner shall evaluate separately the neonatal and maternal services provided at the hospital and assign the respective level of care designations accordingly.

(b) Every three years, the executive commissioner and the department shall review the level of care designations assigned to each hospital and, as necessary, assign a hospital a different level of care designation or remove the hospital's level of care designation.

(c) A hospital may request a change of designation at any time. On request under this subsection, the executive commissioner and the department shall review the hospital's request and, as necessary, change the hospital's level of care designation.

Sec. 241.186. HOSPITAL NOT DESIGNATED. A hospital that does not meet the minimum requirements for any level of care designation for neonatal or maternal services:

(1) may not receive a level of care designation for those services; and  
(2) is not eligible to receive reimbursement through the Medicaid program for neonatal or maternal services, as applicable, except emergency services required to be provided or reimbursed under state or federal law.

Sec. 241.187. PERINATAL ADVISORY COUNCIL. (a) In this section, "advisory council" means the Perinatal Advisory Council established under this section.

(b) The advisory council consists of 17 members appointed by the executive commissioner as follows:

(1) four physicians licensed to practice medicine under Subtitle B, Title 3, Occupations Code, specializing in neonatology;

(A) at least two of whom practice in a Level III or IV neonatal intensive care unit; and

(B) at least one of whom practices in a neonatal intensive care unit of a hospital located in a rural area;

(2) one physician licensed to practice medicine under Subtitle B, Title 3, Occupations Code, specializing in general pediatrics;

(3) two physicians licensed to practice medicine under Subtitle B, Title 3, Occupations Code, specializing in obstetrics-gynecology;

(4) two physicians licensed to practice medicine under Subtitle B, Title 3, Occupations Code, specializing in maternal fetal medicine;

(5) one physician licensed to practice medicine under Subtitle B, Title 3, Occupations Code, specializing in family practice who provides obstetrical care in a rural community;

(6) one registered nurse licensed under Subtitle E, Title 3, Occupations Code, with expertise in maternal health care delivery;

(7) one registered nurse licensed under Subtitle E, Title 3, Occupations Code, with expertise in perinatal health care delivery;

(8) one representative from a children's hospital;

(9) one representative from a hospital with a Level II neonatal intensive care unit;

(10) one representative from a rural hospital;

(11) one representative from a general hospital; and

(12) one ex officio representative from the office of the medical director of the Health and Human Services Commission.

(c) To the extent possible, the executive commissioner shall appoint members to the advisory council who previously served on the Neonatal Intensive Care Unit Council established under Chapter 818 (HB 2636), Acts of the 82nd Legislature, Regular Session, 2011.

(d) Members of the advisory council described by Subsections (b)(1)-(11) serve staggered three-year terms, with the terms of five or six of those members expiring September 1 of each year. A member may be reappointed to the advisory council.

(e) A member of the advisory council serves without compensation but is entitled to reimbursement for actual and necessary travel expenses related to the performance of advisory council duties.

(f) The department, with recommendations from the advisory council, shall develop a process for the designation and updates of levels of neonatal and maternal care at hospitals in accordance with this subchapter.

(g) The advisory council shall:

(1) develop and recommend criteria for designating levels of neonatal and maternal care, respectively, including specifying the minimum requirements to qualify for each level designation;

(2) develop and recommend a process for the assignment of levels of care to a hospital for neonatal and maternal care, respectively;

(3) make recommendations for the division of the state into neonatal and maternal care regions;

(4) examine utilization trends relating to neonatal and maternal care;  
and

(5) make recommendations related to improving neonatal and maternal outcomes.

(h) In developing the criteria for the levels of neonatal and maternal care, the advisory council shall consider:

(1) any recommendations or publications of the American Academy of Pediatrics and the American Congress of Obstetricians and Gynecologists, including "Guidelines for Perinatal Care";

(2) any guidelines developed by the Society of Maternal-Fetal Medicine; and

(3) the geographic and varied needs of citizens of this state.

(i) In developing the criteria for designating levels one through three of neonatal and maternal care, the advisory council may not consider the number of patients treated at a hospital.

(j) The advisory council shall submit a report detailing the advisory council's determinations and recommendations to the department and the executive commissioner not later than September 1, 2015.

(k) The advisory council shall continue to update its recommendations based on any relevant scientific or medical developments.

(l) The advisory council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the advisory council is abolished and this section expires September 1, 2025.

SECTION 2. (a) Not later than December 1, 2013, the executive commissioner of the Health and Human Services Commission shall appoint the members of the Perinatal Advisory Council as required by Section 241.187,

Health and Safety Code, as added by this Act. Notwithstanding Section 241.187(d), Health and Safety Code, as added by this Act, the executive commissioner shall appoint:

(1) two members described by Section 241.187(b)(1), Health and Safety Code, one member described by Section 241.187(b)(3), Health and Safety Code, and the members described by Sections 241.187(b)(6) and (9), Health and Safety Code, to an initial term that expires September 1, 2017;

(2) one member described by Section 241.187(b)(1), Health and Safety Code, one member described by Section 241.187(b)(3), Health and Safety Code, one member described by Section 241.187(b)(4), Health and Safety Code, and the members described by Sections 241.187(b)(2), (7), and (10), Health and Safety Code, to an initial term that expires September 1, 2018; and

(3) one member described by Section 241.187(b)(1), Health and Safety Code, one member described by Section 241.187(b)(4), Health and Safety Code, and the members described by Sections 241.187(b)(5), (8), and (11), Health and Safety Code, to an initial term that expires September 1, 2019.

(b) Not later than March 1, 2017, after consideration of the report of the Perinatal Advisory Council, the executive commissioner of the Health and Human Services Commission shall adopt the initial rules required by Section 241.183, Health and Safety Code, as added by this Act.

(c) The executive commissioner of the Health and Human Services Commission shall complete for each hospital in this state:

(1) the neonatal level of care designation not later than August 31, 2017; and

(2) the maternal level of care designation not later than August 31, 2019.

(d) Notwithstanding Section 241.186, Health and Safety Code, as added by this Act:

(1) a hospital is not required to have a neonatal level of care designation as a condition of reimbursement for neonatal services through the Medicaid program before September 1, 2017; and

(2) a hospital is not required to have a maternal level of care designation as a condition of reimbursement for maternal services through the Medicaid program before September 1, 2019.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 4. This Act takes effect September 1, 2013.

### **HB 248 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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



**HB 248**, A bill to be entitled An Act relating to the regulation of automotive wrecking and salvage yards in certain counties.

Representative Walle moved to concur in the senate amendments to **HB 248**.

The motion to concur in the senate amendments to **HB 248** prevailed by (Record 891): 132 Yeas, 5 Nays, 3 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; 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; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Goldman; Hilderbran; Schaefer; Stickland; Taylor.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Allen; Coleman; Huberty; Hughes; Klick; Miles.

#### STATEMENTS OF VOTE

When Record No. 891 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 891 was taken, I was excused because of important business in the district. I would have voted no.

Simmons

#### Senate Committee Substitute

**CSHB 248**, A bill to be entitled An Act relating to the regulation of automotive wrecking and salvage yards in certain counties.

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

SECTION 1. Section 397.011, Transportation Code, is amended to read as follows:

Sec. 397.011. LOCATION OF YARD. (a) Except as otherwise provided by this subsection and Subsection (b), an automotive wrecking and salvage yard may not be established within 600 [300] feet of an existing church, school, or residence. A yard may be established within 600 feet of a residence if the same person owns the residence and the yard.

(b) An automotive wrecking and salvage yard that is established on or after September 1, 1983, and before September 1, 2013, may not be established within 300 feet of an existing church, school, or residence except that a yard may be established within 300 feet of a residence if the same person owns the residence and the yard.

(c) Distance [The distance] is measured under this section beginning at the wall of the church, school, or residence that is closest to the yard and ending at the fence required by this chapter.

~~[(b) An automotive wrecking and salvage yard may be established within 300 feet of a residence if the same person owns the residence and the yard.]~~

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

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

## **HB 1762 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1762**, A bill to be entitled An Act relating to workers' compensation and other remedies available to an injured temporary employee.

Representative Price moved to concur in the senate amendments to **HB 1762**.

The motion to concur in the senate amendments to **HB 1762** prevailed by (Record 892): 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; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie;

Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Coleman; Huberty; Klick.

### STATEMENTS OF VOTE

When Record No. 892 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 892 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 1762**, A bill to be entitled An Act relating to workers' compensation and other remedies available to an injured temporary employee.

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

SECTION 1. Chapter 93, Labor Code, is amended by adding Section 93.004 to read as follows:

Sec. 93.004. **WORKERS' COMPENSATION INSURANCE COVERAGE.**

(a) A certificate of insurance coverage showing that a temporary employment service maintains a policy of workers' compensation insurance constitutes proof of workers' compensation insurance coverage for the temporary employment service and the client of the temporary employment service with respect to all employees of the temporary employment service assigned to the client. The state or a political subdivision of the state shall accept a certificate of insurance coverage described by this section as proof of workers' compensation coverage under Chapter 406.

(b) For workers' compensation insurance purposes, if a temporary employment service elects to obtain workers' compensation insurance, the client of the temporary employment service and the temporary employment service are subject to Sections 406.034 and 408.001.

(c) Except as provided by Subsection (d), an employee's election under Section 406.034(b) made with respect to the temporary employment service applies to any client of the temporary employment service, and the employee may not make a separate election under that section with respect to the client.

(d) If an employee elects to retain a common-law right of action under Section 406.034(b) with respect to the temporary employment service, that election does not apply to a client of that temporary employment service if the client is not subject to Section 406.034.

SECTION 2. The change in law made by this Act applies only to a claim based on a work-related injury that occurs on or after the effective date of this Act. A claim based on a work-related injury that occurs before the effective date of this Act is governed by the law in effect on the date the injury occurred, and the former law is continued in effect for that purpose.

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

### **HB 798 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative S. Thompson called up with senate amendments for consideration at this time,

**HB 798**, A bill to be entitled An Act relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.

Representative S. Thompson moved to concur in the senate amendments to **HB 798**.

The motion to concur in the senate amendments to **HB 798** prevailed by (Record 893): 140 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; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; 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; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Coleman; González, M.; Huberty; Klick.

**STATEMENTS OF VOTE**

When Record No. 893 was taken, I was in the house but away from my desk. I would have voted yes.

M. González

When Record No. 893 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 893 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

**Senate Committee Substitute**

**CSHB 798**, A bill to be entitled An Act relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.

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

SECTION 1. Section 53.021, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Subsection (a) does not apply to a person who has been convicted only of an offense punishable as a Class C misdemeanor unless:

(1) the person is an applicant for or the holder of a license that authorizes the person to possess a firearm; and

(2) the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by 18 U.S.C. Section 921.

SECTION 2. The change in law made by this Act applies to an application for, or a disciplinary proceeding regarding, a license or other authorization that is pending with a licensing authority on the effective date of this Act or an application filed or a disciplinary proceeding commenced on or after that date.

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

**HB 1917 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative E. Rodriguez called up with senate amendments for consideration at this time,

**HB 1917**, A bill to be entitled An Act relating to alcoholic beverage advertising on the outside of certain vehicles.

Representative E. Rodriguez moved to concur in the senate amendments to **HB 1917**.

The motion to concur in the senate amendments to **HB 1917** prevailed by (Record 894): 133 Yeas, 8 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick;

Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Stephenson; Strama; Taylor; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Geren; Hughes; Phillips; Schaefer; Simpson; Springer; Stickland; Thompson, E.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Huberty; Klick.

#### STATEMENTS OF VOTE

When Record No. 894 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 894 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

#### Senate Committee Substitute

**CSHB 1917**, A bill to be entitled An Act relating to alcoholic beverage advertising on the outside of certain vehicles.

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

SECTION 1. Section 108.52, Alcoholic Beverage Code, is amended by adding Subsection (i) to read as follows:

(i) Outdoor advertising of an alcoholic beverage or of the business of any person engaged in the manufacture, sale, or distribution of an alcoholic beverage may be placed on or affixed to the outside of a public transportation passenger vehicle or vehicle for hire. In this subsection:

(1) "Public transportation passenger vehicle" means a vehicle operated by a political subdivision and used for the transportation of passengers for a fee.

(2) "Vehicle for hire" includes a van, taxi, limousine, pedicab, and rickshaw and any other means of transportation available to the public for a fee.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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

Amend **CSHB 1917** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 26), strike "Subsection (i)" and substitute "Subsections (i) and (j)".

(2) In SECTION 1 of the bill, in added Section 108.52(i), Alcoholic Beverage Code (page 1, line 27), strike "Outdoor" and substitute "Except as provided by Subsection (j), outdoor".

(3) In SECTION 1 of the bill, following added Section 108.52(i), Alcoholic Beverage Code (page 1, between lines 37 and 38), insert the following:

(j) An incorporated city or town may, by ordinance, prohibit outdoor advertising described by Subsection (i) on or affixed to a vehicle for hire.

**HB 617 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative E. Rodriguez called up with senate amendments for consideration at this time,

**HB 617**, A bill to be entitled An Act relating to transition and employment services for public school students enrolled in special education programs.

Representative E. Rodriguez moved to concur in the senate amendments to **HB 617**.

The motion to concur in the senate amendments to **HB 617** prevailed by (Record 895): 93 Yeas, 48 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bonnen, D.; Branch; Burkett; Burnam; Button; Callegari; Canales; Clardy; Coleman; Collier; Cortez; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Frank; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Hunter; Johnson; Kacal; Keffer; King, S.; King, T.; Lavender; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Pickett; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Smith; Stephenson; Strama; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Walle; Workman; Wu; Zerwas.

Nays — Bell; Bohac; Bonnen, G.; Capriglione; Carter; Cook; Craddick; Creighton; Crownover; Dale; Elkins; Fallon; Fletcher; Flynn; Frullo; Geren; Goldman; Gooden; Hilderbran; Hughes; Isaac; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Leach; Lewis; Paddie; Parker; Perry; Phillips; Price; Sanford; Schaefer; Sheffield, R.; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Turner, E.S.; White; Zedler.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Huberty; Raney.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 895. I intended to vote no.

Anderson

I was shown voting no on Record No. 895. I intended to vote yes.

Bohac

I was shown voting no on Record No. 895. I intended to vote yes.

Crownover

I was shown voting no on Record No. 895. I intended to vote yes.

Geren

When Record No. 895 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. 895. I intended to vote no.

Hunter

I was shown voting yes on Record No. 895. I intended to vote no.

Lavender

I was shown voting yes on Record No. 895. I intended to vote no.

Morrison

I was shown voting yes on Record No. 895. I intended to vote no.

Sheets

When Record No. 895 was taken, I was excused because of important business in the district. I would have voted no.

Simmons

I was shown voting no on Record No. 895. I intended to vote yes.

E. Thompson

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

Amend **HB 617** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act shall be known as the Ricky Broussard Act.



**HB 2302 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2302**, A bill to be entitled An Act relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, and to certain court fees and court costs; imposing and authorizing certain fees.

Representative Lozano moved to concur in the senate amendments to **HB 2302**.

The motion to concur in the senate amendments to **HB 2302** prevailed by (Record 896): 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.; 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; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Price; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Walle; White; Workman; Wu; Zedler; Zerwas.

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

Absent — Giddings; Raney; Riddle.

**STATEMENT OF VOTE**

When Record No. 896 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

**Senate Committee Substitute**

**CSHB 2302**, A bill to be entitled An Act relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, to certain court fees and court costs, and to recovery of electronic filing fees by taxing units; imposing and authorizing certain fees.

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

SECTION 1. Chapter 21, Government Code, is amended by adding Section 21.011 to read as follows:

Sec. 21.011. ELECTRONIC OR DIGITAL SIGNATURE. A judge or justice presiding over a court in this state may sign an electronic or digital court document, including an order, judgment, ruling, notice, commission, or precept, electronically, digitally, or through another secure method. The document signed in that manner is the official document issued by the court.

SECTION 2. Chapter 51, Government Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. ELECTRONIC FILING FEE

Sec. 51.851. ELECTRONIC FILING FEE. (a) In this section, "conviction" has the meaning assigned by Section 133.101, Local Government Code.

(b) In addition to other fees authorized or required by law, the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory probate court shall collect a \$20 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.

(c) In addition to other fees authorized or required by law, the clerk of a justice court shall collect a \$10 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.

(d) In addition to other court costs, a person shall pay \$5 as a court cost on conviction of any criminal offense in a district court, county court, or statutory county court.

(e) A court may waive payment of a court cost or fee due under this section for an individual the court determines is indigent.

(f) Court costs and fees due under this section shall be collected in the same manner as other fees, fines, or costs in the case.

(g) The clerk of a district court, a county court, a statutory county court, a statutory probate court, or a justice court shall deposit the court costs and fees collected under this section in the appropriate local treasury and remit the court costs and fees to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.

(h) The clerk of the supreme court or of a court of appeals shall remit the fees collected under this section to the comptroller.

(i) The comptroller shall deposit the court costs and fees received under this section to the credit of the statewide electronic filing system fund established under Section 51.852.

(j) The comptroller may audit the records of a county related to costs and fees collected under this section.

(k) Money spent from costs and fees collected under this section is subject to audit by the state auditor.

Sec. 51.852. STATEWIDE ELECTRONIC FILING SYSTEM FUND. (a) The statewide electronic filing system fund is an account in the general revenue fund.

(b) Money in the statewide electronic filing system fund may only be appropriated to the Office of Court Administration of the Texas Judicial System and used to:

(1) support a statewide electronic filing technology project for courts in this state;

(2) provide grants to counties to implement components of the project;

or

(3) support court technology projects that have a statewide impact as determined by the office of court administration.

SECTION 3. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.031 to read as follows:

Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) In this section:

(1) "Appellate court" means the supreme court, the court of criminal appeals, or a court of appeals.

(2) "Electronic filing system" means the filing system established by supreme court rule or order for the electronic filing of documents in courts of this state.

(3) "Electronic filing transaction" means the simultaneous electronic filing of one or more documents related to a proceeding before a court in this state.

(4) "Local government" means a county or municipality.

(b) The office as authorized by supreme court rule or order may implement an electronic filing system for use in the courts of this state.

(c) A local government or appellate court that uses the electronic filing system may charge a fee of \$2 for each electronic filing transaction if:

(1) the fee is necessary to recover the actual system operating costs reasonably incurred by the local government or appellate court to:

(A) accept electronic payment methods; or

(B) interface with other technology information systems;

(2) the fee does not include an amount to recover local government or appellate court employee costs, other than costs for directly maintaining the system;

(3) the governing body of the local government or the appellate court approves the fee using the local government or appellate court's standard approval process for fee increases; and

(4) the local government or appellate court annually certifies to the office on a form prescribed by the office that the amount of the fee is necessary to recover the actual system operating costs incurred by the local government or appellate court.

(c-1) This subsection and Subsection (c) expire September 1, 2019.

(d) A local government or appellate court that uses the electronic filing system may accept electronic payment methods, including payments made with credit and debit cards.

(e) A governmental entity not otherwise required to pay a filing fee under any other law may not be required to pay a fee established under this section.

(f) A court shall waive payment of any fee due under this section for an individual the court determines is indigent.

SECTION 4. Subchapter B, Chapter 101, Government Code, is amended by adding Section 101.0211 to read as follows:

Sec. 101.0211. ADDITIONAL SUPREME COURT FEES: GOVERNMENT CODE. The clerk of the supreme court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 5. Subchapter C, Chapter 101, Government Code, is amended by adding Section 101.0411 to read as follows:

Sec. 101.0411. ADDITIONAL COURT OF APPEALS FEES: GOVERNMENT CODE. The clerk of a court of appeals shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 6. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06118 to read as follows:

Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 7. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08117 to read as follows:

Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a statutory county court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 8. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10116 to read as follows:

Sec. 101.10116. ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. The clerk of a statutory probate court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 9. Subchapter G, Chapter 101, Government Code, is amended by adding Section 101.12126 to read as follows:

Sec. 101.12126. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a county court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 10. Subchapter H, Chapter 101, Government Code, is amended by adding Section 101.1411 to read as follows:

Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT CODE. The clerk of a justice court shall collect a statewide electronic filing system fund fee of \$10 under Section 51.851, Government Code.

SECTION 11. Subchapter C, Chapter 102, Government Code, is amended by adding Section 102.0415 to read as follows:

Sec. 102.0415. ADDITIONAL COURT COSTS ON CONVICTION IN DISTRICT COURT: GOVERNMENT CODE. The clerk of a district court shall collect from a defendant a court cost on conviction of \$5 under Section 51.851, Government Code.

SECTION 12. Subchapter D, Chapter 102, Government Code, is amended by adding Section 102.0615 to read as follows:

Sec. 102.0615. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: GOVERNMENT CODE. The clerk of a statutory county court shall collect from a defendant a court cost on conviction of \$5 under Section 51.851, Government Code.

SECTION 13. Subchapter E, Chapter 102, Government Code, is amended by adding Section 102.082 to read as follows:

Sec. 102.082. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: GOVERNMENT CODE. The clerk of a county court shall collect from a defendant a court cost on conviction of \$5 under Section 51.851, Government Code.

SECTION 14. Section 103.027, Government Code, is amended to read as follows:

Sec. 103.027. MISCELLANEOUS FEES AND COSTS: GOVERNMENT CODE. (a) Fees and costs shall be paid or collected under the Government Code as follows:

(1) filing a certified copy of a judicial finding of fact and conclusion of law if charged by the secretary of state (Sec. 51.905, Government Code) . . . \$15;

(2) cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the assistant prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) . . . \$15, provided the cost does not exceed \$30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond;

(3) to participate in a court proceeding in this state, a nonresident attorney fee (Sec. 82.0361, Government Code) . . . \$250 except as waived or reduced under supreme court rules for representing an indigent person;

(4) on a party's appeal of a final decision in a contested case, the cost of preparing the original or a certified copy of the record of the agency proceeding, if required by the agency's rule, as a court cost (Sec. 2001.177, Government Code) . . . as assessed by the court, all or part of the cost of preparation;

(5) compensation to a referee in juvenile court in Wichita County taxed as costs if the judge determines the parties are able to pay the costs (Sec. 54.403, Government Code) . . . as determined by the judge; and

(6) the expense of preserving the record as a court cost in Brazos County if imposed on a party by the referring court or magistrate (Sec. 54.1111, Government Code) . . . actual cost.

(b) Any fee of \$2 charged by a local government or appellate court for an electronic filing transaction as authorized under Section 72.031(c), Government Code, shall be collected. This subsection expires September 1, 2019.

SECTION 15. Section 231.202, Family Code, is amended to read as follows:

Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D CASES. In a Title IV-D case filed under this title, including a case filed under Chapter 159, the Title IV-D agency shall pay only the following costs and fees:

(1) filing fees and fees for issuance and service of process as provided by Chapter 110 of this code and by Sections 51.317(b)(1), (2), and (3) and (b-1), 51.318(b)(2), and 51.319(2), Government Code;

(2) fees for transfer as provided by Chapter 110;

(3) fees for the issuance and delivery of orders and writs of income withholding in the amounts provided by Chapter 110;

(4) the fee for services provided by sheriffs and constables, including:

(A) a fee authorized under Section 118.131, Local Government Code, for serving each item of process to each individual on whom service is required, including service by certified or registered mail; and

(B) a fee authorized under Section 157.103(b) for serving a *capias*;

(5) the fee for filing an administrative writ of withholding under Section 158.503(d);

(6) the fee for issuance of a subpoena as provided by Section 51.318(b)(1), Government Code; and

(7) a fee authorized by Section 72.031, Government Code, ~~[under a local rule]~~ for the electronic filing of documents with a clerk.

SECTION 16. Section 231.204, Family Code, is amended to read as follows:

Sec. 231.204. PROHIBITED FEES IN TITLE IV-D CASES. Except as provided by this subchapter, an appellate court, a clerk of an appellate court, a district or county clerk, sheriff, constable, or other government officer or employee may not charge the Title IV-D agency or a private attorney or political subdivision that has entered into a contract to provide Title IV-D services any fees or other amounts otherwise imposed by law for services rendered in, or in connection with, a Title IV-D case, including:

(1) a fee payable to a district clerk for:

(A) performing services related to the estates of deceased persons or minors;

(B) certifying copies; or

(C) comparing copies to originals;

(2) a court reporter fee, except as provided by Section 231.209;

(3) a judicial fund fee;

(4) a fee for a child support registry, enforcement office, or domestic relations office;

- (5) a fee for alternative dispute resolution services; ~~[and]~~
- (6) a filing fee or other costs payable to a clerk of an appellate court;

and

- (7) a statewide electronic filing system fund fee.

SECTION 17. Section 133.058(d), Local Government Code, is amended to read as follows:

- (d) A county may not retain a service fee on the collection of a fee:

- (1) for the judicial fund; ~~[or]~~

(2) under Sections 14 and 19, Article 42.12, Code of Criminal Procedure; or

- (3) under Section 51.851, Government Code.

SECTION 18. The imposition of a cost of court on conviction under Section 51.851, Government Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 19. Section 33.48(a), Tax Code, is amended to read as follows:

(a) In addition to other costs authorized by law, a taxing unit is entitled to recover the following costs and expenses in a suit to collect a delinquent tax:

(1) all usual court costs, including the cost of serving process and electronic filing fees;

- (2) costs of filing for record a notice of lis pendens against property;

- (3) expenses of foreclosure sale;

(4) reasonable expenses that are incurred by the taxing unit in determining the name, identity, and location of necessary parties and in procuring necessary legal descriptions of the property on which a delinquent tax is due;

(5) attorney's fees in the amount of 15 percent of the total amount of taxes, penalties, and interest due the unit; and

(6) reasonable attorney ad litem fees approved by the court that are incurred in a suit in which the court orders the appointment of an attorney to represent the interests of a defendant served with process by means of citation by publication or posting.

SECTION 20. Section 33.49(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a taxing unit is not liable in a suit to collect taxes for court costs, including any fees for service of process and electronic filing fees, an attorney ad litem, arbitration, or mediation, and may not be required to post security for costs.

SECTION 21. (a) Section 51.607, Government Code, does not apply to the imposition of a fee assessed under:

- (1) Section 51.851, Government Code, as added by this Act;

- (2) Section 101.0211, Government Code, as added by this Act;

- (3) Section 101.0411, Government Code, as added by this Act;

- (4) Section 101.06118, Government Code, as added by this Act;

- (5) Section 101.08117, Government Code, as added by this Act;
- (6) Section 101.10116, Government Code, as added by this Act;
- (7) Section 101.12126, Government Code, as added by this Act;
- (8) Section 101.1411, Government Code, as added by this Act;
- (9) Section 102.0415, Government Code, as added by this Act;
- (10) Section 102.0615, Government Code, as added by this Act; or
- (11) Section 102.082, Government Code, as added by this Act.

(b) The changes in law made by this Act apply only to a fee that becomes payable on or after September 1, 2013. A fee that becomes payable before that date is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 22. Not later than December 1, 2018, the Office of Court Administration of the Texas Judicial System shall file a report with the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with jurisdiction over the judiciary detailing the number of local governments and appellate courts collecting a fee under Section 72.031(c), Government Code, as added by this Act, and the necessity of the local governments and appellate courts to continue collecting the fee.

SECTION 23. This Act takes effect September 1, 2013.

## **HB 86 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 86**, A bill to be entitled An Act relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

Representative Callegari moved to concur in the senate amendments to **HB 86**.

The motion to concur in the senate amendments to **HB 86** prevailed by (Record 897): 144 Yeas, 0 Nays, 2 Present, not voting.

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



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

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

Absent, Excused — Orr; Simmons; Vo.

Absent, Excused, Committee Meeting — Pitts.

### STATEMENT OF VOTE

When Record No. 897 was taken, I was excused because of important business in the district. I would have voted yes.

Simmons

### Senate Committee Substitute

**CSHB 86**, A bill to be entitled An Act relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

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

SECTION 1. Chapter 325, Government Code, is amended by adding Section 325.0115 to read as follows:

Sec. 325.0115. CRITERIA FOR REVIEW OF CERTAIN AGENCIES.

(a) In this section:

(1) "License" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular occupation or profession.

(2) "Public interest" means protection from a present and recognizable harm to public health, safety, or welfare. The term does not include speculative threats, or other non-demonstrable menaces to public health, safety, or welfare. For the purposes of this subdivision, the term "welfare" includes the financial health of the public when the absence of governmental regulation unreasonably increases risk and liability to broad classes of consumers.

(b) In an assessment of an agency that licenses an occupation or profession, the commission and its staff shall consider:

(1) whether the occupational licensing program:

(A) serves a meaningful, defined public interest; and

(B) provides the least restrictive form of regulation that will adequately protect the public interest;

(2) the extent to which the regulatory objective of the occupational licensing program may be achieved through market forces, private or industry certification and accreditation programs, or enforcement of other law;

(3) the extent to which licensing criteria, if applicable, ensure that applicants have occupational skill sets or competencies that correlate with a public interest and the impact that those criteria have on applicants, particularly those with moderate or low incomes, seeking to enter the occupation or profession; and

(4) the impact of the regulation, including the extent to which the program stimulates or restricts competition and affects consumer choice and the cost of services.

SECTION 2. Chapter 325, Government Code, is amended by adding Section 325.023 to read as follows:

Sec. 325.023. REVIEW OF PROPOSED LEGISLATION REGULATING AN OCCUPATION. (a) Not later than December 31 of an odd-numbered year, a member of the legislature may submit proposed legislation that would create an occupational licensing program or significantly affect an existing occupational licensing program to the commission for review and analysis. A request under this section may be submitted after December 31 of an odd-numbered year on the approval of the commission's chair based on the recommendation of the executive director. The commission's chair may, on the recommendation of the executive director, deny a request for review under this section.

(b) If the commission reviews and analyzes legislation proposing the regulation of an occupation, the commission shall submit a report to the legislature before the start of the next legislative session regarding the commission's findings on the need for regulating the occupation and the type of regulation recommended, if any.

(c) In analyzing legislation proposing the creation of an occupational licensing program, the commission shall determine whether:

(1) the unregulated practice of the occupation would be inconsistent with the public interest as defined by Section 325.0115;

(2) the public can reasonably be expected to benefit from an assurance of initial and continuing professional skill sets or competencies; and

(3) the public can be more effectively protected by means other than state regulation.

(d) If the commission reviews and analyzes proposed legislation amending an existing occupational licensing program, the commission shall submit a report to the legislature before the start of the next legislative session regarding the commission's findings on the need for the proposed legislation.

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

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Land and Resource Management to meet while the house is in session, at 8:30 a.m. tomorrow, in E2.016, to consider **SB 1560**.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, upon final recess today, Desk 5, for a formal meeting, to consider pending business.

Agriculture and Livestock, upon final recess today, Desk 28, for a formal meeting, to consider **SB 1554**.

Public Health, upon final recess today, 3W.15, for a formal meeting, to consider pending business.

Transportation, upon final recess today, Desk 26, for a formal meeting, to consider **SB 1029**, **SB 1917**, and pending business.

### RECESS

Representative Wu moved that the house recess until 9 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 5:31 p.m., recessed until 9 a.m. tomorrow.

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### ADDENDUM

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#### SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

##### House List No. 32

**HB 64, HB 144, HB 341, HB 389, HB 403, HB 410, HB 434, HB 480, HB 511, HB 567, HB 570, HB 622, HB 625, HB 634, HB 695, HB 740, HB 748, HB 762, HB 768, HB 797, HB 799, HB 878, HB 938, HB 949, HB 1204, HB 1205, HB 1247, HB 1264, HB 1265, HB 1334, HB 1347, HB 1395, HB 1624, HB 1648, HB 1718, HB 1760, HB 1871, HB 1952, HB 1972, HB 2016, HB 2051, HB 2058, HB 2103, HB 2105, HB 2252, HB 2256, HB 2263, HB 2459, HB 2475, HB 2536, HB 2571, HB 2637, HB 2710, HB 2892, HB 3031, HB 3163, HB 3337, HB 3900, HCR 55**

##### Senate List No. 28

**SB 204, SB 259, SB 383, SB 385, SB 423, SB 441, SB 479, SB 559, SB 566, SB 634, SB 703, SB 704, SB 705, SB 801, SB 825, SB 828, SB 853, SB 985, SB 1008, SB 1060, SB 1096, SB 1134, SB 1240, SB 1423, SB 1476, SB 1487, SB 1532, SB 1862, SCR 20, SCR 26**

##### Senate List No. 29

**SB 1611**

#### 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 16, 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 250** Miller, Doug SPONSOR: Estes  
 Relating to the designation of a segment of Interstate Highway 35 as the Trooper Randy Vetter Memorial Highway.

**HB 396** Thompson, Senfronia SPONSOR: Huffman  
 Relating to providing a federal postcard applicant with a ballot for certain elections in which the applicant is eligible to vote.  
 (Amended)

**HB 616** Darby SPONSOR: Seliger  
 Relating to restoring the jurisdiction of the constitutional county court in Glasscock County.  
 (Committee Substitute)

**HB 773** Farney SPONSOR: Schwertner  
 Relating to a requirement that students at an open-enrollment charter school recite the pledges of allegiance to the United States flag and the state flag.  
 (Amended)

**HB 1000** Oliveira SPONSOR: Hinojosa  
 Relating to the creation of a new university in South Texas within The University of Texas System.  
 (Committee Substitute)

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 377** (29 Yeas, 0 Nays)

**SB 715** (29 Yeas, 0 Nays)

**SB 914** (29 Yeas, 0 Nays)

**SB 1142** (29 Yeas, 0 Nays)

**SB 1541** (29 Yeas, 0 Nays)

**SB 1868** (29 Yeas, 0 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**SB 1312**

(29 Yeas, 0 Nays)

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 15**

Corrections - **SB 511, SB 1185, SB 1832**

Criminal Jurisprudence - **SB 107, SB 187, SB 391, SB 1173, SB 1192**

Economic and Small Business Development - **SB 1636**

Elections - **SB 553, SB 637, SB 817, SB 904**

Environmental Regulation - **SB 791**

Higher Education - **SB 31, SB 67, SB 533, SB 691, SB 1855**

Human Services - **SB 66, SB 913, SB 1150, SB 1542, SB 1836**

Insurance - **SB 644, SB 736, SB 1216, SB 1221, SB 1484, SB 1567, SB 1672**

Licensing and Administrative Procedures - **SB 408**

Natural Resources - **HB 3945, SB 168, SB 281, SB 662, SB 856, SB 918, SB 1031, SB 1086, SB 1169, SB 1282, SB 1385, SB 1387, SB 1823, SB 1854**

Pensions - **SB 1459**

Public Health - **SB 126, SB 127**

Special Purpose Districts - **SB 280, SB 522, SB 623, SB 628, SB 1820, SB 1821, SB 1828, SB 1838, SB 1846, SB 1847, SB 1852, SB 1858, SB 1859, SB 1864, SB 1869, SB 1870, SB 1878, SB 1884, SB 1890, SB 1893**

State Affairs - **HCR 114**

Transportation - **SB 1605, SB 1914**

**ENROLLED**

**May 15 - HB 64, HB 144, HB 341, HB 389, HB 403, HB 410, HB 434, HB 480, HB 511, HB 567, HB 570, HB 622, HB 625, HB 634, HB 695, HB 740, HB 748, HB 762, HB 768, HB 797, HB 799, HB 878, HB 938, HB 949, HB 1204, HB 1205, HB 1247, HB 1264, HB 1265, HB 1334, HB 1347, HB 1395, HB 1624, HB 1648, HB 1718, HB 1760, HB 1871, HB 1952, HB 1972, HB 2016, HB 2051, HB 2058, HB 2103, HB 2105,**

**HB 2252, HB 2256, HB 2263, HB 2459, HB 2475, HB 2536, HB 2571,  
HB 2637, HB 2710, HB 2892, HB 3031, HB 3163, HB 3337, HB 3900,  
HCR 55**

**SENT TO THE GOVERNOR**

**May 15 - HB 1222, HB 1421, HB 2961, HCR 92**