

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTIETH DAY — THURSDAY, MAY 14, 2015

The house met at 9:05 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1069).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycocock; 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; 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.

The speaker recognized Representative G. Bonnen who introduced Mark Hughes, pastor, Greater Life Church, Webster, who offered the invocation as follows:

Gracious and mighty God, I come today in behalf of this legislative body to acknowledge our need of your divine help. Grant unto all who labor here today the guidance and grace needed for the business of this day. We are reminded as we stand in these hallowed chambers of the many who have served before us. We give honor to their memory, their service, and their sacrifice. We sense, even now in this place, the spirit and courage that helped form this state. Make us aware today that in these storied halls still beats the heart of a great people.

We pray especially today for those who are now engaged in this noble enterprise of serving their constituents and state. Empower each of us to look beyond personalities and parties to principles and purpose that will strengthen us as a people. We at best are mere men and women. For the sake of all this place

represents, may we always strive to be the best of men and women. However difficult the challenge of the day, every decision necessitates that it be guided with wisdom. We are acutely aware that the only easy day was yesterday. Remind us that our differences and diversity do not weaken us, but make us stronger, that seeing things differently can enable us to see further. Give us the wisdom to understand that when standing together, we stand stronger, that by working together, we accomplish more.

We are blessed and ever thankful to live in a country where freedom and opportunity are still available to all. Let the work done here provide for a better future and God-honoring world. May we ever be mindful that above all that we do, there is a sovereign hand that still governs. Guide us, that we might honor you. We pray these things in the name of Jesus Christ. Amen.

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

(Price in the chair)

**HR 2324 - ADOPTED**  
**(by Gonzales)**

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 2324**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2324**, Recognizing May 14, 2015, as Hutto Day at the State Capitol.

**HR 2324** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Gonzales who introduced a delegation from Hutto.

**CAPITOL PHYSICIAN**

The chair recognized Representative Larson who presented Dr. Mark Nadeau of San Antonio as the "Doctor for the Day."

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

**HR 736 - PREVIOUSLY ADOPTED**  
**(by Gonzales)**

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

**HR 736**, In memory of David Lynn Oman of Hutto.

On motion of Representatives Dale and Farney, the names of all the members of the house were added to **HR 736** as signers thereof.

**HR 2709 - ADOPTED**  
**(by Bell)**

Representative Bell moved to suspend all necessary rules to take up and consider at this time **HR 2709**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2709**, Commending Elliott Raia for his service as a legislative intern in the office of State Representative Cecil Bell, Jr.

**HR 2709** was adopted.

**HR 2244 - ADOPTED**  
**(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 2244**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2244**, Honoring Mayor Orlando A. Correa for his service to the city of Raymondville.

**HR 2244** was adopted.

**LEAVE OF ABSENCE GRANTED**

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

Stephenson on motion of Geren.

**HR 1307 - PREVIOUSLY ADOPTED**  
**(by Kacal, Hunter, Keough, Larson, and Otto)**

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

**HR 1307**, In memory of Larry Kelm of The Woodlands.

On motion of Representatives Hunter, C. Anderson, Otto, and Ashby, the names of all the members of the house were added to **HR 1307** as signers thereof.

**HR 2322 - ADOPTED**  
**(by Howard)**

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 2322**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2322**, Congratulating the Bedichek Middle School Junior Marines on being named the National Over-all Grand Champions at the National Middle School Cadet Corps 2014 Drill Championships.

**HR 2322** was adopted.

**HR 2798 - ADOPTED**  
**(by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 2798**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2798**, Honoring the outgoing members of the Dallas City Council for their service.

**HR 2798** was adopted.

On motion of Representatives Johnson, Sheets, Y. Davis, Rose, and Koop, the names of all the members of the house were added to **HR 2798** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Giddings who introduced a delegation from Dallas.

**HR 2800 - ADOPTED**  
**(by Y. Davis)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 2800**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2800**, Commending Vonciel Jones Hill for her service to the Dallas City Council.

**HR 2800** was adopted.

On motion of Representatives Sheets, Giddings, Johnson, and Rose, the names of all the members of the house were added to **HR 2800** as signers thereof.

**HR 2801 - ADOPTED**  
**(by Y. Davis)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 2801**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2801**, Commending the Honorable Tennell Atkins for his service on the Dallas City Council.

**HR 2801** was adopted.

On motion of Representatives Sheets, Giddings, Johnson, and Rose, the names of all the members of the house were added to **HR 2801** as signers thereof.

**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. 18).

(Speaker in the chair)

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 2004 ON THIRD READING  
(Geren - House Sponsor)**

**SB 2004**, A bill to be entitled An Act relating to deferred maintenance funding for state facilities.

**SB 2004** was passed by (Record 1070): 146 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; 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; Smithee; Spitzer; Springer; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Stephenson.

Absent — Dukes; Herrero.

**SB 1280 ON THIRD READING  
(Otto - House Sponsor)**

**SB 1280**, 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.

**SB 1280** was passed by (Record 1071): 146 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; 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; Martínez; Martínez 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; Smithee; Spitzer; Springer; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Stephenson.

Absent — Dukes; Herrero.

The speaker stated that **SB 1280** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

### **SB 1889 ON THIRD READING (Burkett and Raymond - House Sponsors)**

**SB 1889**, A bill to be entitled An Act relating to the definition of neglect of a child, the exclusion of certain information from the Department of Family and Protective Services central registry of child abuse or neglect cases, and the report of certain information regarding those cases to the legislature.

**SB 1889** was passed by (Record 1072): 146 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; 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; Martínez; Martínez 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; Smithee; Spitzer; Springer; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Stephenson.

Absent — Dukes; Herrero.

### **LEAVE OF ABSENCE GRANTED**

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

P. King on motion of Geren.

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

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

#### **SB 498 ON SECOND READING (D. Bonnen - House Sponsor)**

**SB 498**, A bill to be entitled An Act relating to building code requirements for residential property insured by the Texas Windstorm Insurance Association.

**SB 498** was passed to third reading. (Bell and Button recorded voting no.)

#### **CSSB 481 ON SECOND READING (Smithee - House Sponsor)**

**CSSB 481**, A bill to be entitled An Act relating to consumer information concerning facility-based physicians and notice and availability of mediation for balance billing by a facility-based physician.

**CSSB 481** was passed to third reading.

#### **SB 686 ON SECOND READING (Clardy - House Sponsor)**

**SB 686**, A bill to be entitled An Act relating to the Math and Science Scholars Loan Repayment Program.

**SB 686** was passed to third reading. (Bell and Button recorded voting no.)

#### **CSSB 652 ON SECOND READING (Farney, Simmons, Oliveira, et al. - House Sponsors)**

**CSSB 652**, A bill to be entitled An Act relating to excluding a franchisor as an employer of a franchisee or a franchisee's employees.

**CSSB 652** was passed to third reading. (Bernal recorded voting no.)

#### **SB 746 ON SECOND READING (S. Turner - House Sponsor)**

**SB 746**, A bill to be entitled An Act relating to the civil commitment of sexually violent predators; amending provisions subject to criminal penalties.

**Amendment No. 1**

Representative S. Turner offered the following amendment to **SB 746**:

Amend **SB 746** (house committee printing) by striking SECTION 41 of the bill (page 25, line 26) and substituting the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative S. Turner offered the following amendment to **SB 746**:

Amend **SB 746** (house committee printing) as follows:

(1) On page 10, line 23, strike "Section 841.0821" and substitute "Sections 841.0821 and 841.0822".

(2) On page 11, between lines 6 and 7, insert the following:

Sec. 841.0822. REQUIRED PROCEDURES BEFORE RELEASE FROM SECURE CORRECTIONAL FACILITY. Before a committed person is released from a secure correctional facility, the Texas Department of Criminal Justice shall ensure that:

(1) the Department of Public Safety issues a personal identification card to the person; and

(2) the person completes an application for the following federal benefits, as appropriate, for which the person may be eligible:

(A) social security benefits, including disability benefits, administered by the United States Social Security Administration; and

(B) veterans benefits administered by the United States Department of Veterans Affairs.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative S. Turner offered the following amendment to **SB 746**:

Amend **SB 746** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 841, Health and Safety Code, is amended by adding Section 841.0845 to read as follows:

Sec. 841.0845. NOTICE OF INTENT REGARDING NEW RESIDENCE OR FACILITY. (a) The office shall provide advance notice of any intent to house one or more committed persons at a new residence or facility that has not previously served as housing for committed persons under this chapter.

(b) A vendor shall provide advance notice of any intent to submit a proposal to the office for the construction or renovation of a residence or facility that will serve as a new location for housing committed persons under this chapter.



(c) Notice must be provided in writing to each member of the legislature who represents a district containing territory in the affected county as follows:

(1) by a vendor, not later than the 30th day before the date that the vendor will submit a proposal described by Subsection (b) to the office; and

(2) by the office:

(A) as soon as practicable after awarding a contract for the construction or renovation of a residence or facility that will serve as a new location for housing committed persons under this chapter; or

(B) if a construction or renovation contract is unnecessary for the purpose, not later than the 30th day before the date that the residence or facility will first be used as housing for committed persons under this chapter, except as provided by Subsection (d).

(d) The office may provide notice required by Subsection (c)(2)(B) not later than 72 hours before transferring a committed person to the residence or facility if the transfer is necessary due to:

(1) a medical emergency;

(2) a serious behavioral or health and safety issue; or

(3) release from a secure correctional facility.

Amendment No. 3 was adopted.

SB 746, as amended, was passed to third reading.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 3994 ON THIRD READING**

**(by Morrison, G. Bonnen, P. King, Krause, Simmons, et al.)**

**HB 3994**, A bill to be entitled An Act relating to notice of and consent to an abortion for a minor; amending provisions subject to a criminal penalty.

(Kuempel in the chair)

Representative Morrison moved to postpone consideration of **HB 3994** until 11 a.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 2271 ON THIRD READING**

**(by Sheffield, Y. Davis, Zerwas, and Klick)**

**HB 2271**, A bill to be entitled An Act relating to a pilot program for donation and redistribution of certain unused prescription medications; authorizing a fee.

**HB 2271** was passed by (Record 1073): 139 Yeas, 4 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; 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; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; 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; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Simpson; Stickland; Tinderholt.

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

Absent, Excused — King, P.; Stephenson.

Absent — Capriglione; Dukes; Turner, E.S.

#### STATEMENTS OF VOTE

When Record No. 1073 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 1073 was taken, my vote failed to register. I would have voted yes.

Capriglione

When Record No. 1073 was taken, I was shown voting no. I intended to vote yes.

Stickland

When Record No. 1073 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

#### **HB 3787 ON THIRD 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.

**HB 3787** was passed by (Record 1074): 105 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allen; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Dutton; Elkins; Faircloth; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; Guillen; Harless; Hernandez; Huberty; Hughes; Hunter; Isaac; Israel; Kacal; Keffer; Keough; King, K.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Riddle; Rinaldi; Rodriguez, E.; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Bernal; Coleman; Collier; Davis, Y.; Deshotel; Farias; González; Gutierrez; Herrero; Howard; Johnson; King, T.; Martinez Fischer; Minjarez; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, J.; Romero; Rose; Simpson; Stickland; Vo; Walle; White, M.; Wu.

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

Absent, Excused — King, P.; Stephenson.

Absent — Canales; Dukes; Guerra; King, S.; Martinez; Moody; Morrison; Raney.

#### STATEMENTS OF VOTE

When Record No. 1074 was taken, I was shown voting yes. I intended to vote no.

Blanco

When Record No. 1074 was taken, I was temporarily out of the house chamber. I would have voted no.

Canales

When Record No. 1074 was taken, I was shown voting yes. I intended to vote no.

Farrar

When Record No. 1074 was taken, I was shown voting yes. I intended to vote no.

Giddings

When Record No. 1074 was taken, I was in the house but away from my desk. I would have voted no.

Guerra

When Record No. 1074 was taken, I was shown voting yes. I intended to vote no.

Hernandez

When Record No. 1074 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 1074 was taken, I was in the house but away from my desk. I would have voted no.

Martinez

When Record No. 1074 was taken, I was in the house but away from my desk. I would have voted no.

Moody

When Record No. 1074 was taken, I was in the house but away from my desk. I would have voted yes.

Raney

When Record No. 1074 was taken, I was shown voting yes. I intended to vote no.

C. Turner

When Record No. 1074 was taken, I was shown voting yes. I intended to vote no.

S. Turner

When Record No. 1074 was taken, I was shown voting no. I intended to vote yes.

M. White

### **POSTPONED BUSINESS**

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

#### **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, postponed until May 11, postponed until May 13, amendments were offered and disposed of, and **CSHB 3325** was again postponed until 7 p.m. May 13. Amendment No. 2 was pending at the time of postponement.

Representative Martinez Fischer moved to postpone consideration of **CSHB 3325** until 12 p.m. today.

The motion prevailed.

**CSHB 1485 ON SECOND READING****(by E. Rodriguez, Harless, Miles, C. Turner, Isaac, et al.)**

**CSHB 1485**, A bill to be entitled An Act relating to the establishment of a grocery access investment fund program.

**CSHB 1485** was read second time on May 12, postponed until 5 a.m. May 13, postponed until 3 p.m. May 13, and was again postponed until 7:05 p.m. May 13.

Representative E. Rodriguez moved to postpone consideration of **CSHB 1485** until 10:30 a.m. today.

The motion prevailed.

**CSHB 3846 ON SECOND READING****(by Smithee, Fallon, and Rinaldi)**

**CSHB 3846**, A bill to be entitled An Act relating to the confidentiality of certain information regarding procedures and substances used in the execution of a convict.

**CSHB 3846** was read second time on May 12, postponed until 9 a.m. May 13, and was again postponed until 8 p.m. May 13.

Representative Smithee moved to postpone consideration of **CSHB 3846** until 8 p.m. today.

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, postponed until May 11, postponed until 5 a.m. May 13, and was again postponed until 11 p.m. May 13.

Representative Huberty moved to postpone consideration of **CSHB 1490** until 3 p.m. today.

The motion prevailed.

**HB 2351 ON SECOND READING****(by Harless, Kuempel, Kacal, Geren, et al.)**

**HB 2351**, A bill to be entitled An Act relating to conflicts of interest and discrimination policies for an ethics or medical committee review of an advance directive.

**HB 2351** was read second time on May 7, postponed until May 12, postponed until May 13, and was again postponed until 5 a.m. today.

Representative Harless moved to postpone consideration of **HB 2351** until 5 p.m. today.

The motion prevailed.

**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, postponed until May 11, postponed until 5 a.m. May 12, postponed until 6 p.m. May 12, postponed until 6 a.m. May 13, postponed until 3:30 p.m. May 13, and was again postponed until 5 a.m. today.

Representative E. Rodriguez moved to postpone consideration of **CSHB 1069** until 11 a.m. today.

The motion prevailed.

**SB 459 ON SECOND READING**  
**(Alvarado - House Sponsor)**

**SB 459**, A bill to be entitled An Act relating to the creation of the Advisory Council on Cultural Affairs in the office of the governor.

**SB 459** was considered in lieu of **HB 1543**.

**SB 459** was read second time.

Representative Alvarado moved to postpone consideration of **SB 459** until 5 p.m. today.

The motion prevailed.

**HB 2688 ON SECOND READING**  
**(by Workman, Krause, and Larson)**

**HB 2688**, A bill to be entitled An Act relating to a common characteristic or use project in a public improvement district in certain municipalities.

**HB 2688** was read second time on May 8, postponed until May 12, and was again postponed until 9:54 a.m. today.

Representative Workman moved to postpone consideration of **HB 2688** until 10 a.m. tomorrow.

The motion prevailed. (The vote was reconsidered later today, **CSSB 837** was considered in lieu of **HB 2688**, and **CSSB 837** was read second time and was passed to third reading. **HB 2688** was laid on the table subject to call.)

**HB 1543 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Alvarado moved to lay **HB 1543** on the table subject to call.

The motion prevailed.

**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, postponed until May 11, postponed until May 12, and was again postponed until 9:55 a.m. today.

Representative Murphy moved to postpone consideration of **CSHB 2114** until 10 a.m. Wednesday, March 2, 2016.

The motion prevailed.

**CSHB 27 ON SECOND READING**

**(by Button and Johnson)**

**CSHB 27**, A bill to be entitled An Act relating to state economic development measures, including administration of the Texas Enterprise Fund, the abolishment of the Texas emerging technology fund, and the disposition of balances from the Texas emerging technology fund.

**CSHB 27** was read second time on May 1, postponed until May 7, and was again postponed until 10 a.m. today.

Representative Button moved to postpone consideration of **CSHB 27** until 8 a.m. Thursday, May 21.

The motion prevailed.

**CSHB 28 ON SECOND READING**

**(by Button and Nevárez)**

**CSHB 28**, A bill to be entitled An Act relating to an audit by the state auditor of certain programs and funds providing economic development incentives to entities and other persons.

**CSHB 28** was read second time on May 1, postponed until May 7, and was again postponed until 10 a.m. today.

Representative Button moved to postpone consideration of **CSHB 28** until 8 a.m. Thursday, May 21.

The motion prevailed.

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

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

**CSSB 206 ON SECOND READING**  
**(Burkett and Raymond - House Sponsors)**

**CSSB 206**, A bill to be entitled An Act relating to the continuation and functions of the Department of Family and Protective Services and procedures applicable to suits affecting the parent-child relationship, investigations of child abuse and neglect, and conservatorship of a child; affecting fee amounts and authorizing an administrative penalty.

**CSSB 206** was considered in lieu of **HB 2433**.

**LEAVE OF ABSENCE GRANTED**

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

Herrero on motion of Walle.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Raymond requested permission for the Committee on Human Services to meet while the house is in session, at 11:30 a.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Human Services, 11:30 a.m. today, 3W.9, for a formal meeting, to consider pending business.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Elkins requested permission for the Committee on Government Transparency and Operation to meet while the house is in session, at 11:45 a.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Government Transparency and Operation, 11:45 a.m. today, 1W.14, for a formal meeting, to consider pending business.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Zerwas requested permission for the Committee on Higher Education to meet while the house is in session, at 2 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:



Higher Education, 2 p.m. today, 1W.14, for a formal meeting, to consider pending business.

**CSSB 206 - (consideration continued)**

**Amendment No. 1**

Representative Burkett offered the following amendment to **CSSB 206**:

Amend **CSSB 206** (house committee printing) as follows:

(1) On page 49, line 27, and page 50, line 1, strike "or the parent's attorney, if applicable".

(2) On page 50, lines 15 and 16, strike "or the parent's attorney, if applicable".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Burkett offered the following amendment to **CSSB 206**:

Amend **CSSB 206** by striking page 29, line 24, through page 30, line 6, and renumbering SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Frullo offered the following amendment to **CSSB 206**:

Amend **CSSB 206** (house committee printing) on page 47, between lines 18-19, by inserting the following appropriately lettered subsection and relettering subsections of proposed Section 264.017, Family Code, and cross-references to those subsections accordingly:

( ) To the extent feasible, the report must also include, for each county, the amount of funding for child abuse and neglect prevention services and the rate of child abuse and neglect per 1,000 children in the county for the preceding year and for each of the preceding five years.

**Amendment No. 4**

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

Amend Amendment No. 3 by Frullo to **CSSB 206** (15.132.66 SCL) as follows:

(1) On page 1, line 6, strike the underlined comma and substitute an underlined semicolon.

(2) On page 1, line 7, immediately before "for each", insert "(1)".

(3) On page 1, line 10, between "years" and the underlined comma, insert the following:

(2) the number of foster children who are pregnant or are a parent; and

(3) the number of foster children who have been victims of human trafficking while in foster care.

Amendment No. 4 was withdrawn.

**Amendment No. 5**

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

Amend Amendment No. 3 by Frullo to **CSSB 206** (15.132.66 SCL) on page 1, line 8, between "services" and "and", by inserting ", nutritional services, and food programs,".

Amendment No. 5 was adopted.

**Amendment No. 6**

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

Amend Amendment No. 3 by Frullo to **CSSB 206** (15.132.66 SCL) as follows:

(1) On page 1, line 6, strike the underlined comma and substitute an underlined semicolon.

(2) On page 1, line 7, immediately before "for each", insert "(1)".

(3) On page 1, line 10, between "years" and the underlined comma, insert the following:

(2) the number of foster children who are pregnant or are a parent; and

(3) the number of foster children who have been victims of human trafficking while in foster care.

Amendment No. 6 was adopted.

Amendment No. 3, as amended, was adopted.

**CSSB 206**, as amended, was passed to third reading by (Record 1075): 142 Yeas, 1 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; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; 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; Springer; 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 — Spitzer.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Dukes; Smithee.

### STATEMENT OF VOTE

When Record No. 1075 was taken, I was shown voting no. I intended to vote yes.

Spitzer

### COMMITTEE 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 1 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Juvenile Justice and Family Issues, 1 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### HB 2433 - LAID ON THE TABLE SUBJECT TO CALL

Representative Burkett moved to lay **HB 2433** on the table subject to call.

The motion prevailed.

### POSTPONED BUSINESS

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

#### CSHB 1485 ON SECOND READING

(by E. Rodriguez, Harless, Miles, C. Turner, Isaac, et al.)

**CSHB 1485**, A bill to be entitled An Act relating to the establishment of a grocery access investment fund program.

**CSHB 1485** was read second time on May 12, postponed until 5 a.m. May 13, postponed until 3 p.m. May 13, postponed until 7:05 p.m. May 13, and was again postponed until this time.

#### Amendment No. 1

Representatives Isaac and Harless offered the following amendment to **CSHB 1485**:

Amend **CSHB 1485** (house committee report) as follows:

(1) On page 1, line 7, strike "INVESTMENT FUND", and substitute "PROGRAM".

(2) Strike page 1, line 8 through page 2, line 20.

(3) Strike page 2, line 21 through page 3, line 15, and substitute the following:

Sec. 26.001. GROCERY ACCESS PROGRAM. (a) The department shall establish a public-private partnership grant and loan program to meet the goal of improving the availability of produce and other healthy foods to low-income areas and rural areas. To the extent practicable, the department shall also administer the program to:

(1) encourage job growth in low-income areas and rural areas; and

(2) reduce obesity and obesity-related diseases.

(b) Job growth and reductions in obesity and obesity-related diseases in the areas targeted by the program will be measured each biennium to assess the effectiveness of those aspects of the program.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Human Services:

Klick on motion of Raney.

Naishtat on motion of Raney.

Peña on motion of Raney.

### **CSHB 1485 - (consideration continued)**

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

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

Amend Amendment No. 1 by Isaac to **CSHB 1485** as follows:

(1) On page 1, line 15, strike "and".

(2) On page 1, line 16, between "diseases" and the underlined period insert the following:

; and

(3) ensure that the program does not negatively affect existing rural grocery stores

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

#### **Amendment No. 3**

Representatives Isaac and Harless offered the following amendment to **CSHB 1485**:

Amend **CSHB 1485** (house committee report), by striking page 3, line 16 through page 6, line 23, and substituting the following:

Sec. 26.002. ADMINISTRATION OF GROCERY ACCESS PROGRAM.

(a) The department shall contract with one or more community development financial institutions, as defined by 12 U.S.C. Section 4702, to administer the program through a public-private partnership.

(b) A community development financial institution contracted with under Subsection (a) shall, in accordance with this chapter and any other rules adopted by the department under this chapter, establish program guidelines, raise

matching funds, promote the program statewide, evaluate applicants, underwrite and disburse grants and loans, and monitor compliance with and the impact of the program.

(c) The department shall establish rules or other procedures as necessary to administer this chapter, including reporting and accountability requirements.

(d) The department is authorized to accept gifts, grants, donations, in-kind contributions, and other types of financial assistance in furtherance of the goals of the program.

(e) The total amount of general revenue distributed may not exceed \$5 million for the state fiscal biennium ending August 31, 2017.

SECTION 2. Not later than December 1, 2015, the Department of Agriculture shall adopt rules to administer Chapter 26, Agriculture Code, as added by this Act. The department may adopt its initial rules as temporary emergency rules under Section 2001.034, Government Code.

SECTION 3. Not later than December 15, 2015, the Department of Agriculture shall contract with one or more community development financial institutions as provided by Section 26.002, Agriculture Code, as added by this Act.

SECTION 4. Not later than December 15, 2016, the Department of Agriculture shall report to the lieutenant governor, the speaker of the house of representatives, and the chairs of each standing committee of each house with jurisdiction over Department of Agriculture programs regarding implementation of Chapter 26, Agriculture Code, as added by this Act.

Amendment No. 3 was adopted.

**CSHB 1485**, as amended, was passed to engrossment by (Record 1076): 71 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bernal; Blanco; Canales; Coleman; Collier; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farrar; Frank; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Isaac; Israel; Johnson; Keffer; King, T.; Koop; Landgraf; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Nevárez; Oliveira; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Smith; Smithee; Springer; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Vo; Walle; Wu.

Nays — Anderson, R.; Ashby; Bell; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Elkins; Fallon; Farney; Fletcher; Flynn; Frullo; Galindo; Geren; Goldman; Hughes; Hunter; Kacal; Keough; King, K.; Krause; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, R.; Murphy; Murr; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simpson; Spitzer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent, Excused, Committee Meeting — Klick; Naishtat; Peña.

Absent — Bonnen, D.; Button; Dukes; King, S.; Simmons.

#### STATEMENTS OF VOTE

When Record No. 1076 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 1076 was taken, I was temporarily out of the house chamber. I would have voted no.

Button

When Record No. 1076 was taken, I was in the house but away from my desk. I would have voted no.

S. King

When Record No. 1076 was taken, I was shown voting no. I intended to vote yes.

Zerwas

#### CSHB 1485 - STATEMENT OF LEGISLATIVE INTENT

I want to ensure that the Texas Grocery Access Investment program is able to provide financing and technical assistance to projects that will be successful. At the committee hearing, the Texas Retailers Association (TRA) registered in opposition to **CSHB 1485**, expressing concerns with the sufficiency of established guidelines and criteria in place to ensure the projects approved have the highest chance of success. Subsequent discussions have resulted in the following recommendations, and with these recommendations, TRA has removed their opposition. When establishing guidelines and criteria for approving projects and financing for the Texas Grocery Access Investment program, the Texas Department of Agriculture should reference, among others, the New Orleans Fresh Food Retailer Initiative and the Pennsylvania Fresh Food Financing Initiative. These two programs are proven models for successful grocery access programs that ensure eligible projects have the capacity to succeed. For example, Pennsylvania's investment of \$30 million attracted a total of \$194 million in private dollars that helped develop 88 supermarkets and fresh food outlets in underserved rural and urban areas throughout the state, creating or retaining 5,000 jobs in those communities.

E. Rodriguez

#### HB 3994 ON THIRD READING

(by Morrison, G. Bonnen, P. King, Krause, Simmons, et al.)

**HB 3994**, A bill to be entitled An Act relating to notice of and consent to an abortion for a minor; amending provisions subject to a criminal penalty.

**HB 3994** was read third time earlier today and was postponed until this time.

**HB 3994** was passed by (Record 1077): 93 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycocock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddock; Crownover; Cyrier; Dale; Darby; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Collier; Davis, S.; Davis, Y.; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Nevárez; Oliveira; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent, Excused, Committee Meeting — Klick; Naishtat; Peña.

Absent — Coleman; Dukes; Pickett.

#### STATEMENTS OF VOTE

When Record No. 1077 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 1077 was taken, I was shown voting yes. I intended to vote no.

Howard

When Record No. 1077 was taken, I was excused to attend a committee meeting. I would have voted no.

Naishtat

When Record No. 1077 was taken, I was shown voting no. I intended to vote yes.

Schofield

**STATEMENT OF LEGISLATIVE INTENT  
IN LIEU OF ORAL STATEMENTS**

Representative Wu submitted the following statement for inclusion in the journal:

*[This statement of legislative intent is being offered in place of oral statements offered by the bill authors or co-authors; and in lieu of closing statements made on, for, or against the passage of the bill.]*

Thus begins this Statement Of Legislative Intent In Lieu Of Oral Statements.

I. Definitions:

- a. 'Service(s),' 'abortion service(s),' and 'abortion' all have the same meaning.
- b. 'Applicant,' 'pregnant minor,' and 'a minor seeking an abortion through a judicial application' have the same meaning.
- c. 'Application' and 'application for a minor seeking abortion services through a judicial application' have the same meaning.

II. SECTION 2 (amending Texas Family Code 33.002(h)) of the legislation is intended to create a statewide requirement for all women, regardless of age, to present a valid government identification document before accessing services. This legislative change is made with full knowledge that some classes of women will not be able to provide this documentation, and that this requirement will cause women seeking services to incur significant additional costs. This Section is intended to create a de facto abortion ban for those women seeking services who are not able to provide valid identification.

III. SECTION 2 (amending Texas Family Code 33.002(h)) of the legislation intentionally does not specify the forms of identification acceptable, and is intended to allow interpretation by a physician. This body specifically rejected amendments to clarify this requirement; the ambiguity of this section is intended to cause confusion and allow for selective denial of service based on the discretion of a physician.

IV. SECTION 4 (amending Texas Family Code 33.003(b)) of the legislation is intended to restrict the availability of venues where an application may be filed. Existing law allows application to be filed anywhere in the state; the intent of this legislation is to force an applicant back to her home or neighboring county to seek approval. This restriction of venue is intended to force an applicant to seek approval in the court of her own or surrounding community, and cause embarrassment and subject her to harassment. The intent of this legislation is to include victims of incest or sexual abuse, and force them to return to their home county or adjoining county. Amendments adjusting this were rejected by the body with the knowledge that this section would likely force an applicant back to a home or neighboring county where her abuser resides. This requirement is intended to increase the burden on applicants, especially those living in areas where there are limited or no abortion services or living far away from available services, and discourage the filing of an application.



V. SECTION 4 (adding Texas Family Code 33.003(g-1)) of this legislation is intended to restrict an applicant from appearing before the court by video conferencing, telephone conferencing, or other remote electronic means. The restriction is made with the knowledge that the approval of remote conferencing is usually at the discretion of a judge upon request of a party. This section is intended to increase the burden upon an applicant seeking relief; especially one who has been abused or sexually assaulted. This section, in combination the above section modifying (b), is intended to force an applicant who may have been abused or sexually assaulted to appear in-person in her home or neighboring jurisdiction to face people who may personally know her or her abuser. This section is intended to cause embarrassment and harassment for an applicant, and discourage potential applicants from seeking relief. This section is intended to create a barrier to access services.

VI. SECTION 4 (amending Texas Family Code 33.003(h)) of the legislation, as amended by amendment 19 by Representative Krause, is intended to allow a judge to summarily deny all applications without considering the merits. Current law automatically grants an application if a judge refuses or is unable to review the application within two (2) days after filing. This legislation, as amended, intentionally removes this means of relief. This legislative change is made with the knowledge that a judge, for any reason, whether political, philosophical, or personal may summarily deny all applications by simply not acting on the application; there is no other bypass relief in the legislation. This section, as amended, is intended to allow jurisdictions where there is a de facto abortion ban for applicants.

VII. SECTION 4 (amending Texas Family Code 33.003(i)) of the legislation changes the burden of proof from 'a preponderance of the evidence' to 'clear and convincing.' Under current law, an applicant who provided a sworn and uncontroverted statement that she is the victim of incest or sexual assault would be able to meet the burden of proof. It is the intent of this legislation that this same applicant would, under this law, be required to provide additional evidence or proof beyond an uncontroverted affirmation that she is the victim of incest or sexual abuse. This section would increase the likelihood that an applicant, with little or no resources, would need to hire counsel to muster the additional proof required by this section. This section is intended to create an additional barrier to services by increasing the likelihood that an applicant would require the assistance of counsel, and discourage application.

VIII. SECTION 4 (adding Texas Family Code 33.003(i-1) & (i-2)) of the legislation would require judges to consider additional elements before granting an application; including an applicant's experience, perspective, life experiences, work and travel history, steps taken to explore other options, the applicant's rationale for seeking services, and whether the applicant has read state-published materials. These additional requirements are intended to create barriers to access services, and increase the likelihood that an application will be denied.

IX. SECTION 4 (amending Texas Family Code 33.003(h)) and SECTION 5 (amending Texas Family Code 33.004(b)) of the legislation both change the action deadline for courts from 2 days to 5 days. The intent of this section is to cause delay and discourage an applicant from pursuing an application.

Thus ends this Statement Of Legislative Intent In Lieu Of Oral Statements.

**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, postponed until May 11, postponed until 5 a.m. May 12, postponed until 6 p.m. May 12, postponed until 6 a.m. May 13, postponed until 3:30 p.m. May 13, postponed until 5 a.m. today, and was again postponed until this time.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Government Transparency and Operation:

Gonzales on motion of Hunter.

**CSHB 1069 - (consideration continued)**

**Amendment No. 1**

Representative C. Turner offered the following amendment to **CSHB 1069**:

Amend **CSHB 1069** (house committee report) as follows:

(1) On page 11, between lines 21 and 22, insert the following appropriately numbered subdivision and renumber subdivisions of Section 81.057(c), Human Resources Code, and cross-references to those subdivisions, accordingly:

( ) a person who unknowingly or unintentionally hires or employs a person who is not certified under this subchapter;

(2) On page 12, between lines 15 and 16, insert the following appropriately numbered subdivision and renumber subdivisions of Section 81.057(c), Human Resources Code, and cross-references to those subdivisions, accordingly:

( ) a person interpreting in a public school setting under the direct or indirect supervision of a person certified under this subchapter if the person is interpreting for a short-term period of not more than five consecutive school days and not more than 10 total school days for a particular student in a school year;

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Howard offered the following amendment to **CSHB 1069**:

Amend **CSHB 1069** (house committee report) as follows:

(1) On page 12, line 26, strike "A" and substitute "Subject to Subsection (b-1), a".

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

(b-1) The executive commissioner shall establish a schedule for the amounts of penalties imposed under this section, with the amount of a penalty increasing on each subsequent violation.

Amendment No. 2 was adopted.

(Gonzales, Klick, Naishtat, and Peña now present)

**CSHB 1069**, as amended, failed to pass to engrossment by (Record 1078): 52 Yeas, 82 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Israel; Johnson; King, S.; King, T.; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Nays — Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Capriglione; Clardy; Craddick; Crownover; Cyrier; Dale; Darby; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Price; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Anderson, C.; Burkett; Cook; Dukes; Huberty; Hughes; McClendon; Morrison; Phillips; Raney; Sheffield.

#### STATEMENTS OF VOTE

When Record No. 1078 was taken, I was in the house but away from my desk. I would have voted no.

Burkett

When Record No. 1078 was taken, I was in the house but away from my desk. I would have voted no.

Cook

When Record No. 1078 was taken, I was in the house but away from my desk. I would have voted no.

Huberty

When Record No. 1078 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

When Record No. 1078 was taken, I was shown voting yes. I intended to vote no.

S. King

When Record No. 1078 was taken, I was in the house but away from my desk. I would have voted no.

Phillips

**MAJOR STATE CALENDAR  
(consideration continued)**

**CSHB 1759 ON SECOND READING  
(by Aycock, Otto, Márquez, et al.)**

**CSHB 1759**, A bill to be entitled An Act relating to the public school finance system.

**CSHB 1759 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE AYCOCK: Members, this is just a small technical cleanup of a little bit of school finance stuff, and I move passage. Let me begin by saying thanks to some people. My staff and those members that met with us through the summer and over the fall and at the end of session, I appreciate your time. The TEA folks that worked with us, the LBB folks, and my wife who listened to it—I want to thank all of them.

As we move around the state, one of the things we hear most commonly is why can't you guys fix school finance? And the other thing we hear very often is can you just tear it up and start over? This bill gets pretty close. What will it take to fix school finance? It'll take a common view of 5.2 million children without dividing them into subgroups. We think in terms of black kids and brown kids and white kids. We think of poor kids and rich kids, kids from small districts and kids from large districts. And we each come here representing our subset of kids, and that's how the process works. And nowhere does it collide harder with the reality that our personal districts, each of our districts, collides with the needs of the greater whole. We do that in a lot of places, but nowhere focuses on it like public education funding.

So how did we start with this process? We started by trying to identify the problems that we have to face. Legislation ought to be about solving problems, and these problems go back pretty far. They go back to the concept of Robin Hood. They go back to the concept of equalized wealth. They go back to the early days of school funding when the state funded 80 percent of the cost of education; we now fund about 40 percent. And in that transition, property values

have not only increased, they've become an increasingly large part of what we depend on for funding. As that increase of dependence on property tax has moved up and up and up, it has magnified the impact of the differences between property-wealthy and property-poor school districts. And then we have court case after court case after court case.

What has it done? It's done recapture. Austin, Texas—sending about 30 percent of its tax money back to the state. It will soon do Houston, Texas. Houston, in the second year of the biennium, will have to hold an election to make a choice to send over \$100 million back to Austin. That'll be real popular, folks—trust me. Think about that. Asking the people of Houston, Texas, that will come under recapture, to send \$100-plus million—some people say maybe \$120 million—back to Austin. Then we get into a whole different set of effects. In 2006, when we compressed the tax rate by a third and promised people we'd hold them harmless—at that point we created a thing called ASATR. ASATR is scheduled now not to hold harmless permanently, but to end in 2018. And in 2018, many of your districts will lose 10, 15, 20, or even more percent of their funding when that ASATR cliff hits. We will hit it going 100 miles an hour, and many of your districts will fall off that cliff precipitously. Not only that, we created a situation called fractional funding. Compressed tax rates—those that were doing the best job of little taxation, keeping those taxes low, doing a frugal job—in 2005, they got compressed to less than a dollar. So now, even if they elect to raise their taxes, they don't get to keep them. They have to send them back to Austin. It's called fractional funding.

In the late 1980s, we adjusted transportation for the last time and haven't adjusted it since. We now cover roughly a little over a fourth of transportation costs. And by the way, not only was it last adjusted in the 1980s, if you're a Chapter 41 district and we even send you transportation money, it gets recaptured back. You don't get to keep it because recapture takes it away from all the Chapter 41 districts. If you believe in charter schools—charter schools don't get transportation funding. Then there are a few smaller things like the 1992-93 hold harmless. Those hold harmless were supposed to be in place for four years; they are still there. And then there's this wonderful thing called a nonprofessional salary allotment, which we actually incentivize people to hire non-teachers and non-educators and compensate them for that move. The weights—our little study group didn't even attempt to deal with weights because there needs to be a professional study done. The only way you can ever get the thing really right is to do a professional, nonpolitical view of the weights that it takes for ELL and Comp Ed and Tech and all those things that we weigh into that formula.

And then there's this wonderful thing we call the Cost of Education Index. CEI was last adjusted based on 1989 values that went into effect in 1991, and it supposedly reflected the cost of doing business. What it really reflected was—it's supposed to be changed every biennium; it hasn't been changed since. Many people now view it as a proxy for poverty. It was not then, it is not now, it was never intended to be a proxy for poverty. It was a proxy for the cost of doing business, but it is highly aligned with certain parts of the state. The Valley in

particular is highly dependant on CEIs that are substantially higher than much of the rest of the state. So the reality is that whenever we move these things around, it basically sets off a war between all of us.

The strategy that we tried to employ in this workgroup was to set up some basic parameters. First, we said we didn't want anybody to lose money. That was important. We said that we wanted to do the most good for the most students. The best way to do that was to raise the basic allotment as fast and as much as we could, and much of what that bill deals with is about strategies to raise the basic allotments so it begins to equalize the wealth. We wanted something that was simpler, that dealt with transportation, that addressed the fractional funding issues; and the bill addresses all of those. Probably not to a lot of people's satisfaction. Most of all, it did accomplish a deal with no losers—94 percent of the children gained money; 98 percent of the children come onto formula. That's been one of our objectives for years. This lack of getting people onto formula funding is a critical problem. It's a good bill, people. I know it's not perfect, but I think it's the best we can do at this point in time.

REPRESENTATIVE OTTO: Chairman Aycock, thank you for laying out to this house what I think is probably the most difficult problem that this body faces this session, prior sessions, maybe future sessions—because as you just admitted, your bill is not going to go 100 percent of the way. Is that correct?

AYCOCK: Not even close.

OTTO: But it does make a step, so I want to ask you a few questions. You just got through talking about that putting money in the basic allotment is probably the best to improve equity. Is that not the case?

AYCOCK: Within our present system, it is the most effective means of funding that gets adequately distributed.

OTTO: But what you comment about when we put money in the basic allotment and we grow that and we improve that—what does that do to the other parts of the formula that we'd have to deal with in trying to reach an equitable system?

AYCOCK: Each time that basic allotment is raised—and then we have to come back with a court case or some political pressure that says that you raised the basic allotment here and then you have to adjust within the formula—it actually costs more money as you move forward. So raising the basic allotment may be pleasant at this time, but in the long term, unless you correct the distribution model, it actually makes it harder to correct as you get into the future. And it's kind of like trying to build a house on a bad basement or a bad foundation. You've got to fix the foundation. You've got to tear out the old, rotten lumber before you ever start making the remodels, and that's what we tried to do. And I know it's unpleasant at times.

OTTO: And you mentioned earlier that what the state is currently paying toward public education—what the percentage has come to now, which is, I think, 40 percent, roughly.

AYCOCK: Roughly. Certainly local property taxpayers are paying a far bigger share than they used to.

OTTO: And a large part of that has been because of the growth in property values in this state and the amount of money that has come in to fund our schools through that basis—is that correct?

AYCOCK: The property tax is a larger portion partly because of the value increases and partly because some of that money hasn't been available from the state.

OTTO: And we're even discussing this session, and we have—especially in 2005 and 2006—lowered property taxes by almost \$7 billion. Is that correct?

AYCOCK: That's correct.

OTTO: And what did that do to the equity within the system with the things we had to do in order to try to give that relief?

AYCOCK: We built another hold harmless, a very large one, into the system. We created this ASATR cliff. We said we would hold them harmless and now as we've come a few years later, we're obviously not going to hold them harmless.

OTTO: So we're approaching that deadline where some districts are going to fall off that cliff. Is that not correct?

AYCOCK: There are a good many districts that are going to fall off the cliff—like I said, going 100 miles an hour—and it's going to be very painful.

OTTO: And under the current formula, what happens to transportation dollars, which we have not increased in a long time, but what happens—you mentioned it briefly, I think—with regard to Chapter 41 districts and charters?

AYCOCK: Chapter 41 districts and charters do not have transportation money available under our present formula. It basically recaptures all of that money for the vast majority of it. Charters don't get it at all.

OTTO: You know, we fund money outside of the formulas—some very good programs—but when we do that, are we improving equity?

AYCOCK: Outside, the programs do not count toward the equity as far as the litigation concerns are out there.

OTTO: And you developed your program not to try to deal with the lawsuit, but to try to improve what students—the number of students that were going to be equalized in this state. Is that not correct?

AYCOCK: That's right. In fact, we consciously tried to avoid consideration of the lawsuit and just do what was best for the most students.

OTTO: Right, but at some point, we all know in this body, the lawsuit is going to be before us. Somewhere down the road we're going to have to deal with that. Based on the current decision that we have from the district judge, what is the estimated amount of increase we would have to do under the current system in order to meet equity?

AYCOCK: I think it's rather interesting. I think the numbers I recall from Judge Dietz's ruling was about \$8 billion, not per biennium but per year, if I understand correctly. It's an almost insurmountable amount of money.

OTTO: Yeah, that's \$16 billion a biennium. So your bill attempts—and I will tell you I have received notices from members in my district, superintendents, school board members, some for, some against. They want the money that we've set aside to deal with this issue, but in some cases—you know, the things that you're changing in your bill—they would rather just leave it as is. But if we leave it as it is currently, are we ever going to achieve equity?

AYCOCK: I don't think so. It's like remodeling, it's always an unpleasant experience.

REPRESENTATIVE MARTINEZ: I just have a couple of quick questions, chairman, and I think you've done a tremendous job, and a lot of people surely know that. But I just have a question regarding CEI. Can you explain to me a little bit what happens to CEI in this bill?

AYCOCK: In this bill, the proposal is that, at least for the time being, it be removed completely. Right now it ranges from 1.05 as a factor multiplied against the basic allotment to 1.20. Unfortunately—and I understand the concerns if you're a district that has a very high CEI and it pulls that out—your district stands to be damaged somewhat.

MARTINEZ: Absolutely, and if you would agree with me that CEIs used to pay for issues that are beyond any district control—for example, economically disadvantaged—would you agree with that?

AYCOCK: No. That's a small part of it, but it's actually the cost of doing business, not the cost of—there's a tiny bit of it back then that was weighted on that—but mostly it was the cost of teacher salaries, cost of living, cost of operating the buildings. And in fact, whenever CEIs accurately adjusted—and members, those of you that are upset about the CEI ought to listen to this. The concept of CEI is about the cost of doing business. It basically, under its present formula, says that the cost of living in Benavides or Rio Grande City exceeds the cost of living in Austin or Houston. I think whenever this is finally adjusted what will really happen is that the urban centers will, in fact, gain more. So if we keep CEI and adjust it, it will be another battle.

MARTINEZ: Well, would you agree with me that 85 percent of the students in the Rio Grande Valley are economically disadvantaged and the state average is—

AYCOCK: Oh, absolutely, and I think the appropriate way to deal with that is with the weights, not with CEI.

MARTINEZ: And would you also agree that the state is approximately about 60 percent?

AYCOCK: A little over 60 percent, correct, and about 20 percent ELL now.

MARTINEZ: Along with that, the English Language Learners is about 37 percent in the Valley as opposed to the state average of 18 percent.



AYCOCK: That's right, and all of those should be adjusted in the weights, not in the CEI.

MARTINEZ: And under **HB 1**, for example, in Progreso ISD they would come to gain \$228 as opposed to under **HB 1759** where they don't gain anything?

AYCOCK: That's probably correct.

REPRESENTATIVE MARTINEZ FISCHER: Picking up on some of the questions of my colleague—the elimination of CEI, would you agree with me, has a disproportionate impact in South Texas?

AYCOCK: It does.

MARTINEZ FISCHER: And in South Texas, the population of those school children are mostly ethnic minorities?

AYCOCK: They're mostly Hispanic, with other ethnic minorities, but predominantly ELL. And the ELL weight is where we need to be working.

MARTINEZ FISCHER: And along with the ELL, there's also a high percentage, if not a disproportionate percentage, of children that are also economically disadvantaged?

AYCOCK: That's correct, and that weight should be adjusted in the Comp Ed weight.

MARTINEZ FISCHER: And would you agree with me that some of the groups that I've worked with and that you've heard from and worked with have been very concerned about a school policy proposal that doesn't address, adequately, the needs of those populations?

AYCOCK: I understand that, and I think we need to vigorously work toward a nonpolitical, professionally done study to find what an appropriate weight is on those factors.

MARTINEZ FISCHER: But you agree with me, as it exists now, that those populations aren't currently represented and accounted for in a way that would even keep up with the current funding proposals in our current proposed budget?

AYCOCK: I don't believe I'm well qualified to answer what an appropriate weight is on each of those situations, and, therefore, we left it alone.

(Speaker in the chair)

### **CSHB 1759 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 1759** under Rule 4, Section 32(c)(1) and Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

AYCOCK: Like many of you, I have other bills on this calendar, bills that are important. We could kill all day with this bill, easily. There are already 15-plus amendments, one including a full committee substitute—full floor substitute, I

should say. I don't think it's fair to leave this bill pending and kill everything else that's up when we know already that the senate will probably, almost certainly, not even consider the measure if we even pass it.

Representative Aycock moved to postpone consideration of **CSHB 1759** until 12 p.m. Saturday, July 4.

The motion prevailed.

REPRESENTATIVE D. BONNEN: I think that with what just happened and what just occurred, it would be wrong for myself and the members of the house to not thank Chairman Aycock for the time, the energy, the effort, and the intellectual capacity he poured into this bill that just fell off this floor, but I want to personally thank him. I hope the members want to thank him for the effort and time and energy he put into such a good opportunity for public education in Texas.

### **REMARKS ORDERED PRINTED**

Representative Schofield moved to print all remarks on **CSHB 1759**.

The motion prevailed.

### **POSTPONED BUSINESS**

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

#### **CSHB 3692 ON SECOND READING (by Landgraf)**

**CSHB 3692**, A bill to be entitled An Act relating to the financing of convention center hotels in certain municipalities.

**CSHB 3692** was read second time on May 4, an amendment was offered and disposed of, **CSHB 3692** was postponed until May 5, postponed until May 8, and was again postponed until 12 p.m. today.

Representative Landgraf moved to postpone consideration of **CSHB 3692** until 10 a.m. Thursday, June 4.

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, postponed until May 11, postponed until 3 p.m. May 13, amendments were offered and disposed of, and **CSHB 3325** was postponed until 7 p.m. May 13. **CSHB 3325** was laid out as postponed business earlier today and was postponed until this time. Amendment No. 2 was pending at the time of postponement.

Representative Gutierrez moved to postpone consideration of **CSHB 3325** until 2:30 p.m. today.

The motion prevailed.

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

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

**HJR 77 ON SECOND READING**

**(by R. Miller, Bohac, Zerwas, Fletcher, Huberty, et al.)**

**HJR 77**, A joint resolution applying to the Congress of the United States to call a convention under Article V of the United States Constitution for the limited purpose of proposing one or more amendments to the constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office of federal officials and members of Congress.

**Amendment No. 1**

Representatives Nevárez and Flynn offered the following amendment to **HJR 77**:

Amend **HJR 77** (house committee printing) as follows:

- (1) On page 1, line 13, insert the following WHEREAS clause so as to read:
- (2) "WHEREAS, The federal government has abused its power in the form of warrantless wiretapping of the American citizens conducted by the National Security Administration as authorized by the federal "Patriot Act; and"
- (3) And on page 3, line 14, add:
- (4) "to limit the power of the federal government to conduct warrantless surveillance of American citizens,"

Representative R. Miller moved to table Amendment No. 1.

The motion to table prevailed by (Record 1079): 85 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Faircloth; Fallon; Farney; Fletcher; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hunter; Isaac; Kacal; Keffer; Keough; King, S.; Klick; Koop; Kuempel; Larson; Laubenberg; Leach; Lozano; Márquez; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Elkins; Farias; Farrar; Flynn; Giddings; González; Guerra; Guillen; Hernandez; Howard; Hughes; Israel; Johnson; Krause; Landgraf; Longoria; Lucio; Martinez; Martinez Fischer; Miles;

Minjarez; Moody; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Stickland; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; White, J.; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Dukes; Dutton; Gutierrez; King, K.; King, T.; McClendon.

### STATEMENTS OF VOTE

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

T. King

When Record No. 1079 was taken, I was shown voting yes. I intended to vote no.

Márquez

### Amendment No. 2

Representative Moody offered the following amendment to **HJR 77**:

Amend **HJR 77** (house committee printing) as follows:

(1) On page 1, line 13, insert the following WHEREAS clause so as to read:

(2) "WHEREAS, the possession, sale, manufacture, transportation and personal use of marijuana, cannabis and other cannabinoids is illegal in most jurisdictions; and hundreds of millions of dollars are spent every year on enforcement between arrests, evidentiary processing, confinement in jail, prosecutions, and, probation, all of which distract criminal justice personnel from more serious crimes."

(3) And on page 3, line 14, add:

(4) "To prohibit the assignment of any criminal penalties or criminal charges to the manufacture or growth, sale, possession, transportation, or use of marijuana, cannabis or any other cannabinoid."

Amendment No. 2 was withdrawn.

### Amendment No. 3

Representative Walle offered the following amendment to **HJR 77**:

Amend **HJR 77** (house committee printing) as follows:

(1) On page 1, line 6, strike "federal officials and".

(2) On page 2, lines 10-11, strike "federal officials and members of Congress" and substitute "members of the United States Senate to three terms and members of the United States House of Representatives to five terms".

(3) On page 2, lines 20-21, strike "federal officials and members of Congress" and substitute "members of the United States Senate to three terms and members of the United States House of Representatives to five terms".

(4) On page 3, lines 5-6, strike "federal officials and members of Congress" and substitute "members of the United States Senate to three terms and members of the United States House of Representatives to five terms".

(5) On page 3, lines 15-16, strike "federal officials and members of Congress" and substitute "members of the United States Senate to three terms and members of the United States House of Representatives to five terms".

### HJR 77 - REMARKS

REPRESENTATIVE HUBERTY: Does our HJR have to be the same as everybody else's?

REPRESENTATIVE R. MILLER: Yes, it has to be the same as already passed by other states.

HUBERTY: So we're filing amendments on an HJR that we cannot—that you—accept?

R. MILLER: That is correct.

HUBERTY: Because it would have to mirror what everybody else would be doing. Is that correct?

R. MILLER: That is correct.

HUBERTY: So the amendments we're hearing, we're just listening to people's opinions about this? And I know this has been out there a while. I'm just making sure. Have these people, on these amendments—did they come talk to you about this?

R. MILLER: Only one just now.

### REMARKS ORDERED PRINTED

Representative Huberty moved to print remarks between Representative R. Miller and Representative Huberty.

The motion prevailed.

Amendment No. 3 failed of adoption by (Record 1080): 48 Yeas, 94 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Davis, S.; Davis, Y.; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Howard; Israel; Johnson; Longoria; Lucio; Márquez; Martinez; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Craddick; Cyrier; Dale; Darby; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer;

Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Crownover; Dukes; Guillen; Martinez Fischer.

#### STATEMENT OF VOTE

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

Crownover

#### Amendment No. 4

Representative Israel offered the following amendment to **HJR 77**:

Amend **HJR 77** (house committee printing) as follows:

(1) On page 1, line 13, insert the following WHEREAS clause so as to read:

"WHEREAS, a general diffusion of knowledge being essential to the preservation of the liberties and rights of the people; and"

(2) . "

(3) And on page 3, line 14, add:

(4) "To establish a right to free public education for every American child,

and

Amendment No. 4 was withdrawn.

#### COMMITTEE GRANTED PERMISSION TO MEET

Representative T. King requested permission for the Committee on Agriculture and Livestock to meet while the house is in session, at 1:35 p.m. today, in 1W.14, to consider **SB 1734** and pending business.

Permission to meet was granted.

(Geren in the chair)

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Agriculture and Livestock, 1:35 p.m. today, 1W.14, for a formal meeting, to consider **SB 1734** and pending business.

#### **HJR 77 - (consideration continued)**

#### Amendment No. 5

Representative Walle offered the following amendment to **HJR 77**:

Amend **HJR 77** (house committee printing) as follows:

(1) On page 1, line 5, between "government," and "and", insert "to ensure the equal rights of women under the law,".

(2) On page 2, line 10, between "government," and "and", insert "to ensure the equal rights of women under the law,".

(3) On page 2, line 20, between "government," and "and", insert "to ensure the equal rights of women under the law,".

(4) On page 3, line 5, between "government," and "and", insert "to ensure the equal rights of women under the law,".

(5) On page 3, line 14, between "government," and "and", insert "to ensure the equal rights of women under the law,".

Amendment No. 5 failed of adoption by (Record 1081): 50 Yeas, 93 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; 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; Frank; Frullo; Galindo; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Dukes; Giddings.

### **Amendment No. 6**

Representative Canales offered the following amendment to **HJR 77**:

Amend **HJR 77** (house committee report) as follows:

(1) On page 1, between lines 12 and 13, insert the following:

WHEREAS, The federal government has not taken adequate measures to strategize and collaborate with Mexico to secure this state's southern border with Mexico to curb cartel violence in Mexico; and

(2) On page 2, line 10, between "government," and "and", insert "to provide that the United States government has a duty to secure the border between the United States and Mexico to curb cartel violence and protect the citizens of the United States,"

Amendment No. 6 was withdrawn.

**Amendment No. 7**

Representative Gutierrez offered the following amendment to **HJR 77**:

Amend **HJR 77** (house committee printing) as follows:

- (1) On page 1, line 13, insert the following WHEREAS clause so as to read: "WHEREAS, usury being a widespread, abusive and detrimental practice; and"
- (2) "
- (3) And on page 3, line 14, add:
- (4) "To define interest and fix maximum interest rates of all contracts greater than ten (10) percent as usurious, and"

Amendment No. 7 was withdrawn.

**Amendment No. 8**

Representative Lucio offered the following amendment to **HJR 77**:

Amend **HJR 77** (house committee report) as follows:

- (1) On page 1, between lines 12 and 13, insert the following:  
WHEREAS, The failure of Mexico to consistently deliver water in accordance with the 1944 water treaty between the United States and Mexico significantly harms Texas interests; and
- (2) On page 2, line 10, between "government," and "and", insert "to provide that the delegates discuss the terms and enforcement of the 1944 water treaty between the United States and Mexico,".

Amendment No. 8 was withdrawn.

**Amendment No. 9**

Representative C. Turner offered the following amendment to **HJR 77**:

Amend **HJR 77** (house committee report) as follows:

- (1) On page 1, line 5, between "government," and "and", insert "to explore prohibiting the federal government, individual states, and local governments from offering financial incentives to private businesses, including tax breaks,".
- (2) On page 2, line 10, between "government," and "and", insert "to explore prohibiting the federal government, individual states, and local governments from offering financial incentives to private businesses, including tax breaks,".
- (3) On page 2, line 20, between "government," and "and", insert "to explore prohibiting the federal government, individual states, and local governments from offering financial incentives to private businesses, including tax breaks,".
- (4) On page 3, line 5, between "government," and "and", insert "to explore prohibiting the federal government, individual states, and local governments from offering financial incentives to private businesses, including tax breaks,".
- (5) On page 3, line 14, between "government," and "and", insert "to explore prohibiting the federal government, individual states, and local governments from offering financial incentives to private businesses, including tax breaks,".

Amendment No. 9 failed of adoption by (Record 1082): 49 Yeas, 91 Nays, 2 Present, not voting.



Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Howard; Israel; Johnson; Longoria; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; 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; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Price; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Dukes; Guillen; Morrison; Phillips; Raney.

### STATEMENT OF VOTE

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

Phillips

### 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. 21).

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Agriculture and Livestock:

Simpson on motion of Gutierrez.

### HJR 77 - (consideration continued)

#### Amendment No. 10

Representative Martínez Fischer offered the following amendment to HJR 77:

Amend HJR 77 (house committee report) as follows:

(1) On page 1, between lines 12 and 13, insert the following:

WHEREAS, The State of Texas is no longer required to submit for approval legislation affecting the voting rights of citizens under the federal Voting Rights Act and that voting rights are of the utmost importance;

(2) On page 2, line 10, between "government," and "and", insert "to reinstate Section 4 of the Voting Rights Act and to authorize individual states to adopt their own voting rights acts;"

#### **AMENDMENT NO. 10 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE GUTIERREZ: Representative, first of all, I want to thank you for your leadership being the chairman of MALC. You have gone to great lengths to fight against voting rights violations in the State of Texas, so I want to first off appreciate your efforts there. But why don't you tell us a little bit about the things that have happened throughout this federal court process—I believe it was Section 5 of the Voting Rights Act, or perhaps Section 4, that got through the court system, got eliminated or challenged. Why don't you illuminate the body on that a little bit?

REPRESENTATIVE MARTINEZ FISCHER: Thank you for the question. As you know, we had a census in 2011, which led to the redrawing of districts. And in the course of that litigation, we had a Section 5 of the Voting Rights Act, which required states like Texas that were covered jurisdictions to seek preclearance. And when that is the case, Texas has a choice to either submit to preclearance with the Department of Justice or to sue the United States of America, challenging the authority of the preclearance process and having a court make that determination. Texas chose—through the then attorney general, Greg Abbott, now Governor Abbott—chose to litigate in the district courts for the District of Columbia to seek preclearance in a D.C. federal court. And it was that federal court that found discrimination in Texas.

The level of discrimination rose to a level that Texas had not seen since the 1970s. And if that wasn't enough, what happened and transpired in the process is there was another case in the State of Alabama that was also moving along a litigation track on voting rights that found itself before the United States Supreme Court. So while Texas is litigating its case both in San Antonio and in Washington, D.C., the United States Supreme Court took up a Shelby County case. And what was found and held by the United States Supreme Court there—while the Voting Rights Act exists and is applicable and is important—they found a formula, Section 4 of the Voting Rights Act—they found that to be unconstitutional. And they deferred to Congress to come up with a new formula to determine which jurisdictions need to be preclearing because of voting rights issues and transgressions. And so while the Voting Rights Act today remains in limbo because it exists, Section 5—which is one of the most powerful components of the Voting Rights Act—is no longer operable because the Section 4 formula that decides who has to go through a Section 5 process is not applicable. So now states only have Section 2 of the Voting Rights Act, which really shows discriminatory purpose, discriminatory intent. But even with just part of the Voting Rights Act, Texas is still defending both redistricting maps for the United States Congress, redistricting maps for the Texas House of

Representatives, and they're also defending the voter identification legislation that was passed in this last session. And so we are very much ground zero as it relates to voting rights.

Texas is a very big state on the national scale in terms of the implication that voting rights has for minorities all over America. Texas is a place where we will see it before anyone else just based on our population. So to sort of drill down to the essence of your question, this is litigation that began in 2011. We are in 2015, and we are still arguing over voting rights mid-decade. And if we continue our current pace, we may see relief just right before it's time to do this all over again. And so it stresses and really states the case and argues the point as to why we need a consistent uniform voting rights standard. And if we're going to get together—if this resolution is for the sake of getting folks organized and into a convention where they can discuss the pressing issues facing America—there is a no more pressing issue in my mind than our constitutional right to vote, our constitutional right to be able to exercise that vote without significant hindrances. And also when we step into that voting booth—after we get past the ID juncture and the registration juncture—when we step into that voting booth, we have an opportunity to elect candidates of our choice.

GUTIERREZ: I find it hard to believe that we are in 2015, and we are still fighting an issue that we have fought for decades now. And yet we live in the United States, it's 2015, and we can't come up with specific solutions to this problem. Tell us a little bit about the different courts—what kind of voter suppression, what kind of voting rights violations we still see in our community—because I think it's important that the representatives, our colleagues, know that in their very own communities there are severe voting rights violations occurring today. Tell us what the court has found on specific issues.

MARTINEZ FISCHER: Well, sure. In the case of redistricting, you don't have to go too far outside of San Antonio to know, in Representative Farias' district or Representative Galindo's district, maps were drawn with mathematical precision to give the appearance that these districts were actually minority opportunity districts when in fact they never would perform like one. So in other words, given the technology that we have today, our voting rights litigation, our voting rights technology is not keeping up with our computer technology. So folks can literally draw maps and know exactly how they will perform in elections, no matter what the composition of the district looks like.

And so what was discovered in the case of litigation was e-mail after e-mail from folks working behind the scenes for political purposes to say, let's draw a map that on paper will look like a minority opportunity district but will never act like one. And so we can come to the floor of the house and we can sell it as a district that will give a minority a fair shot, but we know based on voting patterns and voting preferences it will never perform like one. So Representative Farias, your district neighbor, could tell you exactly how that occurred in communities that he was representing and how those communities were just taken from him, from a neighboring district, for the worst possible reason—because the person who took it had the votes to take it. And so you see that time and time again.

In voter ID instances, we saw time after time where people who could not afford to get birth certificates so they can go prove themselves to the Department of Public Safety—people suggested that that was a poll tax. And a court found that if you charge money for a birth certificate so that you can go get an election card, that is a poll tax. They also had evidence that suggested that you had to go to DPS to go and get these documents. And if you looked at the time that the voter ID legislation was passed, there weren't very many DPS facilities in places where people could get to on a bus line and if they could get there on a bus line; because presumably if you didn't have a driver's license, you weren't driving legally. So you probably wouldn't drive illegally to the DPS office to get an election certificate. And so once you found yourself there, through a ride or on a bus, you then had to make sure you did it between the hours of 8 a.m. and 5 p.m. because DPS doesn't work late at night; they didn't work on the weekends. So then you had to miss work. So there were a number of things or barriers, if you will. And if you were born out of state or you were born through a midwife or you were born outside of a public hospital, you may not have proper birth records, you may not have proper spellings, and all of those things would prohibit you from obtaining that requisite ID to go out and vote. Some evidence in West Texas, in, I believe, Poncho Nevárez's district, witnesses were able to demonstrate that they had to make a 200-mile round trip to get to the nearest DPS office to secure an election certificate just so that they could have the privilege to vote. I think we know that the barriers to voting or the apathy that we have now is already enough. To add a 200-mile round trip on top of that just so that you can have the privilege of voting was a barrier that was very difficult to overcome.

(Simpson now present)

Amendment No. 10 failed of adoption by (Record 1083): 48 Yeas, 93 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddock; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Dukes; McClendon; Morrison.

### REMARKS ORDERED PRINTED

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

The motion prevailed.

**HJR 77** was adopted by (Record 1084): 80 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Frullo; Galindo; Goldman; Harless; Huberty; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Murphy; Nevárez; Otto; Paddie; Paul; Peña; Phelan; Phillips; Price; Riddle; Rinaldi; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Smith; Smithee; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Canales; Coleman; Collier; Craddick; Crownover; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Giddings; Gonzales; González; Guerra; Gutierrez; Hernandez; Howard; Hughes; Israel; Johnson; Koop; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Morrison; Muñoz; Murr; Naishtat; Oliveira; Parker; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Simmons; Simpson; Spitzer; Thompson, S.; Turner, C.; Turner, S.; Villalba; Vo; Walle; Wu.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Dukes; Guillen; Raney.

### STATEMENTS OF VOTE

When Record No. 1084 was taken, I was shown voting yes. I intended to vote no.

Keough

When Record No. 1084 was taken, I was shown voting no. I intended to vote yes.

Sanford

**RULES SUSPENDED**

Representative D. Miller moved to suspend all necessary rules to allow the Committee on Special Purpose Districts to consider **SB 839, SB 855, SB 1001, SB 1002, SB 1005, SB 1365, SB 1563, SB 2002, SB 2007, SB 2009, SB 2013, SB 2025, SB 2026, SB 2027, SB 2028, SB 2032, SB 2033, SB 2044, SB 2053, and SB 2056** at 3 p.m. today in 1W.14.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative D. Miller requested permission for the Committee on Special Purpose Districts to meet while the house is in session, at 3 p.m. today, in 1W.14, to consider **SB 839, SB 855, SB 1001, SB 1002, SB 1005, SB 1365, SB 1563, SB 2002, SB 2007, SB 2009, SB 2013, SB 2025, SB 2026, SB 2027, SB 2028, SB 2032, SB 2033, SB 2044, SB 2053, and SB 2056**.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Special Purpose Districts, 3 p.m. today, 1W.14, for a formal meeting, to consider **SB 839, SB 855, SB 1001, SB 1002, SB 1005, SB 1365, SB 1563, SB 2002, SB 2007, SB 2009, SB 2013, SB 2025, SB 2026, SB 2027, SB 2028, SB 2032, SB 2033, SB 2044, SB 2053, and SB 2056**.

**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).

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative D. Bonnen requested permission for the Committee on Ways and Means to meet while the house is in session, at 3 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Ways and Means, 3 p.m. today, 1W.14, for a formal meeting, to consider pending business.

**HJR 26 ON SECOND READING**

(by Martinez Fischer)

**HJR 26**, A joint resolution proposing a constitutional amendment establishing an increased minimum wage.

**HJR 26 - POINT OF ORDER**

Representative Workman raised a point of order against further consideration of **HJR 26** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Martinez Fischer moved to postpone consideration of **HJR 26** until 2:58 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 2082 ON SECOND READING  
(by Laubenberg, Coleman, Guerra, G. Bonnen, Fallon, et al.)**

**CSHB 2082**, A bill to be entitled An Act relating to developing a program to provide telemedicine medical services to certain children.

**CSHB 2082** was passed to engrossment.

**CSHB 2286 ON SECOND READING  
(by Parker, Meyer, Moody, and Fallon)**

**CSHB 2286**, A bill to be entitled An Act relating to the eligibility of certain victims of trafficking of persons for an order of nondisclosure; authorizing a fee.

**CSHB 2286** was passed to engrossment.

**CSHB 234 ON SECOND READING  
(by Farrar, Laubenberg, and Villalba)**

**CSHB 234**, A bill to be entitled An Act relating to certain costs associated with court proceedings for cruelly treated animals; authorizing fees and costs.

**Amendment No. 1**

Representative Springer offered the following amendment to **CSHB 234**:

Amend **CSHB 234** (house committee printing) on page 1, line 10, by striking "counties," and substituting "counties; a municipality located in a county that has a population of 700,000 or more;".

Amendment No. 1 was adopted.

**CSHB 234**, as amended, was passed to engrossment.

**HB 681 ON SECOND READING  
(by Sheets, Fallon, Johnson, Button, R. Anderson, et al.)**

**HB 681**, A bill to be entitled An Act relating to the eligibility for service retirement annuities of certain persons, including elected officials convicted of certain crimes.

(Speaker in the chair)

**Amendment No. 1**

Representative Moody offered the following amendment to **HB 681**:

Amend **HB 681** (house committee printing) as follows:

- (1) On page 1, line 14, strike "or".
- (2) On page 1, line 15, strike "(4)" and substitute the following:
  - (4) coercion of public servant or voter;
  - (5) tampering with or fabricating physical evidence;
  - (6) misuse of official information; or
  - (7)

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Moody offered the following amendment to **HB 681**:

Amend **HB 681** (house committee printing) as follows:

- (1) On page 1, line 14, strike "or".
- (2) On page 1, line 15, strike "(4)" and substitute the following:
  - (4) coercion of public servant or voter;
  - (5) tampering with governmental record;
  - (6) misuse of official information; or
  - (7)

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Gutierrez offered the following amendment to **HB 681**:

Amend **HB 681** (house committee printing) as follows:

- (1) On page 1, line 14, strike "or".
  - (2) On page 1, line 16, between "crimes" and the underlined period, insert the following:
    - (5) abuse of official capacity
- ; or

Amendment No. 3 was adopted.

**HB 681**, as amended, was passed to engrossment by (Record 1085): 142 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; 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; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio;



Márquez; Martinez; 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; Smithee; Spitzer; Springer; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Burns; Collier; Dukes; Martinez Fischer.

### STATEMENTS OF VOTE

When Record No. 1085 was taken, my vote failed to register. I would have voted yes.

Burns

When Record No. 1085 was taken, my vote failed to register. I would have voted yes.

Collier

### CSHB 3396 ON SECOND READING

(by Phillips)

**CSHB 3396**, A bill to be entitled An Act relating to the reporting requirements for a person who makes direct campaign expenditures.

#### Amendment No. 1

Representative Israel offered the following amendment to **CSHB 3396**:

Amend **CSHB 3396** (house committee report) as follows:

(1) On page 1, line 7, strike "\$1,000" and substitute "\$250".

(2) On page 1, line 13, strike "\$1,000" and substitute "\$250".

Amendment No. 1 was withdrawn.

(Sheets in the chair)

#### Amendment No. 2

Representative C. Turner offered the following amendment to **CSHB 3396**:

Amend **CSHB 3396** (house committee report) on page 1, line 13, between "that" and "exceed" by inserting "in the aggregate".

Amendment No. 2 was adopted.

#### Amendment No. 3

Representative Canales offered the following amendment to **CSHB 3396**:

Amend **CSHB 3396** by striking Sections 1 and 2, replacing it with the following and adding a Section 3

SECTION 1. The heading to Section 254.261, Election Code, is amended to read as follows:

Sec. 254.261. DIRECT CAMPAIGN EXPENDITURE EXCEEDING \$100.00.

SECTION 2. Section 254.261(a), Election Code, is amended to read as follows:

(a) A person not acting in concert with another person who makes one or more direct campaign expenditures in an election from the person's own property that exceed \$100 shall comply with this chapter as if the person were the campaign treasurer of a general-purpose committee that does not file monthly reports under Section 254.155.

SECTION 3.

(e) The commission shall study strategies to streamline the direct campaign expenditure reporting process.

(f) Not later than September 1, 2016, the commission shall submit a detailed report of its findings and recommendations to the legislature.

(g) This section expires January 1, 2017.

Amendment No. 3 was withdrawn.

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

Representative Minjarez offered the following amendment to **CSHB 3396**:

Amend Amendment No. \_\_\_\_ by Minjarez to **CSHB 3396** as follows:

(1) On page 1, in SECTION 1 of the amendment, in the heading to amended Section 254.261, Election Code, strike "\$104.35" and substitute "\$500".

(2) On page 1, in SECTION 2 of the amendment, in amended Section 254.261(a), Election Code, strike "\$104.35" and substitute "\$500".

Amendment No. 4 was withdrawn.

**CSHB 3396**, as amended, failed to pass to engrossment by (Record 1086): 54 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Anderson, R.; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cook; Crownover; Elkins; Faircloth; Fallon; Geren; Harless; Huberty; Hughes; Hunter; Keough; Klick; Koop; Krause; Landgraf; Laubenberg; Leach; Metcalf; Meyer; Miller, R.; Morrison; Murr; Otto; Paul; Phelan; Phillips; Raney; Riddle; Rinaldi; Sanford; Schaefer; Shaheen; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bernal; Blanco; Canales; Capriglione; Clardy; Coleman; Collier; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Galindo; Giddings; Goldman; Gonzales; González; Guerra; Gutierrez; Hernandez; Howard; Isaac; Israel; Johnson; Kacal; King, K.; King, S.; King, T.; Kuempel; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Parker; Peña;

Pickett; Price; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Smithee; Turner, C.; Turner, S.; Villalba; Vo; Walle; Wray; Wu.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Anderson, C.; Bell; Bohac; Button; Dukes; Dutton; Flynn; Guillen; Keffer; Martinez Fischer; McClendon; Miller, D.; Murphy; Thompson, S.

### STATEMENTS OF VOTE

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

C. Anderson

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

Bohac

When Record No. 1086 was taken, I was temporarily out of the house chamber. I would have voted no.

Button

When Record No. 1086 was taken, I was shown voting yes. I intended to vote no.

Crownover

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

Flynn

When Record No. 1086 was taken, I was shown voting no. I intended to vote yes.

Parker

When Record No. 1086 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1086 was taken, I was shown voting yes. I intended to vote no.

Workman

When Record No. 1086 was taken, I was shown voting no. I intended to vote yes.

Wray

When Record No. 1086 was taken, I was shown voting yes. I intended to vote no.

Zerwas

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Special Purpose Districts:

Alvarado on motion of Geren.

Faircloth on motion of Geren.

Fallon on motion of Geren.

Martinez Fischer on motion of Geren.

D. Miller on motion of Geren.

Stickland on motion of Geren.

Zedler on motion of Geren.

### **POSTPONED BUSINESS**

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

#### **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, postponed until May 11, postponed until 3 p.m. May 13, amendments were offered and disposed of, and **CSHB 3325** was postponed until 7 p.m. May 13. **CSHB 3325** was laid out as postponed business earlier today, postponed until 12 p.m. today, and was again postponed until this time. Amendment No. 2 was pending at the time of postponement.

Representative Gutierrez moved to postpone consideration of **CSHB 3325** until 5:30 p.m. today.

The motion prevailed.

#### **HJR 26 ON SECOND READING (by Martinez Fischer)**

**HJR 26**, A joint resolution proposing a constitutional amendment establishing an increased minimum wage.

**HJR 26** was read second time earlier today and was postponed until this time.

Representative Bernal moved to postpone consideration of **HJR 26** until 3:25 p.m. today.

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, postponed until May 11, postponed until 5 a.m. May 13, postponed until 11 p.m. May 13, and was again postponed until this time.

Representative Huberty moved to postpone consideration of **CSHB 1490** until 3:45 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR**  
**(consideration continued)**  
**CSHB 2558 ON SECOND READING**  
**(by Isaac)**

**CSHB 2558**, A bill to be entitled An Act relating to the length of a billing month for a propane gas customer.

**CSHB 2558** was passed to engrossment.

**SB 2034 ON SECOND READING**  
**(Lucio - House Sponsor)**

**SB 2034**, A bill to be entitled An Act relating to the creation of the Cameron County Healthcare District; granting the authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 2034** was considered in lieu of **HB 4182**.

**SB 2034** was passed to third reading. (Capriglione and Hunter recorded voting no.)

**HB 4182 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Lucio moved to lay **HB 4182** on the table subject to call.

The motion prevailed.

**CSHB 548 ON SECOND READING**  
**(by Johnson, Elkins, Deshotel, et al.)**

**CSHB 548**, A bill to be entitled An Act relating to the consideration of criminal history record information regarding applicants for state employment.

**CSHB 548** was passed to engrossment. (C. Anderson, Bell, Bohac, Capriglione, and Hunter recorded voting no.)

**CSHB 3374 ON SECOND READING**  
**(by Morrison, Landgraf, Farrar, Geren, et al.)**

**CSHB 3374**, A bill to be entitled An Act relating to information regarding Down syndrome.

**CSHB 3374 - POINT OF ORDER**

Representative Walle raised a point of order against further consideration of **CSHB 3374** under Rule 4, Section 32; Rule 4, Section 41; 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.

(Faircloth, Fallon, Martinez Fischer, Stickland, and Zedler now present)

The point of order was withdrawn.

(Alvarado now present)

Representative Morrison moved to postpone consideration of **CSHB 3374** until 3:45 p.m. today.

The motion prevailed.

(D. Miller now present)

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Smith requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, at 4 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Licensing and Administrative Procedures, 4 p.m. today, 1W.14, for a formal meeting, to consider pending business.

**POSTPONED BUSINESS**

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

**HJR 26 ON SECOND READING  
(by Martinez Fischer)**

**HJR 26**, A joint resolution proposing a constitutional amendment establishing an increased minimum wage.

**HJR 26** was read second time earlier today, postponed until 2:58 p.m. today, and was again postponed until this time.

**HJR 26 - POINT OF ORDER**

Representative Workman raised a point of order against further consideration of **HJR 26** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Martinez Fischer moved to postpone consideration of **HJR 26** until 3:55 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**CSHB 3074 ON SECOND READING**  
**(by Springer, Cook, S. Turner, Klick, Wray, et al.)**

**CSHB 3074**, A bill to be entitled An Act relating to the provision of artificially administered nutrition and hydration and life-sustaining treatment.

**CSHB 3074** was passed to engrossment.

(Speaker in the chair)

**POSTPONED BUSINESS**

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

**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, postponed until May 11, postponed until 5 a.m. May 13, postponed until 11 p.m. May 13, postponed until 3 p.m. today, and was again postponed until this time.

**Amendment No. 1**

Representative Huberty offered the following amendment to **CSHB 1490**:

Amend **CSHB 1490** (house committee printing) as follows:

- (1) On page 4, line 25, following "and", insert ", if applicable,".
- (2) On page 5, line 1, strike "or" and substitute "and, if applicable,".
- (3) On page 6, line 12, following "and", insert ", if applicable,".
- (4) On page 6, line 15, following "and", insert ", if applicable,".
- (5) On page 7, line 27, between "and" and "progressive", insert "may adopt".
- (6) On page 8, line 16, between "and" and "the", insert ", if applicable,".
- (7) On page 8, line 18, between "and" and "the", insert ", if applicable,".
- (8) On page 9, line 2, strike "shall" and substitute "may".
- (9) On page 9, line 4, strike "shall" and substitute "may".
- (10) On page 13, strike "(a), (b), and (c)" and substitute "(a) and (c)".
- (11) On page 14, strike lines 7 through 19.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Wu offered the following amendment to **CSHB 1490**:

Amend **CSHB 1490** by adding on page 8, between lines 22 and 23:

(c) A court shall dismiss a complaint or referral made by a school district under this section that is not made in compliance with Subsection (b), does not satisfy the elements required for the offense, is not timely filed, or is otherwise

defective. A dismissal under this section must be made before a hearing of the complaint or referral is scheduled and without requiring the presence of the defendant.

Amendment No. 2 was adopted.

**CSHB 1490**, as amended, was passed to engrossment. (Bell recorded voting no.)

### **LEAVES OF ABSENCE GRANTED**

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

Geren on motion of Phillips.

Goldman on motion of Phillips.

Guillen on motion of Phillips.

Gutierrez on motion of Phillips.

Kuempel on motion of Phillips.

Miles on motion of Phillips.

D. Miller on motion of Phillips.

Smith on motion of Phillips.

S. Thompson on motion of Phillips.

### **CSHB 3374 ON SECOND READING**

**(by Morrison, Landgraf, Farrar, Geren, et al.)**

**CSHB 3374**, A bill to be entitled An Act relating to information regarding Down syndrome.

**CSHB 3374** was read second time earlier today and was postponed until this time.

### **CSHB 3374 - POINT OF ORDER**

Representative Walle raised a point of order against further consideration of **CSHB 3374** under Rule 4, Section 32(c)(2); Rule 4, Section 41; 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 overruled the point of order and submitted the following statement:

Representative Walle raised points of order against further consideration of **CSHB 3374** on the grounds that the committee substitute is not germane to the introduced bill (Rule 4, Section 41 and Rule 11, Section 2 of the House Rules) and that the bill analysis is inaccurate and materially misleading (Rule 4, Section 32(c)(2) of the House Rules). The points of order are respectfully overruled.



Under Rule 11, Section 2 of the House Rules, no proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the proposition under debate. As filed, **CSHB 3374** addressed the circumstances under which a health care provider would be obligated to provide an expectant or new parent with information on Down syndrome. It further set guidelines for the content and form of the information to be provided. Representative Walle argues that the committee substitute is not germane to the introduced bill because the substitute (1) expands the circumstances under which a health care provider is required to provide information on Down syndrome from when there is a positive test result to when there is a probability of a child having Down syndrome, and (2) contains a provision that shields a health care provider from liability or disciplinary action if the provider is not able to access the information that the bill directs them to provide. Because the changes in the committee substitute fall squarely within the subject of the original bill—a health care provider's obligations to provide information on Down syndrome to expectant or new parents—the committee substitute complies with Rule 11, Section 2 of the House Rules.

Rule 4, Section 32(c)(2) of the House Rules requires each committee report on a bill to "include in summary or section-by-section form a detailed analysis of the subject matter of the bill," including "an analysis of the content of the bill." Rule 4, Section 32(c)(2) of the House Rules. Representative Walle contends the bill analysis is inaccurate and materially misleading because it fails to detail to whom the bill applies in that it does not explain the bill's definition of "health care provider." The fact that a bill analysis does not state a definition of a key term, even where the bill itself is defining that key term, is not in itself a fatal flaw. 83 H.J. Reg. 2815-2816 (2013) (Schaefer point of order on **CSHB 75**); 83 H.J. Reg. 3005-3006 (2013) (Martinez Fischer point of order on **CSHB 3316**). In this instance, the bill adopts the definition of "health care provider" that already exists in Section 34.001 of the Health and Safety Code and clarifies that the definition "includes a genetic counselor." Having reviewed the bill, the complete analysis, and house precedents, the chair determines that the bill analysis complies with Rule 4, Section 32(c)(2) of the House Rules.

(Guillen, Gutierrez, and Kuempel now present)

### **Amendment No. 1**

Representatives Landgraf, Paul, Otto, Phillips, Dale, Burns, Peña, Laubenberg, Craddick, Murr, Harless, Wray, Farney, Flynn, M. White, Galindo, Keffer, Villalba, and Metcalf offered the following amendment to **CSHB 3374**:

Amend **CSHB 3374** (house committee printing) as follows:

(1) On page 2, line 5, between "that" and "has", insert the following:

⋮

(A)

(2) On page 2, line 7, after "and", insert the following:

(B) does not explicitly or implicitly present pregnancy termination as an option when a prenatal test indicates that the unborn child has Down syndrome [or any other health condition]; and

Amendment No. 1 was adopted by (Record 1087): 96 Yeas, 38 Nays, 2 Present, not voting.

Yeas — 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; Dutton; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Gonzales; González; Gutierrez; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Martinez; Metcalf; Meyer; Miller, R.; Moody; Murphy; Murr; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Farias; Farrar; Giddings; Guerra; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Minjarez; Muñoz; Naishtat; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Turner, C.; Turner, S.; Vo; Walle; Wu.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent, Excused, Committee Meeting — Geren; Goldman; Miles; Miller, D.; Smith; Thompson, S.

Absent — Dukes; Guillen; Klick; Martinez Fischer; McClendon.

(Geren and Goldman now present)

## **Amendment No. 2**

Representative Landgraf offered the following amendment to **CSHB 3374**:

Amend **CSHB 3374** (house committee printing) on page 3, by striking lines 5-9, and substituting the following:

(c) Notwithstanding any other law, this section does not impose a standard of care or create an obligation or duty that provides a basis for a cause of action against a health care provider. A health care provider may not be held civilly or criminally liable for failing to provide information as required by Subsection (a).

Amendment No. 2 was adopted.

**CSHB 3374**, as amended, was passed to engrossment.

(D. Miller now present)

## **HB 2688 - VOTE RECONSIDERED**

Representative Workman moved to reconsider the vote by which **HB 2688** was postponed.

The motion to reconsider prevailed.

**CSSB 837 ON SECOND READING**  
**(Workman - House Sponsor)**

**CSSB 837**, A bill to be entitled An Act relating to a common characteristic or use project in a public improvement district in certain municipalities.

**CSSB 837** was considered in lieu of **HB 2688**.

**CSSB 837** was read second time and was passed to third reading.

**HB 2688 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Workman moved to lay **HB 2688** on the table subject to call.

The motion prevailed.

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

**HJR 26 ON SECOND READING**  
**(by Martinez Fischer)**

**HJR 26**, A joint resolution proposing a constitutional amendment establishing an increased minimum wage.

**HJR 26** was read second time earlier today, postponed until 2:58 p.m. today, postponed until 3:25 p.m. today, and was again postponed until this time.

**HJR 26 - POINT OF ORDER**

Representative Workman raised a point of order against further consideration of **HJR 26** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Phillips requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 4:45 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Homeland Security and Public Safety, 4:45 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Frullo requested permission for the Committee on Insurance to meet while the house is in session, at 6 p.m. today, in 1W.14, to consider **SB 188**, **SB 189**, **SB 494**, and pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Insurance, 6 p.m. today, 1W.14, for a formal meeting, to consider **SB 188**, **SB 189**, **SB 494**, and pending business.

### MESSAGE FROM THE SENATE

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

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Homeland Security and Public Safety:

Dale on motion of Sheets.

Johnson on motion of Sheets.

M. White on motion of Sheets.

(Miles now present)

### HJR 26 - (consideration continued)

#### Amendment No. 1

Representative Israel offered the following amendment to **HJR 26**:

Amend **HJR 26** (house committee printing) as follows:

(1) On page 1, line 7, between "employee" and "for", insert ", including an intern,".

(2) On page 1, line 7, between "employee" and "not", insert "or intern".

Amendment No. 1 was withdrawn.

(S. Thompson now present)

#### Amendment No. 2

Representatives J. Rodriguez, González, Guillen, and Collier offered the following amendment to **HJR 26**:

Amend **HJR 26** (house committee report) as follows:

(1) On page 1, line 5, strike "Section 29" and substitute "Sections 29 and 29-a".

(2) On page 1, between lines 22 and 23, insert the following:

Sec. 29-a. An employer in this state shall ensure that employees who have the same experience and who are performing the same work receive equal pay for the work, regardless of the sex of the employee.

(3) On page 2, line 12, between "minimum wage" and the period, insert "and requiring that employees receive equal pay for equal work".

(Johnson, Smith, and M. White now present)

(Sheets in the chair)

Amendment No. 2 failed of adoption by (Record 1088): 52 Yeas, 91 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Darby; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent, Excused, Committee Meeting — Dale.

Absent — Dukes.

### STATEMENT OF VOTE

When Record No. 1088 was taken, I was shown voting no. I intended to vote yes.

Galindo

### Amendment No. 3

Representative Howard offered the following amendment to **HJR 26**:

Amend **HJR 26** (house committee printing) as follows:

(1) On page 1, between lines 11 and 12, insert the following subsection:

(2) (b) An employer in this state shall pay no less to any female employee for services performed by the employee than the employer pays to any male employee performing identical or substantially similar services.

(3) And on page 1, line 12, add the words "and (b)" between the words "Subsection (a)" and "of this."

(4) And renumber sections accordingly.

Amendment No. 3 was withdrawn.

(Dale now present)

**HJR 26** failed of adoption (not receiving the necessary two-thirds vote) by (Record 1089): 50 Yeas, 92 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; 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; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Dukes; Faircloth; Guillen.

### STATEMENTS OF VOTE

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

Faircloth

When Record No. 1089 was taken, I was shown voting no. I intended to vote yes.

Galindo

### HB 2351 ON SECOND READING

(by Harless, Kuempel, Kacal, Geren, et al.)

**HB 2351**, A bill to be entitled An Act relating to conflicts of interest and discrimination policies for an ethics or medical committee review of an advance directive.

**HB 2351** was read second time on May 7, postponed until May 12, postponed until May 13, postponed until 5 a.m. today, and was again postponed until this time.

Representative Harless moved to postpone consideration of **HB 2351** until 9 p.m. today.

The motion prevailed.

**SB 459 ON SECOND READING**  
**(Alvarado - House Sponsor)**

**SB 459**, A bill to be entitled An Act relating to the creation of the Advisory Council on Cultural Affairs in the office of the governor.

**SB 459** was read second time earlier today and was postponed until this time.

**SB 459** was passed to third reading.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**CSHB 1892 ON SECOND READING**  
**(by E. Rodriguez and VanDeaver)**

**CSHB 1892**, A bill to be entitled An Act relating to the establishment of a Texas community school grant program.

Representative E. Rodriguez moved to postpone consideration of **CSHB 1892** until 7 p.m. today.

The motion prevailed.

**CSHB 2020 ON SECOND READING**  
**(by Martinez, Springer, and Guillen)**

**CSHB 2020**, A bill to be entitled An Act relating to the scope of duties of an emergency medical technician-paramedic and a licensed paramedic.

**CSHB 2020 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HOWARD: I wanted to do this for legislative intent, and we've talked about this ahead of time, so I appreciate the opportunity. So it is your intent that this bill would allow all EMTs to care for patients all the time?

REPRESENTATIVE MARTINEZ: Absolutely. Usually what happens is right now you have paramedics that are out there in the field—you have three different types of training. First of all you have your emergency care attendant, which is just like an EMT basic, which is bandaging and splinting. Then you have an EMT intermediate, which can do intubation and IV therapy. And then, of course, your full-fledged paramedic, which can interpret cardiac rhythms, do nitro drips, administer paralytics in the back of an ambulance in order to intubate a patient, cricothyrotomies, you name it. So all we're saying is that if they're able to do this out in the field, they would be allowed to use their skills within a hospital in the event that they were hired. Right now, if the paramedic is hired in an ER, they're mainly an orderly. And so what we're saying is under a physician's supervision—just like the way we do it in the back of an ambulance—that they are allowed to utilize their skills. Also, TMA has assisted us with some of the wording to allow the department or the facility to allow that under their rules as well.

HOWARD: So what you were just explaining is that there are different types of EMTs, and this bill only applies to the two highest levels of the EMT?

MARTINEZ: Well, actually, the highest level, being a paramedic. And that is the one where you can administer drips, you can administer all types of medications—anything from slowing down the heart to speeding up the heart. You can give atropine, you can give amiodarone—it just depends on what the situation is. A lot of paramedics are doing that out on the fly in an ambulance, and this is allowing them to do that in an ER setting but under a physician's supervision as well.

HOWARD: So this particular higher level of EMT who are employed in the ER, and they can be tapped to help save lives in an all-hands-on-deck type scenario.

MARTINEZ: Yes, ma'am, absolutely. And a lot of times what happens with paramedics is that if you're injured and you can no longer work in an ambulance, well, you need to find a different type of career. This would just—and it's not mainly on their career—but it's just assisting them and utilizing their skills.

HOWARD: So the bill is not intended to allow sustaining care to be provided by EMT paramedics and licensed paramedics beyond those emergency life threatening situations?

MARTINEZ: Yes, ma'am, that is correct. Let's say there is natural disaster or a man-made disaster—something that may occur out in the community—and you're setting up a mobile hospital, per se. Now your paramedics can get involved and treat those patients out in those hospitals under the physician's supervision or standing orders—kind of like a protocol that they use right now, currently, in the back of an ambulance.

HOWARD: And I know we deal with these issues all the time in here—of the scope of practice and where one thing begins and one thing ends—but I want to ask if this bill is intended to have paramedics replace nurses in the ER.

MARTINEZ: Oh no, they will not replace nurses in the ER. That's not the point. It's just to allow them to utilize their skill set. There's many times that we work in coordination with nurses. I know many times that I responded and took a patient into the ER and you have major traumatic events and nurses are asking, can you start an external jugular for us? Can you do this for us? Can you help us out? It's working in tandem with them, and not, of course, replacing them.

HOWARD: And I understand that under the bill the EMT paramedics and licensed paramedics must be delegated by and directly supervised by a physician.

MARTINEZ: Absolutely.

HOWARD: Does that mean that in rural areas where there is not a physician present in the building that paramedics would not be allowed to provide these services as employees of the hospital?

MARTINEZ: Well, what would end up happening is that, of course, the hospital would have to allow them, first of all. And then the physician can give a standing order, a protocol, in order to allow them to provide those skills. So the physician has to be very, very involved with a paramedic in order for them to be able to do that.



HOWARD: And one more scope-of-practice question. Is this bill intended to be a career ladder for paramedics in the field to move into the ER and increase their scope of practice?

MARTINEZ: Oh, not at all. It is not intended to do that, not one bit. It's just to help supplement and utilize the skills that they already have in place.

### REMARKS ORDERED PRINTED

Representative Howard moved to print remarks between Representative Martinez and Representative Howard.

The motion prevailed.

**CSHB 2020** was passed to engrossment.

### CSHB 2205 ON SECOND READING (by Crownover and VanDeaver)

**CSHB 2205**, A bill to be entitled An Act relating to educator preparation programs and appointment to the State Board for Educator Certification, including the appointment of a nonvoting member with experience and knowledge of alternative educator preparation programs.

#### Amendment No. 1

Representative VanDeaver offered the following amendment to **CSHB 2205**:

Amend **CSHB 2205** (house committee report) as follows:

(1) On page 2, line 9, strike "Section 21.0451(a), Education Code, is" and substitute "Sections 21.0451(a), (c), and (d), Education Code, are".

(2) On page 2, line 11, between "rules" and "for", insert "necessary".

(3) On page 2, line 13, strike "standards and shall" and substitute "standards or comply with state law or rules and shall at least".

(4) On page 3, line 7, strike "must provide" and substitute "has provided [~~must provide~~"]".

(5) On page 3, lines 7 and 8, strike "hearing before the effective date of the closure" and substitute "contested case hearing [~~before the effective date of the closure~~"]".

(6) On page 3, line 13, strike "must provide" and substitute "has provided [~~must provide~~"]".

(7) On page 3, lines 14 and 15, strike "hearing before the effective date of the closure" and substitute "contested case hearing [~~before the effective date of the closure~~"]".

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

(c) A [~~permissive~~] revocation [~~under Subsection (a)(2) or required revocation under Subsection (a)(3)~~] must be effective for a period of at least two years. After two years, the program may seek renewed approval to prepare educators for state certification.

(d) The costs of technical assistance required under Subsection (a)(2)(A) or the costs associated with the appointment of a monitor under Subsection (a)(2)(C) shall be paid by the [~~sponsor of the~~] educator preparation program.

(9) On page 5, line 12, strike "and" and substitute "[~~and~~"].

(10) On page 5, line 16, between "participants" and the period, insert the following:

; and

(11) the results of teacher satisfaction surveys developed under Section 21.045 and given to program participants at the end of the first year of teaching

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

SECTION \_\_\_\_\_. Section 21.035, Education Code, is amended to read as follows:

Sec. 21.035. DELEGATION AUTHORITY; ADMINISTRATION BY AGENCY. (a) The board is permitted to make a written delegation of authority to the commissioner or the agency to informally dispose of a contested case involving educator certification.

(b) The agency [Texas Education Agency] shall provide the board's administrative functions and services.

SECTION \_\_\_\_\_. Section 21.044(b), Education Code, is amended to read as follows:

(b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate [curriculum for that degree], instruction in detection and education of students with dyslexia. ~~[This subsection does not apply to a person who obtains a certificate through an alternative certification program adopted under Section 21.049.]~~

SECTION \_\_\_\_\_. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0443 to read as follows:

Sec. 21.0443. EDUCATOR PREPARATION PROGRAM APPROVAL AND RENEWAL. (a) The board shall propose rules to establish standards to govern the approval or renewal of approval of:

(1) educator preparation programs; and

(2) certification fields authorized to be offered by an educator preparation program.

(b) To be eligible for approval or renewal of approval, an educator preparation program must adequately prepare candidates for educator certification and meet the standards and requirements of the board.

(c) The board shall require that each educator preparation program be reviewed for renewal of approval at least every five years. The board shall adopt an evaluation process to be used in reviewing an educator preparation program for renewal of approval.

SECTION \_\_\_\_\_. Section 21.045, Education Code, is amended to read as follows:

Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS. (a) The board shall propose rules necessary to establish ~~establishing~~ standards to govern the ~~approval and~~ continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:

(1) results of the certification examinations prescribed under Section 21.048(a);

(2) performance based on the appraisal system for beginning teachers adopted by the board;

(3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable; ~~and~~

(4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship; and

(5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching ~~beginning teachers during their first year in the classroom~~.

(b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain:

(1) the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3);

(2) data related to the program's compliance with requirements for field supervision of candidates during their clinical teaching and internship experiences; ~~;~~ and

(3) the following information, disaggregated by race, sex, and ethnicity:

(A) ~~(+)~~ the number of candidates who apply;

(B) ~~(=)~~ the number of candidates admitted;

(C) ~~(=)~~ the number of candidates retained;

(D) ~~(+)~~ the number of candidates completing the program;

(E) ~~(=)~~ the number of candidates employed in the profession after

completing the program;

(F) ~~(=)~~ the number of candidates retained in the profession; and

(G) ~~(=)~~ any other information required by federal law.

(c) The board shall propose rules necessary to establish ~~establishing~~ performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a). ~~The board may propose rules establishing minimum standards for approval or renewal of approval of:~~

~~(1) educator preparation programs; or~~

~~(2) certification fields authorized to be offered by an educator preparation program.]~~

SECTION \_\_\_\_\_. Subchapter B, Chapter 21, Education Code, is amended by adding Sections 21.0454 and 21.0455 to read as follows:

Sec. 21.0454. RISK FACTORS FOR EDUCATOR PREPARATION PROGRAMS; RISK-ASSESSMENT MODEL. (a) The board shall propose rules necessary to develop a set of risk factors to use in assessing the overall risk level of each educator preparation program. The set of risk factors must include:

(1) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:

(A) the seriousness of any violation of a rule, standard or procedure;

(B) whether the violation resulted in an action being taken against the program;

(C) whether the violation was promptly remedied by the program;

(D) the number of alleged violations; and

(E) any other matter considered to be appropriate in evaluating the program's compliance history; and

(2) whether the program meets the accountability standards under Section 21.045.

(b) The set of risk factors developed by the board may include whether an educator preparation program is accredited by other organizations.

(c) The board shall use the set of risk factors to guide the agency in conducting monitoring, inspections, and compliance audits of educator preparation programs, including evaluations associated with renewals under Section 21.0443.

Sec. 21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION PROGRAMS. (a) The board shall propose rules necessary to establish a process for a candidate for teacher certification to direct a complaint against an educator preparation program to the agency.

(b) The board by rule shall require an educator preparation program to notify candidates for teacher certification of the complaint process adopted under Subsection (a). The notice must include the name, mailing address, telephone number, and Internet website address of the agency for the purpose of directing complaints to the agency. The educator preparation program shall provide for that notification:

(1) on the Internet website of the educator preparation program, if the program maintains a website; and

(2) on a sign prominently displayed in program facilities.

(c) The board shall post the complaint process adopted under Subsection (a) on the agency's Internet website.

(d) The board has no authority to arbitrate or resolve contractual or commercial issues between an educator preparation program and a candidate for teacher certification.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Minjarez offered the following amendment to **CSHB 2205**:

Amend **CSHB 2205** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0461 to read as follows:

Sec. 21.0461. SCHOOL TURNAROUND SPECIALIST ENDORSEMENT TO PRINCIPAL CERTIFICATE. (a) The board shall propose rules establishing the training requirements and course work a principal must successfully complete to receive a school turnaround specialist endorsement as an addendum to a principal certificate. In proposing the rules, the board shall ensure that each person who receives the endorsement demonstrates the knowledge and skills necessary to significantly improve teacher and student performance at a campus assigned a performance rating of unacceptable under Section 39.054.

(b) The board shall solicit proposals for a school turnaround specialist endorsement program from appropriate educator preparation programs, including alternative education preparation programs. From among school turnaround specialist endorsement programs proposed to the board that are capable of satisfying the requirements prescribed by Subsection (c), the board may select not more than three of the programs that may be offered to principals.

(c) A school turnaround specialist endorsement program under this section must:

(1) partner with one or more school districts that need principals with the training and education necessary to significantly improve teacher and student performance at one or more campuses assigned a performance rating of unacceptable under Section 39.054;

(2) have appropriately qualified faculty to:

(A) conduct a campus leadership-needs analysis;

(B) develop and provide the training and course work required by rules proposed under this section; and

(C) provide necessary support to program candidates;

(3) establish a selective admissions process to ensure that each principal admitted to the program:

(A) possesses a significant knowledge of educational organizations, educational instruction, and teacher professional development;

(B) demonstrates the ability to develop and implement campus-based systems that result in increased capacity for improving student learning; and

(C) demonstrates the attributes of principals who have significantly improved teacher and student performance at underperforming campuses;

(4) offer a full-time internship that continues for at least one semester and provides meaningful interaction with the central administrative office of a school district; and

(5) collaborate with school districts to provide program participants who complete the program continued support for at least two years after the participants' initial assignment to a campus.

(d) To be eligible for admission to a school turnaround specialist endorsement program under this section, a principal must:

(1) hold a principal certificate;

(2) have served as a principal or assistant principal for at least three school years before applying to the program;

(3) demonstrate significant knowledge of educational organizations, educational instruction, and teacher professional development;

(4) demonstrate the attributes of principals who have significantly improved teacher and student performance at underperforming campuses; and

(5) provide evidence of the ability to develop and implement campus-based systems that result in increased capacity for improving student learning.

(e) The board shall periodically evaluate school turnaround specialist endorsement programs selected under this section. For purposes of evaluating the programs, the board shall require each program to submit data, as determined appropriate by the board, for each year and at each five-year interval.

SECTION \_\_\_\_\_. (a) Not later than January 1, 2016, the State Board for Educator Certification shall propose rules relating to the school turnaround specialist endorsement to the school principal certificate as provided by Section 21.0461, Education Code, as added by this Act.

(b) Not later than March 1, 2016, the State Board for Educator Certification shall solicit proposals for a school turnaround specialist endorsement program as provided by Section 21.0461, Education Code, as added by this Act.

Amendment No. 2 was adopted.

**CSHB 2205**, as amended, was passed to engrossment.

### **CSHB 1624 ON SECOND READING (by Smithee)**

**CSHB 1624**, A bill to be entitled An Act relating to transparency of certain information related to certain health benefit plan coverage.

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

Representative Smithee offered the following amendment to **CSHB 1624**:

Amend **CSHB 1624** (house committee printing) as follows:

(1) On page 1, lines 11-12, strike "The information must be displayed in the template formula developed under Section T369.0543."

(2) Strike page 1, line 21 through page 3, line 11, and substitute the following:

Sec. 1369.0543. FORMULARY DISCLOSURE REQUIREMENTS. (a) The commissioner shall develop and adopt by rule requirements to promote consistency and clarity in the disclosure of formularies to facilitate comparison shopping among health benefit plans.

(b) The requirements adopted under Subsection (a) must apply to each prescription drug:

(1) included in a formulary and dispensed in a network pharmacy; or

(2) covered under a health benefit plan and typically administered by a physician or health care provider.

(c) The formulary disclosures must:

(1) be electronically searchable by drug name;

(2) include for each drug the information required by Subsection (d) in the order listed in that subsection; and

(3) indicate each formulary that applies to each health benefit plan issued by the issuer.

(d) The formulary disclosures must include for each drug:

(1) the cost-sharing amount for each drug, including as applicable:

(A) the dollar amount of a copayment; or

(B) for a drug subject to coinsurance:

(i) an enrollee's cost-sharing amount stated in dollars; or

(ii) a cost-sharing range, denoted as follows:

(a) under \$100 - \$;

(b) \$100-\$250 - \$\$;

(c) \$251-\$500 - \$\$\$;

(d) \$501-\$1,000 - \$\$\$\$; or

(e) over \$1,000 - \$\$\$\$\$;

(2) a disclosure of prior authorization, step therapy, or other protocol requirements for each drug;

(3) if the health benefit plan uses a tier-based formulary, the specific tier for each drug listed in the formulary and the specific copayments for each tier as set out in the coverage document;

(4) a description of how prescription drugs will specifically be included in or excluded from the deductible, including a description of out-of-pocket costs for a prescription drug that may not apply to the deductible;

(5) identification of preferred formulary drugs; and

(6) an explanation of coverage of each formulary drug.

(e) The commissioner by rule may allow disclosures other than the disclosures required under Subsection (d)(1) relating to cost-sharing through a web-based tool that must:

(1) be publicly accessible to enrollees, prospective enrollees, and others without necessity of providing a password, a user name, or personally identifiable information;

(2) allow consumers to electronically search formulary information by the name under which the health benefit plan is marketed; and

(3) be accessible through a direct link that is displayed on each page of the formulary disclosure that lists each drug as required under Subsection (c).

(3) On page 3, line 14, strike "1369.0543(b)(4)" and substitute "1369.0543(d)(1)".

(4) On page 7, strike lines 17 through 21 and substitute the following:

SECTION 3. The commissioner of insurance shall adopt rules as required by Section 1369.0543, Insurance Code, as added by this Act, not later than January 1, 2016.

Amendment No. 1 was adopted.

**CSHB 1624**, as amended, was passed to engrossment.

### **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 103, HB 2259, HB 2487, HB 3095, HB 3139, HB 3971, and HB 4185** 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 6 p.m. today, in 3W.15, 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, 6 p.m. today, 3W.15, for a formal meeting, to consider an addendum to the local, consent, and resolutions calendar.

#### CSHB 3781 ON SECOND READING

(by Crownover, Coleman, Zerwas, Ashby, and Collier)

**CSHB 3781**, A bill to be entitled An Act relating to the creation of the Texas Health Improvement Network.

#### Amendment No. 1

Representative Crownover offered the following amendment to **CSHB 3781**:

Amend **CSHB 3781** (house committee printing) as follows:

(1) On page 3 of the bill, strike lines 11 through 18.

(2) On page 3, lines 20 through 22, strike "projects, including projects, internships, and educational programs funded under Section 118.056," and substitute "activities".

(3) Renumber sections of added Subchapter B, Chapter 118, Health and Safety Code, and any cross-references to those sections accordingly.

Amendment No. 1 was adopted.

**CSHB 3781**, as amended, was passed to engrossment.

#### CSHB 799 ON SECOND READING

(by Capriglione, P. King, Parker, Simmons, Goldman, et al.)

**CSHB 799**, A bill to be entitled An Act relating to a study conducted by the Legislative Budget Board on the impact to state agencies of federal regulations and mandates enacted by federal law.

#### Amendment No. 1

Representative Howard offered the following amendment to **CSHB 799**:

Amend **CSHB 799** (house committee printing) as follows:

(1) On page 1, line 24, strike "and".

(2) On page 2, line 4, between "agencies" and the underlined period, insert the following:  
; and

(4) the cost and impact, if any, to each agency of the presence of asylum-seeking children in this state



(3) On page 2, between lines 7 and 8, insert the following appropriately lettered subsection and reletter subsections of added Section 322.0176, Government Code, and any cross references to those subsections accordingly:

( ) In this section, "asylum-seeking children" means minors fleeing Central America who are seeking asylum in the United States and who have been released into a community in this state by:

(1) the Office of Refugee Resettlement;

(2) the United States Customs and Border Protection, pending an immigration hearing; or

(3) the United States Immigration and Customs Enforcement, pending an immigration hearing.

### AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE WALLE: As you know, from the beginning of the appropriations process, myself and others have been very conscious and had concerns about border security. That's one issue, obviously—but one being the unaccompanied minors. Would you agree that that influx between October 2013 and January 2015, that those close to 80,000 unaccompanied children—do you agree with the statement that that was a humanitarian crisis?

REPRESENTATIVE HOWARD: Absolutely. We have a lot of evidence to indicate that these were families and children on their own, fleeing violence in those countries and coming here for refuge.

WALLE: I'm glad you mentioned seeking refuge because these children, these families, but primarily children, are refugees because they were seeking a better life for themselves, escaping the rampant violence, the brutal gangs, the deep and abject poverty in their home countries of Central America. Is that correct?

HOWARD: That's correct.

WALLE: And you mentioned that we might get a second wave, and there are reports that we could get another 70,000 more children that would come. And being able to include your amendment is important to ascertain where we are from a fiscal perspective. But how do we respond to that humanitarian crisis?

HOWARD: Absolutely, we're being put in a position of responding as it is. So it's more important that we get the information that we need so we can respond in a coordinated fashion and a cost-effective and efficient manner and make sure that these children are actually well cared for.

WALLE: And just to let you know, about close to 20,000 children have arrived in the greater Houston area. One, because Houston, Harris County, is a large magnet. There's a lot of cultural, family, and economic ties between Central America, let alone Mexico, but Central America, particularly Guatemala, El Salvador, Honduras. A lot of those children come to Houston. Are you aware of that?

HOWARD: I am. I know that that's been one of the largest numbers that we have, of the data that we can collect, has been in the Houston area. I will also mention that Chairman Smithee had talked to me the other day about the large number of

children in his part of the state that they're seeing in their schools. So it really is an issue throughout the state, though I know Houston has been specifically impacted.

WALLE: Am I correct that your amendment seeks to define asylum-seeking children? Am I mistaken on that?

HOWARD: No. It does say that an asylum-seeking child is a minor fleeing Central America who is seeking asylum in the United States and who has been released into a community in this state, as I said before, by the Refugee Resettlement, United States Customs and Border Protection, United States Immigration and Customs Enforcement. So this is directly related to the federal government's involvement in the border security and the children that are being released here through those agencies. Therefore, it seems that it does apply to the intention of the bill that Representative Capriglione has laid out.

WALLE: Right, and how that affects at the federal level when you're talking about the Office of Refugee Resettlement. Again, that's another subset of children that I've represented, children in this situation. They're coming to escape abject poverty and fleeing the violence. But there is a process at the federal level. When a child is—basically, my understanding, the way the process has been working—is that once the child turns themselves in, he or she, at the border, Border Patrol, Customs Enforcement, has a certain amount of time to process that child but within 48 to 72 hours. Then has to transfer that child to the Office of Refugee Resettlement. And then tries to find a placement for that child because they're, in essence, in deportation proceedings. Are you aware that the child now has to, if they have a lawyer, prove that by being deported back to their home country, going back to a chain of violence, going back to a cycle of murder and mayhem—because Tegucigalpa is pretty much the murder capital of the world—try to prove that it would not be in the best interest of the child to go back to their home country? Are you aware of that?

HOWARD: I am not as aware of it, obviously, as you are, and I know that this is an area you work in, and I've heard you speak in our committee hearings about this. It sounds like a very complicated and difficult process.

WALLE: And one of the other things, if you're not aware of, is the child then has to prove under federal statute that it wouldn't be in the best interest to send the child back, but also have to prove that the child was either abused or abandoned by either one or both parents. And that's even if you have an attorney appointed to your case, which there are several clinics, immigration clinics that do great work, at all the law schools but also at the nonprofits that try to triage a lot of those children that are coming in—and how that affects local nonprofits, faith-based communities out in South Texas. The Catholic Church—the excellent work that they did to try to alleviate the problems down there. But also how it affects our state from a fiscal standpoint is extremely important.

HOWARD: Absolutely. And that's what this is all about, looking at what the fiscal impacts are on our state. I had a bill similar to this in State Affairs that was passed out unanimously. Chairman Otto signed onto it because he also understood that what we're trying to find out here is how much this is going to cost our state.

Representative Capriglione moved to table Amendment No. 1.

The motion to table prevailed by (Record 1090): 88 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Cyrier; Dale; Darby; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Crownover; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu; Zerwas.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent — Bonnen, D.; Dukes; Guillen; Hunter.

### STATEMENT OF VOTE

When Record No. 1090 was taken, my vote failed to register. I would have voted no.

Guillen

### Amendment No. 2

Representative C. Turner offered the following amendment to **CSHB 799**:

Amend **CSHB 799** (house committee printing) as follows:

- (1) On page 1, line 24, strike "and".
- (2) On page 2, line 4, strike "," and substitute "; and".
- (3) On page 2, between lines 4 and 5, insert the following:

(4) an analysis of any fiscal impact to the agency as a result of a suit filed by the state against the federal government, including any costs associated with the participation or assistance of the employees of the agency on matters related to the suit.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Canales offered the following amendment to **CSHB 799**:

Amend **CSHB 799** adding Section 2 and renumbering the following sections

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.0176 to read as follows:

Sec. 322.0176. STUDY OF EFFECT ON STATE AGENCIES OF FEDERAL REGULATIONS AND FEDERAL LAW MANDATES. (a) The board shall conduct a single study for each state agency relating to the effects federal regulations and mandates enacted by federal law have on that agency. The board shall conduct the studies in accordance with a schedule adopted by the board.

(b) For each agency, the study must include:

(1) a cost-benefit analysis on the impact of agency compliance with federal regulations, including a comparison of the direct and indirect costs of regulatory compliance with the amount of federal funds received by the agency for the purpose of regulatory compliance;

(2) a list of all mandates enacted by federal law, including a federal regulation, for which the federal government has not provided reimbursement sufficient to cover the costs incurred by the agency of implementing or otherwise complying with the mandate; and

(3) recommendations for reducing the federal regulatory burden on the agency and citizens of this state, including proposals for state or federal legislation or litigation against specific federal agencies.

(c) Following the study for an agency conducted under Subsection (a), the board shall deliver a report of the board's findings and recommendations to the legislature.

Section 2) Not later than September 1, 2027, the board shall submit a detailed report of all of its findings.

SECTION 23. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Amendment No. 3 was adopted.

**REMARKS ORDERED PRINTED**

Representative Walle moved to print remarks between Representative Howard and Representative Walle on Amendment No. 1.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Pickett requested permission for the Committee on Transportation to meet while the house is in session, at 6:15 p.m. today, in 3W.9, to consider **SB 139, SB 638, SB 1436, SB 1511, SB 1512, SB 1831, SB 2041,** and **SJR 12.**

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Transportation, 6:15 p.m. today, 3W.9, for a formal meeting, to consider **SB 139, SB 638, SB 1436, SB 1511, SB 1512, SB 1831, SB 2041,** and **SJR 12.**

**LEAVES OF ABSENCE GRANTED**

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

Dale on motion of Villalba.

Gonzales on motion of Guillen.

Isaac on motion of Villalba.

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

G. Bonnen on motion of Villalba.

Frullo on motion of Villalba.

Guerra on motion of Villalba.

Meyer on motion of Villalba.

Muñoz on motion of Villalba.

Paul on motion of Villalba.

Vo on motion of Villalba.

Workman on motion of Villalba.

**CSHB 799 - (consideration continued)**

**CSHB 799**, as amended, was passed to engrossment.

**POSTPONED BUSINESS**

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

**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, postponed until May 11, postponed until 3 p.m. May 13, amendments were offered and disposed of, and **CSHB 3325** was postponed until 7 p.m. May 13. **CSHB 3325** was laid out as

postponed business earlier today, postponed until 12 p.m. today, postponed until 2:30 p.m. today, and was again postponed until this time. Amendment No. 2 was pending at the time of postponement.

Representative Gutierrez moved to postpone consideration of **CSHB 3325** until 11:01 p.m. today.

The motion prevailed.

(Guerra, Meyer, and Muñoz now present)

### **GENERAL STATE CALENDAR**

**(consideration continued)**

#### **CSHB 1265 ON SECOND READING**

**(by Wu, Murphy, Alvarado, Ashby, Villalba, et al.)**

**CSHB 1265**, A bill to be entitled An Act relating to a deceptive act or practice involving a solicitation in connection with a good or service.

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

Representative Walle offered the following amendment to **CSHB 1265**:

Amend **CSHB 1265** (house committee printing) as follows:

(1) Add Section (30) to read as follows:

A public adjuster license holder may not directly or indirectly solicit, as described by Chapter 38, Penal Code, employment for an attorney or enter into a contract with an insured for the primary purpose of referring an insured to an attorney and without the intent to actually perform the services customarily provided by a licensed public insurance adjuster. This section may not be construed to prohibit a license holder from recommending a particular attorney to an insured.

Amendment No. 1 was adopted.

(Dale and Isaac now present)

**CSHB 1265**, as amended, was passed to engrossment.

#### **HB 71 ON SECOND READING**

**(by González, Moody, Collier, Reynolds, et al.)**

**HB 71**, A bill to be entitled An Act relating to the prosecution of the offense of indecency with a child.

(Springer in the chair)

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

Representative Sheets offered the following amendment to **HB 71**:

Amend **HB 71** (house committee report) as follows:

(1) On page 1, line 12, strike "and" and substitute "~~and~~".

(2) On page 1, line 18, between "section" and the period, insert the following:  
; and

(4) did not provide to the victim alcohol or another impairing substance that rendered the victim physically unable to resist

(3) On page 1, line 19, between "Act" and "applies", insert "in amending Section 21.11(b)(1), Penal Code,".

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

SECTION \_\_\_\_\_. Section 22.011(e), Penal Code, is amended to read as follows:

(e) It is an affirmative defense to prosecution under Subsection (a)(2):

(1) that the actor was the spouse of the child at the time of the offense;

or

(2) that:

(A) the actor was not more than three years older than the victim and at the time of the offense:

(i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and

(B) the victim:

(i) was a child of 14 years of age or older; ~~and~~

(ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; and

(iii) was not physically unable to resist as a result of alcohol or another impairing substance that the actor provided to the victim.

SECTION \_\_\_\_\_. The changes in law made by this Act in adding Section 21.11(b)(4), Penal Code, and amending Section 22.011(e), Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 1 was adopted.

**HB 71**, as amended, failed to pass to engrossment by (Record 1091): 51 Yeas, 79 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guillen; Gutierrez; Hernandez; Howard; Israel; Johnson; Koop; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield; Simpson; Turner, C.; Turner, S.; Walle; Wu.

Nays — Anderson, R.; Ashby; Aycock; Bell; Bonnen, D.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Flynn; Frank; Galindo; Geren; Goldman; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Peña; Phelan; Price; Raney; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Smith; Smithee; Spitzer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Stephenson.

Absent, Excused, Committee Meeting — Bonnen, G.; Frullo; Gonzales; Paul; Vo; Workman.

Absent — Anderson, C.; Bohac; Dukes; Fletcher; Guerra; King, T.; Phillips; Romero; Thompson, S.

#### STATEMENTS OF VOTE

When Record No. 1091 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

When Record No. 1091 was taken, I was in the house but away from my desk. I would have voted no.

Bohac

When Record No. 1091 was taken, I was shown voting no. I intended to vote yes.

S. Davis

When Record No. 1091 was taken, I was temporarily out of the house chamber. I would have voted no.

Fletcher

When Record No. 1091 was taken, I was excused to attend a committee meeting. I would have voted no.

Frullo

When Record No. 1091 was taken, I was shown voting yes. I intended to vote no.

Koop

When Record No. 1091 was taken, I was in the house but away from my desk. I would have voted no.

Phillips



When Record No. 1091 was taken, I was shown voting yes. I intended to vote no.

Riddle

When Record No. 1091 was taken, I was shown voting yes. I intended to vote no.

Sheets

When Record No. 1091 was taken, I was shown voting yes. I intended to vote no.

Sheffield

(Gonzales now present)

**HB 2150 ON SECOND READING**  
**(by Alvarado, Herrero, Riddle, Moody, and Wu)**

**HB 2150**, A bill to be entitled An Act relating to the organization of a grand jury and qualifications for service as a grand juror.

(Sheets in the chair)

**Amendment No. 1**

On behalf of Representative Minjarez, Representative J. Rodriguez offered the following amendment to **HB 2150**:

Amend **HB 2150** (house committee printing) as follows:

(1) On page 1, line 24, between "juror" and "or", insert "or a member of the juror's family".

(2) On page 2, line 1, between "juror" and the period, insert "or a member of the juror's family".

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Collier offered the following amendment to **HB 2150**:

Amend **HB 2150** (house committee report) on page 1 by striking line 24 and substituting "because of the death of the juror or a member of the juror's family, or because of a physical or mental illness".

Amendment No. 2 was withdrawn.

**Amendment No. 3**

Representative Moody offered the following amendment to **HB 2150**:

Amend **HB 2150** (house committee report) as follows:

(1) Strike page 2, lines 13 and 14, and substitute the following:

3. That the juror is a witness or a target in an investigation by a grand jury;

(2) On page 3, between lines 9 and 10, insert the following:

(a-1) A challenge under Subdivision (a)(3) may be made ex parte and shall be reviewed and ruled upon in camera. Any record of the challenge shall be placed under seal by the court.

Amendment No. 3 was adopted.

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

Representative C. Turner offered the following amendment to **HB 2150**:

Amend **HB 2150** (house committee printing) on page 3, line 24, immediately after the underlined period, by inserting the following:

The court shall provide each juror with a written copy of the duties imposed by Subsection (a).

(Speaker in the chair)

(Paul, Stephenson, and Workman now present)

Amendment No. 4 was withdrawn.

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

The following member was granted leave of absence for the remainder of today because of illness:

Reynolds on motion of Muñoz.

#### **HB 2150 - (consideration continued)**

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

Representative Dutton offered the following amendment to **HB 2150**:

Amend **HB 2150** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 19.01, Code of Criminal Procedure, is amended to read as follows:

Art. 19.01. APPOINTMENT OF GRAND JURY [~~COMMISSIONERS; SELECTION WITHOUT JURY COMMISSION~~]. [(a)] 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. Such commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they 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 shall 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 by this chapter ~~[for grand jurors selected by a jury commission].~~~~

SECTION \_\_\_\_\_. Article 19.07, Code of Criminal Procedure, is amended to read as follows:

Art. 19.07. EXTENSION BEYOND TERM OF PERIOD FOR WHICH GRAND JURORS SHALL SIT. If prior to the expiration of the term for which the grand jury was impaneled, it is made to appear by a declaration of the foreman or of a majority of the grand jurors in open court, that the investigation by the grand jury of the matters before it cannot be concluded before the expiration of the term, the judge of the district court in which said grand jury was impaneled may, by the entry of an order on the minutes of said court, extend, from time to time, for the purpose of concluding the investigation of matters then before it, the period during which said grand jury shall sit, for not to exceed a total of ninety days after the expiration of the term for which it was impaneled, and all indictments pertaining thereto returned by the grand jury within said extended period shall be as valid as if returned before the expiration of the term. ~~[The extension of the term of a grand jury under this article does not affect the provisions of Article 19.06 relating to the selection and summoning of grand jurors for each regularly scheduled term.]~~

SECTION \_\_\_\_\_. Article 19.08, Code of Criminal Procedure, is amended to read as follows:

Art. 19.08. QUALIFICATIONS. No person shall be selected or serve as a grand juror who does not possess the following qualifications:

1. The person must be a citizen of the state, and of the county in which the person is to serve, and be qualified under the Constitution and laws to vote in said county, provided that the person's failure to register to vote shall not be held to disqualify the person in this instance;
2. The person must be of sound mind and good moral character;
3. The person must be able to read and write;
4. The person must not have been convicted of misdemeanor theft or a felony;
5. The person must not be under indictment or other legal accusation for misdemeanor theft or a felony;
6. The person must not be related within the third degree of consanguinity or second degree of affinity, as determined under Chapter 573, Government Code, to any person selected to serve or serving on the same grand jury;

7. The person must not have served as grand juror [~~or jury commissioner~~] in the year before the date on which the term of court for which the person has been selected as grand juror begins; and

8. The person must not be a complainant in any matter to be heard by the grand jury during the term of court for which the person has been selected as a grand juror.

SECTION \_\_\_\_\_. Article 19.19, Code of Criminal Procedure, is amended to read as follows:

Art. 19.19. JURORS TO ATTEND FORTHWITH. The jurors provided for in Article 19.18 [~~the two preceding Articles~~] shall be summoned in person to attend before the court forthwith.

SECTION \_\_\_\_\_. Article 19.20, Code of Criminal Procedure, is amended to read as follows:

Art. 19.20. TO SUMMON QUALIFIED PERSONS. On [~~Upon~~] directing the sheriff to summon grand jurors [~~not selected by the jury commissioners~~], the court shall instruct the sheriff [~~him~~] that the sheriff [~~he~~] must not summon any [~~no~~] person to serve as a grand juror who does not possess the qualifications prescribed by law.

SECTION \_\_\_\_\_. 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 [~~19.01(b) of this chapter or by the jury commissioners~~]; and

2. That [~~In case of grand jurors summoned by order of the court, that~~] the officer who summoned the grand jurors [~~them~~] acted corruptly in summoning any one or more of them.

SECTION \_\_\_\_\_. Section 24.014(b), Government Code, is amended to read as follows:

(b) The judge may impanel [~~appoint jury commissioners who select and draw~~] grand and petit jurors as provided by law. The jurors may be summoned to appear before the court at the time designated by the judge.

SECTION \_\_\_\_\_. Section 24.135(c), Government Code, is amended to read as follows:

(c) The judge of the 33rd District Court may [~~select jury commissioners and~~] impanel grand juries in each county. The judge of the 33rd District Court may alternate the drawing of grand juries with the judge of any other district court in each county within the 33rd Judicial District and may order grand and petit juries to be drawn for any term of the court as the judge determines is necessary, by an order entered in the minutes of the court. Indictments within each county may be returned to either court within that county.

SECTION \_\_\_\_\_. Section 24.377(b), Government Code, is amended to read as follows:

(b) The judge of the 198th District Court may [~~select jury commissioners and~~] impanel grand juries in each county. The judge of the 198th District Court may alternate the drawing of grand juries with the judge of any other district court in each county within the judge's district and may order grand and petit juries to be drawn for any term of the judge's court as in the judge's judgment is necessary, by an order entered in the minutes of the court. Indictments within each county may be returned to either court within that county.

SECTION \_\_\_\_\_. Section 24.396(b), Government Code, is amended to read as follows:

(b) The judge of the 218th District Court may [~~select grand jury commissioners and~~] impanel grand juries in each county in the district but is not required to impanel a grand jury in any county except when the judge [~~he~~] considers it necessary. The judge may alternate the impaneling of grand juries in each county with the judge of any other district court in that county, or the judges may by agreement determine which one of the courts will impanel the grand juries. Indictments within each county may be returned to any district court within that county. All grand and petit juries drawn for one district court in each county are interchangeable with any other district court in that county as if the jury had been drawn for the court in which it is used.

SECTION \_\_\_\_\_. Section 24.487(b), Government Code, is amended to read as follows:

(b) The judge of the 341st District Court may [~~select jury commissioners and~~] impanel grand juries in Webb County. The judge of the 341st District Court may alternate the drawing of grand juries with the judge of any other district court in the county. By order entered on the minutes, for any term that the judge considers it necessary, the judge may order grand and petit juries to be drawn.

SECTION \_\_\_\_\_. Section 24.568(d), Government Code, is amended to read as follows:

(d) The judge of the 424th District Court may [~~select jury commissioners and~~] impanel grand juries in each county. The judge of the 424th District Court may alternate the drawing of grand juries with the judge of any other district court in each county within the 424th Judicial District and may order grand and petit juries to be drawn for any term of the court as the judge determines is necessary, by an order entered in the minutes of the court. Indictments within each county may be returned to either court within that county.

SECTION \_\_\_\_\_. Section 24.596(b), Government Code, is amended to read as follows:

(b) The judge of the 452nd District Court may [~~select jury commissioners and~~] impanel grand juries in each county. The judge of the 452nd District Court may order grand and petit juries to be drawn for any term of the judge's court as in the judge's judgment is necessary, by an order entered in the minutes of the court.

SECTION \_\_\_\_\_. The heading to Section 402.024, Government Code, is amended to read as follows:

Sec. 402.024. DEFENSE OF DISTRICT ATTORNEY[~~—GRAND JURY COMMISSIONER,~~] OR GRAND JUROR.

SECTION \_\_\_\_\_. Section 402.024(b), Government Code, is amended to read as follows:

(b) The attorney general shall defend a state [~~grand jury commissioner or~~] grand juror who is a defendant in an action in any court if:

(1) the suit involves an act of the person while in the performance of duties as a [~~grand jury commissioner or~~] grand juror; and

(2) the person requests the attorney general's assistance in the defense.

SECTION \_\_\_\_\_. The following provisions are repealed:

(1) Articles 19.02, 19.03, 19.04, 19.05, 19.06, 19.09, 19.10, 19.11, 19.12, 19.13, 19.14, 19.15, and 19.17, Code of Criminal Procedure; and

(2) Section 24.014(c), Government Code.

SECTION \_\_\_\_\_. Section 402.024(b), Government Code, as amended by this Act, applies only to a court action arising from an act of a person that occurs on or after the effective date of this Act. A court action arising from an act of a person that occurred before the effective date of this Act is governed by the law in effect on the date the act occurred, and the former law is continued in effect for that purpose.

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

Representative E. Thompson offered the following amendment to Amendment No. 5:

Amend **HB 2150** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly.

SECTION \_\_\_\_\_. The changes in law made by this Act do not apply to a county with a population of 500,000 or less.

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

(G. Bonnen, Frullo, and Vo now present)

**HB 2150**, as amended, was passed to engrossment.

### **CSHB 603 ON SECOND READING**

**(by S. Davis, Springer, Leach, Guillen, et al.)**

**CSHB 603**, A bill to be entitled An Act relating to the creation of the offense of unlawful dissemination of certain visual material; providing penalties.

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

Representative Springer offered the following amendment to **CSHB 603**:

Amend **CSHB 603** (house committee report) on page 2 of the bill as follows:

(1) On line 7, strike "and".

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

; and

(5) the person disseminates the visual material with the intent to:

(A) harass, abuse, or torment the depicted person; or  
(B) obtain a benefit in return for or in connection with the  
dissemination

Amendment No. 1 was adopted.

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

REPRESENTATIVE WU: You put an amendment on, and I think it's a good amendment. One of the sections of your amendment says that the purposes should be if they obtain a benefit, and that benefit could be a pecuniary benefit. Is that your intent?

REPRESENTATIVE SPRINGER: That's correct.

WU: Is it your intent that that benefit could also be a personal notoriety or social status?

SPRINGER: That's right. Someone who is trying to seek fame and fortune off of this. Or just fame; let's take the fortune out. Seek fame and notoriety as we talked about. Absolutely, that is the intent.

WU: So the intent of your amendment is not to limit it to just money?

SPRINGER: That is correct.

**CSHB 603**, as amended, was passed to engrossment.

**HB 211 ON SECOND READING**  
**(by Rose)**

**HB 211**, A bill to be entitled An Act relating to resuming a criminal case after a defendant is determined to be competent to stand trial.

**Amendment No. 1**

Representatives Springer, Murr, Burns, VanDeaver, Darby, Guillen, K. King, Kacal, Frank, and Cyrier offered the following amendment to **HB 211**:

Amend **HB 211** (house committee report) as follows:

(1) On page 1, line 21, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (d-1)".

(2) On page 1, line 22, strike "(a)" and substitute "(a)(1)".

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

(2) Notwithstanding Subdivision (1), in a county with a population of 125,000 or less, as soon as practicable following the date of the defendant's return to the court, the court shall provide the notice required by that subdivision to the attorney representing the state and the attorney for the defendant, and the attorney for the defendant shall meet and confer with the defendant as soon as practicable after the date of receipt of that notice.

(4) On page 2, line 5, strike "(a-1)" and substitute "(a-1)(1)".

(5) On page 2, between lines 19 and 20, insert the following:

(2) Notwithstanding Subdivision (1), in a county with a population of 125,000 or less, the court shall make the determination described by that subdivision not later than the 20th day after the date on which the court received

notification under Article 46B.079, regardless of whether a party objects to the report as described by that subsection and the issue is set for a hearing under Subsection (b).

(6) On page 2, line 25, strike "(d)" and substitute "(d)(1)".

(7) On page 3, line 2, between "restored." and "This article", insert the following:

(2) Notwithstanding Subdivision (1), in a county with a population of 125,000 or less, on the court's own motion criminal proceedings in the case against the defendant shall be resumed as soon as practicable after the date of the court's determination under this article that the defendant's competency has been restored.

(d-1)

Amendment No. 1 was adopted.

**HB 211**, as amended, was passed to engrossment.

**HB 2356 ON SECOND READING**  
**(by Bohac and Fallon)**

**HB 2356**, A bill to be entitled An Act relating to the territory that may be included in a single county election precinct.

**HB 2356** was passed to engrossment.

**REMARKS ORDERED PRINTED**

Representative Wu moved to print remarks between Representative Springer and Representative Wu on **CSHB 603**.

The motion prevailed.

**POSTPONED BUSINESS**

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

**CSHB 1892 ON SECOND READING**  
**(by E. Rodriguez and VanDeaver)**

**CSHB 1892**, A bill to be entitled An Act relating to the establishment of a Texas community school grant program.

**CSHB 1892** was read second time earlier today and was postponed until this time.

Representative E. Rodriguez moved to postpone consideration of **CSHB 1892** until 8 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**CSHB 2221 ON SECOND READING**  
**(by Huberty, Larson, Kacal, Harless, and Simpson)**

**CSHB 2221**, A bill to be entitled An Act relating to the procedures for municipal annexations.



**Amendment No. 1**

Representative Huberty offered the following amendment to **CSHB 2221**:

Amend **CSHB 2221** (house committee printing) as follows:

(1) Strike page 1, line 4 through page 2, line 19.

(2) On page 2, between lines 19 and 20, add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 43.002(a), Local Government Code, is amended to read as follows:

(a) A municipality that annexes an area under this chapter, including an annexation under Subchapter C-2, C-3, or C-4, may not, after annexing an area, prohibit a person from:

(1) continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or

(2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the annexation if:

(A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and

(B) a completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted.

SECTION \_\_\_\_\_. Chapter 43, Local Government Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. GENERAL APPLICABILITY OF ANNEXATION  
AUTHORITY AND PROCEDURES

Sec. 43.011. GENERAL APPLICABILITY OF ANNEXATION  
AUTHORITY AND PROCEDURES. (a) Notwithstanding any other law,  
Section 43.0671 provides the exclusive annexation authority and procedures for a  
municipality wholly or partly located in a county with a population of 500,000 or  
more.

(b) A municipality wholly located in a county with a population of less  
than 500,000 that proposes to annex an area in a county with a population  
of 500,000 or more must follow the procedures described by Subchapter C-2,  
C-3, or C-4, as applicable.

(c) A municipality located in a county with a population of less  
than 500,000 that extends its corporate boundaries to include an area located in a  
county with a population of 500,000 or more is, after the date the municipality's  
boundaries are extended, subject to Subsection (a).

SECTION \_\_\_\_\_. The heading to Subchapter B, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER B. GENERAL AUTHORITY TO ANNEX: MUNICIPALITIES  
WHOLLY LOCATED IN A COUNTY WITH POPULATION OF LESS THAN  
500,000

(3) On page 2, lines 21-22, strike "~~OF AREAS WITH A POPULATION OF LESS THAN 200 [PROCEDURE FOR AREAS ANNEXED UNDER MUNICIPAL ANNEXATION PLAN]~~" and substitute "PROCEDURE FOR AREAS ANNEXED UNDER MUNICIPAL ANNEXATION PLAN: MUNICIPALITIES WHOLLY LOCATED IN A COUNTY WITH POPULATION OF LESS THAN 500,000".

(4) On page 2, between lines 22 and 23, add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 43.054(a), Local Government Code, is amended to read as follows:

(a) A municipality [~~with a population of less than 1.6 million~~] may not annex a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream, or creek, unless the width of the area at its narrowest point is at least 1,000 feet.

SECTION \_\_\_\_\_. Section 43.0562(a), Local Government Code, is amended to read as follows:

(a) After holding the hearings as provided by Section 43.0561:

(1) [~~if a municipality has a population of less than 1.6 million,~~] the municipality and the property owners of the area proposed for annexation shall negotiate for the provision of services to the area after annexation or for the provision of services to the area in lieu of annexation under Section 43.0563; or

(2) if a municipality proposes to annex a special district, as that term is defined by Section 43.052, the municipality and the governing body of the district shall negotiate for the provision of services to the area after annexation or for the provision of services to the area in lieu of annexation under Section 43.0751.

SECTION \_\_\_\_\_. Section 43.0563(a), Local Government Code, is amended to read as follows:

(a) The governing body of a municipality [~~with a population of less than 1.6 million~~] may negotiate and enter into a written agreement for the provision of services and the funding of the services in an area with:

(1) representatives designated under Section 43.0562(b), if the area is included in the municipality's annexation plan; or

(2) an owner of an area within the extraterritorial jurisdiction of the municipality if the area is not included in the municipality's annexation plan.

SECTION \_\_\_\_\_. The heading to Subchapter C-1, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-1. ANNEXATION PROCEDURE FOR AREAS  
EXEMPTED FROM MUNICIPAL ANNEXATION PLAN: MUNICIPALITIES  
WHOLLY LOCATED IN A COUNTY WITH POPULATION OF LESS THAN  
500,000

SECTION \_\_\_\_\_. Section 43.062(a), Local Government Code, is amended to read as follows:

(a) Sections 43.051, 43.054, 43.0545, 43.055, 43.0565, ~~[43.0567,]~~ and 43.057 apply to the annexation of an area to which this subchapter applies.

SECTION \_\_\_\_\_. Section 43.064, Local Government Code, is amended to read as follows:

Sec. 43.064. PERIOD FOR COMPLETION OF ANNEXATION[; ~~EFFECTIVE DATE~~]. ~~[(a)]~~ The annexation of an area must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void. Any period during which the municipality is restrained or enjoined by a court from annexing the area is not included in computing the 90-day period.

~~[(b) Notwithstanding any provision of a municipal charter to the contrary, the governing body of a municipality with a population of 1.6 million or more may provide that an annexation take effect on any date within 90 days after the date of the adoption of the ordinance providing for the annexation.]~~

(5) On page 2, line 23, strike "Subchapter C,".

(6) On page 2, line 24, strike "Sections 43.0511 through 43.0517" and substitute "Subchapters C-2, C-3, and C-4".

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

SUBCHAPTER C-2. GENERAL ANNEXATION AUTHORITY AND PROCEDURES: MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE

Sec. 43.067. APPLICABILITY. This subchapter applies only to a municipality wholly or partly located in a county with a population of 500,000 or more.

Sec. 43.0671. EXCLUSIVE AUTHORITY AND PROCEDURES FOR ANNEXATION BY MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE. (a) Notwithstanding any other law, the following provisions provide the exclusive authority and procedures for a municipality wholly or partly located in a county with a population of 500,000 or more to annex an area:

(1) this subchapter, Subchapter C-3, and Subchapter C-4;

(2) Section 43.0711; and

(3) the provisions listed in Subsection (b).

(b) The following provisions apply to the annexation of an area by a municipality wholly or partly located in a county with a population of 500,000 or more:

(1) Section 43.028;

(2) Section 43.031;

(3) Section 43.035;

(4) Section 43.102; and

(5) Section 43.905(a).

Sec. 43.0672. AUTHORITY TO ANNEX LIMITED TO EXTRATERRITORIAL JURISDICTION. Section 43.051 applies to the annexation of an area by a municipality wholly or partly located in a county with a population of 500,000 or more.

Sec. 43.0673. AUTHORITY TO ANNEX NONCONTIGUOUS AREAS. A municipality may annex an area that is noncontiguous to the boundaries of the municipality if the area is in the municipality's extraterritorial jurisdiction.

Sec. 43.0674. AUTHORITY OF MUNICIPALITY TO ANNEX AREA ON REQUEST OF OWNERS. (a) A municipality may annex an area if each owner of land in the area requests the annexation.

(b) If a municipality elects to annex an area under this section, the governing body of the municipality must first negotiate and enter into a written agreement for the provision of services in the area with the owners of land in the area. The municipality is not required to provide a service that is not included in the agreement.

(c) Before a municipality may annex an area under this section, the governing body of the municipality must conduct at least two public hearings. The hearings must be conducted not less than 10 business days apart. During the first public hearing, the governing body must provide persons interested in the annexation the opportunity to be heard. During the final public hearing, the governing body may adopt an ordinance annexing the area.

Sec. 43.0675. PROVISION OF CERTAIN SERVICES TO ANNEXED AREA. (a) Except as provided by Subsection (c), if a municipality provides solid waste collection within its corporate boundaries before annexation, the municipality must provide those services in the area proposed for annexation on the effective date of the annexation of the area.

(b) Before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not:

(1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or

(2) impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider.

(c) A municipality is not required to provide solid waste collection services under Subsection (a) to a person who continues to use the services of a privately owned solid waste management service provider as provided by Subsection (b).

SUBCHAPTER C-3. ANNEXATION OF AREAS WITH POPULATION OF LESS THAN 200 BY MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE

Sec. 43.068. APPLICABILITY. This subchapter applies only to a municipality wholly or partly located in a county with a population of 500,000 or more.

(8) On page 2, line 26, strike "43.0511", substitute "43.0681", and renumber cross-references accordingly.

(9) On page 3, line 7, strike "43.0512", substitute "43.0682", and renumber cross-references accordingly.

(10) On page 4, line 2, strike "43.0513", substitute "43.0683", and renumber cross-references accordingly.

(11) On page 4, line 13, strike "43.0514", substitute "43.0684", and renumber cross-references accordingly.

(12) On page 4, line 18, strike "43.0515", substitute "43.0685", and renumber cross-references accordingly.

(13) On page 5, line 12, strike "43.0516", substitute "43.0686", and renumber cross-references accordingly.

(14) On page 6, line 4, strike "43.0517", substitute "43.0687", and renumber cross-references accordingly.

(15) On page 6, strike lines 14-20 and substitute the following:  
SUBCHAPTER C-4. ANNEXATION OF AREAS WITH POPULATION OF AT LEAST 200 BY MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE

Sec. 43.069. APPLICABILITY. This subchapter applies only to a municipality wholly or partly located in a county with a population of 500,000 or more.

(16) On page 6, line 21, strike "43.0611", substitute "43.0691", and renumber cross-references accordingly.

(17) On page 7, line 5, strike "43.0612", substitute "43.0692", and renumber cross-references accordingly.

(18) On page 7, line 27, strike "43.0613", substitute "43.0693", and renumber cross-references accordingly.

(19) On page 8, line 11, strike "43.0614", substitute "43.0694", and renumber cross-references accordingly.

(20) On page 8, line 19, strike "43.0615", substitute "43.0695", and renumber cross-references accordingly.

(21) On page 9, line 2, strike "43.0616", substitute "43.0696", and renumber cross-references accordingly.

(22) On page 9, line 16, strike "43.0617", substitute "43.0697", and renumber cross-references accordingly.

(23) On page 10, line 13, strike "43.0618", substitute "43.0698", and renumber cross-references accordingly.

(24) Strike page 10, line 22 through page 19, line 1.

(25) On page 19, line 3, strike "43.07512" and substitute "43.0711".

(26) On page 19, strike lines 4-12 and substitute the following:

Sec. 43.0711. AUTHORITY OF MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE TO ANNEX SPECIAL DISTRICTS. (a) Notwithstanding any other law and except as provided by Subsection (b), a municipality wholly or partly located in a county with a population of 500,000 or more:

(1) subject to Subdivision (2), may annex a special district only if the municipality complies with the procedures provided by Subchapter C-2, C-3, or C-4, as applicable; and

(2) beginning September 1, 2015, may not enter into a strategic partnership agreement that provides for limited purpose annexation.

(b) With respect to a special district that is located within the extraterritorial jurisdiction of a municipality wholly or partly located in a county with a population of 500,000 or more on September 1, 2015, the municipality may under the law applicable to the municipality as it existed immediately before September 1, 2015:

(1) annex the district; or

(2) enter into a strategic partnership agreement with the district that provides for limited purpose annexation.

(27) On page 19, strike lines 13-17.

(28) On page 19, line 18, strike "43.102(d)" and substitute "43.102(c)".

(29) On page 19, strike lines 20-25 and substitute the following:

(c) Except as provided by this subsection, the [The] area may be annexed without the consent of the owners or residents of the area. The annexation of an area under this section by a municipality wholly or partly located in a county with a population of 500,000 or more must comply with the procedures of Subchapter C-2, C-3, or C-4, as applicable.

(30) Strike page 19, line 26 through page 20, line 8.

(31) On page 20, strike lines 11-13 and substitute the following:

Sec. 43.1211. AUTHORITY OF MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE TO ANNEX FOR LIMITED PURPOSES. (a) Except as provided by Section 43.0711(b), beginning September 1, 2015, a municipality wholly or partly located in a county with a population of 500,000 or more may not annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area.

(b) This section supersedes any municipal charter provision that conflicts with this section.

(32) Strike page 20, line 14 through page 22, line 8.

(33) On page 22, lines 15-16, strike "43.0213, 43.0514, [~~43.0561~~] or 43.0614 [~~43.063~~]" and substitute "43.0561, [~~or~~] 43.063, 43.0674, 43.0684, or 43.0694".

(34) Strike page 22, line 17 through page 23, line 11.

(35) On page 23, between lines 11 and 12, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Sections 43.056(d) and (h), 43.0546, and 43.0567, Local Government Code, are repealed.

(36) On page 23, line 14, strike "former".

(37) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 was adopted. (The vote was reconsidered later today, Amendment No. 1 was amended, and a point of order was sustained on CSHB 2221.)

### **Amendment No. 1 - Vote Reconsidered**

Representative Huberty moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

**Amendment No. 2**

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

Amend Amendment No. 1 by Huberty to **CSHB 2221** (15.131.269 SCL) as follows:

(1) On page 6, between lines 14 and 15, insert the following:

Sec. 43.0675. ANNEXATION OF ROADS AND RIGHTS-OF-WAY. Notwithstanding any other law, a municipality may by ordinance annex a road or other right-of-way on request of the owner of the road or right-of-way or the governing body of the political subdivision that maintains the road or right-of-way under the procedures applicable to a general-law municipality wholly located in a county with a population of less than 500,000.

(2) On page 6, line 15, strike "43.0675" and substitute "43.0676".

(3) On page 8, line 23, strike "SPECIAL" and substitute "CERTAIN".

(4) On page 9, line 1, strike "a special district" and substitute "either a special district or an industrial district identified by the governing body of a municipality".

(5) On page 9, line 1, after "located", insert "on September 1, 2015,".

(6) On page 9, line 4, strike "on September 1, 2015".

(7) Add the following appropriately numbered items to the amendment:

( ) On page 3, line 1, strike the underlined semicolon.

( ) On page 3, line 2, strike "(1)".

( ) On page 3, line 3, strike "; and" and substitute an underlined period.

( ) On page 3, strike lines 4-6.

( ) On page 4, line 19, after "area", insert an underlined period.

( ) On page 4, strike lines 20-23.

( ) On page 4, line 27, strike "90th" and substitute "180th".

( ) On page 5, line 7, strike "person" and substitute "writing".

Amendment No. 2 was adopted.

**Amendment No. 3**

On behalf of Representative Huberty, Representative Larson offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Huberty to **CSHB 2221** (15.131.269 SCL) on page 7, between lines 2-3, by adding the following appropriately numbered section and renumbering sections of added Subchapter C-2, Chapter 43, Local Government Code, and any cross references to those sections accordingly:

Sec. 43. . EFFECT ON OTHER LAW. This subchapter, Subchapter C-3, and Subchapter C-4 do not affect the procedures described by Section 397.005 or 397.006 applicable to a defense community as defined by Section 397.001.

Amendment No. 3 was adopted.

**Amendment No. 4**

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

Amend Amendment No. 1 by Huberty as follows:

- (1) On page 2, line 3, strike "500,000" and substitute "375,000".
- (2) On page 2, line 5, strike "500,000" and substitute "375,000".
- (3) On page 2, line 6, strike "500,000" and substitute "375,000".
- (4) On page 2, line 10, strike "500,000" and substitute "375,000".
- (5) On page 2, line 11, strike "500,000" and substitute "375,000".
- (6) On page 2, line 17, strike "500,000" and substitute "375,000".
- (7) On page 2, line 22, strike "500,000" and substitute "375,000".
- (8) On page 4, line 2, strike "500,000" and substitute "375,000".
- (9) On page 4, line 29, strike "500,000" and substitute "375,000".
- (10) On page 5, line 1, strike "500,000" and substitute "375,000".
- (11) On page 5, line 4, strike "500,000" and substitute "375,000".
- (12) On page 5, line 7, strike "500,000" and substitute "375,000".
- (13) On page 5, line 15, strike "500,000" and substitute "375,000".
- (14) On page 5, line 24, strike "500,000" and substitute "375,000".
- (15) On page 7, line 5, strike "500,000" and substitute "375,000".
- (16) On page 7, line 8, strike "500,000" and substitute "375,000".
- (17) On page 7, line 27, strike "500,000" and substitute "375,000".
- (18) On page 7, line 30, strike "500,000" and substitute "375,000".
- (19) On page 8, line 22, strike "500,000" and substitute "375,000".
- (20) On page 8, line 25, strike "500,000" and substitute "375,000".
- (21) On page 9, line 1, immediately after "located", insert "on September 1, 2015,".
- (22) On page 9, line 4, strike "500,000 or more on September 1, 2015" and substitute "375,000 or more".
- (23) On page 9, line 19, strike "500,000" and substitute "375,000".
- (24) On page 9, line 25, strike "500,000" and substitute "375,000".
- (25) On page 9, line 28, strike "500,000" and substitute "375,000".

Amendment No. 4 was withdrawn.

**CSHB 2221 - POINT OF ORDER**

Representatives Coleman, Walle, and Martinez Fischer raised a point of order against further consideration of **CSHB 2221** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representatives Coleman, Walle, and Martinez Fischer raised a point of order against further consideration of **CSHB 2221** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect. Rule 4, Section 32(c)(2) of the House Rules. The points of order are sustained.



Rule 4, Section 32(c)(2) of the House Rules requires each committee report on a bill to "include in summary or section-by-section form a detailed analysis of the subject matter of the bill," including "an analysis of the content of the bill." Rule 4, Section 32(c)(2) of the House Rules. Representative Coleman asserts that **CSHB 2221**'s bill analysis fails to correctly summarize the notice requirements for a municipality that proposes the annexation of an area with a population of 200 or more. Specifically, he observes that Section 43.0613 of **CSHB 2221** requires notice of annexation to be sent to each "property owner," while the analysis says that a municipality proposing annexation of an area with a population of 200 or more must send a notice to each "resident." Because the bill analysis identifies a different group—residents, as opposed to property owners—that do not necessarily overlap, the bill analysis is inaccurate and misleading.

In their point of order, Representatives Walle and Martinez Fischer asserted that the bill analysis is misleading because it inaccurately summarizes Section 20 of the bill. Section 20 reads:

SECTION 20. Section 43.203(a), Local Government Code, is amended to read as follows:

(a) This section applies only to the [The] governing body of a district that by resolution petitioned [may petition] a municipality to alter the annexation status of land in the district from full-purpose annexation to limited-purpose annexation and before September 1, 2015:

(1) entered into an agreement to alter the status of annexation as provided by this section; or

(2) had its status automatically altered by operation of Subsection (c).

The bill analysis summarizes this section as follows:

The bill removes the authorization for the governing body of certain districts to petition a municipality to alter the annexation status of land in the district from full-purpose annexation to limited purpose annexation and restricts the applicability of statutory provisions regarding such an alteration of status to a governing body that entered into an agreement before September 1, 2015, to alter the status of annexation or had its status automatically altered.

They contend the bill analysis is misleading because it is difficult to understand and even if a member were to reread the sentence to discern its meaning, they would determine that (2) is not bound by the September 1, 2015, date. The fact that a bill analysis, which is often drafted within a very limited period of time as an analysis of complex statutory language, is difficult to understand is not a basis on which the chair would sustain a point of order. Here, however, the language of the bill analysis is misleading and inaccurate, and there is nothing anywhere in the complete bill analysis to cure the inaccuracy. In the bill, the date September 15, 2015, modifies (1) entering into an agreement and (2) having a status automatically altered. As Representatives Martinez Fischer and

Walle point out, the bill analysis has shifted the position of the date in the sentence such that the sentence now inaccurately reads as though this provision applied to a governing body that (1) entered into an agreement before September 1, 2015, or (2) had its status automatically altered (without a timing limitation).

Because this bill analysis is so fatally flawed, the points of order are sustained.

**CSHB 2221** was returned to the Committee on Land and Resource Management.

**CSHB 2303 ON SECOND READING**  
**(by Kuempel and Fallon)**

**CSHB 2303**, A bill to be entitled An Act relating to a landowner's liability for injuries incurred during certain recreational activities.

**CSHB 2303** was passed to engrossment.

(Kuempel in the chair)

**POSTPONED BUSINESS**

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

**CSHB 1892 ON SECOND READING**  
**(by E. Rodriguez and VanDeaver)**

**CSHB 1892**, A bill to be entitled An Act relating to the establishment of a Texas community school grant program.

**CSHB 1892** was read second time earlier today, postponed until 7 p.m. today, and was again postponed until this time.

Representative E. Rodriguez moved to postpone consideration of **CSHB 1892** until 8:30 p.m. today.

The motion prevailed.

**SB 1697 ON SECOND READING**  
**(Smithee, Elkins, Fallon, and Rinaldi - House Sponsors)**

**SB 1697**, A bill to be entitled An Act relating to the confidentiality of certain information regarding procedures and substances used in the execution of a convict.

**SB 1697** was considered in lieu of **CSHB 3846**.

**SB 1697** was read second time.

Representative Smithee moved to postpone consideration of **SB 1697** until 9 a.m. Monday, May 18.

The motion prevailed.

**CSHB 3846 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Smithee moved to lay **CSHB 3846** on the table subject to call.

The motion prevailed.

**GENERAL STATE CALENDAR  
(consideration continued)****CSHB 2703 ON SECOND READING  
(by Simmons and Gonzales)**

**CSHB 2703**, A bill to be entitled An Act relating to the establishment of the Texas Board of Behavior Analyst Examiners and the requirement to obtain a license to practice as a behavior analyst or assistant behavior analyst; imposing fees; providing an administrative penalty; creating a criminal offense.

**Amendment No. 1**

Representative Simmons offered the following amendment to **CSHB 2703**:

Amend **CSHB 2703** (house committee printing) as follows:

(1) On page 3, line 9, between "therapy," and "psychoanalysis", insert "cognitive rehabilitation".

(1) Strike page 20, line 8, through page 21, line 6.

(2) Strike page 29, lines 20-23.

Amendment No. 1 was adopted.

**CSHB 2703**, as amended, was passed to engrossment by (Record 1092): 97 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Huberty; Hunter; Israel; Johnson; Kacal; Keffer; King, K.; King, T.; Klick; Koop; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phillips; Pickett; Price; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Simmons; Smith; Stephenson; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wu; Zedler.

Nays — Anderson, R.; Bell; Burns; Burrows; Button; Craddick; Cyrier; Elkins; Fallon; Flynn; Frank; Geren; Harless; Hughes; Isaac; Keough; King, S.; Krause; Landgraf; Laubenberg; Leach; Metcalf; Meyer; Murphy; Murr; Otto; Phelan; Rinaldi; Sanford; Schaefer; Shaheen; Sheets; Simpson; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; White, J.; White, M.; Wray.

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

Absent, Excused — Herrero; King, P.; Reynolds.

Absent — Bonnen, D.; Crossover; Dukes; Raney; Zerwas.

### STATEMENTS OF VOTE

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

Crossover

When Record No. 1092 was taken, I was shown voting yes. I intended to vote no.

Darby

When Record No. 1092 was taken, I was shown voting yes. I intended to vote no.

Phillips

When Record No. 1092 was taken, I was shown voting yes. I intended to vote no.

Smith

### CSHB 3750 ON SECOND READING

(by Simmons, Lucio, and Murr)

**CSHB 3750**, A bill to be entitled An Act relating to interim studies on real property owned by the state.

**CSHB 3750** was passed to engrossment by (Record 1093): 134 Yeas, 6 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; Cyrier; Dale; 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; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Klick; Koop; 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; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Keough; Rinaldi; Schaefer; Simpson; Stickland; Tinderholt.

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

Absent, Excused — Herrero; King, P.; Reynolds.

Absent — Crownover; Darby; Dukes; Krause; Schofield.

### STATEMENTS OF VOTE

When Record No. 1093 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 1093 was taken, I was temporarily out of the house chamber. I would have voted yes.

Krause

When Record No. 1093 was taken, I was in the house but away from my desk. I would have voted yes.

Schofield

### HB 2318 ON SECOND READING

(by Ashby, Darby, K. King, Paddie, and Guillen)

**HB 2318**, A bill to be entitled An Act relating to a credit or refund for diesel fuel taxes paid on diesel fuel used in this state by auxiliary power units or power take-off equipment.

**HB 2318** was passed to engrossment.

### HB 3835 ON SECOND READING

(by Isaac and Landgraf)

**HB 3835**, A bill to be entitled An Act relating to the use of certain alternative fuels by state agency motor vehicles.

### HB 3835 - POINT OF ORDER

Representative T. King raised a point of order against further consideration of **HB 3835** under Rule 8, Section 1(a)(1) of the House Rules on the grounds that the bill caption is inaccurate.

The point of order was withdrawn.

### LEAVE OF ABSENCE GRANTED

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

Vo on motion of Blanco.

### HB 3835 - (consideration continued)

Representative Isaac moved to postpone consideration of **HB 3835** until 8:45 p.m. today.

The motion prevailed.

**CSHB 2525 ON SECOND READING**  
**(by Coleman)**

**CSHB 2525**, A bill to be entitled An Act relating to the appointment of counsel to represent indigent defendants in criminal cases.

**CSHB 2525** was passed to engrossment.

**POSTPONED BUSINESS**

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

**CSHB 1892 ON SECOND READING**  
**(by E. Rodriguez and VanDeaver)**

**CSHB 1892**, A bill to be entitled An Act relating to the establishment of a Texas community school grant program.

**CSHB 1892** was read second time earlier today, postponed until 7 p.m. today, postponed until 8 p.m. today, and was again postponed until this time.

Representative E. Rodriguez moved to postpone consideration of **CSHB 1892** until 9:15 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**CSHB 2571 ON SECOND READING**  
**(by Johnson)**

**CSHB 2571**, A bill to be entitled An Act relating to information on projected changes in weather, water availability, and climate variability in strategic plans of certain state agencies.

**CSHB 2571** was passed to engrossment. (C. Anderson, Button, and Capriglione recorded voting no.)

**POSTPONED BUSINESS**

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

**HB 3835 ON SECOND READING**  
**(by Isaac and Landgraf)**

**HB 3835**, A bill to be entitled An Act relating to the use of certain alternative fuels by state agency motor vehicles.

**HB 3835** was read second time earlier today and was postponed until this time.

**HB 3835 - POINT OF ORDER**

Representative T. King raised a point of order against further consideration of **HB 3835** under Rule 8, Section 1(a)(1) of the House Rules on the grounds that the bill caption is inaccurate.

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

Representative T. King raised a point of order against further consideration of **HB 3835** under Rule 8, Section 1 of the House Rules on the grounds that the caption does not accurately give the legislature and the public reasonable notice of the subject of the proposed measure. Rule 8, Section 1(a)(1) of the House Rules. The point of order is respectfully overruled.

The caption reads "relating to the use of certain alternative fuels by state agency motor vehicles." Section 1 of the bill states that a state agency may not use "ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel, or biodiesel/diesel blends of 20 percent or greater," three types of alternative fuels. Section 2 of the bill states, in part, that state agency may not use a type of alternative fuel in operating a fleet of more than 15 state vehicles and may not obtain equipment or refueling facilities that allows the use of certain alternative fuels. Section 3 of the bill does not allow a state agency to operate a motor vehicle to use certain alternative fuels.

Article III, Section 35(b) of the Texas Constitution requires that "each bill be expressed in its title in a manner that gives the legislature and the public reasonable notice of that subject." Rule 8, Section 1 of the House Rules adds the concept that the expression should be a brief statement. Captions that are succinct, drafted, to the extent possible, in plain language, and that are fair and accurate are sufficient, even if the caption does not itemize every detail contained in the bill. In this case, a layperson picking up this bill and reading the caption alone would be fairly informed the bill deals with the use of alternative fuel in state vehicles, a succinct statement, drafted in plain language, that is fair and accurate. The point of order is respectfully overruled.

### **HB 3835 - POINT OF ORDER**

Representative T. King raised a point of order against further consideration of **HB 3835** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Isaac moved to postpone consideration of **HB 3835** until 9:15 p.m. today.

The motion prevailed.

### **GENERAL STATE CALENDAR (consideration continued)**

### **HB 2646 ON SECOND READING (by Giddings)**

**HB 2646**, A bill to be entitled An Act relating to the disclosure of information regarding communicable diseases to first responders and certain entities.

(Speaker in the chair)

**HB 2646** was passed to engrossment.

**POSTPONED BUSINESS**

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

**HB 2351 ON SECOND READING**  
**(by Harless, Kuempel, Kacal, Geren, et al.)**

**HB 2351**, A bill to be entitled An Act relating to conflicts of interest and discrimination policies for an ethics or medical committee review of an advance directive.

**HB 2351** was read second time on May 7, postponed until May 12, postponed until May 13, postponed until 5 a.m. today, postponed until 5 p.m. today, and was again postponed until this time.

Representative Harless moved to postpone consideration of **HB 2351** until 11:30 p.m. today.

The motion prevailed.

**CSHB 1892 ON SECOND READING**  
**(by E. Rodriguez and VanDeaver)**

**CSHB 1892**, A bill to be entitled An Act relating to the establishment of a Texas community school grant program.

**CSHB 1892** was read second time earlier today, postponed until 7 p.m. today, postponed until 8 p.m. today, postponed until 8:30 p.m. today, and was again postponed until this time.

Representative E. Rodriguez moved to postpone consideration of **CSHB 1892** until 9:45 p.m. today.

The motion prevailed.

**HB 3835 ON SECOND READING**  
**(by Isaac and Landgraf)**

**HB 3835**, A bill to be entitled An Act relating to the use of certain alternative fuels by state agency motor vehicles.

**HB 3835** was read second time earlier today, postponed until 8:45 p.m. today, and was again postponed until this time.

**HB 3835 - POINT OF ORDER**

Representative T. King raised a point of order against further consideration of **HB 3835** under Rule 4, Section 32(c)(1) and Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative T. King raised two points of order against further consideration of **HB 3835** under Rule 4, Section 32(c)(2) and Rule 4, Section 32(c)(1) of the House Rules on the grounds that the bill analysis is misleading and incomplete. The point of order is sustained.



The bill analysis fails to state that a state agency may not purchase or lease a vehicle that uses "biodiesel/diesel blends of 20 percent or greater." Section 1 of **HB 3835**. It was one of two fuels excluded from use in state agency vehicles that may be purchased or leased under Section 2158.003(a). In the context of this bill, and this bill analysis, the bill analysis violates Rule 4, Section 32(c) of the House Rules. The point of order is sustained.

**HB 3835** was returned to the Committee on Energy Resources.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**HB 2684 ON SECOND READING**  
**(by Giddings and Walle)**

**HB 2684**, A bill to be entitled An Act relating to the creation of a model training curriculum and to the required training for school district peace officers and school resource officers.

(Ashby in the chair)

**HB 2684** was passed to engrossment. (C. Anderson recorded voting no.)

**SB 934 ON SECOND READING**  
**(Farney - House Sponsor)**

**SB 934**, A bill to be entitled An Act relating to providing training academies for public school teachers who provide mathematics instruction to students in kindergarten through grade three.

**SB 934** was considered in lieu of **HB 2609**.

Representative Farney moved to postpone consideration of **SB 934** until 9:44 p.m. today.

The motion prevailed.

**HB 2609 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Farney moved to lay **HB 2609** on the table subject to call.

The motion prevailed.

**SB 653 ON SECOND READING**  
**(Oliveira - House Sponsor)**

**SB 653**, A bill to be entitled An Act relating to increasing the amount of burial benefits required to be paid by an insurance carrier under the workers' compensation system.

**SB 653** was considered in lieu of **HB 3082**.

**SB 653** was passed to third reading.

**HB 3082 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Oliveira moved to lay **HB 3082** on the table subject to call.

The motion prevailed.

**CSSB 1057 ON SECOND READING**  
**(Herrero - House Sponsor)**

**CSSB 1057**, A bill to be entitled An Act relating to the provision of funding for indigent defense services.

**CSSB 1057** was considered in lieu of **HB 2969**.

**CSSB 1057** was passed to third reading.

**HB 2969 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Walle moved to lay **HB 2969** on the table subject to call.

The motion prevailed.

**CSHB 3163 ON SECOND READING**  
**(by Cyrier and Isaac)**

**CSHB 3163**, A bill to be entitled An Act relating to civil suits filed against board members of a groundwater conservation district and the liability of a member for certain actions taken by the board.

**CSHB 3163** was passed to engrossment.

**CSHB 3316 ON SECOND READING**  
**(by D. Miller)**

**CSHB 3316**, A bill to be entitled An Act relating to the time for recording a durable power of attorney for certain real property transactions.

**Amendment No. 1**

Representatives Darby, Ashby, and D. Miller offered the following amendment to **CSHB 3316**:

Amend **CSHB 3316** (house committee printing) as follows:

- (1) On page 1, line 8, strike "(a)".
- (2) On page 1, line 15, between "located" and the period, insert "not later than the 30th day after the date the instrument is filed for recording".
- (3) On page 1, strike lines 16 through 21.

Amendment No. 1 was adopted.

**CSHB 3316**, as amended, was passed to engrossment.

**POSTPONED BUSINESS**

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

**SB 934 ON SECOND READING**  
**(Farney - House Sponsor)**

**SB 934**, A bill to be entitled An Act relating to providing training academies for public school teachers who provide mathematics instruction to students in kindergarten through grade three.

**SB 934** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Farney offered the following amendment to **SB 934**:

Amend **SB 934** (house committee printing) on page 1 by striking lines 15 through 17 and substituting the following:  
instructional practices in mathematics, including problem solving, the place value system, whole number operations, and fractions.

Amendment No. 1 was adopted.

**SB 934**, as amended, was passed to third reading.

**CSHB 1892 ON SECOND READING  
(by E. Rodriguez and VanDeaver)**

**CSHB 1892**, A bill to be entitled An Act relating to the establishment of a Texas community school grant program.

**CSHB 1892** was read second time earlier today, postponed until 7 p.m. today, postponed until 8 p.m. today, postponed until 8:30 p.m. today, postponed until 9:15 p.m. today, and was again postponed until this time.

Representative E. Rodriguez moved to postpone consideration of **CSHB 1892** until 10 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR  
(consideration continued)****CSHB 1891 ON SECOND READING**

**(by E. Rodriguez, Farney, S. Turner, VanDeaver, and Aycock)**

**CSHB 1891**, A bill to be entitled An Act relating to Texas community schools.

**Amendment No. 1**

Representative E. Rodriguez offered the following amendment to **CSHB 1891**:

Amend **CSHB 1891** (house committee printing) on page 2, line 21, between "plan" and the underlined semicolon, by inserting "and that, as determined by commissioner rule, supports the academic success of students through the provision of health care, mentoring, college readiness programs, or job training".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative E. Rodriguez offered the following amendment to **CSHB 1891**:

Amend **CSHB 1891** (house committee printing) on page 1 by striking lines 8 through 10 and substituting the following:

"community-based organization" means a nonprofit corporation or association that is located in close proximity to the population the organization serves and that supports the academic success of students through the provision of health care, mentoring, college readiness programs, or job training.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Morrison offered the following amendment to **CSHB 1891**:

Amend **CSHB 1891** (house committee printing) as follows:

(1) On page 2, line 4, between "services" and "for", insert ", including services provided by an individual licensed as a social worker under Chapter 505, Occupations Code,".

(2) On page 2, between lines 6 and 7, insert the following appropriately lettered subsection:

( ) A Texas community school may not provide abortion-related services or referrals to an abortion provider or an affiliate of an abortion provider.

(3) On page 2, lines 18 and 19, strike ", a social service provider,".

(4) On page 4, between lines 3 and 4, insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) A school may not partner with an abortion provider or an affiliate of an abortion provider in transitioning to a Texas community school under Subsection (a) and may not hire an employee of an abortion provider or an affiliate of an abortion provider as the community school coordinator for the school under Subsection (b).

(5) On page 7, strike lines 10 through 24 and substitute the following:

(a-2) A campus may elect to transition to a Texas community school under Subchapter N, Chapter 29, instead of reconstitution under this section if:

(1) the campus proposes the transition to the commissioner not later than two weeks after the date on which the commissioner orders reconstitution under Subsection (a);

(2) the commissioner determines that adoption of the Texas community school model will implement meaningful reform at the campus and is an appropriate alternative to reconstitution or any other measure available to the commissioner under this subchapter; and

(3) the campus satisfies the requirements of transitioning to a Texas community school under Subchapter N, Chapter 29, not later than six months after the date on which the commissioner makes the determination described by Subdivision (2).

(s) The commissioner may not order the closure of a campus under this section without giving the campus the opportunity to transition to a Texas community school under Subchapter N, Chapter 29, and at least two years to implement the campus's community school plan unless the commissioner determines that adoption of the Texas community school model will not implement meaningful reform at the campus and is not an appropriate alternative to the closure of the campus.

Amendment No. 3 was adopted by (Record 1094): 98 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Howard; Israel; Johnson; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Walle; Wu.

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

Absent, Excused — Herrero; King, P.; Reynolds; Vo.

### **CSHB 1891 - POINT OF ORDER**

Representative Burrows raised a point of order against further consideration of **CSHB 1891** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Burrows raised a point of order against further consideration of **CSHB 1891** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that bill analysis inaccurately represents the rulemaking authority of the commissioner of education. The point of order is respectfully overruled.

Rule 4, Section 32(c)(2) of the House Rules requires each committee report on a bill to "include in summary or section-by-section form a detailed analysis of the subject matter of the bill," including "an analysis of the content of the bill." Rule 4, Section 32(c)(2) of the House Rules. **CSHB 1891** deals exclusively with the transition of a school to a Texas community school by detailing the methods for becoming a Texas community school along with the requirements for maintaining that status. To implement these changes, the bill adds the provision: "The commissioner may adopt rules as necessary to implement this subchapter." The bill analysis summarizes this provisions as "The bill authorizes the commissioner of education to adopt rules as necessary to implement the bill's provisions providing for a school's transition to a Texas community school [the

subject of the subchapter]." Having reviewed the bill, the complete analysis, and house precedents, the chair determines that the analysis of the rulemaking provision satisfies Rule 4, Section 32(c)(2) of the House Rules.

**CSHB 1891**, as amended, was passed to engrossment by (Record 1095): 81 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Aycock; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Faircloth; Farias; Farney; Farrar; Frank; Frullo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Huberty; Hughes; Isaac; Israel; Johnson; Kacal; King, K.; King, S.; King, T.; Kuempel; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Miles; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Pickett; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Simpson; Stephenson; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; Workman; Wu; Zerwas.

Nays — Anderson, R.; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cyrier; Dale; Elkins; Fallon; Fletcher; Flynn; Galindo; Geren; Goldman; Keffer; Keough; Klick; Koop; Krause; Landgraf; Laubenberg; Leach; Meyer; Miller, D.; Miller, R.; Murphy; Murr; Paul; Peña; Phelan; Price; Riddle; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Sheets; Simmons; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; White, M.; Zedler.

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

Absent, Excused — Herrero; King, P.; Reynolds; Vo.

Absent — Anchia; Cook; Craddick; Harless; Hunter; Otto; Parker; Phillips; Wray.

### STATEMENTS OF VOTE

When Record No. 1095 was taken, I was shown voting yes. I intended to vote no.

Frullo

When Record No. 1095 was taken, I was shown voting no. I intended to vote yes.

Galindo

When Record No. 1095 was taken, I was shown voting yes. I intended to vote no.

Larson

When Record No. 1095 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1095 was taken, my vote failed to register. I would have voted yes.

Otto

When Record No. 1095 was taken, I was in the house but away from my desk. I would have voted no.

Parker

When Record No. 1095 was taken, I was in the house but away from my desk. I would have voted no.

Wray

### POSTPONED BUSINESS

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

#### **CSHB 1892 ON SECOND READING** (by E. Rodriguez and VanDeaver)

**CSHB 1892**, A bill to be entitled An Act relating to the establishment of a Texas community school grant program.

**CSHB 1892** was read second time earlier today, postponed until 7 p.m. today, postponed until 8 p.m. today, postponed until 8:30 p.m. today, postponed until 9:15 p.m. today, postponed until 9:45 p.m. today, and was again postponed until this time.

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

Representative E. Rodriguez offered the following amendment to **CSHB 1892**:

Amend **CSHB 1892** (house committee printing) on page 2 by striking lines 24 through 27 and substituting the following:

Sec. 29.504. USE OF FUNDS. (a) Funds granted under this subchapter may not be used:

(1) for direct programs for students or families or for other activities not related to developing or implementing a community school plan; or

(2) to obtain services from a private, for-profit business.

Amendment No. 1 was adopted.

(Vo now present)

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

Representative Farias offered the following amendment to **CSHB 1892**:

Amend **CSHB 1892** (house committee printing) on page 2 by striking lines 24 through 27 and substituting the following:

Sec. 29.504. USE OF FUNDS. (a) Funds granted under this subchapter may not be used for:

(1) direct programs for students or families or for other activities not related to developing or implementing a community school plan; or

(2) the purchase of a deep fryer.

Amendment No. 2 was adopted. (Rinaldi recorded voting no.)

**CSHB 1892**, as amended, failed to pass to engrossment by (Record 1096):  
60 Yeas, 82 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Dale; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farney; Farrar; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Huberty; Israel; Johnson; King, T.; Koop; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Darby; Davis, S.; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Harless; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phillips; Price; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Reynolds.

Absent — Burkett; Phelan; Stephenson.

#### STATEMENTS OF VOTE

When Record No. 1096 was taken, I was shown voting yes. I intended to vote no.

Dale

When Record No. 1096 was taken, I was shown voting yes. I intended to vote no.

Farney

When Record No. 1096 was taken, I was shown voting no. I intended to vote yes.

Galindo

When Record No. 1096 was taken, I was shown voting yes. I intended to vote no.

Gonzales

When Record No. 1096 was taken, I was in the house but away from my desk. I would have voted no.

Phelan



**GENERAL STATE CALENDAR**  
**(consideration continued)**  
**CSHB 2641 ON SECOND READING**  
**(by Zerwas, Guillen, and Shaheen)**

**CSHB 2641**, A bill to be entitled An Act relating to the exchange of health information in this state; creating a criminal offense.

**Amendment No. 1**

Representative Zerwas offered the following amendment to **CSHB 2641**:

Amend **CSHB 2641** (house committee report) as follows:

(1) On page 2, line 16, after "cost-effective." add, "(h) In this section, "health care provider" and "provider of health care services" includes a physician."

(2) Add a new SECTION to the bill, renumbering subsequent SECTIONS as appropriate, to read as follows:

SECTION \_\_\_\_\_. Section 161.0073(c), Health and Safety Code, is amended to read as follows:

(c) A person required to report information to the department for registry purposes or authorized to receive information from the registry may not disclose the individually identifiable information of an individual to any other person without the written or electronic consent of the individual or the individual's legally authorized representative, except as provided by Sections 161.007, 161.00705, 161.00706, and 161.008, of this Code, Chapter 159, Occupations Code, or Section 602.053, Insurance Code.

(3) Add a new SECTION to the bill, renumbering subsequent SECTIONS as appropriate, to read as follows:

SECTION \_\_\_\_\_. Section 161.008, Health and Safety Code, is amended by adding a new Subsection (i) to read as follows:

(i) At the request and with the authorization of the applicable health care provider, immunization history or data may be submitted to or obtained by the department through a health information exchange as defined by Section 182.151.

(4) On page 7, line 6, after "Class A misdemeanor." add, "Sec. 182.155. IMMUNITIES AND DEFENSES CONTINUED. Collecting, transmitting disseminating, accessing or reporting information through a health information exchange does not alone deprive a physician or health care provider of an otherwise applicable immunity or defense."

(5) On page 6, line 6, strike "161.008" and substitute "161.008(i)".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Simpson, Zerwas, and Shaheen offered the following amendment to **CSHB 2641**:

Amend **CSHB 2641** (house committee printing) as follows:

(1) On page 6, line 13, strike "and".

(2) On page 6, line 14, between "(3)" and "made", insert the following:

made in accordance with the applicable consent requirements for the immunization registry under Subchapter A, Chapter 161, if the information being accessed or transmitted relates to the immunization registry; and

(4)

Amendment No. 2 was adopted.

**CSHB 2641**, as amended, was passed to engrossment.

**CSHB 2475 ON SECOND READING**  
**(by Geren)**

**CSHB 2475**, A bill to be entitled An Act relating to the establishment of the center for alternative finance and procurement within the Texas Facilities Commission and to public and private partnerships; authorizing a fee.

**CSHB 2475** was passed to engrossment.

**HB 964 ON SECOND READING**  
**(by Howard, Darby, and Riddle)**

**HB 964**, A bill to be entitled An Act relating to the calculation of the rollback tax rate of a school district.

**Amendment No. 1**

Representative Capriglione offered the following amendment to **HB 964**:

Amend **HB 964** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) The comptroller of public accounts shall conduct a study to determine:

(1) the number of school districts that adopt an ad valorem tax rate for the tax year in which this Act takes effect that is lower than the district's ad valorem tax rate for the tax year preceding that tax year and then, for the tax year following the tax year in which this Act takes effect, adopt an ad valorem tax rate that is higher than the district's ad valorem tax rate for the tax year in which this Act takes effect; and

(2) the number of school districts that adopted an ad valorem tax rate for the second tax year preceding the tax year in which this Act takes effect that was lower than the district's ad valorem tax rate for the tax year preceding that tax year and then, for the tax year preceding the tax year in which this Act takes effect, adopted an ad valorem tax rate that was higher than the district's ad valorem tax rate for the second tax year preceding the tax year in which this Act takes effect.

(b) The comptroller of public accounts shall report the results of the study conducted under this section to each member of the legislature not later than December 1, 2017.

Amendment No. 1 was adopted.

**HB 964**, as amended, was passed to engrossment by (Record 1097): 97 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bernal; Blanco; Bonnen, D.; Burkett; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Frank; Frullo; Galindo; Geren; Giddings; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Koop; Kuempel; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Smith; Smithee; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Wu; Zerwas.

Nays — Anderson, R.; Bell; Bohac; Bonnen, G.; Burns; Craddick; Cyrier; Dale; Elkins; Faircloth; Fallon; Fletcher; Flynn; Goldman; Gonzales; Hughes; Keough; Klick; Krause; Landgraf; Laubenberg; Leach; Metcalf; Murr; Parker; Paul; Peña; Phelan; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Sheets; Simmons; Simpson; Spitzer; Stickland; Tinderholt; Turner, E.S.; White, J.; White, M.; Workman; Wray; Zedler.

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

Absent, Excused — Herrero; King, P.; Reynolds.

Absent — Button; Dukes; Springer.

#### STATEMENT OF VOTE

When Record No. 1097 was taken, I was in the house but away from my desk. I would have voted no.

Springer

#### HB 215 ON SECOND READING

(by Harless, Kacal, Goldman, Larson, Guillen, et al.)

**HB 215**, A bill to be entitled An Act relating to waiving the fee for a fishing license for residents of this state who are at least 65 years of age.

Representative Harless moved to postpone consideration of **HB 215** until 10 a.m. Saturday, September 26.

The motion prevailed.

#### CSHB 2804 ON SECOND READING

(by Aycock and Meyer)

**CSHB 2804**, A bill to be entitled An Act relating to evaluation of public school performance.

#### Amendment No. 1

Representative Aycock offered the following amendment to **CSHB 2804**:

Amend **CSHB 2804** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Not later than December 1, 2016, the commissioner of education shall adopt the set of indicators to measure and evaluate school districts and campuses as required by Section 39.053, Education Code, as amended by this Act.

SECTION \_\_\_\_\_. Not later than January 1, 2017, the commissioner of education shall submit a report to the standing committees of the legislature having primary jurisdiction over primary and secondary education that provides for a preliminary evaluation of school districts and campuses under Section 39.054, Education Code. The report must include:

(1) the rating each school district and campus would have received for the first through fourth domains of indicators as provided by Sections 39.053(c)(1)-(4), Education Code, as amended by this Act, for the 2015-2016 school year if the indicators adopted by the commissioner of education under Section 39.053, Education Code, as amended by this Act, existed during the 2015-2016 school year;

(2) the correlation between each designated letter performance rating the school district or campus would have received and the percentage of students at each district and campus:

(A) qualifying for the free or reduced-price breakfast under the national school breakfast programs provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773);

(B) that are students of limited English proficiency as defined by Section 29.052, Education Code; and

(C) disaggregated by race, ethnicity, and socioeconomic status used to assign ratings in the system.

Amendment No. 1 was adopted by (Record 1098): 122 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Bell; Bernal; 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; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Murr; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Blanco; Canales; Collier; Gutierrez; Hernandez; Howard; Israel; Johnson; Longoria; Martinez Fischer; Minjarez; Muñoz; Naishtat; Nevárez; Rodriguez, E.; Rodriguez, J.; Rose; Turner, C.; Wu.

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

Absent, Excused — Herrero; King, P.; Reynolds.

Absent — Dukes; Stephenson.

## Amendment No. 2

Representative Aycock offered the following amendment to **CSHB 2804**:

Amend **CSHB 2804** as follows:

(1) On page 5, lines 23-24, strike "are enrolled in" and substitute "have completed an".

(2) On page 8, line 26, between "each district" and "a", insert "and campus".

(3) On page 8, line 27, strike "of A, B, C, D, or F" and substitute "[~~of A, B, C, D, or F~~]"

(4) On page 9, strike lines 2-11 and substitute the following:  
[~~designated letter~~] performance rating. [~~A district performance rating of A, B, or C reflects acceptable performance and a district performance rating of D or F reflects unacceptable performance. The commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance. A district may not receive a performance rating of A if the district includes any campus with a performance rating of unacceptable.~~] Not later than

Amendment No. 2 was adopted by (Record 1099): 143 Yeas, 1 Nays, 2 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; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farnley; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; 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; Riddle; Rinaldi; Rodriguez, E.; 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 — Canales.

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

Absent, Excused — Herrero; King, P.; Reynolds.

Absent — Dukes.

### Amendment No. 3

Representative VanDeaver offered the following amendment to **CSHB 2804**:

Amend **CSHB 2804** (house committee printing) as follows:

(1) On page 9, line 20, strike "(a-1) and (a-2)" and substitute "(a-1), (a-2), (a-3), and (a-4)".

(2) On page 9, line 21, between "shall" and "adopt", insert "after consulting with the performance rating work group described by Subsection (a-3),".

(3) On page 11, between lines 14 and 15, insert the following:

(a-3) For the purpose of adopting rules under Subsection (a), the commissioner shall convene a performance rating work group comprised of individuals designated as follows:

(1) two members of a school district board of trustees, each of whom:

(A) is nominated by a statewide association that serves school district board members; and

(B) serves on a separate school district board of trustees;

(2) two superintendents, each of whom is nominated by a statewide association that serves school superintendents;

(3) one elementary school principal who is nominated by a statewide association that serves elementary school principals;

(4) one secondary school principal who is nominated by a statewide association that serves secondary school principals;

(5) four classroom educators, with one each nominated by each of the four largest associations that serve educators in at least 20 counties in this state; and

(6) three parents designated by the commissioner, at least one of whom must be the parent of a student who was enrolled at a campus that has received the lowest performance rating in one or more of the three years preceding the designation of that parent by the commissioner.

(a-4) If an association described by Subsection (a-3) fails to nominate one or more individuals for a position on the performance rating work group, the commissioner may designate an individual who meets the appropriate qualifications to fill that position.

Amendment No. 3 was adopted by (Record 1100): 142 Yeas, 1 Nays, 2 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; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez 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; Riddle; 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 — Burrows.

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

Absent, Excused — Herrero; King, P.; Reynolds.

Absent — Dukes; Rodriguez, E.

#### STATEMENT OF VOTE

When Record No. 1100 was taken, I was shown voting no. I intended to vote yes.

Burrows

#### Amendment No. 4

Representative Phillips offered the following amendment to **CSHB 2804**:

Amend **CSHB 2804** (house committee printing) as follows:

(1) On page 8, line 27, strike "of A, B, C, D, or F" and substitute "[~~of A, B, C, D, or F~~]".

(4) On page 9, strike lines 2-11, and substitute the following:  
[~~designated letter~~] performance rating. [~~A district performance rating of A, B, or C reflects acceptable performance and a district performance rating of D or F reflects unacceptable performance.~~] The commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance. [~~A district may not receive a performance rating of A if the district includes any campus with a performance rating of unacceptable.~~] Not later than

(4) Strike page 9, line 21, through page 10, line 18, and substitute the following:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall [a] performance rating [of A, B, C, D, or F]. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating for each domain under Sections 39.053(c)(1)-(4). In adopting rules under this subsection, the commissioner shall determine the criteria for each [designated letter] performance rating. [A district performance rating of A, B, or C reflects acceptable performance and a district performance rating of D or F reflects unacceptable performance. The commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance.] A district may not receive the highest [a] performance rating [of A] if the district includes any campus with a performance rating of unacceptable.

(5) On page 11, line 2, strike "D or F or".

(6) On page 11, line 5, strike "performance rating of A, B, or C" and substitute "higher performance rating".

(7) On page 11, lines 11-12, strike "of D or F [that reflected unacceptable performance]" and substitute "that reflected unacceptable performance".

(Speaker in the chair)

#### **Amendment No. 4 - Point of Order**

Representative Villalba raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 3 of the House Rules on the grounds that the amendment would change the original purpose of the bill.

The point of order was withdrawn.

The vote of the house was taken on the adoption of Amendment No. 4 and the vote was announced yeas 73, nays 72.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1101): 69 Yeas, 75 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Craddick; Davis, S.; Davis, Y.; Dutton; Farias; Farney; Farrar; Frullo; Galindo; Giddings; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Howard; Israel; Johnson; Kacal; King, S.; King, T.; Larson; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Phelan; Phillips; Pickett; Price; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Smithee; Stephenson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wray; Wu; Zerwas.

Nays — Anderson, R.; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Crownover; Cyrier; Dale; Darby; Deshotel; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frank; Geren;



Goldman; Guillen; Huberty; Hughes; Hunter; Isaac; Keffer; Keough; King, K.; Klick; Koop; Krause; Kuempel; Landgraf; Laubenberg; Leach; Lozano; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Parker; Paul; Peña; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Reynolds.

Absent — Dukes; Márquez.

The speaker stated that Amendment No. 4 failed of adoption by the above vote.

#### STATEMENTS OF VOTE

When Record No. 1101 was taken, I was shown voting yes. I intended to vote no.

Ashby

When Record No. 1101 was taken, I was shown voting yes. I intended to vote no.

Galindo

When Record No. 1101 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1101 was taken, I was shown voting yes. I intended to vote no.

Phelan

When Record No. 1101 was taken, I was shown voting yes. I intended to vote no.

Romero

#### LEAVE OF ABSENCE GRANTED

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

Márquez on motion of Capriglione.

#### CSHB 2804 - (consideration continued)

#### Amendment No. 5

Representative VanDeaver offered the following amendment to CSHB 2804:

Amend **CSHB 2804** (house committee printing) on page 10, lines 17 and 18, by striking "A or B or exemplary or recognized performance" and substituting "A, B, or C or exemplary, recognized, or acceptable performance".

Amendment No. 5 was adopted by (Record 1102): 141 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; 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; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; 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; Riddle; Rinaldi; Rodriguez, E.; 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 — Guillen.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Anderson, R.; Button; Dukes.

#### STATEMENTS OF VOTE

When Record No. 1102 was taken, I was in the house but away from my desk. I would have voted yes.

R. Anderson

When Record No. 1102 was taken, I was shown voting no. I intended to vote yes.

Guillen

#### Amendment No. 6

Representative Farney offered the following amendment to **CSHB 2804**:

Amend **CSHB 2804** (house committee printing) as follows:

(1) On page 12, line 17, strike "Sections 39.0545(b) and (c)" and substitute "Sections 39.0545(b), (c), and (d)".

(2) On page 13, between lines 6 and 7, insert the following:

(d) Notwithstanding Section 39.053(c), for purposes of evaluating [For] a dropout recovery school under the accountability procedures adopted by the commissioner to determine the performance rating of the school under Section 39.054:

(1)[5] only the best result from the primary administration or [and] any retake of an assessment instrument administered to a student in the school year evaluated [under the accountability procedures adopted by the commissioner] may be considered [in determining the performance rating of the school under Section 39.054]; and

(2) only a student enrolled continuously for at least 90 days during the school year evaluated may be considered.

Amendment No. 6 was adopted by (Record 1103): 141 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.; 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; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; 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; Riddle; Rinaldi; Rodriguez, E.; 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, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Burkett; Dukes; Laubenberg; White, J.

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

Representative R. Anderson offered the following amendment to **CSHB 2804**:

Amend **CSHB 2804** (house committee report), page 26, line 19 by inserting "Subchapter C, Chapter 38, and" between "21." and "Sections".

Amendment No. 7 was adopted by (Record 1104): 136 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; 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; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lucio; 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; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Alvarado; Canales; Lozano; Schaefer; Simpson; Stickland; Tinderholt; White, M.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Dukes.

### STATEMENT OF VOTE

When Record No. 1104 was taken, I was shown voting yes. I intended to vote no.

E. S. Turner

### Amendment No. 8

Representative S. Turner offered the following amendment to **CSHB 2804**:

Amend **CSHB 2804** on second reading by striking the SECTION 4 and SECTION 5 of the bill and renumbering subsequent SECTIONS of the bill accordingly:

Amendment No. 8 failed of adoption by (Record 1105): 50 Yeas, 89 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Davis, Y.; Dutton; Farias; Farrar; Giddings; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Cook; Crownover; Cyrier; Darby; Davis, S.; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Guillen; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Paul; Peña; Phelan; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Anderson, C.; Craddick; Dale; Dukes; Parker; Phillips.

### STATEMENTS OF VOTE

When Record No. 1105 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

When Record No. 1105 was taken, I was in the house but away from my desk. I would have voted no.

Craddick

When Record No. 1105 was taken, I was in the house but away from my desk. I would have voted no.

Parker

### Amendment No. 9

Representative Giddings offered the following amendment to **CSHB 2804**:

Amend **CSHB 2804** (house committee report) as follows:

(1) On page 6, line 9, strike "and".

(2) On page 6, between lines 9 and 10, insert the following:

(ii) the percentage of elementary school students assigned for two consecutive school years to a teacher who has less than one year of teaching experience or who does not hold the appropriate certificate required under Section 21.003; and

(3) On page 6, line 10, strike "(ii)" and substitute "(iii)".

Amendment No. 9 was adopted by (Record 1106): 136 Yeas, 3 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; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo;

Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; 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; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Dale; Faircloth; Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Alonzo; Dukes; Giddings; King, S.; Schofield; White, M.

#### STATEMENT OF VOTE

When Record No. 1106 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

**CSHB 2804**, as amended, was passed to engrossment by (Record 1107): 98 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Riddle; Rinaldi; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Harless; Hernandez; Howard; Israel; Johnson; King, T.; Lucio; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Raymond; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Dukes; King, S.; Klick.

### STATEMENTS OF VOTE

When Record No. 1107 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 1107 was taken, I was shown voting yes. I intended to vote no.

Longoria

When Record No. 1107 was taken, I was shown voting no. I intended to vote yes.

E. Rodriguez

### POSTPONED BUSINESS

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

#### **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, postponed until May 11, postponed until 3 p.m. May 13, amendments were offered and disposed of, and **CSHB 3325** was postponed until 7 p.m. May 13. **CSHB 3325** was laid out as postponed business earlier today, postponed until 12 p.m. today, postponed until 2:30 p.m. today, postponed until 5:30 p.m. today, and was again postponed until this time. Amendment No. 2 was pending at the time of postponement.

Representative Gutierrez moved to table Amendment No. 2.

The motion to table was lost by (Record 1108): 44 Yeas, 90 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Blanco; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Howard; Israel; Johnson; Koop; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simmons; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, R.; Morrison; Murphy; Murr; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield;

Schubert; Shaheen; Sheets; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Alvarado; Bernal; Button; Dukes; Dutton; Elkins; Guillen; Harless; Miller, D.; Pickett; Sheffield.

### STATEMENTS OF VOTE

When Record No. 1108 was taken, I was in the house but away from my desk. I would have voted yes.

Bernal

When Record No. 1108 was taken, I was shown voting yes. I intended to vote no.

Koop

Amendment No. 2 was adopted.

#### Amendment No. 3

Representative Nevárez offered the following amendment to **CSHB 3325**:

Amend **CSHB 3325** (house committee printing) as follows:

(1) On page 4, after Line 13, after subsection (C), add:

"(D) and is compliant with the Texas Accessibility Standards Act.

Amendment No. 3 was adopted.

#### Amendment No. 4

Representative Hernandez offered the following amendment to **CSHB 3325**:

Amend **CSHB 3325** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Subchapter J, Chapter 1602, Occupations Code, is amended by adding Section 1602.450 to read as follows:

Sec. 1602.450. DEFINITIONS. In this subchapter:

(1) "Earned tuition" means the portion of tuition owed by a student to a beauty culture school for instruction the student has been scheduled to receive.

(2) "Fees" means charges assessed by a beauty culture school that are in addition to tuition. The term includes charges for instructional supplies, books, and kits, student activity fees, laboratory fees, services charges, and deposits.

(3) "Tuition" means the agreed amount to be charged for a complete course of training.

(4) "Unearned tuition" means the portion of tuition collected by a beauty culture school from a student or owed to a beauty culture school by a student for instruction that the student has not yet been scheduled to receive.



SECTION \_\_\_\_\_. Sections 1602.459(a) and (b), Occupations Code, are amended to read as follows:

(a) If a student begins a course of training at a private beauty culture school and ~~[that is scheduled to run not more than 12 months and, during the last 50 percent of the course,]~~ withdraws from ~~[the course]~~ or is terminated by the school, the school:

(1) may retain 100 percent of the earned tuition ~~[and fees paid by the student];~~ and

(2) shall refund:

(A) 90 percent of the unearned tuition if the withdrawal or termination occurs during the shorter of the first week or first ten percent of the course;

(B) 70 percent of the unearned tuition if the withdrawal or termination occurs after the first 10 percent and before 30 percent of the course is completed; or

(C) 50 percent of the unearned tuition if the withdrawal or termination occurs after the first 30 percent and before 50 percent of the course is completed [is not obligated to refund any additional outstanding tuition].

(b) If a student ~~[begins a course of training at a private beauty culture school that is scheduled to run not more than 12 months and, before the last 50 percent of the course,]~~ withdraws from ~~[the course]~~ or is terminated by the school after 50 percent of a course is completed, the school may retain all earned and unearned tuition [shall refund:

~~[(1) 90 percent of any outstanding tuition for a withdrawal or termination that occurs during the first week or first one tenth of the course, whichever period is shorter;~~

~~[(2) 80 percent of any outstanding tuition for a withdrawal or termination that occurs after the first week or first one tenth of the course, whichever period is shorter, but within the first three weeks of the course;~~

~~[(3) 75 percent of any outstanding tuition for a withdrawal or termination that occurs after the first three weeks of the course but not later than the completion of the first 25 percent of the course; and~~

~~[(4) 50 percent of any outstanding tuition for a withdrawal or termination that occurs not later than the completion of the first 50 percent of the course].~~

Amendment No. 4 was adopted.

Representative Gutierrez moved to postpone consideration of **CSHB 3325** until 12:01 a.m. tomorrow.

The motion prevailed.

**HB 2351 ON SECOND READING**  
**(by Harless, Kuempel, Kacal, Geren, et al.)**

**HB 2351**, A bill to be entitled An Act relating to conflicts of interest and discrimination policies for an ethics or medical committee review of an advance directive.

**HB 2351** was read second time on May 7, postponed until May 12, postponed until May 13, postponed until 5 a.m. today, postponed until 5 p.m. today, postponed until 9 p.m. today, and was again postponed until this time.

Representative Harless moved to postpone consideration of **HB 2351** until 10 a.m. Saturday, July 4.

The motion prevailed.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**CSHB 1754 ON SECOND READING**  
**(by Pickett)**

**CSHB 1754**, A bill to be entitled An Act relating to the conveyance of property by a municipality for the public purpose of economic development.

**CSHB 1754** was passed to engrossment by (Record 1109): 85 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Canales; Coleman; Collier; Cook; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Frank; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; King, S.; King, T.; Klick; Koop; Kuempel; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Paddie; Paul; Peña; Phillips; Pickett; Price; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Smith; Smithee; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Clardy; Craddick; Crownover; Cyrier; Elkins; Faircloth; Fallon; Fletcher; Flynn; Frullo; Galindo; Goldman; Hughes; Keffer; Keough; Krause; Landgraf; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Murphy; Murr; Parker; Phelan; Riddle; Rinaldi; Sanford; Schaefer; Schubert; Sheets; Simmons; Simpson; Spitzer; Springer; Stephenson; Stickland; Tinderholt; Turner, E.S.; White, J.; White, M.; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Anderson, C.; Burkett; Capriglione; Dukes; King, K.; Shaheen.

**STATEMENT OF VOTE**

When Record No. 1109 was taken, I was in the house but away from my desk. I would have voted no.

Shaheen

**HB 777 ON SECOND READING****(by Riddle and R. Anderson)**

**HB 777**, A bill to be entitled An Act relating to the punishment for the offense of indecent exposure.

**HB 777** was passed to engrossment.

**CSHB 2088 ON SECOND READING****(by J. Rodriguez and Minjarez)**

**CSHB 2088**, A bill to be entitled An Act relating to an interim study regarding the method by which certain trial and appellate judges are selected.

**CSHB 2088** failed to pass to engrossment by (Record 1110): 51 Yeas, 90 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Bernal; Blanco; Canales; Coleman; Collier; Cook; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Galindo; Giddings; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Pickett; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Nays — Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Craddick; Crownover; Cyrier; Dale; Darby; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Dukes; Morrison; Oliveira.

**STATEMENT OF VOTE**

When Record No. 1110 was taken, I was shown voting yes. I intended to vote no.

Cook

**HB 3481 ON SECOND READING****(by Goldman, Harless, Larson, Guillen, Darby, et al.)**

**HB 3481**, A bill to be entitled An Act relating to a fishing license fee waiver for certain residents.

**HB 3481** was passed to engrossment.

**HB 1845 ON SECOND READING****(by S. King)**

**HB 1845**, A bill to be entitled An Act relating to increasing the criminal penalty for causing certain assaultive physical contact with a child.

**HB 1845** was passed to engrossment.

**CSHB 3977 ON SECOND READING****(by Dukes and Leach)**

**CSHB 3977**, A bill to be entitled An Act relating to increasing the penalty for causing injury to a child; changing the eligibility for community supervision.

**CSHB 3977** was passed to engrossment by (Record 1111): 115 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Flynn; Frank; Frullo; Galindo; Geren; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Israel; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Miles; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Paul; Peña; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Ashby; Bell; Bonnen, D.; Bonnen, G.; Button; Craddick; Dale; Faircloth; Fletcher; Goldman; Isaac; Keough; Laubenberg; Metcalf; Miller, D.; Parker; Phelan; Phillips; Simpson; Springer; Stephenson; Stickland; Thompson, E.; Turner, E.S.; Villalba.

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

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Anchia; Dukes; Giddings; McClendon.

**STATEMENTS OF VOTE**

When Record No. 1111 was taken, I was shown voting no. I intended to vote yes.

Isaac

When Record No. 1111 was taken, I was shown voting present, not voting. I intended to vote no.

Schaefer

When Record No. 1111 was taken, I was shown voting yes. I intended to vote no.

M. White

**CSHB 1777 ON SECOND READING**  
(by Giddings)

**CSHB 1777**, A bill to be entitled An Act relating to prohibiting an employer from accessing the personal online accounts of employees and job applicants through electronic communication devices; establishing an unlawful employment practice.

**CSHB 1777** failed to pass to engrossment by (Record 1112): 51 Yeas, 89 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Bohac; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Murphy; Murr; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Canales; Dukes; McClendon.

### STATEMENT OF VOTE

When Record No. 1112 was taken, I was temporarily out of the house chamber. I would have voted yes.

Canales

#### HB 3579 ON SECOND READING

(by Alonzo and Collier)

**HB 3579**, A bill to be entitled An Act relating to the expunction of records and files relating to an offense for which a person is arrested.

**HB 3579** was passed to engrossment by (Record 1113): 119 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Frullo; Galindo; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Hughes; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Koop; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Wray; Wu; Zerwas.

Nays — Bell; Bonnen, D.; Faircloth; Fletcher; Flynn; Frank; Huberty; Keough; Klick; Krause; Laubenberg; Metcalf; Murr; Phillips; Rinaldi; Shaheen; Sheets; Sheffield; Turner, E.S.; Zedler.

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

Absent, Excused — Herrero; King, P.; Márquez; Reynolds.

Absent — Davis, Y.; Dukes; Geren; Peña; Workman.

### STATEMENT OF VOTE

When Record No. 1113 was taken, I was in the house but away from my desk. I would have voted no.

Workman

#### CSHB 2503 ON SECOND READING

(by Zerwas)

**CSHB 2503**, A bill to be entitled An Act relating to examination requirements for certain applicants for a license to practice medicine.

**CSHB 2503** was passed to engrossment.

**SB 876 ON SECOND READING**  
**(Frullo - House Sponsor)**

**SB 876**, A bill to be entitled An Act relating to the licensing of insurance agents and adjusters; providing a penalty.

**SB 876** was considered in lieu of **HB 2893**.

**POINT OF ORDER**

Representative Simpson raised a point of order against further consideration of the calendar under Rule 8, Section 13(b) of the House Rules on the grounds that the deadline for consideration of house bills on second reading had passed.

The speaker sustained the point of order.

**SB 876 - (consideration continued)**

Representative Sheets moved to postpone consideration of **SB 876** until 12:25 a.m. today, Friday, May 15.

The motion prevailed.

**HB 2893 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Frullo moved to lay **HB 2893** on the table subject to call.

The motion prevailed.

(Hughes in the chair)

**HR 2756 - ADOPTED**  
**(by Farrar)**

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 2756**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2756**, In memory of Ernest Eguia of Houston.

**HR 2756** was read and was unanimously adopted by a rising vote.

**HR 2669 - ADOPTED**  
**(by J. White)**

Representative J. White moved to suspend all necessary rules to take up and consider at this time **HR 2669**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2669**, Congratulating Andrew Harmon of Jasper on his selection as a Government in Action Youth Tour representative by the Jasper-Newton Electric Cooperative.

**HR 2669** was adopted.

### STATEMENT FOR INCLUSION IN THE JOURNAL

We, the undersigned members of the Texas House of Representatives, do hereby affirm our sworn commitment to faithfully execute the duties of the office to which we have been duly elected and to uphold the Texas Constitution and preserve the intent of our state's supreme governing document. In effect since February 15, 1876, the Texas Constitution stands as the basis of principles that shall continue to guide the laws that we enact and the values that we promote.

Further, as the undersigned members, we solemnly proclaim that the institution of marriage is clearly established in Article I, Section 32 of the Texas Constitution as a union consisting of one man and one woman. We also find that this belief is widely shared in Texas, exhibited by Article I, Section 32 being a constitutional amendment duly proposed by the 79th Legislature and ratified by more than 76 percent of Texas voters participating in the November 8, 2005, constitutional amendment election.

Traditional marriage is the bedrock institution of both our society and the success Texas has been blessed to experience since our admission as the 28th state within these United States of America.

We, therefore, affirm the preservation of the present definition of marriage as being the legal union of one man and one woman as husband and wife, and pledge to uphold and defend this principle that is so dearly held by Texans far and wide.

Bell	Springer	Simmons	Zedler
Burkett	Frank	Capriglione	Murphy
J. White	Zerwas	G. Bonnen	Morrison
Flynn	Workman	Phelan	Elkins
Metcalf	Shaheen	Smithee	Raney
Kacal	Clardy	Ashby	Crownover
Stickland	Button	Keffer	Farney
Paddie	Cook	Klick	Laubenberg
E. Thompson	Leach	R. Miller	Paul
Riddle	Krause	Fletcher	Murr
Darby	Lozano	Phillips	Schubert
Wray	Stephenson	Hunter	Burns
Craddick	Burrows	Tinderholt	Peña
Spitzer	Sanford	D. Miller	Frullo
Larson	Cyrier	Rinaldi	Goldman
Schofield	E. S. Turner	Otto	Sheffield
M. White	Price	C. Anderson	Faircloth
Keough	Isaac	Fallon	Huberty
Hughes	Parker	VanDeaver	D. Bonnen
Bohac	Smith	Geren	S. King
Harless	Koop	Meyer	Aycock
K. King	Galindo	Simpson	Kuempel
P. King			



**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.)

**RECESS**

Representative S. Thompson moved that the house recess until 9 a.m. today, Friday, May 15.

The motion prevailed.

The house accordingly, at 12:10 a.m. Friday, May 15, recessed until 9 a.m. today.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**SB 10** to General Investigating and Ethics.

**SB 62** to State Affairs.

**SB 161** to Public Education.

**SB 183** to Juvenile Justice and Family Issues.

**SB 202** to Human Services.

**SB 208** to Economic and Small Business Development.

**SB 234** to Special Purpose Districts.

**SB 310** to Investments and Financial Institutions.

**SB 507** to Public Education.

**SB 674** to Public Education.

**SB 779** to Criminal Jurisprudence.

**SB 811** to Public Education.

**SB 830** to Juvenile Justice and Family Issues.

**SB 838** to State Affairs.

- SB 1041** to Elections.
- SB 1058** to Public Education.
- SB 1060** to Insurance.
- SB 1169** to Public Education.
- SB 1178** to Public Education.
- SB 1241** to Public Education.
- SB 1259** to Public Education.
- SB 1316** to Urban Affairs.
- SB 1345** to Natural Resources.
- SB 1408** to Agriculture and Livestock.
- SB 1580** to Human Services.
- SB 1584** to Public Education.
- SB 1624** to Higher Education.
- SB 1679** to Urban Affairs.
- SB 1707** to Juvenile Justice and Family Issues.
- SB 1708** to State Affairs.
- SB 1835** to Ways and Means.
- SB 1875** to Transportation.
- SB 1882** to Judiciary and Civil Jurisprudence.
- SB 1897** to Public Education.
- SB 1899** to Public Health.
- SB 1916** to Investments and Financial Institutions.
- SB 1944** to Criminal Jurisprudence.
- SB 1984** to State Affairs.
- SB 1989** to Urban Affairs.
- SB 2039** to Special Purpose Districts.
- SB 2048** to State Affairs.
- SB 2065** to State Affairs.
- SB 2066** to Special Purpose Districts.
- SCR 26** to Defense and Veterans' Affairs.
- SCR 39** to County Affairs.
- SJR 8** to Judiciary and Civil Jurisprudence.
- SJR 66** 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. 18**

**HB 275, HB 440, HB 505, HB 658, HB 744, HB 903, HB 908, HB 1224, HB 1430, HB 1606, HB 1678, HB 1679, HB 1769, HB 2083, HB 2213, HB 2410, HB 2559, HB 3327, HB 3633, HCR 34, HCR 114**

**Senate List No. 21**

**SB 42, SB 112, SB 272, SB 317, SB 389, SB 578, SB 622, SB 641, SB 678, SB 679, SB 709, SB 817, SB 1021, SB 1072, SB 1077, SB 1233, SB 1387, SB 1451, SB 1470, SB 1522, SB 1626, SB 1820, SB 1931, SB 2031**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

## MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 14, 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 789** Miller, Rick SPONSOR: Taylor, Van  
Relating to license plates issued to retired members of the military.  
(Committee Substitute)

**HB 1232** Lucio III SPONSOR: Estes  
Relating to a study by the Texas Water Development Board of the hydrology and geology of the confined and unconfined aquifers in this state.

**HB 1584** Farias SPONSOR: Zaffirini  
Relating to a voluntary donation to the fund for veterans' assistance when applying for a hunting or fishing license.

**SB 202** Nelson  
Relating to the transfer of certain occupational regulatory programs and the deregulation of certain activities and occupations.

**SB 2066** Eltife  
Relating to the creation of the Rose City Municipal Utility District; providing authority to issue bonds; providing authority to impose assessments and fees.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, May 14, 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:

**HB 75** González, Mary SPONSOR: Rodríguez  
Relating to the exemption from vehicle registration for certain farm vehicles owned by a farmers' cooperative society or marketing association.

**HB 821** Sheets SPONSOR: Creighton  
Relating to the requirements of certain minors applying for a hunting or fishing license.

**HB 923** Flynn SPONSOR: Taylor, Van  
Relating to the issuance of 36th Infantry Division specialty license plates.  
(Committee Substitute)

**HB 2119** Lozano SPONSOR: Zaffirini  
Relating to charitable organizations, including charitable organizations that may conduct prescribed burning.

**SB 1041** Bettencourt  
Relating to required disclosures in and to the length of ballot proposition language authorizing political subdivisions to issue bonds or impose or change a tax.

**SB 1060** Hinojosa  
Relating to the regulation of public insurance adjusters.

**SB 1584** Lucio  
Relating to positive behavioral interventions and supports for students enrolled in public school who receive special education services.

**SCR 26** Fraser  
Directing the governor to award the Texas Legislative Medal of Honor posthumously to Lieutenant Colonel Ed Dyess.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 596** (29 Yeas, 2 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 1828**

Senate Conferees: Zaffirini - Chair/Creighton/Hinojosa/Huffman/Menéndez

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 751**

Senate Conferees: Kolkhorst - Chair/Campbell/Perry/Schwertner/Uresti

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 13**

County Affairs - **HB 2309**

Culture, Recreation, and Tourism - **SCR 33, SJR 22**

Elections - **SB 431, SB 795, SB 1448, SB 1779**

Government Transparency and Operation - **SB 543**

Homeland Security and Public Safety - **SB 1756, SB 1853**

Human Services - **SB 760, SB 1129, SB 1279**

Insurance - **SB 332, SB 654, SB 956, SB 1554**

International Trade and Intergovernmental Affairs - **SB 459**

Judiciary and Civil Jurisprudence - **HB 3095, SB 450, SB 627, SB 735**

Licensing and Administrative Procedures - **SB 866**

Public Health - **HB 3903, SB 292, SB 460, SB 519, SB 914, SB 983, SB 988, SB 1214, SB 1235, SB 1485**

Urban Affairs - **SB 607, SB 789**

**ENGROSSED**

May 13 - HB 65, HB 114, HB 177, HB 283, HB 678, HB 867, HB 1066, HB 1132, HB 1150, HB 1267, HB 1268, HB 1308, HB 1390, HB 1396, HB 1403, HB 1513, HB 1532, HB 1559, HB 1630, HB 1670, HB 1733, HB 1810, HB 1829, HB 1842, HB 1998, HB 2131, HB 2187, HB 2346, HB 2392, HB 2398, HB 2473, HB 2486, HB 2524, HB 2544, HB 2550, HB 2578, HB 2722, HB 2739, HB 2835, HB 2891, HB 2919, HB 2950, HB 3028, HB 3043, HB 3093, HB 3186, HB 3190, HB 3248, HB 3380, HB 3424, HB 3439, HB 3577, HB 3595, HB 3651, HB 3777, HB 3836, HB 3987, HB 4183

**ENROLLED**

May 13 - HB 275, HB 440, HB 505, HB 658, HB 744, HB 903, HB 908, HB 1224, HB 1430, HB 1606, HB 1678, HB 1679, HB 1769, HB 2083, HB 2213, HB 2410, HB 2559, HB 3327, HB 3633, HCR 34, HCR 114

**RECOMMENDATIONS FILED WITH THE SPEAKER**

May 13 - HB 1819, HB 2091, HB 2092, HB 4125, HB 4129, HB 4130, HB 4132, HB 4133, HB 4134, HB 4136, HB 4137, HB 4200, HB 4201, HB 4202, HB 4203, HB 4204, HB 4205, HB 4206, HB 4208, HB 4210, HB 4211, HB 4214

**SIGNED BY THE GOVERNOR**

May 13 - HB 181