

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-SEVENTH DAY — MONDAY, MAY 11, 2015

The house met at 10:03 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 838).

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

Absent, Excused — Smithee; Turner, C.; Turner, E.S.; Vo; White, M.

The speaker recognized Representative Rose who introduced Dr. Patrick Rucker, reverend, Koinonia Missionary Baptist Church, Dallas, who offered the invocation as follows:

O God, our creator and redeemer, we come before you with humbleness seeking your forgiveness and thanking and praising you for our great State of Texas. We come praying for all government officials. We pray for the guidance and wisdom of the president, that he may conduct the affairs of national government with bravery and true justice. We pray for the members of this legislative body, that they may truly represent the needs of the people and work in harmony for the advancement of all men, women, and children. So we ask that you would grant all of our leaders the gifts of wisdom, justice, counsel, and fortitude, that they may conduct the affairs of man in accordance with your will.

I lift up this legislative house to you today praying that your holy power intercede so that the right decisions concerning the politics, social welfare, and economics of this state be motivated by your hand and not personal concerns. And then we ask that you would grant to all of us the gift of respect for lawful authority, justly exercised, that we may live as a united people as one nation under God.

We ask, Father, that you will provide blessings to each legislator's household and that you will keep their families in perfect peace. In the almighty and precious name of Jesus, we offer this prayer. Amen.

The speaker recognized Representative Dale 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 temporarily for today because of inclement weather:

Smithee on motion of Flynn.

The following members were granted leaves of absence temporarily for today because of important business in the district:

C. Turner on motion of Wu.

E. S. Turner on motion of Spitzer.

Vo on motion of Wu.

M. White on motion of Schaefer.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Workman who presented Dr. John Egerton and Dr. Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Frank in the chair)

### **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. 16).

### **LEAVES OF ABSENCE GRANTED**

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

Fallon on motion of Rinaldi.

Schubert on motion of Cyrier.

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

Israel on motion of Howard.

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

Márquez on motion of S. Davis.

**HR 2420 - ADOPTED**  
**(by Cyrier)**

Representative Cyrier moved to suspend all necessary rules to take up and consider at this time **HR 2420**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2420**, Commemorating the dedication of the Official Texas Historical Marker honoring 19th-century horse breeder William B. Fleming.

**HR 2420** was adopted.

On motion of Representative C. Anderson, the names of all the members of the house were added to **HR 2420** as signers thereof.

**HR 900 - PREVIOUSLY ADOPTED**  
**(by Canales)**

The chair laid out and had read the following previously adopted resolution:

**HR 900**, In memory of Celia Avila of Edinburg.

On motion of Representative Guerra, the names of all the members of the house were added to **HR 900** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Canales who introduced family members of Celia Avila.

(M. White now present)

(Speaker in the chair)

**LEAVES OF ABSENCE GRANTED**

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

Kuempel on motion of K. King.

Moody on motion of K. King.

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

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

**HB 3453 ON THIRD READING**  
**(by Lozano and Hunter)**

**HB 3453**, A bill to be entitled An Act relating to participation in and rates for coverage provided under the uniform group coverage program for active employees.

**HB 3453** was passed by (Record 839): 121 Yeas, 12 Nays, 1 Present, not voting.

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

Nays — Collier; Hughes; Metcalf; Meyer; Miller, D.; Murr; Phelan; Simpson; Spitzer; Springer; Stephenson; White, J.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Crownover; Huberty; King, T.; Klick; Reynolds; Sheffield.

**STATEMENTS OF VOTE**

When Record No. 839 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 839 was taken, I was shown voting yes. I intended to vote no.

Johnson

When Record No. 839 was taken, I was shown voting yes. I intended to vote no.

Minjarez

When Record No. 839 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### **HB 633 ON THIRD READING**

**(by G. Bonnen, et al.)**

**HB 633**, A bill to be entitled An Act relating to a sales and use tax exemption for certain health care supplies.

**HB 633** was passed by (Record 840): 119 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Koop; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schofield; Shaheen; Sheets; Sheffield; Simmons; Smith; Spitzer; Springer; Thompson, E.; Thompson, S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Anchia; Bernal; Blanco; Collier; Krause; Murr; Phillips; Rinaldi; Rose; Schaefer; Simpson; Stephenson; Stickland; Tinderholt; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; Faircloth; Huberty; Klick; McClendon.

### **STATEMENTS OF VOTE**

When Record No. 840 was taken, I was in the house but away from my desk. I would have voted yes.

Faircloth

When Record No. 840 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**HB 3982 ON THIRD READING**  
**(by Romero, Walle, and J. White)**

**HB 3982**, A bill to be entitled An Act relating to solicitation of a person to buy drinks for consumption by an alcoholic beverage retailer or the retailer's employee; authorizing a civil penalty; amending a provision that is subject to a criminal penalty.

**HB 3982** was passed by (Record 841): 129 Yeas, 4 Nays, 3 Present, not voting.

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

Nays — Rinaldi; Schaefer; Stickland; Tinderholt.

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

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; Fletcher; King, P.; McClendon.

**STATEMENTS OF VOTE**

When Record No. 841 was taken, I was shown voting present, not voting. I intended to vote no.

Bell

When Record No. 841 was taken, my vote failed to register. I would have voted yes.

Fletcher

When Record No. 841 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**HB 281 ON THIRD READING**  
**(by Simmons and Parker)**

**HB 281**, A bill to be entitled An Act relating to a limitation on the expansion of certain landfills.

**HB 281** was passed by (Record 842): 109 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Deshotel; Dutton; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Koop; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Smith; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, S.; VanDeaver; Walle; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Anchia; Anderson, R.; Bell; Bonnen, D.; Burrows; Cyrier; Davis, Y.; Faircloth; Geren; Harless; Huberty; Klick; Krause; Murphy; Paul; Reynolds; Rinaldi; Romero; Rose; Simpson; Spitzer; Villalba; White, J.; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; Hughes; King, P.; Longoria; McClendon.

**STATEMENTS OF VOTE**

When Record No. 842 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

When Record No. 842 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 842 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**HB 1492 ON THIRD READING****(by D. Miller, Keffer, Phillips, Clardy, Sheets, et al.)**

**HB 1492**, A bill to be entitled An Act relating to consideration of asbestos or silica trust claims in certain actions asserting asbestos- or silica-related injuries.

**HB 1492** was passed by (Record 843): 126 Yeas, 11 Nays, 1 Present, not voting.

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

Nays — Alonzo; Anchia; Bernal; Canales; Davis, Y.; Martinez; Minjarez; Reynolds; Rodriguez, E.; Thompson, S.; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon.

**STATEMENTS OF VOTE**

When Record No. 843 was taken, I was shown voting no. I intended to vote yes.

Anchia

When Record No. 843 was taken, I was shown voting yes. I intended to vote no.

Nevárez

When Record No. 843 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner



**HB 1692 ON THIRD READING**  
**(by Sheets)**

**HB 1692**, A bill to be entitled An Act relating to the doctrine of forum non conveniens.

**Amendment No. 1**

Representative Sheets offered the following amendment to **HB 1692**:

Amend **HB 1692** on third reading as follows:

(1) In SECTION 1 of the bill, in amended Section 71.051(h)(2), Civil Practice and Remedies Code, strike "(1) a counterclaimant," and substitute "(A) a counterclaimant,".

(2) In SECTION 1 of the bill, in amended Section 71.051(h)(2), Civil Practice and Remedies Code, strike "(2) a representative," and substitute "(B) a representative,".

Amendment No. 1 was adopted.

**HB 1692**, as amended, was passed by (Record 844): 132 Yeas, 5 Nays, 1 Present, not voting.

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

Nays — Canales; Collier; Martinez Fischer; Minjarez; Nevárez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon.

**STATEMENT OF VOTE**

When Record No. 844 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 11:45 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 11:45 a.m. today, 3W.15, for a formal meeting, to set a calendar.

### HB 2219 ON THIRD READING (by Coleman and Morrison)

**HB 2219**, A bill to be entitled An Act relating to health benefit plan coverage for injuries related to certain conduct of a covered individual.

**HB 2219** was passed by (Record 845): 101 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Miles; Miller, D.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Peña; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Simpson; Smith; Spitzer; Thompson, S.; Turner, S.; VanDeaver; Walle; White, M.; Workman; Wu; Zerwas.

Nays — Anderson, R.; Bell; Burns; Burrows; Elkins; Flynn; Frank; Geren; Goldman; Harless; Hughes; Isaac; Keough; Krause; Laubenberg; Leach; Metcalf; Miller, R.; Paul; Phelan; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Sheets; Simmons; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Villalba; White, J.; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon.

### STATEMENTS OF VOTE

When Record No. 845 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 845 was taken, I was shown voting yes. I intended to vote no.

Smith

When Record No. 845 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**HB 1514 ON THIRD READING**  
**(by Sheffield)**

**HB 1514**, A bill to be entitled An Act relating to health insurance identification cards issued by qualified health plan issuers.

Representative Sheffield moved to postpone consideration of **HB 1514** until 4 p.m. today.

The motion prevailed.

**HB 2696 ON THIRD READING**  
**(by Howard, Coleman, Collier, Klick, and Price)**

**HB 2696**, A bill to be entitled An Act relating to a grant program for and a study on reducing workplace violence against nurses.

**HB 2696** was passed by (Record 846): 112 Yeas, 22 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Button; Canales; Capriglione; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheets; Sheffield; Simpson; Thompson, E.; Thompson, S.; Turner, S.; VanDeaver; Villalba; Walle; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Bonnen, G.; Burns; Burrows; Clardy; Goldman; Hughes; Krause; Leach; Miller, R.; Riddle; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Spitzer; Springer; Stephenson; Stickland; Tinderholt; White, J.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Bell; Dukes; McClendon; Nevárez; Smith.

### STATEMENTS OF VOTE

When Record No. 846 was taken, I was shown voting yes. I intended to vote no.

Laubenberg

When Record No. 846 was taken, I was shown voting no. I intended to vote yes.

R. Miller

When Record No. 846 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### HB 19 ON THIRD READING

(by S. King and Burkett)

**HB 19**, A bill to be entitled An Act relating to a preventive services program and mental health programs for veterans and military families.

**HB 19** was passed by (Record 847): 131 Yeas, 5 Nays, 1 Present, not voting.

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

Nays — Rinaldi; Schaefer; Shaheen; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Darby; Dukes; McClendon.

**STATEMENT OF VOTE**

When Record No. 847 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**HB 2349 ON THIRD READING**

(by Aycock)

**HB 2349**, A bill to be entitled An Act relating to public school assessment, performance standards, and course requirements.

**HB 2349** was passed by (Record 848): 135 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Ashby; Dukes; McClendon; Rodriguez, J.

**STATEMENTS OF VOTE**

When Record No. 848 was taken, I was in the house but away from my desk. I would have voted yes.

Ashby

When Record No. 848 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**HB 2610 ON THIRD READING**  
**(by K. King, Keffer, Springer, et al.)**

**HB 2610**, A bill to be entitled An Act relating to the minimum number of minutes of instruction for students to be provided by public school districts and the scheduling of the last day of school for students by public school districts.

**HB 2610** was passed by (Record 849): 136 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; Keough; McClendon.

**STATEMENTS OF VOTE**

When Record No. 849 was taken, I was in the house but away from my desk. I would have voted yes.

Keough

When Record No. 849 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**HB 2811 ON THIRD READING**  
**(by K. King)**

**HB 2811**, A bill to be entitled An Act relating to a revision of the essential knowledge and skills of the public school foundation curriculum, the instructional materials allotment, and proclamations for the production of instructional materials.

**HB 2811** was passed by (Record 850): 125 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Sheets; Sheffield; Simmons; Smith; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Wray; Wu; Zedler; Zerwas.

Nays — Canales; Keough; Krause; Rinaldi; Schaefer; Shaheen; Simpson; Stickland; Tinderholt.

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

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon; Price; Workman.

#### STATEMENTS OF VOTE

When Record No. 850 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 850 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

When Record No. 850 was taken, I was shown voting yes. I intended to vote no.

M. White

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

Workman

#### **HB 1295 ON THIRD READING (by Capriglione, Geren, and Fallon)**

**HB 1295**, A bill to be entitled An Act relating to the disclosure of interested parties by persons contracting with governmental entities and state agencies.

**Amendment No. 1**

Representative Capriglione offered the following amendment to **HB 1295**:

Amend **HB 1295** on third reading as follows:

(1) At end of proposed Section 51.954(a), Education Code, insert "This subsection does not require the disclosure of interested parties in a contract that is exempt from disclosure under Section 2252.908, Government Code."

(2) In proposed Section 2252.908, Government Code, between Subsections (b) and (c) of that section, add the following appropriately lettered subsection and reletter subsections of that section and any cross-references accordingly:

( ) Notwithstanding Subsection (b), this section does not apply to:

(1) a sponsored research contract of an institution of higher education;

(2) an interagency contract of a state agency or an institution of higher education; or

(3) a contract related to health and human services if:

(A) the value of the contract cannot be determined at the time the contract is executed; and

(B) any qualified vendor is eligible for the contract.

Amendment No. 1 was adopted.

**HB 1295**, as amended, was passed by (Record 851): 135 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; Gutierrez; McClendon; VanDeaver.



**STATEMENT OF VOTE**

When Record No. 851 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**HB 2391 ON THIRD READING**

(by Bohac)

**HB 2391**, A bill to be entitled An Act relating to the redemption of certain stored value cards, including gift cards, for cash.

**HB 2391** was passed by (Record 852): 110 Yeas, 20 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Button; Canales; Capriglione; Collier; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Fairecloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Johnson; Kacal; Keough; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Laubenberg; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheets; Sheffield; Simmons; Smith; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, S.; VanDeaver; Villalba; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Bonnen, G.; Burrows; Clardy; Goldman; Hughes; Isaac; King, K.; Krause; Leach; Rinaldi; Sanford; Schaefer; Shaheen; Simpson; Spitzer; Stickland; Tinderholt; White, J.; White, M.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Coleman; Cook; Dukes; Hunter; Keffer; Longoria; McClendon; Miles; Murphy.

**STATEMENTS OF VOTE**

When Record No. 852 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 852 was taken, I was shown voting no. I intended to vote yes.

Clardy

When Record No. 852 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**HB 2549 ON THIRD READING**  
(by Y. Davis)

**HB 2549**, A bill to be entitled An Act relating to the authority and operation of regional tollway authorities.

**HB 2549** was passed by (Record 853): 134 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Burkett; Raney.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Moody; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon; Naishtat.

**STATEMENT OF VOTE**

When Record No. 853 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

(Moody now present)

**HB 2595 ON THIRD READING**  
(by Keffer and Fallon)

**HB 2595**, A bill to be entitled An Act relating to the use of municipal initiative and referendum to restrict property rights.

**HB 2595** was passed by (Record 854): 105 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Cook; Crownover; Dale; Darby; Davis, S.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guerra; Guillen; Gutierrez; Harless; Hernandez; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Murr; Nevárez; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raymond; Riddle; Rinaldi; Romero; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Anchia; Bernal; Blanco; Canales; Collier; Craddick; Cyrier; Davis, Y.; Farrar; González; Herrero; Howard; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Naishtat; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Stickland; Thompson, S.; Turner, S.; Walle; Wu.

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

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Allen; Dukes; Giddings; McClendon; Raney.

### STATEMENTS OF VOTE

When Record No. 854 was taken, my vote failed to register. I would have voted no.

Giddings

When Record No. 854 was taken, I was shown voting present, not voting. I intended to vote yes.

P. King

When Record No. 854 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### HB 2632 ON THIRD READING (by Dutton, Wu, J. White, Huberty, and Reynolds)

**HB 2632**, A bill to be entitled An Act relating to removing a criminal penalty and authorizing a civil penalty for truancy.

**HB 2632** was passed by (Record 855): 132 Yeas, 5 Nays, 1 Present, not voting.

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

Nays — Fletcher; Metcalf; Murr; Thompson, E.; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; King, S.; McClendon.

#### STATEMENTS OF VOTE

When Record No. 855 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 855 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

#### HB 2794 ON THIRD READING (by Farney, S. Thompson, et al.)

**HB 2794**, A bill to be entitled An Act relating to a delayed birth certificate; creating a criminal offense.

**HB 2794** was passed by (Record 856): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.;

Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon.

### STATEMENT OF VOTE

When Record No. 856 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### HB 1200 ON THIRD READING

(by Simpson, Smithee, Raymond, Keffer, Price, et al.)

**HB 1200**, A bill to be entitled An Act relating to civil liability of a person who produces, distributes, sells, or provides or aids in the production, distribution, sale, or provision of certain synthetic substances to another person for damages caused by the other person.

### HB 1200 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RINALDI: Representative Simpson, I wanted to get some points on the record relating to legislative intent. It isn't your intention, by this bill, to produce a cause of action against a manufacturer of household products such as a paint manufacturer or a manufacturer of compressed air, for example, is it?

REPRESENTATIVE SIMPSON: No, it's not. It's for things that are actually intended to be ingested and consumed.

RINALDI: In Subsection (a)(2) of Section 1 of the bill, for example, where it says a synthetic substance is an artificial substance that produces and is intended to produce, when consumed, an effect. That means intended by the manufacturer, producer, seller of the product not necessarily the user of the product, correct?

SIMPSON: Certainly, because that's who we're holding liable. It'd be the makers, the sellers, the providers—correct.

**REMARKS ORDERED PRINTED**

Representative Rinaldi moved to print remarks between Representative Simpson and Representative Rinaldi.

The motion prevailed.

**HB 1200** was passed by (Record 857): 136 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Aycock; Dukes; McClendon; Peña.

**STATEMENT OF VOTE**

When Record No. 857 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**HB 2965 ON THIRD READING  
(by Gonzales and Guillen)**

**HB 2965**, A bill to be entitled An Act relating to administrative support positions with the Texas Military Department.

**HB 2965** was passed by (Record 858): 136 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel;

Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Shaheen.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Alonzo; Dukes; McClendon.

#### STATEMENT OF VOTE

When Record No. 858 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

#### HB 4097 ON THIRD READING

(by Hunter, Lozano, Lucio, Guillen, Herrero, et al.)

**HB 4097**, A bill to be entitled An Act relating to seawater desalination projects.

**HB 4097** was passed by (Record 859): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons;

Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon.

### STATEMENT OF VOTE

When Record No. 859 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### HB 2982 ON THIRD READING (by Israel and Bernal)

**HB 2982**, A bill to be entitled An Act relating to renewal of an appointment as a voluntary deputy registrar.

**HB 2982** failed to pass by (Record 860): 58 Yeas, 77 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Bonnen, D.; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Johnson; Keffer; Keough; King, S.; King, T.; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Nevárez; Oliveira; Otto; Phelan; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Simpson; Thompson, S.; Turner, S.; Villalba; Walle; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Elkins; Faircloth; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Huberty; Hughes; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Landgraf; Larson; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Paddie; Parker; Paul; Peña; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Sheets; Simmons; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; VanDeaver; White, J.; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Canales; Dukes; Farney; McClendon; Naishtat.



**STATEMENTS OF VOTE**

When Record No. 860 was taken, I was temporarily out of the house chamber. I would have voted yes.

Canales

When Record No. 860 was taken, I was shown voting yes. I intended to vote no.

Keffer

When Record No. 860 was taken, my vote failed to register. I would have voted yes.

Naishtat

When Record No. 860 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

When Record No. 860 was taken, I was shown voting yes. I intended to vote no.

Zerwas

**HB 3736 ON THIRD READING**  
**(by S. Davis and Fallon)**

**HB 3736**, A bill to be entitled An Act relating to conflicts of interest by members of state agency governing boards and governing officers; creating a criminal offense.

**HB 3736** was passed by (Record 861): 135 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon; VanDeaver; White, M.

### STATEMENTS OF VOTE

When Record No. 861 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

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

M. White

### HB 4077 ON THIRD READING

(by Guillen)

**HB 4077**, A bill to be entitled An Act relating to adding carbon dioxide in compressed canisters to the definition of abusable volatile chemicals; requiring a volatile chemical sales permit to sell carbon dioxide canisters; amending provisions subject to criminal and administrative penalties.

**HB 4077** was passed by (Record 862): 120 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Burrows; Button; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheets; Sheffield; Simmons; Simpson; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, S.; VanDeaver; Villalba; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Bonnen, G.; Canales; Capriglione; Isaac; Keough; Krause; Leach; Rinaldi; Sanford; Schaefer; Shaheen; Spitzer; Stickland; Tinderholt; White, J.; White, M.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon; Smith; Wray.

**STATEMENTS OF VOTE**

When Record No. 862 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

When Record No. 862 was taken, I was in the house but away from my desk. I would have voted yes.

Wray

**HB 3387 ON THIRD READING**  
**(by Krause, Murphy, J. White, and Fallon)**

**HB 3387**, A bill to be entitled An Act relating to sex offender treatment as a condition of parole or mandatory supervision for certain releasees.

**HB 3387** was passed by (Record 863): 137 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; McClendon.

**STATEMENT OF VOTE**

When Record No. 863 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**HB 2851 ON THIRD READING****(by Parker)**

**HB 2851**, A bill to be entitled An Act relating to the limitation on the liability of the nonprofit corporation established by the Texas Public Finance authority to issue revenue bonds for open-enrollment charter schools to provide educational facilities.

**HB 2851** was passed by (Record 864): 134 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Canales.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Israel; Kuempel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; Giddings; McClendon; Miles; VanDeaver.

**STATEMENTS OF VOTE**

When Record No. 864 was taken, my vote failed to register. I would have voted yes.

Giddings

When Record No. 864 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

(Kuempel now present)

**HB 3724 ON THIRD READING**  
**(by Herrero)**

**HB 3724**, A bill to be entitled An Act relating to the consideration of certain scientific evidence constituting the basis for an application for a writ of habeas corpus.

(Fallon now present)

**HB 3724** was passed by (Record 865): 132 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Capriglione; Isaac; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent — Dukes; Giddings; Hughes; Lucio; McClendon; Miles; Nevárez.

**STATEMENTS OF VOTE**

When Record No. 865 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 865 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**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 Lozano.

Cook on motion of Lozano.

S. Davis on motion of Lozano.

Geren on motion of Lozano.

Giddings on motion of Lozano.

Harless on motion of Lozano.

Huberty on motion of Lozano.

Hunter on motion of Lozano.

Johnson on motion of Lozano.

K. King on motion of Lozano.

Larson on motion of Lozano.

Lucio on motion of Lozano.

Price on motion of Lozano.

Riddle on motion of Lozano.

E. Rodriguez on motion of Lozano.

### **HB 530 ON THIRD READING**

**(by Hernandez)**

**HB 530**, A bill to be entitled An Act relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

**HB 530** was passed by (Record 866): 115 Yeas, 9 Nays, 1 Present, not voting.

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

Nays — Flynn; Keough; Krause; Murr; Shaheen; Spitzer; Stickland; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Giddings; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle; Rodriguez, E.

Absent — Dukes; Faircloth; McClendon.

### STATEMENTS OF VOTE

When Record No. 866 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 866 was taken, I was in the house but away from my desk. I would have voted yes.

Faircloth

When Record No. 866 was taken, I was excused to attend a committee meeting. I would have voted yes.

Harless

When Record No. 866 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### HB 227 ON THIRD READING (by Guillen)

**HB 227**, A bill to be entitled An Act relating to disposition of certain unclaimed money by local telephone exchange companies.

#### Amendment No. 1

On behalf of Representative Alonzo, Representative Capriglione offered the following amendment to **HB 227**:

Amend **HB 227** (house committee printing) as follows:

(1) On page 1, line 11, strike "(h) and (i)" and substitute "(h), (i), and (j)".

(2) On page 1, between lines 13 and 14, insert the following:

(j) At least 25 percent of the scholarship fund described by Subsection (b) may be delivered to benefit students in a critical need area established by the higher education coordinating board.

Amendment No. 1 was adopted by (Record 867): 82 Yeas, 40 Nays, 1 Present, not voting. (The vote was reconsidered later today, and Amendment No. 1 failed of adoption (not receiving the necessary two-thirds vote) by Record No. 875.)

Yeas — Allen; Alvarado; Anchia; Ashby; Aycock; Bernal; Blanco; Bohac; Button; Canales; Capriglione; Clardy; Coleman; Collier; Craddick; Crownover; Cyrier; Darby; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Gonzales; González; Guerra; Guillen;

Gutierrez; Hernandez; Herrero; Howard; Isaac; Kacal; Keffer; King, S.; King, T.; Landgraf; Longoria; Lozano; Martinez; Martinez Fischer; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Paul; Peña; Phillips; Pickett; Raney; Raymond; Reynolds; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Smith; Stephenson; Thompson, E.; Thompson, S.; Turner, S.; VanDeaver; Villalba; Walle; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bell; Bonnen, D.; Bonnen, G.; Burns; Burrows; Dale; Elkins; Fallon; Goldman; Hughes; Keough; King, P.; Klick; Koop; Krause; Kuempel; Metcalf; Meyer; Miller, R.; Otto; Parker; Phelan; Rinaldi; Sanford; Schaefer; Shaheen; Sheets; Simmons; Simpson; Spitzer; Springer; Stickland; Tinderholt; White, J.; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Giddings; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle; Rodriguez, E.

Absent — Burkett; Dukes; Laubenberg; Leach; McClendon.

#### STATEMENTS OF VOTE

When Record No. 867 was taken, I was shown voting yes. I intended to vote no.

Button

When Record No. 867 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 867 was taken, I was excused to attend a committee meeting. I would have voted no.

Harless

When Record No. 867 was taken, I was shown voting yes. I intended to vote no.

Phillips

When Record No. 867 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**HB 227**, as amended, was passed by (Record 868): 95 Yeas, 25 Nays, 1 Present, not voting. (The vote was reconsidered later today, and **HB 227** was passed by Record No. 876.)

Yeas — Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Burns; Canales; Capriglione; Clardy; Collier; Craddick; Crownover; Cyrier; Dale; Darby; Davis, Y.; Deshotel; Dutton; Elkins;



Faircloth; Farias; Farney; Farrar; Fletcher; Frank; Galindo; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Isaac; Kacal; Keffer; King, P.; King, S.; King, T.; Klick; Kuempel; Landgraf; Longoria; Lozano; Martinez; Martinez Fischer; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Raymond; Reynolds; Rodriguez, J.; Romero; Rose; Schofield; Sheets; Sheffield; Simpson; Smith; Springer; Stickland; Thompson, E.; Thompson, S.; Turner, S.; VanDeaver; Villalba; Walle; Workman; Wray; Wu; Zerwas.

Nays — Bell; Bonnen, D.; Bonnen, G.; Burrows; Button; Fallon; Flynn; Goldman; Hughes; Keough; Koop; Krause; Leach; Metcalf; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Spitzer; Stephenson; Tinderholt; White, J.; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Giddings; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle; Rodriguez, E.

Absent — Burkett; Coleman; Dukes; Frullo; Laubenberg; McClendon; Raney.

#### STATEMENTS OF VOTE

When Record No. 868 was taken, I was shown voting no. I intended to vote yes.

Bell

When Record No. 868 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 868 was taken, I was excused to attend a committee meeting. I would have voted no.

Harless

When Record No. 868 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

#### HB 452 ON THIRD READING (by Alonzo)

**HB 452**, A bill to be entitled An Act relating to pretrial hearings in criminal cases in certain courts.

**HB 452** was passed by (Record 869): 121 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Murr; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Giddings; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle; Rodriguez, E.

Absent — Dukes; Guerra; King, S.; McClendon.

### STATEMENTS OF VOTE

When Record No. 869 was taken, I was excused to attend a committee meeting. I would have voted yes.

Harless

When Record No. 869 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 869 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

**SB 1093 ON THIRD READING**  
**(Sheets - House Sponsor)**

**SB 1093**, A bill to be entitled An Act relating to credit to certain ceding insurers for reinsurance ceded to certain assuming insurers.

(E. Rodriguez now present)

**SB 1093** was passed by (Record 870): 123 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Stickland.

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

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Giddings; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle.

Absent — Crownover; Dukes; McClendon.

**STATEMENTS OF VOTE**

When Record No. 870 was taken, I was excused to attend a committee meeting. I would have voted yes.

Harless

When Record No. 870 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**SB 473 ON THIRD READING**  
**(Frullo - House Sponsor)**

**SB 473**, A bill to be entitled An Act relating to defenses and exceptions to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons, firearms, and related items.

**SB 473** was passed by (Record 871): 124 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Giddings; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle.

Absent — Dukes; Flynn; McClendon; Paul.

**STATEMENTS OF VOTE**

When Record No. 871 was taken, I was excused to attend a committee meeting. I would have voted yes.

Harless

When Record No. 871 was taken, my vote failed to register. I would have voted yes.

Paul

When Record No. 871 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**SB 1791 ON THIRD READING**  
**(Farrar - House Sponsor)**

**SB 1791**, A bill to be entitled An Act relating to disclosures on selection or modification of an account by a customer of a financial institution.

**Amendment No. 1**

Representatives Clardy and K. King offered the following amendment to **SB 1791**:

Amend **SB 1791** on third reading on page 2 of the bill by striking line 17.

Representative Farrar moved to table Amendment No. 1.

The motion to table prevailed by (Record 872): 85 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Bell; Bernal; Blanco; Bohac; Burns; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farrar; Fletcher; Flynn; Frank; Galindo; Goldman; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Hughes; Isaac; Keffer; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Longoria; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, R.; Minjarez; Moody; Muñoz; Murphy; Murr; Naishtat; Oliveira; Parker; Paul; Phillips; Pickett; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Sheffield; Smith; Spitzer; Springer; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, S.; Walle; White, J.; White, M.; Wray; Wu; Zedler; Zerwas.

Nays — Ashby; Aycock; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Capriglione; Clardy; Craddick; Crownover; Cyrier; Dale; Darby; Fallon; Farney; Frullo; Gonzales; Kacal; King, P.; Kuempel; Laubenberg; Leach; Miller, D.; Morrison; Nevárez; Otto; Paddie; Peña; Phelan; Raney; Shaheen; Sheets; Simmons; Simpson; Stephenson; VanDeaver; Villalba; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Giddings; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle.

Absent — Dukes; Keough; McClendon; Raymond.

**STATEMENTS OF VOTE**

When Record No. 872 was taken, I was shown voting no. I intended to vote yes.

Crownover

When Record No. 872 was taken, I was excused to attend a committee meeting. I would have voted yes.

Harless

When Record No. 872 was taken, I was in the house but away from my desk. I would have voted yes.

Keough

When Record No. 872 was taken, I was shown voting yes. I intended to vote no.

Springer

When Record No. 872 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**SB 1791** was passed by (Record 873): 118 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anderson, C.; Ashby; Aycok; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Craddick; Crownover; Dale; Darby; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Hughes; Isaac; Kacal; Keffer; Keough; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Landgraf; Laubenberg; Leach; Longoria; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Cyrier; Krause; Rinaldi; Schaefer; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Giddings; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle.

Absent — Anchia; Dukes; McClendon.

**STATEMENTS OF VOTE**

When Record No. 873 was taken, my vote failed to register. I would have voted yes.

Anchia

When Record No. 873 was taken, I was excused to attend a committee meeting. I would have voted yes.

Harless

When Record No. 873 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 873 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**SB 1366 ON THIRD READING  
(Gonzales - House Sponsor)**

**SB 1366**, A bill to be entitled An Act relating to the allocation to the Parks and Wildlife Department of the proceeds from taxes imposed on the sale, storage, or use of sporting goods.

**SB 1366** was passed by (Record 874): 122 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Giddings; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle.

Absent — Dukes; González; Martínez Fischer; McClendon; Otto; White, M.

### STATEMENTS OF VOTE

When Record No. 874 was taken, I was excused to attend a committee meeting. I would have voted yes.

Harless

When Record No. 874 was taken, my vote failed to register. I would have voted yes.

Otto

When Record No. 874 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### HB 227 - VOTE RECONSIDERED

Representative Guillen moved to reconsider the vote by which **HB 227**, as amended, was passed by Record No. 868.

The motion to reconsider prevailed.

### HB 227 ON THIRD READING (by Guillen)

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

**HB 227**, A bill to be entitled An Act relating to disposition of certain unclaimed money by local telephone exchange companies.

**HB 227** was read third time earlier today and was passed, as amended, by Record No. 868.

### Amendment No. 1 - Vote Reconsidered

Representative Guillen moved to reconsider the vote by which Amendment No. 1 was adopted by Record No. 867.

The motion to reconsider prevailed.

(Alonzo, Cook, S. Davis, Harless, Huberty, Johnson, K. King, and Price now present)

Amendment No. 1 failed of adoption (not receiving the necessary two-thirds vote) by (Record 875): 70 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bonnen, D.; Canales; Capriglione; Clardy; Coleman; Collier; Crownover; Davis, Y.; Deshotel; Faircloth; Farias; Farrar; Fletcher; Frank; Galindo; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Johnson; Kacal; Keffer; King, S.; King, T.; Koop; Landgraf; Longoria; Lozano; Martínez; Martínez Fischer; Miles; Minjarez; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheets; Sheffield; Simmons; Stephenson; Thompson, S.; Turner, S.; Walle; Wu; Zerwas.



Nays — Anderson, R.; Bell; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Dutton; Elkins; Fallon; Farney; Flynn; Frullo; Goldman; Gonzales; Huberty; Hughes; Isaac; Keough; King, K.; King, P.; Klick; Krause; Kuempel; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Parker; Paul; Peña; Phelan; Phillips; Price; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simpson; Smith; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Geren; Giddings; Hunter; Larson; Lucio; Riddle.

Absent — Dukes; McClendon; Moody; Morrison.

#### STATEMENTS OF VOTE

When Record No. 875 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 875 was taken, I was shown voting yes. I intended to vote no.

S. King

When Record No. 875 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**HB 227** was passed by (Record 876): 115 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Galindo; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Herrero; Howard; Huberty; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Landgraf; Laubenberg; Leach; Longoria; Lozano; Martinez; Martinez Fischer; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Shaheen; Sheets; Sheffield; Simmons; Smith; Springer; Stephenson; Thompson, E.; Thompson, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Bell; Burrows; Craddick; Fallon; Flynn; Keough; Krause; Metcalf; Rinaldi; Schaefer; Simpson; Spitzer; Stickland; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Geren; Giddings; Hunter; Larson; Lucio; Riddle.

Absent — Dukes; Hernandez; Hughes; McClendon; Naishtat; Turner, S.

### STATEMENTS OF VOTE

When Record No. 876 was taken, I was shown voting no. I intended to vote yes.

Bell

When Record No. 876 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 876 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

When Record No. 876 was taken, I was shown voting yes. I intended to vote no.

M. White

(Lucio now present)

### SB 1507 ON THIRD READING (Naishtat and Price - House Sponsors)

**SB 1507**, A bill to be entitled An Act relating to the appointment of a forensic director responsible for statewide coordination and oversight of forensic mental health services overseen by the Department of State Health Services.

(Giddings now present)

**SB 1507** was passed by (Record 877): 127 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez;

Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Thompson, E.; Thompson, S.; Tinderholt; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Isaac; Rinaldi; Shaheen; Stephenson; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Geren; Hunter; Larson; Riddle.

Absent — Clardy; Dukes; Kuempel; McClendon; Miller, R.; Schofield.

### STATEMENT OF VOTE

When Record No. 877 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

(Geren and Riddle now present)

### SB 172 ON THIRD READING (Clardy and Herrero - House Sponsors)

**SB 172**, A bill to be entitled An Act relating to the addition of certain substances to Penalty Groups 1-A and 2 of the Texas Controlled Substances Act for criminal prosecution and other purposes.

**SB 172** was passed by (Record 878): 136 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Hunter; Larson.

Absent — Dukes; McClendon; Spitzer.

### STATEMENTS OF VOTE

When Record No. 878 was taken, I was shown voting no. I intended to vote yes.

Simpson

When Record No. 878 was taken, I was in the house but away from my desk. I would have voted yes.

Spitzer

When Record No. 878 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### SB 173 ON THIRD READING (Clardy and Herrero - House Sponsors)

**SB 173**, A bill to be entitled An Act relating to the designation for criminal prosecution and other purposes of certain chemicals commonly referred to as synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act.

**SB 173** was passed by (Record 879): 136 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Hunter; Larson.

Absent — Deshotel; Dukes; Galindo; McClendon.

### STATEMENT OF VOTE

When Record No. 879 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### SB 503 ON THIRD READING (E. Rodriguez - House Sponsor)

**SB 503**, A bill to be entitled An Act relating to financial assistance to local governmental entities affected by the realignment of defense jobs or facilities.

**SB 503** was passed by (Record 880): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Hunter; Larson.

Absent — Dukes; McClendon.

### STATEMENT OF VOTE

When Record No. 880 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### SB 1828 ON THIRD READING (Fletcher - House Sponsor)

**SB 1828**, A bill to be entitled An Act relating to the creation of the offense of cargo theft.

**SB 1828** was passed by (Record 881): 135 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Collier; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Israel; Márquez; Schubert; Smithee; Turner, C.; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Hunter; Larson.

Absent — Dukes; McClendon; Zedler.

### STATEMENT OF VOTE

When Record No. 881 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs, during lunch recess today, Desk 3, for a formal meeting, to consider **SB 1574** and **SB 1593**.

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

Representative Coleman moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **HB 4150** and **SB 1575** at 8 a.m. Thursday, May 14 in E2.016.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

County Affairs, 8 a.m. Thursday, May 14, E2.016, for a public hearing, to consider **HB 4150** and **SB 1575**.

(Hunter now present)

Human Services, during lunch recess today, Desk 12, for a formal meeting, to consider pending business.

(Larson now present)

#### **RECESS**

Representative J. White moved that the house recess until 1:15 p.m. today in memory of the Honorable Ronnie W. Boyett of Newton.

The motion prevailed.

The house accordingly, at 12:11 p.m., recessed until 1:15 p.m. today.

#### **AFTERNOON SESSION**

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

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

Pursuant to a previous motion, the following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **HB 1**:

Ashby on motion of Geren.

#### **POSTPONED BUSINESS**

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

#### **CSHB 506 ON SECOND READING**

(by E. Rodriguez)

**CSHB 506**, A bill to be entitled An Act relating to the issuance of tax-supported bonds by certain school districts and increasing the tax rate limitation on the issuance of those bonds.

**CSHB 506** was read second time on May 6, postponed until 6 a.m. May 8, and was again postponed until 3 p.m. May 8.

Representative Johnson moved to postpone consideration of **CSHB 506** until 2 p.m. today.

The motion prevailed.

**SB 487 ON SECOND READING**  
**(S. Thompson - House Sponsor)**

**SB 487**, A bill to be entitled An Act relating to postconviction forensic DNA analysis.

**SB 487** was considered in lieu of **CSHB 2438**.

**SB 487** was read second time and was passed to third reading. (Bell recorded voting no.)

**CSHB 2438 - LAID ON THE TABLE SUBJECT TO CALL**

Representative S. Thompson moved to lay **CSHB 2438** on the table subject to call.

The motion prevailed.

**SB 1173 ON SECOND READING**  
**(Phillips - House Sponsor)**

**SB 1173**, A bill to be entitled An Act relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; creating a criminal offense; amending provisions subject to a criminal penalty; authorizing fees.

**SB 1173** was read second time on May 7 and was postponed until 6 a.m. today.

Representative Craddick moved to postpone consideration of **SB 1173** until 2 p.m. today.

The motion prevailed.

**PROVIDING FOR AN ADDENDUM TO  
LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

On motion of Representative S. Thompson and by unanimous consent, the Committee on Local and Consent Calendars was granted permission to add **HB 451, HB 1005, HB 1559, HB 1783, HB 1995, HB 2282, HB 2550, HB 2723, HB 2772, HB 2974, HB 3319, HB 3364, HB 3390, HB 3467, HB 3595, HB 3615, HB 3796, HB 3888, HB 4175, and HCR 85** in an addendum to the local, consent, and resolutions calendar set for 9 a.m. tomorrow.

**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 1:45 p.m. today, in 1W.14, to consider an addendum to the local, consent, and resolutions calendar.

Permission to meet was granted.



**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Local and Consent Calendars, 1:45 p.m. today, 1W.14, for a formal meeting, to consider an addendum to the local, consent, and resolutions calendar.

**HB 2819 - CALLED FROM THE TABLE**

Representative Deshotel moved to call **HB 2819** from the table.

The motion prevailed.

**HB 2819 ON SECOND READING  
(by Deshotel)**

**HB 2819**, A bill to be entitled An Act relating to improvement projects of the Sabine-Neches Navigation District of Jefferson County, Texas; providing authority to issue anticipation notes and time warrants.

**HB 2819** was read second time and was passed to engrossment.

**POSTPONED BUSINESS  
(consideration continued)****CSHB 2114 ON SECOND READING  
(by Murphy, Bohac, Harless, Villalba, Fallon, et al.)**

**CSHB 2114**, A bill to be entitled An Act relating to the repeal of the inheritance tax.

**CSHB 2114** was read second time on May 5, postponed until May 7, and was again postponed until 7:59 a.m. today.

Representative Murphy moved to postpone consideration of **CSHB 2114** until 7:59 a.m. tomorrow.

The motion prevailed.

**CSHB 725 ON SECOND READING  
(by S. Turner and Faircloth)**

**CSHB 725**, A bill to be entitled An Act relating to the appeal of waiver of jurisdiction and transfer to criminal court in juvenile cases.

**CSHB 725** was read second time on May 7 and was postponed until 7:59 a.m. today.

**CSHB 725** was passed to engrossment. (The vote was reconsidered later today, **SB 888** was considered in lieu of **CSHB 725**, and **SB 888** was read second time and was passed to third reading. **CSHB 725** was laid on the table subject to call.)

**CSHB 1446 ON SECOND READING  
(by Dale, Márquez, Herrero, Moody, Fallon, et al.)**

**CSHB 1446**, A bill to be entitled An Act relating to reimbursement of certain medical costs for victims of certain sex offenses.

**CSHB 1446** was read second time on May 7 and was postponed until 8 a.m. today.

**CSHB 1446** was passed to engrossment.

**CSHB 1069 ON SECOND READING**  
**(by E. Rodriguez)**

**CSHB 1069**, A bill to be entitled An Act relating to services for persons who are deaf or hard of hearing and certification requirements for interpreters for persons who are deaf or hard of hearing; providing an administrative penalty; requiring a fee and changing the rate of a fee; requiring an occupational certification.

**CSHB 1069** was read second time on May 5, postponed until May 8, and was again postponed until 8 a.m. today.

Representative E. Rodriguez moved to postpone consideration of **CSHB 1069** until 5 a.m. tomorrow.

The motion prevailed.

**CSHB 1189 ON SECOND READING**  
**(by Guillen)**

**CSHB 1189**, A bill to be entitled An Act relating to the management of commercial oyster boats in this state; amending a provision subject to a criminal penalty.

**CSHB 1189** was read second time on May 8 and was postponed until 8 a.m. today.

**CSHB 1189 - POINT OF ORDER**

Representative Dale raised a point of order against further consideration of **CSHB 1189** under Rule 4, Section 32 and Rule 11, Section 2 of the House Rules on the grounds that the bill analysis is incorrect and the committee substitute is not germane to the bill.

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

Representative Dale raised two points of order against further consideration of **CSHB 1189** under Rule 11, Section 2 and Rule 4, Section 32 of the House Rules on the grounds that the committee substitute is not germane to the bill as originally filed and that the bill analysis is incorrect. The point of order as to germaneness is sustained.

Rule 11, Section 2 of the House Rules bars any "motion or proposition on a subject different from the subject under consideration" from being admitted as an amendment or substitute for a measure under debate. Rule 11, Section 2 of the House Rules. **CSHB 1189** as originally filed addresses the management of a buyback program for commercial oyster boat licenses. The bill seeks to establish the program itself and the parameters of the program, including the criteria for which licenses are to be bought back, the retirement of purchased licenses, and certain other funding and reporting requirements. Section 3 of the committee

substitute retains all of the language of the original bill. However, in distinct contrast to the scope of the original bill, Section 1 of the substitute adds Section 76.112 of the Texas Parks and Wildlife Code to a list of provisions subject to a criminal penalty, which places a limit upon the amount of undersized oysters permitted as cargo. See TEX. PARKS & WILD. CODE ANN. § 76.112 (West 1997) ("A cargo of undersized oysters shall be determined by taking at random five percent of the total cargo of oysters as a sample, of which not more than five percent may measure less than three inches along an imaginary straight line through the long axis of the shell."). The original bill addressed neither penalties under the Texas Parks and Wildlife Code nor limitations placed upon undersized oysters; **CSHB 1189** dealt strictly with the establishment of a program to buy back commercial oyster boat licenses. Because the committee substitute seeks to impermissibly expand the scope of the bill, it is not germane to **CSHB 1189** as introduced. See Rule 11, Section 2 of the House Rules; 79 H.J. Reg. 618-619 (2005) (Representative Chisum point of order on Amendment No. 51 to **CSHB 2**) ("Amendments which expand the scope of the bill are not germane."). Having determined that the committee substitute is not germane to the bill, the chair is compelled to return the committee substitute to the Committee on Calendars. See Rule 4, Section 41 of the House Rules.

**CSHB 1189** was returned to the Committee on Calendars.

**HB 2769 ON SECOND READING**  
**(by E. Rodriguez and Lucio)**

**HB 2769**, A bill to be entitled An Act relating to the date of expiration of a certain pilot revolving loan program established under the loanstar revolving loan program to provide for energy efficiency measures and renewable energy technology for certain organizations.

**HB 2769** was read second time on April 16, postponed until April 20, postponed until April 22, postponed until April 28, postponed until May 4, and was again postponed until 9 a.m. today.

Representative E. Rodriguez moved to postpone consideration of **HB 2769** until 5 a.m. tomorrow.

The motion prevailed.

**CSHB 1490 ON SECOND READING**  
**(by Huberty, Deshotel, Romero, and Reynolds)**

**CSHB 1490**, A bill to be entitled An Act relating to public school interventions for truancy and eliminating a criminal penalty and authorizing a civil penalty for truancy.

**CSHB 1490** was read second time on May 5 and was postponed until 9 a.m. today.

Representative Huberty moved to postpone consideration of **CSHB 1490** until 5 a.m. Wednesday, May 13.

The motion prevailed.

**CSHB 3330 ON SECOND READING****(by Otto, et al.)**

**CSHB 3330**, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

**CSHB 3330** was read second time on April 29, postponed until May 5, and was again postponed until 9 a.m. today.

Representative Otto moved to postpone consideration of **CSHB 3330** until 5 a.m. Wednesday, May 13.

The motion prevailed.

**CSHB 798 ON SECOND READING****(by González and Márquez)**

**CSHB 798**, A bill to be entitled An Act relating to a task force to study methods to prevent the theft of desert plants.

**CSHB 798** was read second time on May 6 and was postponed until 9 a.m. today.

Representative González moved to postpone consideration of **CSHB 798** until 10 a.m. Monday, June 1.

The motion prevailed.

**CSSB 733 ON SECOND READING****(Workman - House Sponsor)**

**CSSB 733**, A bill to be entitled An Act relating to the authority of certain political subdivisions to change the date of their general elections.

**CSSB 733** was considered in lieu of **CSHB 947**.

**CSSB 733** was read second time.

**Amendment No. 1**

Representatives Meyer, Anchia, Johnson, Sheets, Tinderholt, and Villalba offered the following amendment to **CSSB 733**:

Amend **CSSB 733** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 11.0581, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A school district described by Section 11.065(a) is not required to hold a joint election under Subsection (a).

(Collier in the chair)

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

Representative Rose 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 chair overruled the point of order and submitted the following statement:

Representative Rose raised a point of order against further consideration of Amendment No. 1 to **CSSB 733** under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill. The point of order is respectfully overruled.

Rule 11, Section 2 of the House Rules bars any "motion or proposition on a subject different from the subject under consideration" from being admitted as an amendment or "substitute for a measure under debate." Rule 11, Section 2 of the House Rules. **CSSB 733** deals with the authority of certain political subdivisions to change the date on which general elections are held. Amendment No. 1 to **CSSB 733** seeks to clarify the election requirements of certain school districts—a subset within the broader category of political subdivisions in the bill as introduced. Having reviewed the bill, the amendment, and the arguments and authority cited by Representative Rose, the chair finds that, because Amendment No. 1 properly deals with the election date of a political subdivision, and because it would not expand the scope of the bill, Amendment No. 1 is germane to **CSSB 733**. See Rule 11, Section 2 of the House Rules; *cf.* 79 H.J. Reg. 618-619 (2005) (Representative Chisum point of order on Amendment No. 51 to **CSHB 2**).

(Israel and C. Turner now present)

Representative Workman moved to table Amendment No. 1.

The motion to table was lost by (Record 882): 33 Yeas, 92 Nays, 8 Present, not voting.

Yeas — Allen; Alonzo; Aycock; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farrar; Giddings; Howard; Israel; Keffer; King, T.; Longoria; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Murphy; Peña; Reynolds; Rodriguez, J.; Romero; Sheffield; Simpson; Thompson, E.; Turner, C.; Turner, S.; Workman; Zerwas.

Nays — Anchia; Anderson, C.; Anderson, R.; Bell; Bernal; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Cook; Crownover; Cyrier; Elkins; Faircloth; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Huberty; Hughes; Isaac; Kacal; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lucio; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi;

Rodriguez, E.; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Simmons; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, S.; Tinderholt; VanDeaver; Villalba; Walle; White, J.; White, M.; Wray; Zedler.

Present, not voting — Mr. Speaker; Alvarado; Blanco; Collier(C); Gutierrez; Lozano; Phelan; Wu.

Absent, Excused — Márquez; Schubert; Smithee; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby.

Absent — Capriglione; Coleman; Craddick; Dukes; González; Guerra; Hernandez; Herrero; Hunter; Johnson; McClendon.

### STATEMENTS OF VOTE

When Record No. 882 was taken, I was in the house but away from my desk. I would have voted no.

Guerra

When Record No. 882 was taken, I was shown voting no. I intended to vote yes.

Rose

When Record No. 882 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

(Schubert now present)

Amendment No. 1 was adopted.

### Amendment No. 2

Representative Fallon offered the following amendment to **CSSB 733**:

Amend **CSSB 733** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 11.0581(a), Education Code, is amended to read as follows:

(a) An election for trustees of an independent school district shall be held on the same date as:

(1) the election for the members of the governing body of a municipality located in the school district;

(2) the November uniform [~~general~~] election date [~~for state and county officers~~];

(3) the election for the members of the governing body of a hospital district, if the school district:

(A) is wholly or partly located in a county with a population of less than 40,000 that is adjacent to a county with a population of more than three million; and

(B) held its election for trustees jointly with the election for the members of the governing body of the hospital district before May 2007; or

(4) the election for the members of the governing board of a public junior college district in which the school district is wholly or partly located.

Amendment No. 2 was adopted.

**CSSB 733**, as amended, was passed to third reading. (Giddings and Rose recorded voting no.)

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

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

McClendon on motion of Allen.

#### **CSHB 947 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Workman moved to lay **CSHB 947** on the table subject to call.

The motion prevailed.

#### **CSHB 725 - VOTE RECONSIDERED**

Representative S. Turner moved to reconsider the vote by which **CSHB 725** was passed to engrossment.

The motion to reconsider prevailed.

#### **SB 888 ON SECOND READING**

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

**SB 888**, A bill to be entitled An Act relating to the appeal of waiver of jurisdiction and transfer to criminal court in juvenile cases.

**SB 888** was considered in lieu of **CSHB 725**.

**SB 888** was read second time and was passed to third reading.

#### **CSHB 725 - LAID ON THE TABLE SUBJECT TO CALL**

Representative S. Turner moved to lay **CSHB 725** on the table subject to call.

The motion prevailed.

#### **CSHB 506 ON SECOND READING**

**(by E. Rodriguez)**

**CSHB 506**, A bill to be entitled An Act relating to the issuance of tax-supported bonds by certain school districts and increasing the tax rate limitation on the issuance of those bonds.

**CSHB 506** was read second time on May 6, postponed until 6 a.m. May 8, postponed until 3 p.m. May 8, and was again postponed until this time.

Representative E. Rodriguez moved to postpone consideration of **CSHB 506** until 5 a.m. tomorrow.

The motion prevailed.

**SB 1173 ON SECOND READING**  
**(Phillips - House Sponsor)**

**SB 1173**, A bill to be entitled An Act relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; creating a criminal offense; amending provisions subject to a criminal penalty; authorizing fees.

**SB 1173** was read second time on May 7, postponed until 6 a.m. today, and was again postponed until this time.

Representative Darby moved to postpone consideration of **SB 1173** until 3 p.m. today.

The motion prevailed.

**CSHB 2919 - MOTION TO RECONSIDER**

Representative Darby moved to reconsider the vote by which **CSHB 2919**, as amended, failed to pass to engrossment by Record No. 834 on Friday, May 8.

Representative Stickland moved to table the motion to reconsider.

**CSHB 2919 - REMARKS**

REPRESENTATIVE STICKLAND: I would ask you guys to vote with me on the motion to table. This is a dangerous practice for this house—for it to become the norm. We were all prepared and had our notes to vote on this bill on Friday. The members made their voice heard, and we voted this bill down. We have too much left on the docket including pro-gun, pro-life bills—things that we all care about—to continue to go back and try and pass a bill once we've whipped the votes to do so. So I would encourage you—because I'm sure that all of you are in the same boat that I am, that you have none of your notes from Friday's calendar in front of you on your desk—to vote for the motion to table, and let's stop this practice of bringing up bad bills to vote on them once again.

REPRESENTATIVE WU: Thank you for bringing this up to us. Your major complaint is that we're wasting more time discussing this, right?

STICKLAND: I think we need to move forward, yes. And I think that once this body votes down a bill, that it should be dead.

WU: For the record, this is your second session here, right?

STICKLAND: Yes.

WU: This is your second session here, and you've seen us use the rules that all of the members voted for at the beginning of the session to bring bills up, bring bills down, whatever it is. You were a part of that, right?

STICKLAND: Yes.



WU: Okay. So Representative Darby and Representative Raney are within their rights as members of this body to talk about bills, to bring stuff up, to bring stuff back.

STICKLAND: The problem though, representative, is that while I think there might be a good reason to do this under certain circumstances, to come back and then question whether the members actually knew what they were voting on just because they wanted the bill outcome to be something different than it was is bad practice. We could spend the next—we could go until Thursday doing this on 20 different bills that died—that they wished, that somebody wished they hadn't. So let's move forward. I don't see any out of the ordinary circumstances that would justify us bringing this bill back up days later on the motion to reconsider. All I heard is well, it's actually a good bill, and let's just go ahead and try again. That's not good enough. This should be under specific circumstances where something happened outside of the norm.

The motion to table was lost by (Record 883): 27 Yeas, 111 Nays, 2 Present, not voting.

Yeas — Anderson, R.; Bonnen, D.; Bonnen, G.; Burns; Craddick; Fallon; Fletcher; Flynn; Goldman; Keough; Krause; Laubenberg; Leach; Miller, D.; Paul; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Sheets; Simpson; Spitzer; Stickland; Thompson, E.; Tinderholt; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bell; Bernal; Blanco; Bohac; Burkett; Burrows; Button; Canales; Clardy; Coleman; Cook; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Frank; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Koop; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Simmons; Smith; Springer; Stephenson; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zerwas.

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

Absent, Excused — Márquez; McClendon; Smithee; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby.

Absent — Capriglione; Dukes; King, S.; Klick.

#### STATEMENTS OF VOTE

When Record No. 883 was taken, I was in the house but away from my desk. I would have voted no.

S. King

When Record No. 883 was taken, I was shown voting yes. I intended to vote no.

Sheets

When Record No. 883 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### **REMARKS ORDERED PRINTED**

Representative Gonzales moved to print remarks by Representative Stickland.

The motion prevailed.

### **CSHB 2919 - POINT OF ORDER**

Representative Stickland raised a point of order against further consideration of **CSHB 2919** under Rule 7, Section 37 of the House Rules on the grounds that the motion to reconsider the bill was not timely made.

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

Representative Stickland raised a point of order against further consideration of **CSHB 2919** under Rule 7, Section 37 of the House Rules on the grounds that Representative Raney's motion to reconsider was untimely. The point of order is sustained.

Rule 7, Section 37 of the House Rules permits "any member voting with the prevailing side" to, "on the same legislative day, or on the next legislative day, move a reconsideration; however, if a reconsideration is moved on the next legislative day, it must be done before the order of the day, as designated in the 10th item of Rule 6, Section 1(a)"—before third readings are taken up. Rule 7, Section 37 of the House Rules; See Rule 6, Section 1(a)(10) of the House Rules. Representative Raney did not move to reconsider the vote until Monday, May 11, 2015, after the routine motions period. Because Representative Raney did not make his motion either on the same day or during the routine motions period on the legislative day following the action he wished to reconsider, the chair agrees that the motion to reconsider was out of order. See Rule 7, Section 37 of the House Rules; Rule 6, Section 1(a)(10) of the House Rules.

### **POSTPONED BUSINESS (consideration continued)**

### **CSHB 969 ON SECOND READING (by K. King, Sheets, Fallon, et al.)**

**CSHB 969**, A bill to be entitled An Act relating to discovery of evidence of the net worth of a defendant in connection with a claim for exemplary damages.

**CSHB 969** was read second time on May 8 and was postponed until 9 a.m. today.

(Smithee now present)

**CSHB 969 - POINT OF ORDER**

Representative Walle raised a point of order against further consideration of **CSHB 969** under Rule 4, Section 41; Rule 11, Section 2; and Rule 11, Section 3 of the House Rules on the grounds that the committee substitute is not germane to the bill and the committee substitute would change the original purpose of the bill.

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

Representative Walle raised a point of order against further consideration of **CSHB 969** under Rule 4, Section 41 and Rule 11, Sections 2 and 3 of the House Rules on the grounds that the committee substitute is not germane to the bill as introduced and seeks to change the bill's original purpose. The point of order is sustained.

No "motion or proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the motion or proposition under debate," nor shall a bill "be amended in its passage through either house so as to change its original purpose." Rule 11, Sections 2 and 3 of the House Rules. If a point of order is sustained because a committee substitute is not germane, "the committee substitute shall be returned to the Committee on Calendars. . . ." Rule 4, Section 41 of the House Rules. **CSHB 969** as introduced removes a defendant's net worth from a list of factors a trier of fact must consider in determining the amount of exemplary damages. It further states that evidence of net worth or financial condition of a party is not relevant to a claim for exemplary damages, thus rendering any evidence as to a defendant's financial status not only inadmissible, but also as having no "tendency to make a fact more or less probable" and "of no consequence in determining" an action. Tex. R. Evid. 401. The committee substitute seeks to define "net worth" in the Civil Practice and Remedies Code, and it also provides methods for parties to discover evidence of a defendant's net worth prior to trial. Representative Walle argues that the committee substitute is neither germane to the bill as introduced, nor does it share the bill's original purpose.

**CSHB 969** as introduced completely bars a trier of fact's ability to consider evidence relating to a defendant's net worth and financial condition during the course of a trial when there is any claim for exemplary damages. In contrast, the committee substitute deals with an entirely different subject: the permissibility and authorization of pretrial discovery of a party's net worth. Because the substitute seeks to address a subject different from that of **CSHB 969** as introduced, the substitute is not germane to the original bill, and the substitute should be returned to the Committee on Calendars. See Rule 4, Section 41 of the House Rules; Rule 11, Sections 2 and 3 of the House Rules; 83 H.J. Reg. 2984 (2013) (Dutton point of order on **CSHB 34**).

**CSHB 969** was returned to the Committee on Calendars.

**LEAVE OF ABSENCE GRANTED**

Pursuant to a previous motion, the following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **HB 1**:

Gonzales on motion of Geren.

**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).

**CSHB 2712 ON SECOND READING  
(by Geren and Bohac)**

**CSHB 2712**, A bill to be entitled An Act relating to the temporary exemption of certain tangible personal property related to large data center projects from the sales and use tax.

**CSHB 2712** was read second time on May 8 and was postponed until 9 a.m. today.

**CSHB 2712** was passed to engrossment. (Hunter recorded voting no.)

**SB 1108 ON SECOND READING  
(Deshotel - House Sponsor)**

**SB 1108**, A bill to be entitled An Act relating to the creation of regional emergency communication districts; authorizing a fee.

**SB 1108** was considered in lieu of **CSHB 3462**.

**SB 1108** was read second time and was passed to third reading.

**CSHB 3462 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Deshotel moved to lay **CSHB 3462** on the table subject to call.

The motion prevailed.

**HB 3277 ON SECOND READING  
(by Dutton)**

**HB 3277**, A bill to be entitled An Act relating to the authority of the office of independent ombudsman with the Texas Juvenile Justice Department in regard to juveniles in custody in certain facilities not operated solely for children committed to the department.

**HB 3277** was read second time on May 8 and was postponed until 10 a.m. today.

**Amendment No. 1**

Representative Dutton offered the following amendment to **HB 3277**:

Amend **HB 3277** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 261.001, Human Resources Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Facility" means:

(A) a nonsecure correctional facility, as defined by Section 51.02, Family Code; or

(B) a secure correctional facility, as defined by Section 51.02, Family Code.

(1-a) "Independent ombudsman" means the individual who has been appointed under this chapter to the office of independent ombudsman.

SECTION 2. Section 261.002, Human Resources Code, is amended to read as follows:

Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of independent ombudsman is a state agency established for the purpose of investigating, evaluating, and securing the rights of the children committed to the department, including a child released under supervision before final discharge and a child placed in a facility pursuant to a juvenile court order.

SECTION 3. Section 261.055, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) The independent ombudsman shall immediately report to the board, the governor, the lieutenant governor, the speaker of the house of representatives, the state auditor, the executive director of the department, and the chief juvenile probation officer and juvenile board operating or contracting for the operation of the facility that is the subject of the report any particularly serious or flagrant:

(1) case of abuse or injury of a child placed in the facility;

(2) problem concerning the administration of the facility;

(3) problem concerning the delivery of services in the facility; or

(4) interference by a person associated with the facility with an investigation conducted by the office.

SECTION 4. Section 261.056(a), Human Resources Code, is amended to read as follows:

(a) The department or other operator of a facility, as applicable, shall allow any child committed to the department or placed in the facility to communicate with the independent ombudsman or an assistant to the ombudsman. The communication:

(1) may be in person, by mail, or by any other means; and

(2) is confidential and privileged.

SECTION 5. Section 261.057, Human Resources Code, is amended to read as follows:

Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The independent ombudsman shall promote awareness among the public and the children committed to the department or placed in a facility of:

(1) how the office may be contacted;

(2) the purpose of the office; and

(3) the services the office provides.

SECTION 6. Section 261.060(a), Human Resources Code, is amended to read as follows:

(a) The office shall accept, both before and after publication, comments from the board, a juvenile board, a chief juvenile probation officer, or other operator of a facility, as applicable, concerning the following types of reports published by the office under this chapter:

- (1) the office's quarterly report under Section 261.055(a);
- (2) reports concerning serious or flagrant circumstances under Section 261.055(b) or (c); and
- (3) any other formal reports containing findings and making recommendations concerning systemic issues that affect the department or a facility.

SECTION 7. Sections 261.101(a) and (b), Human Resources Code, are amended to read as follows:

(a) The independent ombudsman shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The independent ombudsman may:

(1) apprise persons who are interested in a child's welfare of the rights of the child unless the disclosure is prohibited by law; and

(2) conduct, organize, and provide technical assistance for audits of facilities to ensure that the audits are conducted in compliance with the federal Prison Rape Elimination Act National Standards, 28 C.F.R. Part 115, Subpart E.

SECTION 8. Section 261.102, Human Resources Code, is amended to read as follows:

Sec. 261.102. TREATMENT OF ~~[DEPARTMENT]~~ EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN. The department, a juvenile board, a juvenile probation department, or other operator of a facility, as applicable, may not discharge or in any manner discriminate or retaliate against an employee who in good faith makes a complaint to the office of independent ombudsman or cooperates with the office in an investigation.

SECTION 9. Section 261.104, Human Resources Code, is amended to read as follows:

Sec. 261.104. MEMORANDUM OF UNDERSTANDING. (a) The office, ~~and~~ the department, a juvenile board, a juvenile probation department, or other operator of a facility, as applicable, shall enter into a memorandum of understanding concerning:

(1) the most efficient manner in which to share information with one another; ~~and~~

(2) the procedures for handling overlapping monitoring duties and activities performed by the office and the department, juvenile board, juvenile probation department, operator of the facility, or other entity; and

(3) procedures for a juvenile board, a chief juvenile probation officer, or other operator of a facility, as appropriate, to comment on reports of the office related to children in a facility, including procedures to expedite or eliminate comment on a report due to an emergency or a serious or flagrant circumstance described by Section 261.055(c).

(b) The memorandum of understanding entered into under Subsection (a), at a minimum, must:

(1) address the interaction of the office with that portion of the department that conducts an internal audit under Section 203.013 and with the internal audit procedures of a juvenile probation department or facility;

(2) address communication between the office and the department or other operator of a facility concerning individual situations involving children committed to the department or placed in a facility, as applicable, and how those situations will be documented and handled;

(3) contain guidelines on the office's role in relevant working groups and policy development decisions at the department or with a juvenile board, a juvenile probation department, or other operator of a facility, as applicable;

(4) ensure opportunities for sharing information between the office and the department or facility for the purposes of assuring quality and improving programming within the department or facility; and

(5) preserve the independence of the office by authorizing the office to withhold information concerning matters under active investigation by the office from the department and department staff or from the facility and the staff of the facility and to report the information to the board and the governor.

SECTION 10. Section 261.151, Human Resources Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) The independent ombudsman has access to the records of the operator of a facility relating to the children placed in the facility.

(c) A local law enforcement agency shall allow the independent ombudsman access to its records relating to any child in the care or custody of the department or other operator of a facility.

SECTION 11. Section 261.152, Human Resources Code, is amended to read as follows:

Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES. The independent ombudsman shall have access to the records of a private entity that relate to a child committed to the department or placed in a facility.

SECTION 12. This Act takes effect September 1, 2015.

### **Amendment No. 2**

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

Amend Amendment No. 1 by Dutton to **HB 3277** (house committee report) on page 1 of the amendment as follows:

(1) On line 8, strike "or".

(2) On line 10, between "Code" and the underlined period, insert the following:

; or

(C) any other residential facility that, pursuant to the order of a juvenile court, accepts children adjudicated for conduct indicating a need for supervision or delinquent conduct

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

**HB 3277**, as amended, was passed to engrossment. (C. Anderson, Bell, Burrows, Frullo, Hunter, Kuempel, and Phillips recorded voting no.)

### **SB 42 ON SECOND READING** **(Sheffield - House Sponsor)**

**SB 42**, A bill to be entitled An Act relating to the selection process for student members of the board of regents of a state university or state university system.

**SB 42** was considered in lieu of **CSHB 1256**.

**SB 42** was read second time and was passed to third reading.



**CSHB 1256 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Sheffield moved to lay **CSHB 1256** on the table subject to call.

The motion prevailed.

**CSHB 3325 ON SECOND READING  
(by Gutierrez)**

**CSHB 3325**, A bill to be entitled An Act relating to the requirements for barber schools and private beauty culture schools.

**CSHB 3325** was read second time on May 4 and was postponed until 2 p.m. today.

Representative Gutierrez moved to postpone consideration of **CSHB 3325** until 3 p.m. Wednesday, May 13.

The motion prevailed.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 549 ON SECOND READING  
(by Johnson, Coleman, Wu, et al.)**

**CSHB 549**, A bill to be entitled An Act relating to certain duties of the Commission on Jail Standards regarding visitation periods for county jail prisoners.

**Amendment No. 1**

Representatives Coleman, Crownover, Pickett, Frullo, J. Rodriguez, Farias, Aycock, Otto, Burrows, Martinez Fischer, Sheffield, Shaheen, Cook, and Minjarez offered the following amendment to **CSHB 549**:

Amend **CSHB 549** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(2) On page 4, between lines 15 and 16, insert the following:

(a-1) A county jail that as of September 1, 2015, has incurred significant design, engineering, or construction costs to provide prisoner visitation that does not comply with a rule or procedure adopted under Subsection (a)(20), or does not have the physical plant capability to provide the in-person prisoner visitation required by a rule or procedure adopted under Subsection (a)(20), is not required to comply with any commission rule or procedure adopted under Subsection (a)(20).

(3) On page 4, line 16, strike "(a-1)" and substitute "(a-2)".

Amendment No. 1 was adopted by (Record 884): 132 Yeas, 5 Nays, 2 Present, not voting.

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

Nays — Johnson; Romero; Rose; Stephenson; Stickland.

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

Absent, Excused — Márquez; McClendon; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales.

Absent — Allen; Dukes; Faircloth; Howard; Raney.

#### STATEMENTS OF VOTE

When Record No. 884 was taken, my vote failed to register. I would have voted yes.

Faircloth

When Record No. 884 was taken, I was shown voting yes. I intended to vote no.

Miles

When Record No. 884 was taken, I was shown voting yes. I intended to vote no.

Moody

When Record No. 884 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

#### Amendment No. 2

Representative Schaefer offered the following amendment to **CSHB 549**:

Amend **CSHB 549** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(2) On page 4, between lines 15 and 16, insert the following:

(a-1) A county jail located in a county with a population of more than 600,000 but less than 750,000 is not required to comply with any commission rule or procedure adopted under Subsection (a)(20).

(3) On page 4, line 16, strike "(a-1)" and substitute "(a-2)".

Amendment No. 2 was withdrawn.

### **Amendment No. 3**

Representative Aycock offered the following amendment to **CSHB 549**:

Amend **CSHB 549** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(2) On page 4, between lines 15 and 16, insert the following:

(a-1) A county jail in operation on September 1, 2015, is not required to comply with any commission rule or procedure adopted under Subsection (a)(20).

(3) On page 4, line 16, strike "(a-1)" and substitute "(a-2)".

Amendment No. 3 was withdrawn.

**CSHB 549**, as amended, was passed to engrossment. (Hunter and Phillips recorded voting no.)

### **HB 580 ON SECOND READING (by Wu, Guerra, Minjarez, Guillen, et al.)**

**HB 580**, A bill to be entitled An Act relating to the statute of limitations for aggravated assault.

**HB 580** was passed to engrossment. (Flynn and Hunter recorded voting no.)

### **CSHB 1457 ON SECOND READING (by Blanco and Guillen)**

**CSHB 1457**, A bill to be entitled An Act relating to designation of an employee within certain state agencies as a veterans liaison.

**CSHB 1457** was passed to engrossment.

### **SB 1128 ON SECOND READING (S. Davis - House Sponsor)**

**SB 1128**, A bill to be entitled An Act relating to certain diagnostic testing during pregnancy.

**SB 1128** was considered in lieu of **HB 2906**.

### **Amendment No. 1**

Representative S. Davis offered the following amendment to **SB 1128**:

Amend **SB 1128** (house committee report) as follows:

(1) Strike page 1, lines 4-5 and substitute the following:

SECTION 1. Section 81.090, Health and Safety Code, is amended by amending Subsections (a-1), (c), (c-1), and (c-2) and adding Subsection (p) to read as follows:

(2) On page 1, line 10, between "pregnancy" and the semicolon, insert "2, but not earlier than the 28th week of the pregnancy".

(3) On page 2, line 12, between "the" and "test", insert "HIV".

(4) On page 2, lines 14 and 15, strike "in attendance at the delivery" and substitute "responsible for the newborn child [~~in attendance at the delivery~~]".

(5) On page 2, line 19, strike "in attendance at delivery" and substitute "responsible for the newborn child [~~in attendance at delivery~~]".

(6) On page 2, line 27, between "the" and "test", insert "HIV".

(7) On page 3, between lines 1 and 2, insert the following:

(p) Not later than January 1 of each odd-numbered year, the department shall report to the legislature the number of cases of early congenital syphilis and of late congenital syphilis that were diagnosed in this state in the preceding biennium.

Amendment No. 1 was adopted.

**SB 1128**, as amended, was passed to third reading.

### **HB 2906 - LAID ON THE TABLE SUBJECT TO CALL**

Representative S. Davis moved to lay **HB 2906** on the table subject to call.

The motion prevailed.

### **HB 3944 ON SECOND READING**

**(by T. King and Moody)**

**HB 3944**, A bill to be entitled An Act relating to judicial review of final orders arising out of nutritional programs administrated by the Texas Department of Agriculture.

**HB 3944** was passed to engrossment. (C. Anderson recorded voting no.)

### **HB 18 ON SECOND READING**

**(by Aycock)**

**HB 18**, A bill to be entitled An Act relating to college and career readiness training for certain public school counselors.

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

Representative Aycock offered the following amendment to **HB 18**:

Amend **HB 18** (house committee printing) on page 1 as follows:

(1) On line 10, strike "employed" and substitute "and other postsecondary advisors employed by a school district".

(2) On line 17, between "counselors" and "with", insert "and other postsecondary advisors".

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative Aycock offered the following amendment to **HB 18**:

Amend **HB 18** (house committee printing) as follows:

(1) On page 1, line 8, after the underlined period, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:  
( ) In this section, "center" means the Center for Teaching and Learning at The University of Texas at Austin.

(2) Strike "commissioner" and substitute "center" in the following places:

(A) page 1, lines 8 and 13; and

(B) page 2, line 18.

(3) On page 1, line 13, between "from" and "school", insert "the agency,".

(4) On page 1, strike line 15 and substitute the following:  
business, community, and school leaders.

(5) On page 2, between lines 21 and 22, insert the following appropriately lettered subsection:

( ) From available funds appropriated for purposes of this section, the center may provide to school counselors and other educators curricula, instructional materials, and technological tools relating to postsecondary education and career counseling.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Farney offered the following amendment to **HB 18**:

Amend **HB 18** (house committee printing) on page 2, line 15, between "careers" and the underlined period, by inserting ", including participation in mentorships and business partnerships".

Amendment No. 3 was adopted.

**HB 18**, as amended, was passed to engrossment.

### **HB 3787 ON SECOND READING**

(by G. Bonnen)

**HB 3787**, A bill to be entitled An Act relating to a claim filing period and contractual limitations period in certain property insurance policies.

Representative G. Bonnen moved to postpone consideration of **HB 3787** until 7 p.m. today.

The motion prevailed.

### **CSHB 460 ON SECOND READING**

(by Bell, Wray, Moody, and Price)

**CSHB 460**, A bill to be entitled An Act relating to the issuance of a search warrant for taking a blood specimen from certain persons suspected of committing certain intoxication offenses.

### **Amendment No. 1**

Representative Bell offered the following amendment to **CSHB 460**:

Amend **CSHB 460** (house committee report) on page 1 of the bill, by striking lines 20 through 24 and substituting the following:

(2) A warrant issued under Subdivision (1)(B) may be executed only in the county from which the warrant was obtained.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Bell offered the following amendment to **CSHB 460**:

Amend **CSHB 460** (house committee report) on page 1, after line 24, by adding the following appropriately numbered subdivision:

( ) The requirement under Subdivision (1)(B) that an officer attempt to obtain a warrant from a magistrate serving a criminal court in the county in which the suspect was stopped does not apply if:

(A) in the county in which the stop occurred:

(i) there is a not a person described by Section 724.017(a), Transportation Code, available to take the specimen; or

(ii) a person described by Section 724.017(a) is available, but no place described by Section 724.017(a-1) is available; and

(B) in the contiguous county from which the warrant is sought, a person described by Section 724.017(a) and a place described by Section 724.017(a-1) are available.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Bell offered the following amendment to **CSHB 460**:

Amend **CSHB 460** (house committee report) on page 1, after line 24, by adding the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

( ) An officer may not obtain a warrant under Subdivision (1)(B) if the officer previously applied for and was denied a warrant under Subdivision (1)(A) or (1)(B) relating to the same stop of the suspect.

### **CSHB 460 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE RIDDLE: I'm sorry I didn't ask you earlier. I should have come to you a bit earlier on this. Does this in any way affect the legislation that we passed, I think it was last session or the session before that, that allows emergency personnel, paramedics, to draw blood on the scene of an accident if requested by law enforcement where there has been serious injury or a fatality?

REPRESENTATIVE BELL: No, ma'am, this does not address that at all. This simply addresses concerns brought up by the courts making it unconstitutional to draw blood without a warrant. Some smaller, rural counties don't have the magistrates available, this lets them—they must first look in their county, but if it's not available there, they are able to look to a contiguous county for that. As long as the officer and the suspect are in that contiguous county, it can be addressed, but it doesn't touch that. No, ma'am.

RIDDLE: So how would this—it seems like it would conflict. Is my thinking wrong on this? It seems like it would conflict, representative, because before, with the one that passed a couple of sessions ago, it's at the direction of law enforcement. They don't have to—

BELL: The Criminal Court of Appeals said that it's unconstitutional to draw blood without a warrant. I'm not familiar with the bill you're talking about in the prior session, but I am familiar with this one and recognizing that this bill simply says that that peace officer requesting that warrant, if there's not a magistrate available to issue that warrant, can look to a contiguous county for a magistrate to issue that. But, to protect the process, that blood cannot be drawn until the suspect and the peace officer are in the county where the—

RIDDLE: We need to just make sure that that is not a—because it took us several sessions to get this passed. And the reason was because if there is a fatality or a very serious injury in an automobile accident, and it might take several hours, the blood alcohol content clearly would go down. Under normal circumstances it would potentially take several hours to get them to the hospital and take it at that point.

BELL: Yes, Representative Riddle. I believe what you are looking at is warrantless draws and searches, and what this is dealing with requires warrants. I don't believe they conflict at all because yours is talking about warrantless searches and this is dealing solely with areas of law where you must have a warrant to be able to do this.

RIDDLE: Okay, so for legislative intent, do I understand it clearly that your bill is not intended, and will in no way affect, the blood draw bill that we passed, I think it was last session or the session before that, regarding law enforcement requesting of emergency personnel on the scene to draw blood of the driver if it's pretty clear that driver may be intoxicated? Do I understand that correctly for legislative intent, sir?

BELL: Yes, ma'am, you do understand that correctly.

### REMARKS ORDERED PRINTED

Representative Riddle moved to print remarks between Representative Bell and Representative Riddle.

The motion prevailed.

Amendment No. 3 was adopted.

**CSHB 460**, as amended, was passed to engrossment by (Record 885): 95 Yeas, 37 Nays, 3 Present, not voting.

Yeas — Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Capriglione; Coleman; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Deshotel; Elkins; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Guerra; Guillen; Harless; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; Koop; Kuempel; Landgraf; Larson;

Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Otto; Paddie; Parker; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Romero; Schofield; Shaheen; Sheets; Sheffield; Simmons; Smith; Springer; Thompson, E.; Turner, C.; Villalba; Walle; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Bernal; Burns; Canales; Clardy; Cyrier; Davis, Y.; Faircloth; Fallon; Giddings; González; Hernandez; King, S.; King, T.; Klick; Krause; Miles; Nevárez; Oliveira; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Schubert; Simpson; Smithee; Spitzer; Stephenson; Stickland; Thompson, S.; Tinderholt; Turner, S.; White, J.; White, M.

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

Absent, Excused — Márquez; McClendon; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales.

Absent — Alonzo; Button; Dukes; Dutton; Farrar; Gutierrez; Paul; VanDeaver; Workman.

#### STATEMENTS OF VOTE

When Record No. 885 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 885 was taken, I was shown voting no. I intended to vote yes.

Clardy

When Record No. 885 was taken, I was shown voting no. I intended to vote yes.

Cyrier

When Record No. 885 was taken, I was shown voting no. I intended to vote yes.

Fallon

When Record No. 885 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 885 was taken, I was shown voting yes. I intended to vote no.

Isaac

When Record No. 885 was taken, I was in the house but away from my desk. I would have voted yes.

Paul



When Record No. 885 was taken, I was shown voting no. I intended to vote yes.

E. Rodriguez

When Record No. 885 was taken, I was shown voting no. I intended to vote yes.

Schubert

When Record No. 885 was taken, I was shown voting no. I intended to vote yes.

Stephenson

When Record No. 885 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

When Record No. 885 was taken, I was in the house but away from my desk. I would have voted yes.

VanDeaver

**HR 2688 - ADOPTED  
(by Dale)**

Representative Dale moved to suspend all necessary rules to take up and consider at this time **HR 2688**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2688**, Recognizing May 13, 2015, as Cedar Park Chamber of Commerce Leadership Cedar Park Day.

**HR 2688** was adopted.

**HB 3380 ON SECOND READING  
(by Y. Davis)**

**HB 3380**, A bill to be entitled An Act relating to the grounds for and process by which an elected officer of a home-rule municipality may be removed from office.

(Speaker in the chair)

**Amendment No. 1**

Representative Y. Davis offered the following amendment to **HB 3380**:

Amend **HB 3380** (house committee printing) as follows:

(1) On page 1, line 7, strike "; REMOVAL PROCESS" and substitute "AND REMOVAL PROCESS IN CERTAIN MUNICIPALITIES".

(2) On page 1, line 7, between the underlined period and "(a)", add a new appropriately lettered subsection and reletter subsections of added Section 26.048, Local Government Code, and cross references to those subsections accordingly:

( ) This section applies only to a municipality with a population of 36,400 to 38,600 located in a county with a population of 2.2 million and less than 4 million.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Y. Davis offered the following amendment to **HB 3380**:

Amend **HB 3380** (house committee printing) on page 1, lines 7-10, by striking proposed Section 26.048(a), Local Government Code, and substituting the following:

(a) The governing body of a municipality may remove an elected officer of the municipality from office in accordance with the municipality's charter, except that the governing body may not remove an elected officer if the removal is based solely on the officer's performance of an official duty.

Amendment No. 2 was adopted.

**HB 3380**, as amended, was passed to engrossment. (C. Anderson, Flynn, and Hunter recorded voting no.)

### **CSHB 2473 ON SECOND READING (by Y. Davis and Blanco)**

**CSHB 2473**, A bill to be entitled An Act relating to establishing a grant program in the Texas Department of Housing and Community Affairs to assist certain organizations that make residential mortgage loans to residents of certain neighborhoods.

### **CSHB 2473 - POINT OF ORDER**

Representative Tinderholt raised a point of order against further consideration of **CSHB 2473** under Rule 1, Section 4 of the House Rules on the grounds that the bill was not properly referred.

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

Representative Tinderholt raised a point of order against further consideration of **CSHB 2473** under Rule 1, Section 4 of the House Rules on the grounds that the committee to which the bill was referred did not have jurisdiction over the bill's subject matter. The point of order is respectfully overruled.

Rule 1, Section 4 of the House Rules requires that "all proposed legislation shall be referred by the speaker to an appropriate standing or select committee with jurisdiction. . . ." Rule 1, Section 4 of the House Rules. **CSHB 2473** seeks to establish under the Texas Department of Housing and Community Affairs (the department) a program for the purpose of making residential mortgage loans to the residents of certain neighborhoods. **CSHB 2473** was referred to the Committee on Investments and Financial Services, which has jurisdiction over the lending of money and savings and loan associations. Rule 3, Section 22(a) of the House Rules. The Committee on Urban Affairs, however, has jurisdiction

over matters pertaining to the department. See Rule 3, Section 37(a)(8) of the House Rules. Representative Tinderholt asserts that because the Committee on Urban Affairs has jurisdiction over the department, **CSHB 2473** should not have been referred to the Committee on Investments and Financial Services.

Although the Committee on Urban Affairs has jurisdiction over the department, such that the speaker could have properly referred the bill to that committee, Urban Affairs was not the only committee with proper jurisdiction over the bill. The chair notes that several committees have overlapping jurisdictions and that the chair has broad discretion to refer bills to any appropriate committee. See Rule 1, Section 4 of the House Rules; Rule 3 of the House Rules (committee jurisdictions). This is further evidenced by the language of Rule 1, Section 4 of the House Rules, which requires that legislation be referred to "an appropriate" committee, rather than *the* appropriate committee. Rule 1, Section 4 of the House Rules. Indeed, the chair may refer bills to any committee subject to correction by a majority vote of the body. Rule 1, Section 4 of the House Rules. The jurisdiction that the House Rules afford to the Committee on Investments and Financial Services, and specifically its jurisdiction over the lending of money and savings and loan associations, is sufficient to confer jurisdiction over **CSHB 2473**, which deals with the grant of assistance to certain organizations providing residential mortgage loans. See Rule 3, Section 22(2) of the House Rules. Having reviewed the bill and the jurisdiction of both the Committee on Investments and Financial Services and the Committee on Urban Affairs, the chair finds that the speaker properly exercised his broad discretion over this matter and the committee had jurisdiction over the subject matter of **CSHB 2473**. See 84 H.J. Reg. 2782 (2015) (Tinderholt point of order on **HB 3512**).

**CSHB 2473** failed to pass to engrossment by (Record 886): 54 Yeas, 81 Nays, 1 Present, not voting. (The vote was reconsidered on May 12, and **CSHB 2473** was passed to engrossment by Record No. 917.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Capriglione; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Keffer; King, K.; King, T.; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Parker; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thompson, S.; Turner, C.; Turner, S.; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Goldman; Harless; Hughes; Isaac; Kacal; Keough; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Murr; Otto; Paddie; Paul; Peña; Phelan; Phillips; Price; Riddle; Rinaldi; Sanford; Schaefer; Schofield;

Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; VanDeaver; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Márquez; McClendon; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales.

Absent — Dukes; Geren; Giddings; Huberty; Hunter; Morrison; Raney; Villalba.

### STATEMENTS OF VOTE

When Record No. 886 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 886 was taken, I was shown voting yes. I intended to vote no.

Keffer

When Record No. 886 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

When Record No. 886 was taken, I was shown voting yes. I intended to vote no.

Murphy

When Record No. 886 was taken, I was shown voting no. I intended to vote yes.

Stephenson

When Record No. 886 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

### HB 2185 ON SECOND READING

(by Clardy, et al.)

**HB 2185**, A bill to be entitled An Act relating to the execution of a search warrant for taking a DNA specimen.

#### Amendment No. 1

Representative Clardy offered the following amendment to **HB 2185**:

Amend **HB 2185** (house committee report) as follows:

(1) On page 1, line 8, strike "Notwithstanding any other law, a" and substitute "A".

(2) On page 1, strike lines 11 through 13 and substitute the following:

any county in this state. A warrant executed outside of the county in which the warrant was issued must be signed by a judge of a district court with jurisdiction over the original offense.

Amendment No. 1 was adopted.

**HB 2185**, as amended, was passed to engrossment. (Flynn recorded voting no.)

**CSHB 3184 ON SECOND READING**  
**(by McClendon, Keough, et al.)**

**CSHB 3184**, A bill to be entitled An Act relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees.

**Amendment No. 1**

On behalf of Representative McClendon, Representative Keough offered the following amendment to **CSHB 3184**:

Amend **CSHB 3184** (house committee printing) by striking SECTION 2 of the bill (page 2, lines 19-26) and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

**CSHB 3184**, as amended, was passed to engrossment. (C. Anderson and Flynn recorded voting no.)

**CSHB 1000 ON SECOND READING**  
**(by Zerwas and Faircloth)**

**CSHB 1000**, A bill to be entitled An Act relating to state support for general academic teaching institutions in this state.

**Amendment No. 1**

Representative Zerwas offered the following amendment to **CSHB 1000**:

Amend **CSHB 1000** (house committee report) as follows:

(1) On page 2, between lines 12 and 13, insert the following:

(a-1) In each state fiscal year, amounts shall be appropriated to eligible institutions based on the average amount of total research funds expended by each institution per year for the three preceding state fiscal years.

(2) On page 6, line 9, between "based on the" and "amount", insert "average".

(3) On page 6, line 10, strike "each eligible institution in a state fiscal year" and substitute "each institution per year for the three preceding state fiscal years".

Amendment No. 1 was adopted.

**CSHB 1000**, as amended, was passed to engrossment.

### FIVE-DAY POSTING RULE SUSPENDED

Representative Raymond moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Human Services to consider **SB 304** upon final recess today in E2.030.

The motion prevailed.

### COMMITTEES GRANTED PERMISSION TO MEET

Representative Dutton requested permission for the Committee on Juvenile Justice and Family Issues to meet while the house is in session, at 5 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

Representative Frullo requested permission for the Committee on Insurance to meet while the house is in session, at 4:30 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Insurance, 4:30 p.m. today, 1W.14, for a formal meeting, to consider pending business.

Juvenile Justice and Family Issues, 5 p.m. today, 3W.9, for a formal meeting, to consider pending business.

Human Services, upon final recess today, E2.030, for a public hearing, to consider **SB 304** and the previously posted agenda.

### HB 309 ON SECOND READING

(by J. White)

**HB 309**, A bill to be entitled An Act relating to a study on the feasibility and potential costs and benefits of implementing a pay-for-performance contract program for certain juvenile justice programs and services.

**HB 309** was passed to engrossment by (Record 887): 130 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Herrero; Howard; Huberty; Hunter; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett;

Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Isaac; Rinaldi; Simpson; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Márquez; McClendon; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales.

Absent — Clardy; Dukes; Faircloth; Hernandez; Hughes; Lucio; Martinez; Moody; Turner, C.

### STATEMENTS OF VOTE

When Record No. 887 was taken, I was in the house but away from my desk. I would have voted yes.

Faircloth

When Record No. 887 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 887 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez

When Record No. 887 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

When Record No. 887 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

### CSHB 3402 ON SECOND READING (by Smith)

**CSHB 3402**, A bill to be entitled An Act relating to the authority of a venue district to act as an endorsing municipality or endorsing county for purposes of games or event trust funds; authorizing a fee.

**CSHB 3402** was passed to engrossment by (Record 888): 121 Yeas, 20 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren;

Giddings; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keough; King, K.; King, P.; King, S.; King, T.; Koop; Kuempel; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheets; Sheffield; Smith; Smithee; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Burrows; Fallon; Frank; Hughes; Klick; Krause; Landgraf; Leach; Rinaldi; Schaefer; Schofield; Shaheen; Simmons; Simpson; Spitzer; Springer; Stickland; Tinderholt; White, J.; White, M.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Márquez; McClendon; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales.

Absent — Dukes; Keffer.

#### STATEMENTS OF VOTE

When Record No. 888 was taken, I was shown voting yes. I intended to vote no.

G. Bonnen

When Record No. 888 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 888 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

#### FIVE-DAY POSTING RULE SUSPENDED

Representative Crownover moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Public Health to consider **SB 582** at 8 a.m. tomorrow in E2.012.

The motion prevailed.

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, 8 a.m. tomorrow, E2.012, for a public hearing, to consider **SB 582** and the previously posted agenda.



**CSHB 282 ON SECOND READING**  
**(by Dutton, Reynolds, Miles, and Giddings)**

**CSHB 282**, A bill to be entitled An Act relating to the organization of a grand jury.

(Kuempel in the chair)

**Amendment No. 1**

Representative Dutton offered the following amendment to **CSHB 282**:

Amend **CSHB 282** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Article 19.01, Code of Criminal Procedure, is amended to read as follows:

Art. 19.01. METHODS OF APPOINTMENT OF GRAND JURY [~~COMMISSIONERS; SELECTION WITHOUT JURY COMMISSION~~]. (a) Except as provided by Subsection (b), a grand jury may only be appointed by a district judge directing that 20 to 125 prospective grand jurors be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts under Subchapter A, Chapter 62, Government Code. The judge shall try the qualifications for and excuses from service of a grand juror selected under this subsection and impanel the completed grand jury in the same manner as provided by this chapter for grand jurors selected by a jury commission.

(b) On a written finding by the district judge of specific circumstances that result in the method of appointing the grand jury under Subsection (a) being inadequate, the [The] district judge, at or during any term of court, may [shall] appoint not less than three, nor more than five persons to perform the duties of jury commissioners, and shall cause the sheriff to notify them of their appointment, and when and where they are to appear. The district judge shall, in the order appointing such commissioners, designate whether such commissioners shall serve during the term at which selected or for the next succeeding term. The [Such] commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they must [shall] possess the following qualifications:

1. Be intelligent citizens of the county and able to read and write the English language;
2. Be qualified jurors in the county;
3. Have no suit in said court which requires intervention of a jury;
4. Be residents of different portions of the county; and
5. The same person shall not act as jury commissioner more than once in any 12-month period.

~~[(b) In lieu of the selection of prospective jurors by means of a jury commission, the district judge may direct that 20 to 125 prospective grand jurors be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district~~

~~courts. The judge shall try the qualifications for and excuses from service as a grand juror and impanel the completed grand jury in the same manner as provided for grand jurors selected by a jury commission.]~~

SECTION 2. Article 19.23, Code of Criminal Procedure, is amended to read as follows:

Art. 19.23. MODE OF TEST. In trying the qualifications of any person to serve as a grand juror, the person ~~he~~ shall be asked:

1. Are you a citizen of this state and county, and qualified to vote in this county, under the Constitution and laws of this state?
2. Are you able to read and write?
3. Have you ever been convicted of misdemeanor theft or of any ~~any~~ felony?
4. Are you under indictment or other legal accusation for misdemeanor theft or for any felony?

SECTION 3. Article 19.26, Code of Criminal Procedure, is amended to read as follows:

Art. 19.26. JURY IMPANELED. (a) When at least fourteen qualified jurors are found to be present, the court shall select twelve fair and impartial persons to serve as grand jurors and two additional persons to serve as alternate grand jurors.

(b) The court shall proceed to impanel the grand jury, unless a challenge is made, which may be to the array or to any particular person presented to serve as a grand juror or an alternate.

~~[(b) The grand jury is composed of not more than twelve qualified jurors.]~~  
 In addition, the court shall [qualify and] impanel ~~[not more than]~~ two alternates to serve on disqualification or unavailability of a juror during the term of the grand jury. On learning that a grand juror has become disqualified or unavailable during the term of the grand jury, the attorney representing the state shall prepare an order for the court identifying the disqualified or unavailable juror, stating the basis for the disqualification or unavailability, dismissing the disqualified or unavailable juror from the grand jury, and naming one of the alternates as a member of the grand jury. The procedure established by this subsection may be used on disqualification or unavailability of a second grand juror during the term of the grand jury. For purposes of this subsection, a juror is unavailable if the juror is unable to participate fully in the duties of the grand jury because of the death of the juror, ~~or~~ a physical or mental illness of the juror, or any other reason the court determines constitutes good cause for dismissing the juror.

SECTION 4. Article 19.30, Code of Criminal Procedure, is amended to read as follows:

Art. 19.30. CHALLENGE TO "ARRAY". A challenge to the "array" shall be made in writing for these causes only:

1. That those summoned as grand jurors are not in fact those selected by the method provided by Article 19.01(a) ~~[19.01(b)]~~ of this chapter or by the jury commissioners; and
2. In case of grand jurors summoned by order of the court, that the officer who summoned them had acted corruptly in summoning any one or more of them.

SECTION 5. This Act applies only to a grand jury for which the term of the grand jury commences on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2015.

Amendment No. 1 was adopted.

### Amendment No. 2

Representative Alvarado offered the following amendment to **CSHB 282**:

Amend **CSHB 282** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 19.31, Code of Criminal Procedure, is amended to read as follows:

Art. 19.31. CHALLENGE TO JUROR. (a) A challenge to a particular grand juror may be made orally for any of the following causes ~~[only]~~:

1. That the juror is insane;  
2. That the juror has such defect in the organs of feeling or hearing, or such bodily or mental defect or disease as to render the juror unfit for jury service, or that the juror is legally blind and the court in its discretion is not satisfied that the juror is fit for jury service in that particular case;

3. That the juror is a witness in an investigation of the grand jury;

4. That the juror served on a petit jury in a former trial of the same alleged conduct or offense that the grand jury is investigating;

5. That the juror has a bias or prejudice in favor of or against the person accused or suspected of committing an offense that the grand jury is investigating;

6. That from hearsay, or otherwise, there is established in the mind of the juror such a conclusion as to the guilt or innocence of the person accused or suspected of committing an offense that the grand jury is investigating as would influence the juror's vote on the presentment of an indictment;

7. That the juror is related within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to a person accused or suspected of committing an offense that the grand jury is investigating or to a person who is a victim of an offense that the grand jury is investigating;

8. That the juror has a bias or prejudice against any phase of the law upon which the state is entitled to rely for an indictment;

9. That the juror ~~[he]~~ is not a qualified juror; and

10. ~~[2-]~~ That the juror ~~[he]~~ is the prosecutor upon an accusation against the person making the challenge.

(b) In this article, "legally blind" has the meaning assigned by Article 35.16(a).

SECTION \_\_\_\_\_. Chapter 19, Code of Criminal Procedure, is amended by adding Article 19.315 to read as follows:

Art. 19.315. RECUSAL OF JUROR. (a) If, during the course of a juror's service on the grand jury, the juror determines that the juror could be subject to a valid challenge for cause under Article 19.31, the juror shall recuse himself or herself from grand jury service until the cause no longer exists. A person who

knowingly fails to recuse himself or herself under this subsection may be held in contempt of court. A person authorized to be present in the grand jury room shall report a known violation of this subsection to the court.

(b) The court shall instruct the grand jury as to the duty imposed by Subsection (a).

SECTION \_\_\_\_\_. The changes in law made by this Act apply to a grand jury impaneled on or after the effective date of this Act. A grand jury impaneled before the effective date of this Act is governed by the law in effect on the date the grand jury was impaneled, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted. (Rinaldi recorded voting no.)

### **Amendment No. 3**

Representative E. Thompson offered the following amendment to **CSHB 282**:

Amend Floor Amendment No. \_\_\_\_ by Dutton to **CSHB 282** as follows:

(1) On page 1, line 8, between the underlined comma and "a grand", insert "in a county with a population of 2 million or more,".

(2) On page 1, line 17, strike "On" and substitute "In a county described by Subsection (a), on".

(3) On page 2, strike lines 9-16 and substitute the following:

(c) In a county with a population of less than 2 million, the district judge, at or during any term of court, shall appoint not less than three, nor more than five persons to perform the duties of jury commissioners, and shall cause the sheriff to notify them of their appointment, and when and where they are to appear. The district judge shall, in the order appointing such commissioners, designate whether such commissioners shall serve during the term at which selected or for the next succeeding term. The commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they must possess the following qualifications:

1. Be intelligent citizens of the county and able to read and write the English language;

2. Be qualified jurors in the county;

3. Have no suit in said court which requires intervention of a jury;

4. Be residents of different portions of the county; and

5. The same person shall not act as jury commissioner more than once in any 12-month period.

(d) ~~(b)~~ In a county described by Subsection (c), in lieu of the selection of prospective jurors by means of a jury commission, the district judge may direct that 20 to 125 prospective grand jurors be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts. The judge shall try the qualifications for and excuses from service as a grand juror and impanel the completed grand jury in the same manner as provided for grand jurors selected by a jury commission.

**LEAVE OF ABSENCE GRANTED**

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

Hunter on motion of Lozano.

**CSHB 282 - (consideration continued)****Amendment No. 3 - Point of Order**

Representative Walle raised a point of order against further consideration of Amendment No. 3.

The point of order was withdrawn.

Representative Dutton moved to postpone consideration of **CSHB 282** until 4:45 p.m. today.

The motion prevailed.

**CSHB 3193 ON SECOND READING  
(by Bernal)**

**CSHB 3193**, A bill to be entitled An Act relating to consideration of location of a bidder's or offeror's principal place of business in awarding certain municipal contracts.

**CSHB 3193** was passed to engrossment by (Record 889): 108 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Craddick; Crownover; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Koop; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Sheffield; Simpson; Smith; Smithee; Spitzer; Stephenson; Turner, C.; Turner, S.; VanDeaver; Villalba; Walle; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Bonnen, D.; Bonnen, G.; Capriglione; Dale; Fallon; Frank; Goldman; Isaac; Krause; Leach; Rinaldi; Schofield; Shaheen; Simmons; Springer; Stickland; Thompson, E.; Tinderholt; White, J.; Zedler.

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

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales.

Absent — Anderson, C.; Cook; Dukes; Farney; Hughes; Klick; Laubenberg; Paddie; Phillips; Sheets; Thompson, S.

**STATEMENTS OF VOTE**

When Record No. 889 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 889 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

When Record No. 889 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 889 was taken, my vote failed to register. I would have voted no.

Phillips

When Record No. 889 was taken, I was excused because of important business in the district. 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. 18).

**CSHB 3113 ON SECOND READING  
(by Gonzales and Schaefer)**

**CSHB 3113**, A bill to be entitled An Act relating to the authority of certain municipalities to pledge revenue from the municipal hotel occupancy tax for the payment of obligations related to hotel projects.

Representative Geren moved to postpone consideration of **CSHB 3113** until 5 a.m. tomorrow.

The motion prevailed.

**CSHB 644 ON SECOND READING  
(by Canales and Minjarez)**

**CSHB 644**, A bill to be entitled An Act relating to the contents of a search warrant and to the offense of tampering with a governmental record consisting of a search warrant.

**CSHB 644 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE WU: Representative Minjarez, may I ask you some questions about your legislative intent on this bill?

REPRESENTATIVE MINJAREZ: Yes.

WU: Is it the intent of this legislation to prevent a jurisdiction from applying an electronic signature onto a search warrant?

MINJAREZ: That's correct. Just kidding. No, it's not.

WU: So to be clear, for the purposes of legislative intent—because we have certain legislation that may conflict—nothing in this bill says a jurisdiction could not use an electronic signature that complies with your bill's requirements?

MINJAREZ: They can use an electronic signature; that is the intent of the bill.

### **REMARKS ORDERED PRINTED**

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

The motion prevailed.

**CSHB 644** was passed to engrossment.

### **CSHB 882 ON SECOND READING**

**(by R. Miller)**

**CSHB 882**, A bill to be entitled An Act relating to the director and assistant director of the Texas Military Preparedness Commission.

**CSHB 882** was passed to engrossment.

### **HB 963 ON SECOND READING**

**(by G. Bonnen and Sheets)**

**HB 963**, A bill to be entitled An Act relating to the designation of certain optometrists, therapeutic optometrists, and ophthalmologists as preferred providers.

Representative G. Bonnen moved to postpone consideration of **HB 963** until 6 a.m. tomorrow.

The motion prevailed.

### **HB 1318 ON SECOND READING**

**(by Button, Johnson, Springer, C. Anderson, Leach, et al.)**

**HB 1318**, A bill to be entitled An Act relating to the eligibility of presidential general election debates for distributions from a Major Events trust fund.

### **Amendment No. 1**

Representative Button offered the following amendment to **HB 1318**:

Amend **HB 1318** (house committee report) as follows:

(1) On page 1, line 7, between "Statutes)," and "are", insert "as amended by **SB 293**, Acts of the 84th Legislature, Regular Session, 2015,".

(2) On page 2, line 12, between "Association," and "the National", insert "ESPN or an affiliate,".

(3) On page 2, line 14, between "Association," and "or the United", insert "the National Association for Stock Car Auto Racing (NASCAR),".

(4) On page 2, line 21, strike "[~~or~~]".

(5) On page 2, strike lines 23 and 24, and substitute the following:  
Democratic National Committee; [~~or~~]

(F) the Ultimate Fighting Championship; or

(G) the Commission on Presidential Debates.

Amendment No. 1 was adopted. (Rinaldi recorded voting no.)

**HB 1318**, as amended, was passed to engrossment by (Record 890): 93 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Bell; Bernal; Blanco; Burkett; Button; Canales; Clardy; Coleman; Collier; Cook; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Koop; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Paul; Peña; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheets; Sheffield; Smith; Smithee; Stephenson; Thompson, E.; Turner, C.; Villalba; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Aycok; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Capriglione; Craddick; Cyrier; Fallon; Farrar; Frank; Hughes; Keough; Klick; Krause; Landgraf; Metcalf; Miles; Murr; Parker; Phelan; Phillips; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Simpson; Spitzer; Springer; Stickland; Thompson, S.; Tinderholt; Turner, S.; VanDeaver; White, J.; White, M.; Zedler.

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

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales.

Absent — Allen; Dukes; Giddings; King, P.; Miller, R.

#### STATEMENTS OF VOTE

When Record No. 890 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 890 was taken, my vote failed to register. I would have voted yes.

Giddings

When Record No. 890 was taken, I was in the house but away from my desk. I would have voted no.

P. King



When Record No. 890 was taken, I was shown voting yes. I intended to vote no.

Murphy

When Record No. 890 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**CSHB 1300 ON SECOND READING**  
**(by Capriglione and Fallon)**

**CSHB 1300**, A bill to be entitled An Act relating to eligibility requirements for admission of certain persons to educator preparation programs.

**CSHB 1300** was passed to engrossment.

**HB 1424 ON SECOND READING**  
**(by Lozano and Wu)**

**HB 1424**, A bill to be entitled An Act relating to the designation of certain synthetic compounds to Penalty Group 2 or 2-A of the Texas Controlled Substances Act; increasing penalties for certain persons convicted of the manufacture and delivery of controlled substances.

**HB 1424** was passed to engrossment.

**CSHB 3519 ON SECOND READING**  
**(by Guerra, Zerwas, Laubenberg, Lucio, Sheffield, et al.)**

**CSHB 3519**, A bill to be entitled An Act relating to the use of home telemonitoring services under Medicaid.

**Amendment No. 1**

Representative Guerra offered the following amendment to **CSHB 3519**:

Amend **CSHB 3519** (house committee report) as follows:

(1) On page 1, lines 6 and 7, strike "Subsection (c-1)" and substitute "Subsections (c-1) and (c-2)".

(2) On page 3, between lines 15 and 16, insert the following:

(c-2) A provider that is reimbursed under Subsection (c)(4) for home telemonitoring services provided to a patient may not also be reimbursed for communicating with the patient by telephone or in person to establish a successful data transmission as described by Subsection (c)(4).

Amendment No. 1 was adopted.

**CSHB 3519**, as amended, was passed to engrossment.

**HB 3032 ON SECOND READING**  
**(by Alvarado)**

**HB 3032**, A bill to be entitled An Act relating to vacancies created because of promotional appointments in certain municipal fire departments.

Representative Alvarado moved to postpone consideration of **HB 3032** until 10 a.m. Monday, June 1.

The motion prevailed.

**HB 3561 ON SECOND READING**  
(by E. Rodriguez)

**HB 3561**, A bill to be entitled An Act relating to damages in certain wrongful eviction actions.

**Amendment No. 1**

Representative E. Rodriguez offered the following amendment to **HB 3561**:

Amend **HB 3561** (house committee printing) as follows:

(1) On page 1, line 6, strike "WRONGFUL EVICTION" and substitute "CERTAIN WRONGFUL EVICTIONS".

(2) On page 1, line 10, strike "property" and substitute "nonresidential rental property".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Schofield offered the following amendment to **HB 3561**:

Amend **HB 3561** (house committee printing) as follows:

(1) On page 1, line 10, between "wrongfully evicted" and "from property", insert "without notice".

(2) Strike page 1, line 16, through page 2, line 1.

(3) On page 2, strike lines 7-20 and substitute the following:

(b) Notwithstanding Section 41.003, Civil Practice and Remedies Code, a claimant to whom this chapter applies may recover exemplary damages as provided by this section.

(4) Renumber and redesignate sections and subsections in added Chapter 30, Property Code, appropriately.

Amendment No. 2 was adopted.

**HB 3561**, as amended, failed to pass to engrossment by (Record 891): 61 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Burkett; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Geren; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Kacal; Keffer; King, S.; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Smith; Smithee; Spitzer; Thompson, S.; Turner, C.; Turner, S.; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Elkins; Faircloth; Fallon; Farney; Fletcher;

Flynn; Frank; Frullo; Galindo; Goldman; Huberty; Hughes; Isaac; Keough; King, K.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Sheets; Simmons; Simpson; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales.

Absent — Dukes; Harless; King, P.

### STATEMENTS OF VOTE

When Record No. 891 was taken, I was shown voting yes. I intended to vote no.

Geren

When Record No. 891 was taken, I was in the house but away from my desk. I would have voted no.

Harless

When Record No. 891 was taken, I was shown voting yes. I intended to vote no.

Kacal

When Record No. 891 was taken, I was in the house but away from my desk. I would have voted no.

P. King

When Record No. 891 was taken, I was shown voting no. I intended to vote yes.

T. King

When Record No. 891 was taken, I was shown voting yes. I intended to vote no.

Smithee

When Record No. 891 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

### CSHB 3077 ON SECOND READING (by Zerwas, Price, Darby, Kacal, and Longoria)

**CSHB 3077**, A bill to be entitled An Act relating to emergency medical air transportation funding.

**Amendment No. 1**

Representative S. Turner offered the following amendment to **CSHB 3077**:

Amend **CSHB 3077** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 542.406(c), Transportation Code, is amended to read as follows:

(c) Not later than the 60th day after the end of a local authority's fiscal year, after deducting amounts the local authority is authorized by Subsection (d) to retain, the local authority shall:

(1) send 50 percent of the revenue derived from civil or administrative penalties collected by the local authority under this section to the comptroller for deposit to the credit of the designated [regional] trauma facility and emergency medical services account established under Section 780.003 [782.002], Health and Safety Code; and

(2) deposit the remainder of the revenue in a special account in the local authority's treasury that may be used only to fund traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.

SECTION \_\_\_\_\_. Section 707.008(a), Transportation Code, is amended to read as follows:

(a) Not later than the 60th day after the end of a local authority's fiscal year, after deducting amounts the local authority is authorized by Subsection (b) to retain, the local authority shall:

(1) send 50 percent of the revenue derived from civil or administrative penalties collected by the local authority under this section to the comptroller for deposit to the credit of the designated [regional] trauma facility and emergency medical services account established under Section 780.003 [782.002], Health and Safety Code; and

(2) deposit the remainder of the revenue in a special account in the local authority's treasury that may be used only to fund traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.

SECTION \_\_\_\_\_. The heading to Section 780.002, Health and Safety Code, is amended to read as follows:

Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT.

SECTION \_\_\_\_\_. Section 780.003(b), Health and Safety Code, is amended to read as follows:

(b) The account is composed of money deposited to the credit of the account under Sections 542.4031, 542.406, and 707.008, Transportation Code, and under Section 780.002 of this code~~[, and the earnings of the account]~~.

SECTION \_\_\_\_\_. The following laws are repealed:

(1) Section 780.003(c), Health and Safety Code; and

(2) Chapter 782, Health and Safety Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015.

SECTION \_\_\_\_\_. On the effective date of this Act:

(1) the regional trauma account established under Chapter 782, Health and Safety Code, is abolished; and

(2) any unexpended and unobligated balance of money in the regional trauma account is transferred to the designated trauma facility and emergency medical services account established under Section 780.003, Health and Safety Code.

Amendment No. 1 was adopted.

**CSHB 3077**, as amended, was passed to engrossment by (Record 892): 107 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Canales; Capriglione; Clardy; Coleman; Collier; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Geren; Giddings; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Koop; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, J.; Romero; Rose; Schofield; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Burrows; Button; Craddick; Cyrier; Elkins; Fallon; Flynn; Frank; Hughes; Isaac; Krause; Leach; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Simpson; Spitzer; Stickland; Tinderholt; White, J.; White, M.; Zedler.

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

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales.

Absent — Bell; Cook; Dukes; King, S.; Klick; Morrison; Parker; Phillips; Rodriguez, E.

#### STATEMENTS OF VOTE

When Record No. 892 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 892 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 892 was taken, my vote failed to register. I would have voted no.

Phillips

When Record No. 892 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

**HB 2785 ON SECOND READING**  
(by Alvarado)

**HB 2785**, A bill to be entitled An Act relating to notice requirements for certain meetings or hearings in fire or police departments in certain municipalities.

Representative Alvarado moved to postpone consideration of **HB 2785** until 10 a.m. Wednesday, June 17.

The motion prevailed.

**HB 2745 ON SECOND READING**  
(by Capriglione, Guillen, Alonzo, Simpson, and Springer)

**HB 2745**, A bill to be entitled An Act relating to the frequency restrictions on charitable raffles.

**HB 2745** was passed to engrossment. (Phillips recorded voting no.)

**LEAVE OF ABSENCE GRANTED**

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

VanDeaver on motion of Phillips.

**CSSB 805 ON SECOND READING**  
(Raney and Guillen - House Sponsors)

**CSSB 805**, A bill to be entitled An Act relating to the employment of individuals qualified for a veteran's employment preference.

**CSSB 805** was considered in lieu of **HB 2996**.

**Amendment No. 1**

Representative Guillen offered the following amendment to **CSSB 805**:

Amend **CSSB 805** (house committee report) as follows:

(1) On page 6, line 9, between "AGENCIES." and "For", insert "(a)".

(2) On page 6, between lines 18 and 19, insert the following:

(b) A state agency that does not receive any applications from individuals who qualify for a veteran's employment preference under Section 657.003 is not required to comply with Subsection (a).

Amendment No. 1 was adopted.

**CSSB 805**, as amended, was passed to third reading.

**HB 2996 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Guillen moved to lay **HB 2996** on the table subject to call.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Juvenile Justice and Family Issues:

J. White on motion of Phillips.

**HB 2894 ON SECOND READING**

(by Lozano)

**HB 2894**, A bill to be entitled An Act relating to the election of certain county bail bond board members.

Representative Lozano moved to postpone consideration of **HB 2894** until 5:30 p.m. today.

The motion prevailed.

**CSHB 3024 ON SECOND READING**

(by Guerra)

**CSHB 3024**, A bill to be entitled An Act relating to coordination of dental benefits under certain insurance policies.

**Amendment No. 1**

Representative Guerra offered the following amendment to **CSHB 3024**:

Amend **CSHB 3024** (house committee printing) on page 2, line 25, between "(b)" and the underlined period, by inserting ", not to exceed the policy limit of the secondary policy".

Amendment No. 1 was adopted.

**CSHB 3024**, as amended, was passed to engrossment by (Record 893): 118 Yeas, 13 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Israel; Johnson; Kacal; Keffer; Keough; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert;

Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Isaac; Krause; Leach; Rinaldi; Schaefer; Schofield; Simpson; Spitzer; Stickland; Tinderholt; Zedler.

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

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.; VanDeaver; Vo.

Absent, Excused, Committee Meeting — Ashby; Gonzales; White, J.

Absent — Bonnen, D.; Clardy; Dukes; Hughes; King, K.; Phelan; White, M.

### STATEMENTS OF VOTE

When Record No. 893 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 893 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

When Record No. 893 was taken, my vote failed to register. I would have voted yes.

K. King

When Record No. 893 was taken, I was in the house but away from my desk. I would have voted yes.

Phelan

When Record No. 893 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

When Record No. 893 was taken, I was excused to attend a committee meeting. I would have voted no.

J. White

When Record No. 893 was taken, my vote failed to register. I would have voted no.

M. White

### CSHB 3404 ON SECOND READING (by S. Thompson)

**CSHB 3404**, A bill to be entitled An Act relating to a study on providing care to veterans with post-traumatic stress disorder.



**Amendment No. 1**

Representative Simpson offered the following amendment to **CSHB 3404**:

Amend **CSHB 3404** (house committee printing) as follows:

- (1) On page 1, line 14, strike "and".
- (2) On page 1, line 16, strike the period and substitute "; and".
- (3) On page 1, between lines 16 and 17, insert the following:
  - (3) using marihuana as a treatment for post-traumatic stress disorder.

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

Representative Leach 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 chair overruled the point of order and submitted the following statement:

Representative Leach raised a point of order against further consideration of Amendment No. 1 to **CSHB 3404** under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill. The point of order is respectfully overruled.

Rule 11, Section 2 of the House Rules bars any "motion or proposition on a subject different from the subject under consideration" from being admitted as an amendment or "substitute for a measure under debate." Rule 11, Section 2 of the House Rules. **CSHB 3404** directs the Health and Human Services Commission to "conduct a study on the benefits of providing integrated care to veterans with post-traumatic stress disorder" (PTSD). **CSHB 3404** also stipulates specifically that the study must evaluate the benefits of (1) certain standardized PTSD assessment in the identification of treatment; and (2) family members' involvement in treatment. Amendment No. 1 seeks to add a third required area of evaluation within the study: the benefits of using marihuana as a treatment for PTSD. Representative Leach asserts that this amendment is not germane to the bill as the bill seeks to conduct a study on legal methods of treatment and assessment, whereas the amendment seeks to study currently illegal treatment methods. This distinction does not render the amendment nongermane. Further, Representative Simpson made clear his intention that the study would focus on scholarly research and the documented impact of marihuana on PTSD; it does not allow or encourage participation in illegal activity. Having reviewed the bill, the amendment, and the applicable house rule and precedent, the chair finds that, because the subject matter of the amendment is squarely within the scope of **CSHB 3404** (a study to evaluate various methods of assessment and possible treatment of veterans with PTSD), the amendment is germane and complies with Rule 11, Section 2 of the House Rules. See Rule 11, Section 2 of the House Rules; *cf.* 79 H.J. Reg. 618-619 (2005) (Representative Chisum point of order on Amendment No. 51 to **CSHB 2**).

(Ashby and Vo now present)

Amendment No. 1 failed of adoption by (Record 894): 54 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Isaac; Israel; Johnson; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Peña; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Simpson; Smith; Spitzer; Stickland; Turner, C.; Vo; Walle; Wu; Zedler.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Harless; Huberty; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Murphy; Murr; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schubert; Sheets; Simmons; Smithee; Springer; Stephenson; Thompson, E.; Tinderholt; Turner, S.; Villalba; White, M.; Workman; Wray; Zerwas.

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

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.; VanDeaver.

Absent, Excused, Committee Meeting — Gonzales; White, J.

Absent — Bohac; Clardy; Dukes; Hughes; Schofield; Shaheen; Thompson, S.

### STATEMENTS OF VOTE

When Record No. 894 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

When Record No. 894 was taken, I was shown voting no. I intended to vote yes.

Miles

When Record No. 894 was taken, I was shown voting yes. I intended to vote no.

Smith

When Record No. 894 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

When Record No. 894 was taken, I was excused to attend a committee meeting. I would have voted yes.

J. White

When Record No. 894 was taken, I was shown voting yes. I intended to vote no.

Zedler

(J. White now present)

### **Amendment No. 2**

Representative Coleman offered the following amendment to **CSHB 3404**:

Amend **CSHB 3404** (house committee printing) on page 1, line 9, between "university" and "with" by inserting "and medical school".

Amendment No. 2 was adopted.

**CSHB 3404**, as amended, was passed to engrossment by (Record 895): 127 Yeas, 10 Nays, 2 Present, not voting.

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

Nays — Bonnen, G.; Burns; Fletcher; Keough; Laubenberg; Rinaldi; Spitzer; Stickland; Thompson, E.; Tinderholt.

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

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.; VanDeaver.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Bonnen, D.; Clardy; Dukes; King, P.; Smithee.

### **STATEMENTS OF VOTE**

When Record No. 895 was taken, I was shown voting yes. I intended to vote no.

Shaheen

When Record No. 895 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

**CSSB 1282 ON SECOND READING**  
**(Parker - House Sponsor)**

**CSSB 1282**, A bill to be entitled An Act relating to the regulation of consumer credit transactions and the regulatory authority of the Office of Consumer Credit Commissioner; amending provisions subject to a criminal penalty.

**CSSB 1282** was considered in lieu of **HB 3094**.

Representative Parker moved to postpone consideration of **CSSB 1282** until 12 p.m. Monday, May 18.

The motion prevailed.

**HB 3094 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Parker moved to lay **HB 3094** on the table subject to call.

The motion prevailed.

**CSHB 2473 - NOTICE GIVEN**

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, Representative Stephenson gave notice that a member would, in one hour, move to reconsider the vote by which **CSHB 2473** failed to pass to engrossment by Record No. 886.

**CSHB 2919 - NOTICE GIVEN**

At 5:30 p.m., pursuant to the provisions of Rule 14, Section 4 of the House Rules, the speaker announced that Representative Murphy would, in one hour, move to suspend all necessary rules and reconsider the vote by which **CSHB 2919**, as amended, failed to pass to engrossment by Record No. 834.

**POSTPONED BUSINESS**

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

**HB 1514 ON THIRD READING**  
**(by Sheffield)**

**HB 1514**, A bill to be entitled An Act relating to health insurance identification cards issued by qualified health plan issuers.

**HB 1514** was read third time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Coleman offered the following amendment to **HB 1514**:

Amend **HB 1514** on third reading as follows:

(1) On page 1, lines 10 and 11, strike advance payments of the premium tax credit, "enrollee," and substitute "enrollee," "exchange,".

(2) On page 1, line 16, strike "in this state" and substitute "purchased through an exchange".

(3) Strike page 1, lines 19 through 22, and substitute "a location of the issuer's choice the acronym "QHP."".

Amendment No. 1 was adopted. (Rinaldi recorded voting no.)

**HB 1514**, as amended, was passed by (Record 896): 129 Yeas, 8 Nays, 2 Present, not voting.

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

Nays — González; Hughes; Krause; Nevárez; Stickland; White, J.; White, M.; Zedler.

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

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.; VanDeaver.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Dukes; Giddings; Riddle; Smithee; Turner, S.

#### STATEMENTS OF VOTE

When Record No. 896 was taken, my vote failed to register. I would have voted yes.

Giddings

When Record No. 896 was taken, I was shown voting yes. I intended to vote no.

Rinaldi

When Record No. 896 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 896 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

When Record No. 896 was taken, I was in the house but away from my desk. I would have voted yes.

S. Turner

**SB 1173 ON SECOND READING**  
**(Phillips - House Sponsor)**

**SB 1173**, A bill to be entitled An Act relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; creating a criminal offense; amending provisions subject to a criminal penalty; authorizing fees.

**SB 1173** was read second time on May 7, postponed until 6 a.m. today, postponed until 2 p.m. today, postponed until 3 p.m. today, and was again postponed until this time.

Representative Phillips moved to postpone consideration of **SB 1173** until 6 a.m. Friday, May 15.

The motion prevailed.

**CSHB 282 ON SECOND READING**  
**(by Dutton, Reynolds, Miles, and Giddings)**

**CSHB 282**, A bill to be entitled An Act relating to the organization of a grand jury.

**CSHB 282** was read second time earlier today, amendments were offered and disposed of, and **CSHB 282** was postponed until this time. Amendment No. 3 was pending at the time of postponement.

**Amendment No. 3 - Point of Order**

Representative Walle raised a point of order against further consideration of Amendment No. 3.

The point of order was withdrawn.

(VanDeaver now present)

Representative Dutton moved to table Amendment No. 3.

The motion to table was lost by (Record 897): 67 Yeas, 73 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Frank; Galindo; Geren; Giddings; González; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Keffer; King, S.; Koop; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Miles; Minjarez; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rinaldi;

Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Sheffield; Simpson; Stickland; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; Vo; Walle; White, M.; Wray; Wu; Zedler.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frullo; Goldman; Guillen; Harless; Huberty; Hughes; Isaac; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Krause; Landgraf; Larson; Laubenberg; Leach; Metcalf; Miller, D.; Miller, R.; Morrison; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Sanford; Schofield; Schubert; Sheets; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; White, J.; Workman; Zerwas.

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

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Shaheen; VanDeaver; Villalba.

#### STATEMENT OF VOTE

When Record No. 897 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

(Speaker in the chair)

#### Amendment No. 4

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

Amend Floor Amendment No. 3 by E. Thompson to **CSHB 282** by striking page 1, lines 22 and 23 and renumbering subsequent subdivisions accordingly.

Amendment No. 4 failed of adoption by (Record 898): 62 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Cook; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Isaac; Israel; Johnson; Keffer; King, S.; King, T.; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Paul; Phillips; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simmons; Simpson; Stephenson; Stickland; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; White, M.; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Harless; Huberty; Hughes; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Landgraf;

Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murr; Otto; Paddie; Parker; Peña; Phelan; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Smith; Smithee; Spitzer; Springer; Thompson, E.; VanDeaver; White, J.; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Dukes; Farney; Tinderholt; Villalba.

### STATEMENTS OF VOTE

When Record No. 898 was taken, I was shown voting yes. I intended to vote no.

S. King

When Record No. 898 was taken, I was shown voting yes. I intended to vote no.

Simmons

When Record No. 898 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

### Amendment No. 5

Representative S. Turner offered the following amendment to Amendment No. 3:

Amend Amendment No. 3 by E. Thompson to **CSHB 282** as follows:

(1) On page 1, line 4, strike "2 million" and substitute "500,000".

(2) On page 1, line 10, strike "2 million" and substitute "500,000".

Amendment No. 5 was adopted.

Representative Dutton moved to table Amendment No. 3, as amended.

The motion to table was lost by (Record 899): 63 Yeas, 79 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Frank; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Hughes; Israel; Johnson; Longoria; Lucio; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Paul; Peña; Pickett; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Sheffield; Simpson; Spitzer; Stickland; Thompson, S.; Tinderholt; Turner, C.; Vo; Walle; White, J.; White, M.; Wray; Wu.



Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; Harless; Huberty; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Otto; Paddie; Parker; Phelan; Phillips; Price; Raney; Riddle; Sanford; Schofield; Schubert; Shaheen; Sheets; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; VanDeaver; Villalba; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Dukes; Turner, S.

### STATEMENT OF VOTE

When Record No. 899 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

### MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

### CSHB 282 - (consideration continued)

Representative Dutton moved to postpone consideration of **CSHB 282** until 10 a.m. Friday, January 1, 2016.

The motion prevailed.

### GENERAL STATE CALENDAR (consideration continued)

### SB 425 ON SECOND READING (G. Bonnen - House Sponsor)

**SB 425**, A bill to be entitled An Act relating to health care information provided by and notice of facility fees charged by certain freestanding emergency medical care facilities.

**SB 425** was considered in lieu of **HB 3475**.

### Amendment No. 1

Representative G. Bonnen offered the following amendment to **SB 425**:

Amend **SB 425** (house committee report) as follows:

(1) On page 2, line 8, strike "and".

(2) On page 2, line 10, between "services" and the underlined period, insert the following:

; and

(4) on the facility's Internet website

(3) On page 2, line 11, strike "this section" and substitute "Subsections (c)(1), (2), and (3)".

(4) On page 3, line 7, strike "and".

(5) On page 3, line 9, between "services" and the underlined period, insert the following:

; and

(4) on the facility's Internet website

(6) On page 3, line 10, strike "this section" and substitute "Subsections (b)(1), (2), and (3)".

Amendment No. 1 was adopted. (Rinaldi recorded voting no.)

**SB 425**, as amended, was passed to third reading. (Rinaldi recorded voting no.)

### **HB 3475 - LAID ON THE TABLE SUBJECT TO CALL**

Representative G. Bonnen moved to lay **HB 3475** on the table subject to call.

The motion prevailed.

### **CSHB 2096 ON SECOND READING**

**(by Button, D. Bonnen, Gonzales, Martinez Fischer, Parker, et al.)**

**CSHB 2096**, A bill to be entitled An Act relating to the temporary exemption of certain tangible personal property related to certain multi-user data centers from the sales and use tax.

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

Representative Button offered the following amendment to **CSHB 2096**:

Amend **CSHB 2096** (house committee printing) on page 5, lines 13-16, by striking "of at least \$100 million in that particular multi-user data center over a five-year period beginning on the date the multi-user data center is certified by the comptroller as a qualifying multi-user data center" and substituting the following:

if:

(A) the capital investment is at least \$100 million over a ten-year period beginning on the date the multi-user data center is certified by the comptroller as a qualifying multi-user data center;

(B) the capital investment is in a particular multi-user data center;

and

(C) the amount of the capital investment will exclusively serve qualifying occupants that execute contracts on or after September 1, 2015, and who were not under contract with the qualified owner or qualified operator before September 1, 2015.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Isaac offered the following amendment to **CSHB 2096**:

Amend **CSHB 2096** (house committee printing) on page 2, line 14, by striking "at least the county average weekly wage" and substituting "at least 120 percent of the county average weekly wage".

Amendment No. 2 was adopted.

**CSHB 2096 - REMARKS**

REPRESENTATIVE S. TURNER: Can you just tell us what is the fiscal note on **CSHB 2096**?

REPRESENTATIVE BUTTON: Very good question. Yes, there are fiscal notes, but I'd like to read the—if you look at the last paragraph on the fiscal note it reads: Additional data center development might also result in significant increments to school property tax bases; however, the extent to which that may result in savings to the state in costs for the Foundation School Program is not estimated in the fiscal note. To say that in plain English, you know my style, to say that in plain English—because it's not a dynamic fiscal note, but if you look at tracking the new investment, those are all additional. Thank you. I know time is up, but I'd be glad to shorten this so other people have the chance to pass their bills.

S. TURNER: I understand they're going to pass their bills, Representative Button, but I just want to make sure that I understand. I had heard that the cost of the bill over two years could be about \$20 million. Am I right or wrong?

BUTTON: According to the fiscal note—but please remember, as I mentioned earlier, that's not a dynamic fiscal note so you don't really count the additional investment coming in. As I said earlier, you don't account for the data center property taxes, local sales tax, and the franchise tax and all the other ones.

S. TURNER: But it will cost us about \$20 million for 2016-2017.

BUTTON: That's the current fiscal note, but actually when we were working on this bill in the Ways and Means Committee, I did consult with the chairman—but the bottom line is it's a good bill to attract major investments to Texas. In committee, including my dear friend Chairwoman Yvonne Davis, they all voted yes for this bill.

S. TURNER: Well, I respect Representative Davis for voting yes on it. I'm just looking at it from the fiscal side. Earlier today we voted on a similar tax exemption bill for data centers that Representative Geren, I think, passed. Now who stands to benefit from this bill?

BUTTON: This is kind of strange. I don't know if it's because my English is more charming than Chairman Geren's, but he didn't have anybody asking questions. He just got it passed like that. So thank you for recognizing that I speak charming English.

**CSHB 2096**, as amended, was passed to engrossment by (Record 900): 80 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Alvarado; Anchia; Anderson, C.; Ashby; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Deshotel; Elkins; Faircloth; Farias; Farney; Fletcher; Flynn; Frullo; Galindo; Goldman; Guillen; Gutierrez; Hernandez; Howard; Huberty; Isaac; Israel; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Kuempel; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Murphy; Naishtat; Nevárez; Paddie; Parker; Paul; Pickett; Price; Raney; Riddle; Rodriguez, J.; Sheets; Simmons; Springer; Stephenson; Turner, C.; Villalba; Vo; Walle; Workman; Wu; Zerwas.

Nays — Allen; Alonzo; Anderson, R.; Aycock; Burns; Canales; Collier; Cyrier; Davis, Y.; Dutton; Fallon; Farrar; Frank; Geren; Giddings; González; Guerra; Hughes; Johnson; Kacal; King, T.; Krause; Landgraf; Leach; Metcalf; Meyer; Miles; Muñoz; Murr; Oliveira; Otto; Peña; Phelan; Phillips; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheffield; Simpson; Smith; Smithee; Spitzer; Stickland; Thompson, S.; Tinderholt; Turner, S.; VanDeaver; White, J.; White, M.; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hunter; Márquez; McClendon; Turner, E.S.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Coleman; Dukes; Harless; Herrero; Schubert; Thompson, E.

#### STATEMENTS OF VOTE

When Record No. 900 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 900 was taken, I was shown voting yes. I intended to vote no.

Naishtat

When Record No. 900 was taken, I was in the house but away from my desk. I would have voted yes.

Schubert

When Record No. 900 was taken, I was shown voting no. I intended to vote yes.

Smith

When Record No. 900 was taken, I was in the house but away from my desk. I would have voted yes.

E. Thompson

When Record No. 900 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

When Record No. 900 was taken, I was shown voting yes. I intended to vote present, not voting.

Villalba

**REMARKS ORDERED PRINTED**

Representative Miles moved to print remarks between Representative Button and Representative S. Turner.

The motion prevailed.

**HB 2498 ON SECOND READING**  
**(by Zerwas and Martinez)**

**HB 2498**, A bill to be entitled An Act relating to a compact with other states regarding the licensure of emergency medical services personnel and the authority of those personnel to perform job duties in this state and other states.

**HB 2498** was passed to engrossment.

**CSHB 3897 ON SECOND READING**  
**(by Kuempel)**

**CSHB 3897**, A bill to be entitled An Act relating to contributions to, benefits from, membership in, and the administration of systems and programs administered by the Teacher Retirement System of Texas.

Representative Kuempel moved to postpone consideration of **CSHB 3897** until 10 a.m. September 1, 3015.

The motion prevailed.

**SB 899 ON SECOND READING**  
**(Stephenson - House Sponsor)**

**SB 899**, A bill to be entitled An Act relating to the regulation of money services businesses; affecting the prosecution of a criminal offense.

**SB 899** was considered in lieu of **HB 2676**.

**SB 899** was passed to third reading. (Flynn recorded voting no.)

**HB 2676 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Stephenson moved to lay **HB 2676** on the table subject to call.

The motion prevailed.

**HB 3938 ON SECOND READING**  
**(by Longoria)**

**HB 3938**, A bill to be entitled An Act relating to single premium term life insurance offered in connection with certain consumer loans.

**HB 3938** was passed to engrossment.

**CSHB 207 ON SECOND READING**  
**(by Leach, Canales, Shaheen, Moody, and Simpson)**

**CSHB 207**, A bill to be entitled An Act relating to creating the offense of voyeurism; providing a penalty.

**CSHB 207** was passed to engrossment.

**HB 118 ON SECOND READING**  
**(by Flynn and Guillen)**

**HB 118**, A bill to be entitled An Act relating to a fee waiver for a combination resident hunting and fishing license for certain military personnel.

**HB 118** was passed to engrossment.

**CSHB 22 ON SECOND READING**  
**(by S. Davis)**

**CSHB 22**, A bill to be entitled An Act relating to the powers and duties of the Texas Ethics Commission; creating a criminal offense.

**PARLIAMENTARY INQUIRY**

**REPRESENTATIVE STICKLAND:** Is the purpose of the witness list required by Rule 4, Section 32 to give the members an understanding of who and what organizations support or oppose a piece of legislation?

**SPEAKER STRAUS:** Mr. Stickland, that is one purpose of the witness list.

**STICKLAND:** I'm concerned about what happens with a witness affirmation form once it has been submitted but actions in the committee on a bill change the statements made in the witness affirmation form. For example, a witness registers as supporting a bill, but does not testify, but later testifies telephonically in the hearing. Is there a rule that allows a person who submits a witness affirmation form to adjust that form once it has been submitted or requires the chair of the committee to adjust the witness affirmation form?

**SPEAKER:** Mr. Stickland, we'd have to see the form and the positions people took.

**STICKLAND:** I'm sorry. What was that, Mr. Speaker?

**SPEAKER:** We'd have to actually see the document itself.

**STICKLAND:** Is there a rule that allows the chair to use video evidence of a committee hearing to verify the veracity of a witness list attached to a committee report?

**SPEAKER:** Mr. Stickland, will you repeat the question?

**STICKLAND:** Is there a rule that allows the chair to use video evidence of a committee hearing to verify the veracity of a witness list attached to a committee report?

**SPEAKER:** Mr. Stickland, we're not aware of any restrictions to what a chair can do in that case.

STICKLAND: Has the chair reviewed the video recordings of a committee hearing as a means of sustaining or overruling a point of order? And if so, do the rules currently allow for that?

SPEAKER: Mr. Stickland, we'd have to go through all of the precedents in order to answer your question.

STICKLAND: Are you aware of any at this time?

SPEAKER: No.

STICKLAND: So you are not aware that the chair has ever reviewed video recordings of a committee hearing as a means of sustaining or overruling a point of order or in the research of a called point of order?

SPEAKER: No. If you have a specific point, you can bring it down front.

### **CSHB 22 - POINT OF ORDER**

Representative Stickland raised a point of order against further consideration of **CSHB 22** under Rule 4, Section 32(b)(10) of the House Rules on the grounds that the committee report is incorrect.

The point of order was withdrawn.

Representative S. Davis moved to postpone consideration of **CSHB 22** until 7:15 p.m. today.

The motion prevailed.

### **REMARKS ORDERED PRINTED**

Representative Moody moved to print remarks between Representative Stickland and the speaker.

The motion prevailed.

(Hunter now present)

### **CSHB 849 ON SECOND READING**

**(by Paddie, D. Bonnen, Springer, T. King, Bohac, et al.)**

**CSHB 849**, A bill to be entitled An Act relating to an exemption from the sales tax for firearms and hunting supplies for a limited period.

(Kacal in the chair)

(E. S. Turner now present)

**CSHB 849** was passed to engrossment by (Record 901): 100 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Guerra; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf;

Meyer; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Raymond; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bernal; Blanco; Collier; Davis, Y.; Dutton; Farias; Farrar; Giddings; González; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Longoria; Lucio; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Naishtat; Pickett; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Simpson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; White, M.; Workman; Wu.

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

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Coleman; Dukes.

#### STATEMENT OF VOTE

When Record No. 901 was taken, I was shown voting no. I intended to vote yes.

M. White

#### CSHB 1278 ON SECOND READING

(by Hughes, Fletcher, R. Anderson, Dutton, Herrero, et al.)

**CSHB 1278**, A bill to be entitled An Act relating to financial assistance paid to the survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty.

**CSHB 1278** was passed to engrossment.

#### HB 852 ON SECOND READING

(by Sanford)

**HB 852**, A bill to be entitled An Act relating to the creation of a joint interim committee to study and make recommendations regarding the storage of biometric identifiers.

**HB 852** was passed to engrossment.

#### CSHB 1346 ON SECOND READING

(by Alonzo)

**CSHB 1346**, A bill to be entitled An Act relating to the representation of certain indigent applicants for a writ of habeas corpus.

#### Amendment No. 1

Representative Alonzo offered the following amendment to **CSHB 1346**:



Amend **CSHB 1346** (house committee report) by striking page 1, lines 13-22 and substituting the following:

(b) If at any time the state represents to the convicting court that an eligible indigent defendant under Article 1.051 who was sentenced or had a sentence suspended is not guilty, is guilty of only a lesser offense, or was convicted or sentenced under a law that has been found unconstitutional by the court of criminal appeals or the United States Supreme Court, the court:

(1) shall appoint an attorney to represent the indigent defendant for purposes of filing an application for a writ of habeas corpus, if an application has not been filed, or to otherwise represent the indigent defendant in a proceeding based on the application for the writ; and

(2) may grant the request for habeas corpus relief, if the state and the attorney representing the eligible indigent defendant agree on the requested relief.

Amendment No. 1 was adopted.

**CSHB 1346**, as amended, was passed to engrossment. (Hunter recorded voting no.)

**CSHB 1238 ON SECOND READING**  
(by **D. Bonnen**)

**CSHB 1238**, A bill to be entitled An Act relating to requirements for construction and maintenance work zones; amending provisions subject to a criminal penalty.

**CSHB 1238** was passed to engrossment. (Rinaldi recorded voting no.)

**CSHB 1371 ON SECOND READING**  
(by **Dutton, Naishtat, Wu, and Burkett**)

**CSHB 1371**, A bill to be entitled An Act relating to certain functions of the office of consumer affairs in the Health and Human Services Commission.

**CSHB 1371** was passed to engrossment. (The vote was reconsidered later today, and **CSHB 1371** was amended and was passed to engrossment.)

**CSHB 2067 ON SECOND READING**  
(by **Oliveira**)

**CSHB 2067**, A bill to be entitled An Act relating to the rescission or waiver of an acceleration of the maturity date of certain debt secured by a lien on real property.

Representative Oliveira moved to postpone consideration of **CSHB 2067** until 7:45 p.m. today.

The motion prevailed.

**CSHB 1371 - VOTE RECONSIDERED**

Representative Dutton moved to reconsider the vote by which **CSHB 1371** was passed to engrossment.

The motion to reconsider prevailed.

**CSHB 1371 ON SECOND READING**  
**(by Dutton)**

The chair laid before the house, on its second reading and passage to engrossment,

**CSHB 1371**, A bill to be entitled An Act relating to certain functions of the office of consumer affairs in the Health and Human Services Commission.

**CSHB 1371** was read second time earlier today and was passed to engrossment.

**Amendment No. 1**

Representative Dutton offered the following amendment to **CSHB 1371**:

Amend **CSHB 1371** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter Y to read as follows:

SUBCHAPTER Y. OMBUDSMAN FOR CHILDREN AND YOUTH IN  
FOSTER CARE

Sec. 531.991. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of Family and Protective Services.

(2) "Ombudsman" means the individual appointed as the ombudsman for children and youth in foster care.

Sec. 531.992. OMBUDSMAN FOR CHILDREN AND YOUTH IN FOSTER CARE. (a) The executive commissioner shall appoint an ombudsman for children and youth in foster care to serve at the will of the executive commissioner.

(b) The ombudsman is administratively attached to the office of the ombudsman for the commission.

(c) Subject to the appropriation of money for that purpose, the ombudsman may employ staff to assist the ombudsman in performing the ombudsman's duties under this subchapter.

Sec. 531.993. DUTIES OF OMBUDSMAN. (a) The ombudsman serves as a neutral party in assisting children and youth in the conservatorship of the department with complaints regarding issues within the authority of the department or another health and human services agency.

(b) The ombudsman shall:

(1) develop and implement statewide procedures to:

(A) receive complaints from children and youth in the conservatorship of the department;

(B) review complaints filed with the ombudsman and take appropriate action, including:

(i) conducting an investigation into individual complaints that allege violations of department or agency procedure or policy or other violations;  
and

(ii) referring to department or agency management for resolution any trends or systemic issues identified in complaints;

(C) provide any necessary assistance to children and youth in the conservatorship of the department in making complaints and reporting allegations of abuse or neglect to the department;

(D) maintain the confidentiality of:

(i) the ombudsman's communications and records;

(ii) records of another person that have been provided to the ombudsman; and

(iii) communications of another person with the ombudsman;

and

(E) ensure that the department and a child or youth in the conservatorship of the department who files a complaint with the ombudsman are informed of the results of the ombudsman's investigation of the complaint, including whether the ombudsman was able to substantiate the child's or youth's complaint;

(2) collaborate with the department to develop and implement an annual outreach plan to promote awareness of the ombudsman among children and youth in the conservatorship of the department;

(3) issue and file with the department and any applicable health and human services agency a report that contains the ombudsman's final determination regarding a complaint and any recommended corrective actions to be taken as a result of the complaint;

(4) establish a secure form of communication with any individual who files a complaint with the ombudsman; and

(5) collaborate with the department to identify consequences for any retaliatory action related to a complaint filed with the ombudsman, in accordance with Section 40.0041(g), Human Resources Code.

Sec. 531.994. INVESTIGATION OF UNREPORTED COMPLAINTS. If, during the investigation of a complaint, the ombudsman discovers unreported violations of the department's or a health and human services agency's rules and policies, the ombudsman shall open a new investigation for each unreported violation.

Sec. 531.995. ACCESS TO INFORMATION. The department and each health and human services agency shall provide the ombudsman access to the department's or agency's records that relate to a complaint the ombudsman is reviewing or investigating.

Sec. 531.996. COMMUNICATION AND CONFIDENTIALITY. (a) A person may communicate with the ombudsman relating to a complaint by telephone, by mail, by electronic mail, or by any other means the ombudsman determines to be feasible, secure, and accessible to children and youth.

(b) A communication with the ombudsman is confidential during an investigation or review of a complaint and remains confidential after the complaint is resolved.

(c) The records of the ombudsman are confidential and must be maintained in a manner that preserves the confidentiality of the records.

(d) The disclosure of confidential information to the ombudsman under this section or Section 531.995 does not constitute a waiver of confidentiality. Any information disclosed to the ombudsman under this section or Section 531.995 remains confidential and privileged following disclosure.

(e) The ombudsman is not prohibited from communicating with the department or another health and human services agency regarding confidential information disclosed to the ombudsman by the department or agency.

(f) The ombudsman may make reports relating to an investigation of a complaint public after the complaint is resolved. A report may not include information that identifies an individual complainant, client, parent, or employee or any other person involved in the complaint.

Sec. 531.997. RETALIATION PROHIBITED. The department or another health and human services agency may not retaliate against a child or youth in the conservatorship of the department who in good faith makes a complaint to the ombudsman or against any person who cooperates with the ombudsman in an investigation.

Sec. 531.998. REPORT. (a) The ombudsman shall prepare an annual report that contains:

(1) a description of the ombudsman's work;

(2) any change made by the department or another health and human services agency in response to a substantiated complaint;

(3) a description of any trends in the nature of complaints received by the ombudsman, any recommendations related to addressing those trends, and an evaluation of the feasibility of the ombudsman's recommendations;

(4) a glossary of terms used in the report;

(5) a description of the methods used to promote awareness of the ombudsman under Section 531.993(b) and the ombudsman's promotion plan for the next year; and

(6) any public feedback received by the ombudsman relating to the ombudsman's previous annual reports.

(b) The report must be submitted to the executive commissioner and the commissioner of the department not later than December 1 of each year. On receipt of the report, the department and the commission shall make the report publicly available on the department's and the commission's Internet websites.

SECTION 2. Section 40.0041, Human Resources Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) The department shall cooperate with the ombudsman for children and youth in foster care to create consequences, based on the circumstances of the complaint and the severity of the retaliation, for any person who is found to have retaliated against a child or youth in the conservatorship of the department because of a complaint made to the ombudsman.

(h) The executive commissioner shall adopt rules requiring all residential child-care facilities in which children and youth in the conservatorship of the department are placed to display information about the ombudsman for children

and youth in foster care and the process for filing a complaint with the ombudsman in a location that is easily accessible and offers maximum privacy to the children and youth residing at the facility.

SECTION 3. As soon as possible after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall assign one full-time equivalent employee of the Department of Family and Protective Services to serve as the ombudsman for children and youth in foster care.

SECTION 4. This Act takes effect September 1, 2015.

Amendment No. 1 was adopted.

**CSHB 1371**, as amended, was passed to engrossment. (Flynn, Hunter, and Rinaldi recorded voting no.)

### **POSTPONED BUSINESS**

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

#### **CSHB 2067 ON SECOND READING (by Oliveira)**

**CSHB 2067**, A bill to be entitled An Act relating to the rescission or waiver of an acceleration of the maturity date of certain debt secured by a lien on real property.

**CSHB 2067** was read second time earlier today and was postponed until this time.

**CSHB 2067** was passed to engrossment.

#### **GENERAL STATE CALENDAR (consideration continued)**

#### **CSHB 1059 ON SECOND READING (by C. Turner and Howard)**

**CSHB 1059**, A bill to be entitled An Act relating to the filing and contents of and public access to personal financial statements filed by public officials and candidates; amending provisions subject to a criminal penalty.

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

Representative C. Turner offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** (house committee printing) as follows:

(1) On page 1, line 16, between "commission" and the underscored period, insert ", using software produced by the commission that provides for information to be submitted in a searchable format".

(2) On page 2, lines 17-18, strike "Sections 572.023(a) and (b), Government Code, are amended" and substitute "Section 572.023, Government Code, is amended by amending Subsection (b) and adding Subsections (e), (f), (g), and (h)".

(3) On page 2, strike lines 19-27.

(4) On page 3, line 17, strike "a list" and substitute "identification by name and the category of the market value [a list]".

(5) On page 5, line 23, strike "number of shares" and substitute "dollar value [number of shares]".

(6) On page 6, lines 12-14, strike "other source of earned or unearned income not reported under another provision of this subsection, including".

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

(e) For purposes of Subsections (b)(2), (3), and (13), an individual filing the report who owns shares of stock or bonds in a fund is required to report only the shares or bonds the individual owns, not the shares of stock or bonds the fund owns. An individual filing a report who has delegated the responsibility to buy and sell shares of stock or bonds to an account manager but retains ownership of the shares or bonds must report the information about each of the shares or bonds held or acquired during the year covered by the report as required by Subsection (b). Subsections (b)(2), (3), and (13) require the category of the dollar value of the amount of shares of stock or shares in a mutual fund and the category of the market value of bonds to be reported separately for each business entity, bond issuer, or mutual fund.

(f) An individual is not required by Subsection (b)(5) to report a liability incurred under a revolving charge account if the individual pays in full the entire amount owed at least as frequently as every 90 days.

(g) A person who electronically files a verified financial statement with the commission or another filing authority is not required to include a notarized affidavit with the financial statement if the person:

(1) has requested and received an electronic filing password pursuant to the rules of the commission or other authority, as applicable; and

(2) uses that password to file the financial statement.

(h) Each financial statement filed under this chapter that is not filed electronically must be accompanied by an affidavit executed by the person required to file the financial statement. The affidavit must contain the statement: "I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Chapter 572, Government Code." Each financial statement filed electronically under this chapter must be under oath by the person required to file the financial statement and must contain, in compliance with commission or local filing authority specifications, the digitized signature of the person required to file the financial statement. A financial statement filed under this chapter is considered to be under oath by the person required to file the financial statement, and the person is subject to prosecution under Chapter 37, Penal Code, regardless of the absence of or a defect in the affidavit.

(8) On page 6, line 25, strike "15th" and substitute "second".

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

SECTION \_\_\_\_\_. Section 571.0671, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Electronic report data saved in a commission temporary storage location for later retrieval and editing before the report is filed is confidential and may not be disclosed. After the report is filed with the commission, the information disclosed in the filed report is public information to the extent provided by the law requiring the filing of the report.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Canales offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 130, Education Code, is amended by adding Section 130.0831 to read as follows:

Sec. 130.0831. FILING OF FINANCIAL STATEMENT BY TRUSTEE.

(a) A member of the board of trustees of a junior college district shall file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, with the Texas Ethics Commission.

(b) Subchapter B, Chapter 572, Government Code:

(1) applies to a trustee of a junior college district as if the trustee were a state officer; and

(2) governs the contents, timeliness of filing, and public inspection of a statement filed under this section.

(c) A trustee subject to this section commits an offense if the trustee fails to file the statement required by this section. An offense under this section is a Class B misdemeanor.

SECTION \_\_\_\_\_. Section 130.0831, Education Code, as added by this Act, applies beginning January 1, 2017. A trustee subject to Section 130.0831, Education Code, as added by this Act, is not required to include financial activity occurring before January 1, 2016, in a financial disclosure statement required under Section 130.0831, Education Code, as added by this Act.

Amendment No. 2 failed of adoption.

**CSHB 1059**, as amended, failed to pass to engrossment by (Record 902): 53 Yeas, 87 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Capriglione; Coleman; Collier; Davis, S.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Israel; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Peña; Phillips; Pickett; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheets; Sheffield; Turner, C.; Turner, S.; VanDeaver; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, Y.; Elkins; Faircloth; Fallon; Farney;

Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Harless; Huberty; Hughes; Hunter; Isaac; Keffer; Keough; King, K.; King, P.; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Phelan; Price; Raney; Reynolds; Riddle; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Dukes; Johnson; King, S.; Klick; Villalba.

### STATEMENTS OF VOTE

When Record No. 902 was taken, I was shown voting no. I intended to vote yes.

Bohac

When Record No. 902 was taken, I was shown voting no. I intended to vote yes.

Meyer

### 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. 4).

### CSSB 97 ON SECOND READING

**(Alvarado, Collier, Guillen, Isaac, Paddie, et al. - House Sponsors)**

**CSSB 97**, A bill to be entitled An Act relating to regulation of the sale, distribution, possession, use, and advertising of e-cigarettes, cigarettes, and tobacco products; creating criminal offenses.

**CSSB 97** was considered in lieu of **HB 170**.

### CSSB 97 - POINT OF ORDER

Representative Tinderholt raised a point of order against further consideration of **CSSB 97** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

### CSSB 97 - POINT OF ORDER

Representative Rinaldi raised a point of order against further consideration of **CSSB 97** under Rule 8, Section 1(c) of the House Rules on the grounds that the bill caption is inaccurate.

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



Representative Tinderholt raised a point of order against further consideration of **CSSB 97** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is inaccurate. Representative Rinaldi raised a point of order under Rule 8, Section 1(c) of the House Rules on the grounds that the caption is incorrect. These points of order are respectfully overruled.

Rule 4, Section 32(c)(4) of the House Rules requires each bill analysis to contain a statement indicating whether the bill "expressly creates a criminal offense. . . ." Rule 8, Section 1(c) of the House Rules provides that a "house bill that would create a criminal offense. . . must include a short statement at the end of its title or caption indicating the general effect of the bill on the offense. . . ." **CSSB 97** adds e-cigarettes to a list of products whose distribution, possession, use, sale, and advertising are regulated in various provisions of the Health and Safety Code, Penal Code, and Education Code. In some of these provisions, e-cigarettes are added to a list of items whose distribution, possession, use, sale or advertising form the basis of existing criminal offenses. Representative Tinderholt urges that adding e-cigarettes to these lists creates a criminal offense and that the bill analysis, which says "It is the committee's opinion that this bill does not expressly create a criminal offense. . ." is, therefore, inaccurate. But because the bill merely adds e-cigarettes to lists of items that are the subjects of existing offenses, the chair determines that the bill does not expressly create a new offense. Representative Rinaldi's point of order under Rule 8, Section 1(c) of the House Rules is based on the same addition of e-cigarettes to lists of regulated items. He contends the bill should have had a caption indicating that it creates a criminal offense. The chair notes that **CSSB 97** is not a house bill. By its plain language, Rule 8, Section 1(c) of the House Rules applies only to house bills. Moreover, as with the point of order raised by Representative Tinderholt, the bill merely adds e-cigarettes to lists of items whose distribution, possession, use, sale or advertising form the basis of existing criminal offenses, rather than creating a new offense. Looking at the changes made within the four corners of the bill, the chair finds no new offense. See 84 H.J. Reg. 1999-2000 (2015) (Stickland point of order on **HB 409**). For these reasons, the points of order are respectfully overruled.

### **CSSB 97 - REMARKS**

REPRESENTATIVE RINALDI: Because my amendment to this bill wasn't accepted, this is not, even though it is characterized to be, merely a bill that regulates sales of e-cigarettes to minors. It's a complete regulation of e-cigarettes to the same extent as tobacco products, including adults, and provides criminal penalties for adults using them in certain instances like on private property, in theatres, museums, et cetera. So I would ask that you vote against this bill. It will prevent adults from using e-cigarettes even to quit smoking, which is why this bill is being supported by tobacco companies.

### **REMARKS ORDERED PRINTED**

Representative Krause moved to print remarks by Representative Rinaldi.

The motion prevailed.

**CSSB 97** was passed to third reading by (Record 903): 123 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Isaac; Israel; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Button; Fletcher; Hughes; Krause; Laubenberg; Leach; Phillips; Rinaldi; Sanford; Schaefer; Shaheen; Simpson; Spitzer; Stephenson; Stickland; Tinderholt; Turner, E.S.; White, J.; White, M.

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

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Hunter; Johnson.

### STATEMENTS OF VOTE

When Record No. 903 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 903 was taken, I was shown voting no. I intended to vote yes.

Krause

### POSTPONED BUSINESS

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

#### CSHB 22 ON SECOND READING

(by S. Davis)

**CSHB 22**, A bill to be entitled An Act relating to the powers and duties of the Texas Ethics Commission; creating a criminal offense.

**CSHB 22** was read second time earlier today and was postponed until this time.

**HB 170 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Alvarado moved to lay **HB 170** on the table subject to call.

The motion prevailed.

**CSHB 22 - (consideration continued)****CSHB 22 - POINT OF ORDER**

Representative Stickland raised a point of order against further consideration of **CSHB 22** under Rule 4, Section 32(b)(10) of the House Rules on the grounds that the committee report is incorrect.

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

Representative Stickland raised a point of order against further consideration of **CSHB 22** under Rule 4, Section 32(b)(10) of the House Rules on the grounds that the committee report fails to accurately state the persons or entities represented by a witness on that bill. The point of order is respectfully overruled.

Rule 4, Section 32(b)(10) of the House Rules requires each committee report to:

(10) include a list of the names of the persons, other than members of the legislature, and persons or entities represented by those persons, who submitted to the committee sworn statements indicating that the persons were present in favor of, in opposition to, or without taking a position on the bill or resolution.

Representative Stickland argues that a witness, Tom Smith, noted that he was at the committee hearing to testify for both himself and an organization. Mr. Smith's witness card was marked that he was only representing himself. Representative Stickland notes that the chairman noted that Smith was registered on behalf of himself. Representative Stickland has provided a written transcript to support his position that the committee report was misleading in that it deprives members of the knowledge that Smith testified on behalf of the organization Public Citizen when he testified on **CSHB 22**.

In deciding points of order, the chair will follow "precedents of the house in consistently declining to use electronic recordings as a basis of a point of order, deferring instead to the printed records of the house." 82 H.J. Reg. 1734 (2011) (Y. Davis point of order on **CSSB 18**). Accordingly, the chair has examined the committee report and the witness affirmation card filed by Mr. Smith. The electronic witness affirmation card was filled out by Mr. Smith. Mr. Smith alone submitted his sworn statement on who he was representing that day. He indicated on his sworn form that he was representing only himself. The chairman of the committee, pursuant to Rule 4, Section 6 of the House Rules, was responsible for the efficient conduct of the meeting and presided over the meeting. He called the witness and recognized him to testify according to the terms of the witness affirmation card that Mr. Smith personally filed. The chairman does not have the ability to alter, subtract from, or add to the witness information regarding

representation of persons or entities represented by those persons. Mr. Smith was certainly free to file a new card to correct the alleged error (which he did not) or choose not to testify under the position he placed on his card (which he did not).

The point of order is respectfully overruled. Having reviewed the official documentation, the rules, and precedent provided by Representative Stickland, the chair finds that the committee hearing was conducted properly.

### **CSHB 22 - POINT OF ORDER**

Representative Tinderholt raised a point of order against further consideration of **CSHB 22** under Rule 1, Section 4 of the House Rules on the grounds that the bill was not properly referred.

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

Representative Tinderholt raised a point of order against further consideration of **CSHB 22** under Rule 1, Section 4 of the House Rules on the ground that the bill was incorrectly referred to the Committee on State Affairs and not to the Committee on General Investigating and Ethics. The point of order is overruled.

Rule 1, Section 4 of the House Rules notes that "proposed legislation" shall be "referred to an appropriate standing or select committee with jurisdiction, subject to the correction by a majority vote of the house." Committees of the house often have overlapping jurisdiction [See Rule 3, Section 4(3) of the House Rules; Rule 3, Section 11(6) of the House Rules (giving both the Business and Industry and the Economic and Small Business Development committees jurisdiction over "hours, wages, collective bargaining, and the relationship between employers and employees")], and proposed legislation often fits in several classes of differing committee jurisdictions. In this case, the speaker, on March 18, 2015, referred **CSHB 22**, a bill relating to a matter of state policy (the powers and duties of the Texas Ethics Commission), the operation and powers of that state department, and the duties and conduct of officers and employees of the state government. Each of those matters is within the jurisdiction of the Committee on State Affairs. See Rule 3, Section 32 of the House Rules. In a previous decision from this session, the chair has noted that the speaker has broad discretion over matters of referral. Those powers, however, are subject to "correction by a majority vote of the house." Unless corrected in a timely manner under Rule 1, Section 4 of the House Rules, a speaker's referral of a bill to committee confers jurisdiction to the committee to which the bill is referred.

In this case, after reviewing the bill, precedent, and the House Rules, the chair determines that the referral of **CSHB 22** to the Committee on State Affairs was proper and, further, that the referral had not been corrected by the house under Rule 1, Section 4 of the House Rules. The point of order is overruled. See 84 H.J. Reg. 2773-2774 (2015) (Tinderholt point of order on **HB 3512**); 84 H.J. Reg. 3040-3041 (2015) (Tinderholt point of order on **HB 2473**).

**Amendment No. 1**

On behalf of Representative Krause, Representative S. Davis offered the following amendment to **CSHB 22**:

Amend **CSHB 22** (house committee report) by striking page 1, lines 5-10, and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Márquez, Moody, Capriglione, Blanco, Galindo, Pickett, González, and Nevárez offered the following amendment to **CSHB 22**:

Amend **CSHB 22** (house committee printing) as follows:

(1) On page 2, between lines 2 and 3, insert the following appropriately numbered subdivision and renumber subsequent subdivisions of the subsection accordingly:

(\_\_\_\_) Section 11.064, Education Code;

(2) On page 5, line 6, between "statement" and "and access", insert ", or shall electronically file the financial statement if the individual is filing under Section 11.064, Education Code,".

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

SECTION \_\_\_\_\_. Effective January 1, 2016, Sections 11.064(a), (b), and (c), Education Code, are amended to read as follows:

(a) Each member of the ~~[The]~~ board of trustees of an independent school district shall ~~[by resolution adopted by majority vote may require each member of the board to]~~ file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, with:

(1) the board of trustees; and

(2) the Texas Ethics Commission, submitted electronically.

(b) Subchapter B, Chapter 572, Government Code:

(1) applies to a trustee ~~[subject to this section]~~ as if the trustee were a state officer; and

(2) governs the contents, timeliness of filing, and public inspection of a statement filed under this section.

(c) A trustee ~~[serving in a school district that has adopted a resolution under Subsection (a) or that is subject to an order issued under Subsection (a-3)]~~ commits an offense if the trustee fails to file the statement required by this section ~~[the resolution or order]~~. An offense under this section is a Class B misdemeanor.

SECTION \_\_\_\_\_. Effective January 1, 2016, Sections 11.064(a-1), (a-2), (a-3), (a-4), and (d) and 11.0641, Education Code, are repealed.

SECTION \_\_\_\_\_. (a) The changes in law made by this Act to Section 11.064, Education Code, apply beginning January 1, 2017, to a trustee who, before the effective date of this Act, was not required to file a financial statement under Section 11.064 or 11.0641, Education Code, and such a trustee is not required to include financial activity occurring before January 1, 2016, in a statement filed under those sections. A trustee who was required to file a

financial statement under Section 11.0641, Education Code, before its repeal by this Act shall file a financial statement under Section 11.064, Education Code, for financial activity occurring in 2015.

(b) The changes in law made by this Act to Section 11.064, Education Code, as amended by this Act, and Section 11.0641, Education Code, as repealed by this Act, apply only to an offense committed on or after January 1, 2016. For purposes of this section, an offense is committed before January 1, 2016, if any element of the offense occurs before that date. An offense committed before January 1, 2016, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(4) On page 6, line 10, strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

Representative S. Davis moved to table Amendment No. 2.

The motion to table prevailed by (Record 904): 108 Yeas, 30 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Clardy; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Dutton; Elkins; Faircloth; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Guerra; Gutierrez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Morrison; Murphy; Murr; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Sanford; Schaefer; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Bernal; Blanco; Canales; Capriglione; Coleman; Fallon; Farias; Farrar; Goldman; González; Guillen; Harless; Hernandez; Herrero; Koop; Martinez; Martinez Fischer; Moody; Muñoz; Nevárez; Reynolds; Rinaldi; Rodriguez, J.; Romero; Rose; Schofield; Simmons; Walle.

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

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Alonzo; Anchia; Davis, Y.; Dukes; Johnson; Turner, C.; Wu.

### STATEMENT OF VOTE

When Record No. 904 was taken, I was shown voting no. I intended to vote yes.

Hernandez

**Amendment No. 3**

Representative Zedler offered the following amendment to **CSHB 22**:

Amend **CSHB 22** (house committee report) on page 3, lines 25 and 26, by striking "To protect the public interest" and substituting "On a public vote of at least six members of the commission that criminal conduct has occurred".

(Speaker in the chair)

Representative S. Davis moved to table Amendment No. 3.

The motion to table prevailed by (Record 905): 91 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Button; Canales; Capriglione; Coleman; Collier; Cook; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Flynn; Frullo; Galindo; Geren; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson; Keffèr; King, K.; King, P.; King, S.; Koop; Kuempel; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Peña; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheets; Sheffield; Smith; Thompson, E.; Turner, C.; Turner, S.; VanDeaver; Villalba; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Bell; Bohac; Burns; Burrows; Clardy; Craddick; Cyrier; Dale; Elkins; Faircloth; Fallon; Fletcher; Frank; Goldman; Hughes; Isaac; Kacal; Keough; King, T.; Klick; Krause; Landgraf; Laubenberg; Metcalf; Meyer; Miller, R.; Murr; Paul; Phelan; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Simpson; Smithee; Spitzer; Springer; Stephenson; Stickland; Tinderholt; Turner, E.S.; White, J.; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Gonzales.

Absent — Alvarado; Dukes; Giddings; Thompson, S.; Vo.

**STATEMENTS OF VOTE**

When Record No. 905 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 905 was taken, I was shown voting yes. I intended to vote no.

G. Bonnen

When Record No. 905 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 905 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 905 was taken, I was shown voting yes. I intended to vote no.

Sheets

When Record No. 905 was taken, I was shown voting yes. I intended to vote no.

Wray

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

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 9:05 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 9:05 p.m. today, 3W.9, for a formal meeting, to set a calendar.

### **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 Lozano.

Cook on motion of Lozano.

Geren on motion of Lozano.

Giddings on motion of Lozano.

Harless on motion of Lozano.

Huberty on motion of Lozano.

Hunter on motion of Lozano.

Johnson on motion of Lozano.

K. King on motion of Lozano.

Larson on motion of Lozano.

Lucio on motion of Lozano.

Price on motion of Lozano.

Riddle on motion of Lozano.



E. Rodriguez on motion of Lozano.

**CSHB 22 - (consideration continued)**

**Amendment No. 4**

Representative Leach offered the following amendment to **CSHB 22**:

Amend **CSHB 22** (house committee report) as follows:

(1) On page 4, lines 12 and 13, strike the recital to SECTION 7 and substitute the following:

Section 571.176, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(2) On page 4, between lines 23 and 24, insert the following:

(a-1) The commission shall award to the respondent of a frivolous complaint:

(1) costs, reasonable attorney's fees, and other expenses incurred in defending against the complaint as justice and equity may require; and

(2) sanctions against the person who filed the complaint as the commission determines sufficient to deter the person from filing similar frivolous complaints.

(b) In addition to other penalties, a person who files a frivolous complaint is civilly liable to the respondent in an amount equal to the greater of \$10,000 or the amount of actual damages incurred by the respondent~~[, including court costs and attorney fees]~~.

**AMENDMENT NO. 4 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE OTTO: I really like the sanctions part. I think that's something we should've done a long time ago, but I want to make sure I understand. On the respondent that you're awarding attorney's fees and costs to, is that money that would have to be appropriated through the Ethics Commission, or is it coming from the person that filed the frivolous complaint?

REPRESENTATIVE LEACH: So it would come from the person that filed the frivolous complaint. The TEC could award sanctions or attorney's fees. Again, respondents have to incur substantial costs at their own detriment, as you know—paying attorney's fees and other costs and having to respond to truly frivolous complaints so the TEC.

OTTO: But I just want to make sure I'm clear. The intent of your bill is not to add an additional cost to the state. It is limited to whatever is recoverable from the person that filed the frivolous complaint?

LEACH: Absolutely, there would be no cost to the state at all. The TEC would order the petitioner who files a frivolous complaint to pay the respondent whose forced to respond. Again, I want to be clear, there has to be a finding of fact that a frivolous complaint has been filed, and that is already clear under current law. Frivolous complaint—this is important. A frivolous complaint is a complaint that is groundless and brought in bad faith or is groundless and brought for the purpose of harassment. This is non-political; this affects people on both sides of the aisle. All of us could find ourselves as respondents to frivolous complaints

not only from parties in the state, but parties out of the state. I don't believe that the author of the bill is going to accept my amendment, but I would encourage you to give TEC the tools they've asked for, the tools they need, and support this amendment.

OTTO: I went back and reread your amendment. It says the commission shall. I want to make sure for legislative intent that your intent is that those costs to whomever the complaint is filed against frivolously, they are limited to recovery based on the amount recovered from the person that filed the frivolous complaint.

LEACH: That's correct. If the commission awards—

OTTO: I'm not quite sure your amendment says it exactly that way.

LEACH: This is actually legal language, Representative Otto. Just like a court could award attorney's fees to a responding party or to a plaintiff as well, the commission can award sanctions or attorney's fees to the respondent.

OTTO: For legislative intent, it is your intent that it would only be awarded, not from the Ethics Commission, not from the state, but from the person that filed the frivolous complaint?

LEACH: That's exactly right. Yes, sir.

### REMARKS ORDERED PRINTED

Representative Otto moved to print remarks between Representative Leach and Representative Otto.

The motion prevailed.

Amendment No. 4 was adopted by (Record 906): 130 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Alonzo; Cook; Geren; Giddings; Gonzales; Harless; Huberty; Hunter; Johnson; King, K.; Larson; Lucio; Price; Riddle; Rodriguez, E.

Absent — Dukes.

### **Amendment No. 5**

Representative Hughes offered the following amendment to **CSHB 22**:

Amend **CSHB 22** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 571.125, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Counsel for the respondent may subpoena a witness to a preliminary review hearing in the same manner as an attorney's may issue a subpoena in a proceeding in a county or district court.

SECTION \_\_\_\_\_. Section 571.130, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Counsel for the respondent may subpoena a witness to a formal hearing in the same manner as an attorney's may issue a subpoena in a proceeding in a county or district court.

(Alonzo, Cook, Harless, Larson, and E. Rodriguez now present)

Representative S. Davis moved to table Amendment No. 5.

The motion to table was lost by (Record 907): 23 Yeas, 104 Nays, 1 Present, not voting.

Yeas — Anchia; Bernal; Blanco; Canales; Coleman; Davis, S.; Deshotel; Farias; Frullo; Herrero; Howard; Kuempel; Longoria; Miles; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Rodriguez, E.; Sheffield; Turner, C.; Walle.

Nays — Allen; Alonzo; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, Y.; Dutton; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Galindo; Goldman; Guerra; Guillen; Gutierrez; Hernandez; Hughes; Isaac; Israel; Kacal; Keffer; Keough; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Laubenberg; Leach; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Otto; Parker; Paul; Peña; Phelan; Phillips; Raney; Reynolds; Rinaldi; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; White, M.; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Geren; Giddings; Gonzales; Huberty; Hunter; Johnson; King, K.; Lucio; Price; Riddle.

Absent — Alvarado; Dukes; Farrar; González; Harless; Larson; Miller, D.; Paddie; White, J.; Wu.

### STATEMENTS OF VOTE

When Record No. 907 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 907 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 907 was taken, I was shown voting yes. I intended to vote no.

Frullo

When Record No. 907 was taken, I was in the house but away from my desk. I would have voted no.

Harless

When Record No. 907 was taken, I was shown voting yes. I intended to vote no.

Kuempel

(Geren, K. King, Lucio, and Riddle now present)

Amendment No. 5 was adopted.

### Amendment No. 6

Representative Rinaldi offered the following amendment to **CSHB 22**:

Amend **CSHB 22** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 571.131, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Chapter 27, Civil Practice and Remedies Code, applies to a formal hearing conducted under this chapter. For purposes of this subsection:

(1) the authority holding the hearing has the duties and authority of the court under Chapter 27, Civil Practice and Remedies Code; and

(2) a formal hearing is considered to be a legal action.

SECTION \_\_\_\_\_. Section 571.131, Government Code, as amended by this Act, applies only to a formal hearing conducted by the Texas Ethics Commission on or after the effective date of this Act. A formal hearing conducted by the Texas Ethics Commission before the effective date of this Act is governed by the law in effect at the time the hearing is conducted, and the former law is continued in effect for that purpose.

(Johnson now present)

(Kuempel in the chair)

Representative S. Davis moved to table Amendment No. 6.

The motion to table prevailed by (Record 908): 88 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bonnen, D.; Burkett; Button; Canales; Clardy; Coleman; Collier; Cook; Crownover; Dale; Darby; Davis, S.; Deshotel; Dutton; Farias; Farney; Farrar; Frullo; Galindo; Geren; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Peña; Phillips; Pickett; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheets; Simmons; Smith; Springer; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Alonzo; Anderson, R.; Bell; Bohac; Bonnen, G.; Burns; Burrows; Capriglione; Craddick; Cyrier; Davis, Y.; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Goldman; Hughes; Isaac; Keough; Klick; Koop; Krause; Landgraf; Leach; Metcalf; Meyer; Murr; Paul; Phelan; Reynolds; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simpson; Smithee; Spitzer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; White, J.; White, M.; Zedler.

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

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Giddings; Gonzales; Huberty; Hunter; Price.

Absent — Dukes; Riddle.

### STATEMENTS OF VOTE

When Record No. 908 was taken, I was shown voting no. I intended to vote yes.

Koop

When Record No. 908 was taken, I was shown voting yes. I intended to vote no.

Springer

### Amendment No. 7

Representative Rinaldi offered the following amendment to **CSHB 22**:

Amend **CSHB 22** by adding the following appropriately numbered **SECTIONS** to the bill and renumbering subsequent **SECTIONS** of the bill accordingly:

SECTION \_\_\_\_\_. Section 571.062, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The commission, on the affirmative vote of at least six members of the commission, may adopt rules to administer this chapter or any other law administered and enforced by the commission, except as provided by Subsection (c).

(c) The commission may not by rule define a term for purposes of Chapter 254, Election Code, or Chapter 305 of this code or for purposes of the administration or enforcement of those laws.

SECTION \_\_\_\_\_. A rule adopted by the Texas Ethics Commission before the effective date of this Act that defines a term for purposes of Chapter 254, Election Code, or Chapter 305, Government Code, or for purposes of the administration or enforcement of those laws, has no effect. The Texas Ethics Commission shall modify its rules as soon as practicable after the effective date of this Act to reflect the change in law made by Section 571.062(c), Government Code, as added by this Act.

Representative S. Davis moved to table Amendment No. 7.

The motion to table prevailed by (Record 909): 89 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Burkett; Button; Canales; Clardy; Coleman; Collier; Cook; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Frullo; Galindo; Geren; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Koop; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Peña; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Smith; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson, R.; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Capriglione; Craddick; Cyrier; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Goldman; Hughes; Isaac; Keough; Klick; Krause; Landgraf; Laubenberg; Leach; Metcalf; Meyer; Paul; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Sheets; Simmons; Simpson; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; White, J.; White, M.; Wray; Zedler.

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

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Giddings; Gonzales; Huberty; Hunter; Price.

Absent — Alonzo; Dukes; Parker; Schubert.

**STATEMENTS OF VOTE**

When Record No. 909 was taken, I was in the house but away from my desk. I would have voted no.

Parker

When Record No. 909 was taken, I was shown voting yes. I intended to vote no.

Phelan

When Record No. 909 was taken, my vote failed to register. I would have voted no.

Schubert

**Amendment No. 8**

Representative Spitzer offered the following amendment to **CSHB 22**:

Amend **CSHB 22** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1223 to read as follows:

Sec. 571.1223. DISMISSAL OF COMPLAINT AFTER ONE YEAR. At any stage of a proceeding under this subchapter, on the first anniversary of the date the respondent responds to the notice of the complaint as required by Section 571.123(b), the commission shall dismiss the complaint.

(Speaker in the chair)

(Huberty now present)

Representative S. Davis moved to table Amendment No. 8.

The motion to table prevailed by (Record 910): 109 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Frank; Frullo; Galindo; Geren; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Koop; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phillips; Pickett; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bell; Bohac; Burns; Burrows; Craddick; Crownover; Faircloth; Fletcher; Hughes; Keough; Klick; Krause; Laubenberg; Leach; Metcalf; Meyer; Phelan; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simpson; Spitzer; Stickland; Tinderholt; Turner, E.S.; White, M.; Zedler.

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

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Giddings; Gonzales; Hunter; Price.

Absent — Dukes; Flynn.

### STATEMENTS OF VOTE

When Record No. 910 was taken, I was in the house but away from my desk. I would have voted no.

Flynn

When Record No. 910 was taken, I was shown voting yes. I intended to vote no.

Huberty

(Price now present)

### Amendment No. 9

Representative Fallon offered the following amendment to **CSHB 22**:

Amend **CSHB 22** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 572.021, Government Code, is amended to read as follows:

Sec. 572.021. FINANCIAL STATEMENT REQUIRED. Except as provided by Section 572.0211, a state officer, a partisan or independent candidate for an office as an elected officer, ~~and~~ a state party chair, and an elected member of a school board for a school district with at least 30,000 students enrolled in the district's schools shall file with the commission a verified financial statement complying with Sections 572.022 through 572.0252.

Amendment No. 9 was withdrawn.

(Giddings now present)

**CSHB 22**, as amended, was passed to engrossment by (Record 911): 116 Yeas, 23 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings;



Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; Koop; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Burns; Faircloth; Hughes; Isaac; Klick; Krause; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simpson; Spitzer; Stickland; Tinderholt; Turner, E.S.; VanDeaver; Vo; White, J.; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Márquez; McClendon.

Absent, Excused, Committee Meeting — Gonzales; Hunter.

Absent — Alonzo; Bohac; Dukes; Keough; King, T.; Romero.

#### STATEMENTS OF VOTE

When Record No. 911 was taken, I was shown voting yes. I intended to vote no.

Burrows

When Record No. 911 was taken, I was in the house but away from my desk. I would have voted no.

Keough

When Record No. 911 was taken, I was shown voting yes. I intended to vote no.

Leach

#### HB 2894 ON SECOND READING (by Lozano)

**HB 2894**, A bill to be entitled An Act relating to the election of certain county bail bond board members.

**HB 2894** was read second time earlier today and was postponed until this time.

#### Amendment No. 1

On behalf of Representative Canales, Representative Lozano offered the following amendment to **HB 2894**:

Amend **HB 2894** (house committee report) between page 1, line 24, and page 2, line 1, by inserting the following new subsection, appropriately lettered, and relettering the remaining subsections of amended Section 1704.0535, Occupations Code, accordingly:

( ) Each elected justice of the peace in the county who is not legally prohibited from voting in an election for the purpose is entitled to cast one vote to elect the board member who is a justice of the peace.

Amendment No. 1 was adopted.

(Hunter now present)

**HB 2894**, as amended, was passed to engrossment.

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

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 776** and **SB 933** at 10:30 a.m. or upon final adjournment/recess Wednesday, May 13 in JHR 140.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs, 10:30 a.m. or upon final adjournment/recess Wednesday, May 13, JHR 140, for a public hearing, to consider **SB 933**.

### **PROVIDING FOR RECESS**

At 9:40 p.m., Representative Geren moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(R. Anderson in the chair)

### **RECESS**

In accordance with a previous motion, the house, at 9:47 p.m., recessed until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 4215** (By Simmons), Relating to the statutory county courts in Denton County.

To Judiciary and Civil Jurisprudence.

**HCR 120** (By Nevárez), Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

To Select State and Federal Power and Responsibility.

**HCR 121** (By Wu), Congratulating Hennessey Performance in Sealy on setting a world speed record with its Venom GT.

To Rules and Resolutions.

**HCR 122** (By Faircloth), Designating the Texas Gulf shrimp as the Official State Crustacean of Texas.

To Culture, Recreation, and Tourism.

**SB 33** to Public Education.

**SB 339** to Public Health.

**SB 459** to International Trade and Intergovernmental Affairs.

**SB 575** to State Affairs.

**SB 585** to General Investigating and Ethics.

**SB 586** to General Investigating and Ethics.

**SB 669** to Public Education.

**SB 723** to Human Services.

**SB 837** to Urban Affairs.

**SB 923** to Criminal Jurisprudence.

**SB 968** to Public Education.

**SB 996** to Public Education.

**SB 1034** to Elections.

**SB 1086** to Criminal Jurisprudence.

**SB 1280** to Appropriations.

**SB 1330** to State Affairs.  
**SB 1365** to Special Purpose Districts.  
**SB 1396** to Ways and Means.  
**SB 1427** to Insurance.  
**SB 1455** to Government Transparency and Operation.  
**SB 1511** to Transportation.  
**SB 1569** to Public Education.  
**SB 1582** to Public Health.  
**SB 1638** to Government Transparency and Operation.  
**SB 1652** to Licensing and Administrative Procedures.  
**SB 1726** to Juvenile Justice and Family Issues.  
**SB 1727** to Juvenile Justice and Family Issues.  
**SB 1734** to Agriculture and Livestock.  
**SB 1913** to Judiciary and Civil Jurisprudence.  
**SB 1918** to Transportation.  
**SB 1925** to Appropriations.  
**SB 1928** to Human Services.  
**SB 2002** to Special Purpose Districts.  
**SB 2007** to Special Purpose Districts.  
**SB 2009** to Special Purpose Districts.  
**SB 2013** to Special Purpose Districts.  
**SB 2025** to Special Purpose Districts.  
**SB 2026** to Special Purpose Districts.  
**SB 2027** to Special Purpose Districts.  
**SB 2028** to Special Purpose Districts.  
**SB 2030** to Natural Resources.  
**SB 2032** to Special Purpose Districts.  
**SB 2033** to Special Purpose Districts.  
**SB 2043** to County Affairs.  
**SB 2044** to Special Purpose Districts.  
**SB 2053** to Special Purpose Districts.  
**SB 2055** to Transportation.  
**SB 2056** to Special Purpose Districts.  
**SCR 5** to Select State and Federal Power and Responsibility.

**SCR 24** to House Administration.

**SCR 34** to Natural Resources.

**SCR 37** to Select State and Federal Power and Responsibility.

**SCR 38** to Culture, Recreation, and Tourism.

**SCR 40** to House Administration.

**SCR 41** to Culture, Recreation, and Tourism.

**SJR 52** to State Affairs.

### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### **House List No. 16**

**HB 1016, HB 1042, HB 1219, HB 1443, HB 1740, HB 2092, HB 3031, HB 3858, HB 4126, HB 4129, HB 4132**

#### **Senate List No. 18**

**SB 344, SB 901, SB 925, SB 1353, SB 1703**

### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

#### **Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 11, 2015 - 1

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**HB 39** Smithee SPONSOR: Zaffirini  
Relating to guardianships for incapacitated persons and to substitutes for guardianships for certain adults with disabilities.  
(Committee Substitute)

**HB 181** Bell SPONSOR: Kolkhorst  
Relating to information printed by school districts on high school diplomas.

**HB 1051** Wray SPONSOR: Birdwell  
Relating to the creation of a campus of the Texas State Technical College System in Ellis County.

**HCR 116**

Wu

SPONSOR: Menéndez

Paying tribute to the memory of Thomas J. Lee, the first Asian American to serve in the Texas Legislature.

**SB 983**

Bettencourt

Relating to restrictions on the assessment of the fee charged for issuance of certain birth records.

**SB 1022**

Uresti

Relating to an unsworn declaration made by a private process server in the performance of the server's job duties.

**SB 1315**

Watson

Relating to low income housing tax credits awarded for at-risk developments.

**SB 1510**

Hancock

Relating to authority of the county auditor to examine and audit the records of certain special districts.

**SB 1650**

Eltife

Relating to credit services organizations and extensions of consumer credit, including extensions of consumer credit facilitated by credit services organizations.

**SB 2038**

Ellis

Relating to the qualifications of directors of the Spectrum Management District.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

## MESSAGE FROM THE SENATE

## SENATE CHAMBER

Austin, Texas

Monday, May 11, 2015 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 161**

Rodríguez

Relating to a study regarding the costs of educating students of limited English proficiency in public schools.

**SB 234**

Zaffirini

Relating to the creation and operation of a park and recreation district in counties that share a border on the San Marcos River and to the authority of the district to collect fees and issue bonds; creating a criminal offense and providing penalties.

**SB 514** Taylor, Larry

Relating to a deduction under the franchise tax for certain contracts with the federal government.

**SB 811** Rodríguez

Relating to providing a translated copy of a student's individualized education program to parents unable to speak English.

**SB 1178** Huffines

Relating to an interim study on an education savings account program.

**SB 1216** Bettencourt

Relating to providing for the review of certain county departments of education by the Sunset Advisory Commission.

**SB 1376** Lucio

Relating to natural disaster housing recovery.

**SB 1697** Huffman

Relating to the confidentiality of certain information regarding procedures and substances used in the execution of a convict.

**SB 1894** Garcia

Relating to the powers and duties of navigation districts, port authorities, and boards of trustees of municipal port facilities.

**SB 1897** Taylor, Larry

Relating to public school accountability, including the powers and duties of the commissioner of education regarding open-enrollment charter schools.

**SB 1989** Menéndez

Relating to underwriting standards for evaluating applications for low income housing tax credits.

**SB 2046** Taylor, Van

Relating to equal opportunity for access by home-schooled students to University Interscholastic League-sponsored activities; authorizing a fee.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, May 11, 2015 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas





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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 8**

Business and Industry - **HB 1009, HB 1686, HB 3625, SB 862, SB 864, SB 1021, SB 1233**

Criminal Jurisprudence - **HB 192, HB 329, HB 341, HB 507, HB 560, HB 749, HB 1245, HB 1530, HB 2170, HB 2970, HB 3276, HB 3326, HB 3743, HB 3985, SB 130, SB 172, SB 173, SB 316, SB 461, SB 746, SB 1057, SB 1070, SB 1071, SB 1743, SB 1828**

Culture, Recreation, and Tourism - **HB 508**

Defense and Veterans' Affairs - **HR 940, SB 55, SB 318, SB 713, SB 1253**

Economic and Small Business Development - **SB 805**

Elections - **HB 913, HB 1831, HB 2125, HB 2127, HB 2160, HB 2163, HB 2386, HB 2496, HB 2721, HB 2840, HB 2889, HB 2953, HB 2956, HB 2960, HB 2961, HB 2962, HB 3110, HB 3119, HB 3157, HB 3369, HB 3395, HB 3456, HB 3770, HB 3779, HB 3972, HB 4032, SB 142, SB 383, SB 733, SB 1072, SB 1115**

Energy Resources - **SB 1589**

Environmental Regulation - **HB 1642**

Government Transparency and Operation - **HB 1137, HB 3705, SB 1237**

Higher Education - **SB 386, SB 1735, SB 2031**

Homeland Security and Public Safety - **HB 1525, HB 1561, SB 1108, SB 1838**

Human Services - **HB 2048, HB 2799, HB 3678**

Investments and Financial Services - **HB 3920, HB 4209, SB 1075, SB 1203, SB 1282**

Judiciary and Civil Jurisprudence - **HB 670, HB 1005, HB 1090, HB 2535, HB 2730, HB 2998, HB 3319, HB 3662, HB 3914, SB 462, SB 643, SB 909, SB 1020, SB 1116, SB 1791**

Juvenile Justice and Family Issues - **HB 1144, HB 1491, HB 1695, HB 2233, HB 2429, HB 3128, HB 3530, HB 3575, HB 3906**

Land and Resource Management - **HB 3876**

Licensing and Administrative Procedures - **HB 785**

Natural Resources - **HB 1581, HB 3116, HB 3837, HB 4038, HB 4049, HB 4123, HB 4177, HB 4207, SB 363**

Public Education - **HB 1227, HB 1798, HB 1935, HB 2151, HB 2593, HB 3282, HB 3417, HB 3546**

Public Health - **HB 2523, HB 2562**

Special Purpose Districts - **HB 2353, HB 2478, HB 3888, HB 4137, HB 4145, HB 4148, HB 4158, HB 4166, HB 4167, HB 4171, HB 4174, HB 4175, HB 4180, HB 4184, HB 4185, HB 4186, HB 4190, HB 4192, HB 4193, HB 4196, HB 4197, HB 4198**

State and Federal Power and Responsibility, Select - **HB 422, HB 3606, HCR 89**

State Affairs - **HB 24, HB 3804**

Transportation - **HB 790, HB 1968, HB 2606, HB 3144, HB 3666, HB 3862, SB 678**

Urban Affairs - **HB 3299**

Ways and Means - **HB 1398, HB 2199, HB 2282, HB 2432, HB 2622, HB 3012, HB 3174, HB 3229, HB 3287, HB 3297, HB 3468, HB 3532, HB 3542, HB 3564, HB 3595, HB 3637, HB 3756, HB 3778, HB 4037, HB 4087, SB 31, SB 140, SB 853**

**May 9**

Energy Resources - **HB 2991, HB 3554**

Judiciary and Civil Jurisprudence - **HB 1102, HB 3365, HB 3382**

State and Federal Power and Responsibility, Select - **SCR 1**

Ways and Means - **HB 246, HB 683, HB 1328, HB 1362, HB 1585, HB 1965, HB 2492, HB 2637, HB 3049, HB 3111, HB 3484, HB 3739, HB 3867, HB 3883, HB 3923, HB 3951, HB 4074, HJR 67, HJR 87, HJR 89**

#### **ENGROSSED**

**May 8 - HB 127, HB 1169, HB 1329, HB 1360, HB 1481, HB 1613, HB 1631, HB 1666, HB 1715, HB 1799, HB 1878, HB 1905, HB 2025, HB 2162, HB 2168, HB 2186, HB 2401, HB 2489, HB 2778, HB 2977, HB 3070, HB 3136, HB 3160, HB 3310, HB 3623, HB 3656, HB 3682, HB 3683, HB 3748, HB 4015, HB 4155, HB 4188**

#### **ENROLLED**

**May 8 - HB 1016, HB 1042, HB 1219, HB 1443, HB 1740, HB 2092, HB 3031, HB 3858, HB 4126, HB 4129, HB 4132**