

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FOURTH DAY — WEDNESDAY, MAY 20, 2015

The house met at 10:05 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1219).

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

Absent, Excused — Sheets.

The speaker recognized Representative Koop who introduced Reverend Christopher Constantinides, priest, Holy Trinity Greek Orthodox Church, Dallas, who offered the invocation as follows:

O heavenly king, the comforter, the spirit of truth who are everywhere present and filling all things, the treasury of all blessings and giver of life, come and dwell within us and cleanse us of every stain and save our souls, O good one. Almighty God, we express our sincerest thanks to you for the many blessings that you have bestowed upon each and every one of us. We ask that as our leaders have been charged with the responsibility of administering and overseeing the various activities in the State of Texas, we pray that you bless them with peace, life, health, and forgiveness and that you remember these, your most faithful and pious public authorities. Crown them with the armor of truth and good will; grant to them deep and undepivable peace; speak good things to their hearts about

your houses of worship and all your people, so that within their peace we may lead a calm and quiet life in all piety and dignity. And may all of us as citizens of the great State of Texas be more sensitive to the neglected and forgotten, to those who have been victims of discrimination and crime, to those who are hungry and homeless, and to those with no jobs and little hope. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Sheets on motion of Laubenberg.

(Frank in the chair)

REGULAR ORDER OF BUSINESS SUSPENDED

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

COMMITTEE GRANTED PERMISSION TO MEET

Representative Geren requested permission for the Committee on House Administration to meet while the house is in session, at 10:30 a.m. today, in 3W.9, to consider **SCR 9**, **SCR 24**, and **SCR 40**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

House Administration, 10:30 a.m. today, 3W.9, for a formal meeting, to consider **SCR 9**, **SCR 24**, and **SCR 40**.

MESSAGE FROM THE SENATE

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

HR 2928 - ADOPTED

(by Koop)

Representative Koop moved to suspend all necessary rules to take up and consider at this time **HR 2928**.

The motion prevailed.

The following resolution was laid before the house:

HR 2928, Commemorating the 100th anniversary of the Holy Trinity Greek Orthodox Church in Dallas.

HR 2928 was adopted.

On motion of Representatives R. Anderson, Shaheen, Villalba, Alonzo, and Meyer, the names of all the members of the house were added to **HR 2928** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Koop who introduced representatives of the Holy Trinity Greek Orthodox Church.

CAPITOL PHYSICIAN

The chair recognized Representative Muñoz who presented Dr. Carlos Ramirez of Mission as the "Doctor for the Day."

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

HR 1304 - PREVIOUSLY ADOPTED (by Hunter)

The chair laid out the following previously adopted resolution:

HR 1304, Commemorating the 50th anniversary of Charlie's Place Recovery Center in Corpus Christi.

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).

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. 22 and Senate List No. 23).

HCR 121 - PREVIOUSLY ADOPTED (by Wu and Schubert)

The chair laid out the following previously adopted resolution:

HCR 121, Congratulating Hennessey Performance in Sealy on setting a world speed record with its Venom GT.

INTRODUCTION OF GUESTS

The chair recognized Representatives Wu and Schubert who introduced representatives of Hennessey Performance.

HR 2553 - ADOPTED (by Landgraf)

Representative Landgraf moved to suspend all necessary rules to take up and consider at this time **HR 2553**.

The motion prevailed.

The following resolution was laid before the house:

HR 2553, Commending Texas Electric Cooperatives for 50 years of participation in the Government-in-Action Youth Tour.

HR 2553 was adopted.

On motion of Representative Simmons, the names of all the members of the house were added to **HR 2553** as signers thereof.

SCR 48 - ADOPTED
(S. King - House Sponsor)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **SCR 48**.

The motion prevailed.

The following resolution was laid before the house:

SCR 48, Convening a joint memorial session to honor Texans killed while serving in the United States military and commemorating Memorial Day 2015.

SCR 48 was adopted by (Record 1220): 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(C); 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; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Sheets.

Absent — Dukes; Reynolds.

HCR 129 - ADOPTED
(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HCR 129**.

The motion prevailed.

The following resolution was laid before the house:

HCR 129, Paying tribute to the U.S. military personnel from Texas who lost their lives in the line of duty.

HCR 129 was unanimously adopted by a rising vote.

On motion of Representatives Tinderholt and Fallon, the names of all the members of the house were added to **HCR 129** as signers thereof.

HR 1870 - PREVIOUSLY ADOPTED
(by Blanco)

The chair laid out the following previously adopted resolution.

HR 1870, Commemorating the 15th annual Black History Art Show in El Paso.

INTRODUCTION OF GUESTS

The chair recognized Representative Blanco who introduced representatives of the Alpha Kappa Alpha Sorority and the 15th annual Black History Art Show.

HR 2901 - ADOPTED
(by J. Rodriguez)

Representative J. Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 2901**.

The motion prevailed.

The following resolution was laid before the house:

HR 2901, Congratulating Dr. Sylvester Perez on his retirement as superintendent of San Antonio ISD.

HR 2901 was adopted.

HR 2094 - ADOPTED
(by Blanco)

Representative Blanco moved to suspend all necessary rules to take up and consider at this time **HR 2094**.

The motion prevailed.

The following resolution was laid before the house:

HR 2094, Commemorating the 50th anniversary of the Vietnam War.

HR 2094 was adopted.

On motion of Representatives Pickett, Márquez, and Moody, the names of all the members of the house were added to **HR 2094** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Márquez who introduced Carlos Rivera, national vice commander of the American GI Forum.

HR 2799 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 2799**.

The motion prevailed.

The following resolution was laid before the house:

HR 2799, Honoring Leroy Goodson, retiring general manager of the Texas Water Conservation Association, for his achievements.

HR 2799 was adopted.

On motion of Representative T. King, the names of all the members of the house were added to **HR 2799** as signers thereof.

LEAVE OF ABSENCE GRANTED

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

Otto on motion of Geren.

HR 2842 - ADOPTED
(by Giddings)

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 2842**.

The motion prevailed.

The following resolution was laid before the house:

HR 2842, Congratulating the Lancaster High School boys' basketball team on winning the 2015 UIL 5A state championship.

HR 2842 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Giddings who introduced representatives of the Lancaster High School boys' basketball team.

HR 2530 - ADOPTED
(by Laubenberg)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 2530**.

The motion prevailed.

The following resolution was laid before the house:

HR 2530, Commending Rodeo Dental and Orthodontics for offering pro bono orthodontic care to youths.

HR 2530 was adopted.

On motion of Representative Lucio, the names of all the members of the house were added to **HR 2530** as signers thereof.

**HR 2924 - ADOPTED
(by Murphy)**

Representative Murphy moved to suspend all necessary rules to take up and consider at this time **HR 2924**.

The motion prevailed.

The following resolution was laid before the house:

HR 2924, Commemorating the 50th anniversary of the Mosquito Control Division of the Harris County Public Health and Environmental Services.

HR 2924 was adopted.

On motion of Representative S. Davis, the names of all the members of the house were added to **HR 2924** as signers thereof.

(Márquez in the chair)

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today and the remainder of the week because of illness:

Reynolds on motion of Rose.

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

Nevárez on motion of J. Rodriguez.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 212 ON THIRD READING
(Burkett and Raymond - House Sponsors)**

SB 212, A bill to be entitled An Act relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the Texas Workforce Commission.

SB 212 was passed by (Record 1221): 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; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes;

Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Márquez(C); Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Laubenberg; Rodriguez, E.

STATEMENT OF VOTE

When Record No. 1221 was taken, I was shown voting yes. I intended to vote no.

S. King

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 782 ON THIRD READING (Smithee - House Sponsor)

SB 782, A bill to be entitled An Act relating to the investigation by the commissioner of insurance of acts of insurance fraud.

Representative S. King moved to postpone consideration of **SB 782** until 11:28 a.m. today.

The motion prevailed.

SB 318 ON THIRD READING (S. King - House Sponsor)

SB 318, A bill to be entitled An Act relating to the amount the Texas Military Preparedness Commission may grant to local governmental entities for certain purposes.

SB 318 was passed by (Record 1222): 139 Yeas, 5 Nays, 1 Present, not voting.

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

Dutton; Elkins; Faircloth; 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(C); Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; 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; Zerwas.

Nays — Rinaldi; Simpson; Stickland; Tinderholt; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1222 was taken, I was shown voting no. I intended to vote yes.

Zedler

SB 836 ON THIRD READING (E. Rodriguez and Naishtat - House Sponsors)

SB 836, A bill to be entitled An Act relating to management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

SB 836 was passed by (Record 1223): 136 Yeas, 6 Nays, 1 Present, not voting.

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

Rose; Sanford; Schofield; Schubert; Sheffield; Simmons; Simpson; 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 — Krause; Rinaldi; Schaefer; Shaheen; Stickland; Tinderholt.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Burkett; Dukes; Fallon.

STATEMENTS OF VOTE

When Record No. 1223 was taken, I was shown voting yes. I intended to vote no.

Isaac

When Record No. 1223 was taken, I was shown voting yes. I intended to vote no.

Springer

SB 880 ON THIRD READING (Geren - House Sponsor)

SB 880, A bill to be entitled An Act relating to certain committees and programs to develop the wine industry in this state through the Department of Agriculture.

SB 880 was passed by (Record 1224): 132 Yeas, 10 Nays, 1 Present, not voting.

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

Nays — Hughes; Krause; Rinaldi; Sanford; Simpson; Spitzer; Stickland; Tinderholt; Turner, E.S.; White, J.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Fallon; Keough.

STATEMENT OF VOTE

When Record No. 1224 was taken, I was in the house but away from my desk. I would have voted yes.

Keough

SB 1657 ON THIRD READING

(R. Miller - House Sponsor)

SB 1657, A bill to be entitled An Act relating to approval of the issuance of tax and revenue anticipation notes.

SB 1657 was passed by (Record 1225): 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.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; 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(C); Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Paddie; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Fallon; Farrar; Parker.

STATEMENT OF VOTE

When Record No. 1225 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

SB 1574 ON THIRD READING
(Martinez - House Sponsor)

SB 1574, A bill to be entitled An Act relating to emergency response employees or volunteers and others exposed or potentially exposed to certain diseases or parasites.

SB 1574 was passed by (Record 1226): 113 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bernal; Blanco; Bohac; Burns; Burrows; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Fallon; Farias; Farney; Fletcher; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; Márquez(C); Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Naishtat; Oliveira; Paddie; Parker; Peña; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bell; Bonnen, D.; Bonnen, G.; Burkett; Button; Capriglione; Cyrier; Elkins; Flynn; Frank; Goldman; Hughes; Isaac; Laubenberg; Leach; McClendon; Murphy; Murr; Paul; Phelan; Rinaldi; Sanford; Schaefer; Thompson, E.; Turner, E.S.; White, J.; Wray; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Farrar.

STATEMENTS OF VOTE

When Record No. 1226 was taken, I was shown voting yes. I intended to vote no.

Cook

When Record No. 1226 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1226 was taken, I was shown voting yes. I intended to vote no.

Keffer

When Record No. 1226 was taken, I was shown voting yes. I intended to vote no.

P. King

When Record No. 1226 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1226 was taken, I was shown voting yes. I intended to vote no.

Schubert

POSTPONED BUSINESS

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

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

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

SB 1173 was read second time on May 7, postponed until 6 a.m. May 11, postponed until 2 p.m. May 11, postponed until 3 p.m. May 11, postponed until May 15, and was again postponed until 6 a.m. today.

Representative Phillips moved to postpone consideration of **SB 1173** until 6 a.m. tomorrow.

The motion prevailed.

**SB 268 ON SECOND READING
(Anchia - House Sponsor)**

SB 268, A bill to be entitled An Act relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

SB 268 was read second time on May 12, postponed until May 18, postponed until May 19, and was again postponed until 6 a.m. today.

Representative Anchia moved to postpone consideration of **SB 268** until 6 a.m. Saturday, May 23.

The motion prevailed.

CSSB 1282 - RECOMMITTED

Representative Parker moved to recommit **CSSB 1282** to the Committee on Investments and Financial Services.

The motion prevailed.

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

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

**SJR 22 ON SECOND READING
(Ashby - House Sponsor)**

SJR 22, A joint resolution proposing a constitutional amendment relating to the right to hunt, fish, and harvest wildlife.

SJR 22 - REMARKS

REPRESENTATIVE ASHBY: **SJR 22** constitutionally guarantees the right to hunt and fish in Texas. This language has been carefully vetted by all stakeholders that have approached my office—

REPRESENTATIVE GUTIERREZ: Representative Ashby, you know, I think we all love to fish and hunt. Do you like to fish and hunt?

ASHBY: I love to hunt and fish, and I do it regularly.

GUTIERREZ: I do it regularly, too, but you would agree with me that our constitution is a very important document?

ASHBY: Absolutely.

GUTIERREZ: As a matter of fact, Article I of the constitution talks about freedom of speech, is that correct?

ASHBY: Correct.

GUTIERREZ: Freedom of religion, correct?

ASHBY: Correct.

GUTIERREZ: Freedom to practice one's religion, correct?

ASHBY: If you say so.

GUTIERREZ: It talks about habeas corpus, is that correct? It even talks about marriage and defining marriage between a man and a woman, is that not correct?

ASHBY: We're talking about hunting and fishing.

GUTIERREZ: And that's fair, but should we add an amendment that says that we have the right to drive?

ASHBY: You realize we are talking about the Texas Constitution?

GUTIERREZ: And that's fair and I understand that a constitution—both the United States Constitution should be very hard to amend and I understand that our Texas Constitution is also hard to amend. Nothing here tells us that we shouldn't fish and hunt, but we have the most important issues facing our state today and we shouldn't treat—do you agree that we should treat our constitution like a toy? Is it a toy to be played with?

ASHBY: The constitution—both the federal and state constitution are absolutely not a toy.

GUTIERREZ: Not toys. So we shouldn't add other amendments like the right to drive?

ASHBY: Again, Representative Gutierrez, this constitutional amendment to our state constitution deals with hunting and fishing.

ASHBY: Madam Speaker, in continuing the layout of the bill I would just add, as I was saying a minute ago, we've worked with all the stakeholders across the state in this process. It enjoys broad bipartisan support, and to my knowledge there's no opposition. The only opposition we heard in committee we took care of with a friendly amendment to take care of some of our local municipality concerns. I'm very proud to lay this constitutional amendment out to you today, and I move passage.

REPRESENTATIVE ANCHIA: So as a hunter and a fisherman, as well, I'm interested in the impacts of your constitutional amendment. What does this do to any state laws with respect to protecting different species that one might hunt or fish that are on an endangered list?

ASHBY: It doesn't impact that in any way, Representative Anchia.

ANCHIA: Would it create a constitutional cause of action against state laws that sought to protect any species of animal, for example, from being hunted?

ASHBY: It preserves state law.

ANCHIA: And is that explicit in your constitutional amendment?

ASHBY: It is, if you'll read through there—

ANCHIA: Could you read that for me—where it's explicit that it preserves current state law?

ASHBY: I don't have the actual amendment in front of me, but we made sure that we didn't preempt—

ANCHIA: Give me the gist of the language that you have in there.

ASHBY: Well, the gist of the language was—and working with Parks and Wildlife on this—is that we wanted to make sure that we took into account our state laws as it pertains to that. In addition to that, we also wanted to make sure that we didn't infringe upon our state laws as it pertains to trespassing, eminent domain. So we've worked very hard to make sure that we did try to address all those concerns.

ANCHIA: So if this is a constitutional right, what does it do to hunting and fishing licenses?

ASHBY: To hunting and fishing licenses?

ANCHIA: Yeah, do I still have to get a hunting and fishing license? Can I not just say this is a constitutional right if it passes?

ASHBY: Texas Parks and Wildlife still has the authority to administer our hunting and fishing license as they always have.

ANCHIA: Can they still charge for hunting and fishing licenses?

ASHBY: Absolutely.

ANCHIA: Can a claim be made, if this goes into the constitution, that those hunting and fishing licenses are an undue burden upon constitutional rights under the state constitution? Does it give rise to that cause of action?

ASHBY: I am not advised on that, Representative Anchia.

ANCHIA: Don't you think that's something we should be advised about, as a body, before we adopt this?

ASHBY: I think, again, as you led by saying, when you look at the actual amendment, which is very straightforward on a single piece of paper, I think it's pretty clear what the amendment says.

ANCHIA: Since you don't have it there, would you mind pulling this down for a couple of minutes so that we can actually look at the amendment? Apparently, you have a perfecting amendment, is that right?

ASHBY: I do not have a perfecting amendment.

ANCHIA: Is somebody going to bring an amendment to this? You alluded to an amendment previously; was that the underlying bill?

ASHBY: We adopted an amendment to allay the only concern that was brought to our attention by TML, and we have addressed that. It has been adopted by the senate, and we will be adopting that today with passage of this constitutional amendment.

ANCHIA: Is that baked into the existing document?

ASHBY: That is correct.

ANCHIA: Okay, so that amendment was put on in the senate?

ASHBY: That is correct. Well, yes, it was put on in the senate after I put it on in our house version of this bill.

ANCHIA: When it left the house?

ASHBY: Before it passed committee, yes. We addressed that in the committee.

ANCHIA: So it was a committee amendment?

ASHBY: Yes, I put it on in the committee. The senate put it on on the floor. So the constitutional amendment that we have before us addresses that, yes.

ANCHIA: Can you just give us a couple of minutes to take a look at this and maybe postpone 15 minutes?

ASHBY: Representative Anchia, I feel pretty comfortable in moving passage on this. We've had ample time—multiple days it's been on the calendar here for folks to take a look at. Again, with broad bipartisan support, I really don't see the need to delay this.

ANCHIA: I'm just asking you as a professional courtesy.

ASHBY: And I appreciate that and with all due respect, I think we're ready to move passage.

ANCHIA: I'm sorry to hear that. It would only be a 15-minute deal so we could take a look.

REPRESENTATIVE SCHOFIELD: Mr. Ashby, just to be clear, the very first sentence of your amendment says that the people's right to hunt and fish is subject to laws and regulations to conserve and manage wildlife. Is that not right in the amendment?

ASHBY: That is exactly true, and I hope that Representative Anchia is listening to that.

SCHOFIELD: And you have built in an additional safeguard for municipalities regarding the firing of firearms within their boundaries?

ASHBY: That is correct. Let me postpone this bill for 15 minutes so I can visit with Representative Anchia and Representative Turner about—and anyone else that has questions about this bill, so hopefully we can lay any fears or concerns out there. Again, this should hopefully be something we can all support.

SJR 22 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Guillen, Representatives Darby, Guillen, D. Bonnen, Keffer, R. Anderson, G. Bonnen, Burns, Cook, Cyrier, Farney, Frullo, Kacal, Keough, T. King, Landgraf, Larson, Leach, Metcalf, Murr, Otto, Paddie, Phelan, Price, Raney, Schubert, Springer, and M. White were authorized as house sponsors to **SJR 22**.

Representative Ashby moved to postpone consideration of **SJR 22** until 11:50 a.m. today.

The motion prevailed.

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

CSSB 18 ON SECOND READING (Zerwas - House Sponsor)

CSSB 18, A bill to be entitled An Act relating to measures to support or enhance graduate medical education in this state, including the transfer of certain assets from the Texas Medical Liability Insurance Underwriting Association to the permanent fund supporting graduate medical education and the authority of the association to issue new policies.

CSSB 18 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HOWARD: I just wanted, for legislative intent, to ask you a question about the inclusion of students who have a transitional year, a preliminary year, before they start their residency. What is the intention here in terms of your bill?

REPRESENTATIVE ZERWAS: The intention, as the slots are identified, is to include that transitional year.

REMARKS ORDERED PRINTED

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

The motion prevailed.

CSSB 18 was passed to third reading.

POSTPONED BUSINESS

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

SB 782 ON THIRD READING

(Smithee - House Sponsor)

SB 782, A bill to be entitled An Act relating to the investigation by the commissioner of insurance of acts of insurance fraud.

SB 782 was read third time earlier today and was postponed until this time.

SB 782 was passed by (Record 1227): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; 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, P.; 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; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; 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; Márquez(C).

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Davis, Y.; Dukes; White, J.

STATEMENT OF VOTE

When Record No. 1227 was taken, I was in the house but away from my desk. I would have voted yes.

J. White

GENERAL STATE CALENDAR
(consideration continued)
SB 24 ON SECOND READING
(Zerwas - House Sponsor)

SB 24, A bill to be entitled An Act relating to training for members of the governing board of a public institution of higher education.

Amendment No. 1

Representative Zerwas offered the following amendment to **SB 24**:

Amend **SB 24** (house committee report) as follows:

(1) On page 2, lines 9-10, strike "September 1, 2015" and substitute "January 1, 2016".

(2) On page 4, line 21, strike "September 1, 2015" and substitute "January 1, 2016".

Amendment No. 1 was adopted.

SB 24, as amended, was passed to third reading by (Record 1228): 82 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bernal; Blanco; Bohac; Burkett; Canales; Clardy; Coleman; Collier; Cook; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Kuempel; Larson; Longoria; Lozano; Lucio; Márquez(C); Martinez; Martinez Fischer; McClendon; Meyer; Miles; Minjarez; Moody; Morrison; Muñoz; Naishtat; Oliveira; Paddie; Peña; Phillips; Pickett; Price; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Smith; Thompson, S.; Turner, C.; Turner, S.; Villalba; Vo; Walle; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bell; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Capriglione; Craddick; Cyrier; Dale; Elkins; Faircloth; Fallon; Flynn; Frank; Geren; Goldman; Harless; Huberty; Hunter; Keough; King, S.; Klick; Krause; Landgraf; Laubenberg; Leach; Metcalf; Miller, D.; Miller, R.; Murphy; Murr; Paul; Phelan; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Simpson; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker; Koop.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Hughes; Parker; White, J.

STATEMENTS OF VOTE

When Record No. 1228 was taken, I was shown voting yes. I intended to vote no.

Bohac

When Record No. 1228 was taken, I was shown voting yes. I intended to vote no.

Fletcher

When Record No. 1228 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

When Record No. 1228 was taken, I was shown voting yes. I intended to vote no.

Isaac

When Record No. 1228 was taken, I was shown voting present, not voting. I intended to vote no.

Koop

When Record No. 1228 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 1228 was taken, my vote failed to register. I would have voted no.

Parker

When Record No. 1228 was taken, I was in the house but away from my desk. I would have voted no.

J. White

**SB 918 ON SECOND READING
(Otto - House Sponsor)**

SB 918, A bill to be entitled An Act relating to the procedure for claiming an exemption from ad valorem taxation of the property of a veteran's organization.

SB 918 was passed to third reading.

**SB 367 ON SECOND READING
(Geren - House Sponsor)**

SB 367, A bill to be entitled An Act relating to the unauthorized use of an alcoholic beverage permit or license; providing a criminal penalty.

SB 367 was passed to third reading by (Record 1229): 134 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; 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; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez(C); Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; 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 — Anderson, R.; Bell; Krause; Rinaldi; Sanford; Stephenson; Stickland; Tinderholt; Turner, E.S.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Deshotel; Dukes.

SB 795 ON SECOND READING
(Klick - House Sponsor)

SB 795, A bill to be entitled An Act relating to establishing an interstate voter registration crosscheck program.

SB 795 was passed to third reading by (Record 1230): 98 Yeas, 42 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.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; 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; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; Lucio; Márquez(C); Martinez Fischer; McClendon; Miles; Minjarez; Muñoz; Naishtat; Oliveira; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; King, S.; Landgraf; Martinez; Moody.

STATEMENTS OF VOTE

When Record No. 1230 was taken, I was shown voting yes. I intended to vote no.

T. King

When Record No. 1230 was taken, I was in the house but away from my desk. I would have voted no.

Moody

COMMITTEE GRANTED PERMISSION TO MEET

Representative Herrero requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 12 p.m. today, in 3W.9, to consider **SB 1135** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 12 p.m. today, 3W.9, for a formal meeting, to consider **SB 1135** and pending business.

POSTPONED BUSINESS

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

SJR 22 ON SECOND READING

(Ashby, Darby, Guillen, D. Bonnen, Keffer, et al. - House Sponsors)

SJR 22, A joint resolution proposing a constitutional amendment relating to the right to hunt, fish, and harvest wildlife.

SJR 22 was read second time earlier today and was postponed until this time.

SJR 22 - REMARKS

REPRESENTATIVE ASHBY: Over the last number of minutes, I've had the opportunity to visit with a number of you individually. I appreciate the conversations. Hopefully I've been able to allay some of the fears or answer and address the questions that were posed to me. At this time, I'm going to move passage.

REPRESENTATIVE WU: Representative Ashby, I don't oppose your resolution. I just want to ask you a few questions. In talking about this constitutional amendment, does your bill address any type of federal regulation? Or does your amendment address any type of federal regulation?

ASHBY: I don't believe it in any way addresses federal regulations. It just constitutionally guarantees the right to hunt and fish and harvest wildlife in Texas for future generations.

WU: I just want to be clear that your constitutional amendment would only affect state and local laws, correct?

ASHBY: Yes.

WU: It's a Texas constitutional amendment?

ASHBY: It is a Texas constitutional amendment. It absolutely would—

WU: It is not a national constitutional amendment?

ASHBY: This is not a national constitutional amendment. As you know, we can't pass those here in Texas.

WU: Just to be clear, your constitutional amendment only affects regulations established by state, county, and local entities?

ASHBY: That would be the intent.

WU: I see on Subsection (a) that we're allowed to pass laws, including the use of traditional methods, subject to laws and regulations to conserve and manage wildlife, is that correct?

ASHBY: I'm sorry. Let me pull that up. Where are you, Representative Wu?

WU: The first paragraph. People have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing.

ASHBY: Correct. I'm following you.

WU: Now, what if the state legislature, what if this body wants to ban a certain type of practice based on animal cruelty? Let's say somebody is out there and they want to hunt deer with a choking snare, meaning the deer is going to get caught up in it by its neck and slowly hang to death over the course of several minutes or maybe even half an hour. If this body wanted to ban that type of activity based on—not on management, not on conservation, but on the basis of it's a cruel thing to do, would this body be able to do that?

ASHBY: Representative Wu, as you probably know, many of the regulations that deal with hunting, cruelty issues, fishing, and whatnot, of course the legislature has a role in that, but largely those are governed by regulations from our outstanding state agency, the Texas Parks and Wildlife. And as I mentioned, we've worked very closely with them to ensure that in no way would this impact their ability to address some of the concerns that you just asked about. As a matter of fact, I believe that this amendment really strengthens their position by cementing this culture into our state constitution.

WU: By no means am I trying to trip you up into saying anything—you and I have talked about this. As an attorney, it's not possible to write in every single possible contingency or provision or circumstance; you generally try to say these are the general things we're trying to do, and everything is basically encompassed in it. So from what I tell from your answer, you're saying that even though it's not specifically specified in this constitutional amendment, that if we were to pass a law based on animal cruelty, that that's a bad way to hunt, that would be something that is permissible under this amendment?

ASHBY: Correct.

REPRESENTATIVE GUTIERREZ: I respect Representative Ashby a great deal. I think that the bills that he's brought before this legislature have been deliberative bills that are important to the State of Texas. And there is nothing more that I like to do than go down fishing in Yarborough Flats or go whitetail hunting in South Texas. Those things are important to all Texans, and we get to do them every day—and neither is the sky falling, so I'm only going to take about a minute of your time. The sky isn't falling in this SJR whether we pass it or not. It's not going to be violative of what we're trying to do this session. It's not going to make us or break us. But at the end of the day, what we put in our constitution is important, and what we put in our constitution isn't a toy. It's not an item or a document to be taken lightly. If we're asking to put things into our constitution that say, you know, our constitutional right to fish and hunt, how about our constitutional right to watch Sunday football? Or our constitutional right to love the San Antonio Spurs? Or our constitutional right to go for the Houston Rockets, right? Our constitutional right to go to the bathroom, for that matter.

When we do these things to our constitution and make voters go out and vote for these things, it demeans the document and it demeans us. So we all like to fish and hunt. I would ask those of you that are interested in preserving the integrity of our constitution, to say we love to fish and hunt, but we're going to vote three today; we're going to vote PNV. Please white light because this isn't about our desire or our love for fishing and hunting one way or another. We get to do those things today. This is about sending a message to all Texans about what's important to us is making sure that our children are educated, our roads are taken care of, our water issues are taken care of. Those are the truly important things to us. So I'd ask you to consider voting white light on this because there are things that are far more important than demeaning ourselves and demeaning the Texas Constitution.

ASHBY: I appreciate my good friend Representative Gutierrez's comments. And I agree there are very few things that rise to the level of adopting a constitutional amendment, but I think protecting and preserving our rights to fish and hunt in Texas—this is not threatened today. This is looking down the road for future generations to enjoy, and I believe this is something we can all get behind and be proud of to take to the voters in November and allow them to have a say on their God-given right to hunt and fish.

REMARKS ORDERED PRINTED

Representative Wu moved to print all remarks on **SJR 22**.

The motion prevailed.

(Speaker in the chair)

LEAVES OF ABSENCE GRANTED

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

Moody on motion of Johnson.

Simpson on motion of Schaefer.

SJR 22 - (consideration continued)

SJR 22 was adopted by (Record 1231): 111 Yeas, 1 Nays, 25 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guerra; Guillen; Herrero; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Murr; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Miles.

Present, not voting — Mr. Speaker(C); Allen; Alvarado; Anchia; Blanco; Collier; Davis, Y.; Dutton; Farias; Farrar; Giddings; González; Gutierrez; Harless; Hernandez; Howard; Israel; Martinez Fischer; Minjarez; Rodriguez, J.; Romero; Rose; Turner, S.; Vo; Walle.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Moody; Otto; Simpson.

Absent — Bernal; Capriglione; Dukes; King, S.; McClendon; Naishtat; Pickett.

STATEMENTS OF VOTE

When Record No. 1231 was taken, my vote failed to register. I would have voted no.

Bernal

When Record No. 1231 was taken, my vote failed to register. I would have voted present, not voting.

Naishtat

GENERAL STATE CALENDAR (consideration continued)

SB 789 ON SECOND READING (Geren, et al. - House Sponsors)

SB 789, A bill to be entitled An Act relating to the authority of certain municipalities to provide sewer service to areas within the municipal boundaries without obtaining a certificate of public convenience and necessity.

Amendment No. 1

Representative Geren offered the following amendment to **SB 789**:

Amend **SB 789** (house committee printing) as follows:

- (1) On page 2, line 14, between "the" and "commission" insert "utility".
- (2) On page 2, line 21, between "the" and "commission" insert "utility".
- (3) On page 2, line 25, between "the" and "commission" insert "utility".
- (4) On page 3, line 9, strike "Texas Commission on Environmental Quality" and substitute "Public Utility Commission of Texas".

SB 652 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Oliveira, Representative Rinaldi was authorized as a house sponsor to **SB 652**.

SB 789 - (consideration continued)

Representative Geren moved to postpone consideration of **SB 789** until 12:30 p.m. today.

The motion prevailed.

SB 734 ON SECOND READING (Cook - House Sponsor)

SB 734, A bill to be entitled An Act relating to the setting of annual interest rates for utility deposits by the Public Utility Commission of Texas.

SB 734 was passed to third reading.

SB 755 ON SECOND READING
(Button - House Sponsor)

SB 755, A bill to be entitled An Act relating to the application of the sales and use tax to certain computer program transactions.

SB 755 was passed to third reading.

SB 1734 ON SECOND READING
(T. King - House Sponsor)

SB 1734, A bill to be entitled An Act relating to the eradication of Carrizo cane along the Rio Grande River.

SB 1734 was passed to third reading.

SB 904 ON SECOND READING
(Darby - House Sponsor)

SB 904, A bill to be entitled An Act relating to exempting emergency preparation supplies from the sales and use tax for a limited period.

SB 904 was passed to third reading. (Hunter recorded voting no.)

SB 1902 ON SECOND READING
(Herrero - House Sponsor)

SB 1902, A bill to be entitled An Act relating to the eligibility of criminal defendants for an order of nondisclosure of criminal history record information; authorizing a fee.

Amendment No. 1

Representative Herrero offered the following amendment to **SB 1902**:

Amend **SB 1902** (house committee report) as follows:

(1) On page 6, line 5, strike "or".

(2) On page 6, line 6, strike "49.065, or 71.021" and substitute "or 49.065, Penal Code, or Chapter 71".

(3) On page 7, line 21, strike "or".

(4) On page 7, line 22, strike "49.065, or 71.021" and substitute "or 49.065, Penal Code, or Chapter 71".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Wu offered the following amendment to **SB 1902**:

Amend SECTION 5 of **SB 1902** as follows:

Amend new Section 411.0735(a)(2) as follows:

On page 7, line 24, insert the following between confinement and ;
, pays a fine, or pays court costs

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Herrero offered the following amendment to **SB 1902**:

Amend **SB 1902** (house committee report) as follows:

(1) On page 17, line 19, strike "and".

(2) On page 18, line 1, between "institution" and the period, insert the following:

; and

(31) an employer that has a facility that handles or has the capability of handling, transporting, storing, processing, manufacturing, or controlling hazardous, explosive, combustible, or flammable materials, if:

(A) the facility is critical infrastructure, as defined by 42 U.S.C. Section 5195c(e), or the employer is required to submit to a risk management plan under Section 112(r) of the federal Clean Air Act (42 U.S.C. Section 7412) for the facility; and

(B) the information concerns an employee, applicant for employment, contractor, or subcontractor whose duties involve or will involve the handling, transporting, storing, processing, manufacturing, or controlling hazardous, explosive, combustible, or flammable materials and whose background is required to be screened under a federal provision described by Paragraph (A)

Amendment No. 3 was adopted.

SB 1902, as amended, was passed to third reading. (Phillips recorded voting no.)

SB 667 ON SECOND READING (Smithee - House Sponsor)

SB 667, A bill to be entitled An Act relating to reinsurance, distributions, and pooling arrangements by captive insurance companies.

SB 667 was passed to third reading.

SB 1389 ON SECOND READING (Lucio - House Sponsor)

SB 1389, A bill to be entitled An Act relating to the border commerce coordinator.

SB 1389 - POINT OF ORDER

Representative Tinderholt raised a point of order against further consideration of **SB 1389** under Rule 8, Section 3 and Rule 11, Section 2 of the House Rules on the grounds that it violates the one-subject rule.

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

Representative Tinderholt raised a point of order against further consideration of **SB 1389** under Rule 8, Section 3 and Rule 11, Section 2 of the House Rules arguing that the portions of the bill related to the border commerce coordinator working with private industry and other appropriate entities to require

low-sulfur fuel be sold along highways or to increase the use of the fuel in Mexican states bordering Texas introduces an impermissible second subject into the bill relating to the border commerce coordinator.

Proposed **SB 1389** set out new duties for a border commerce coordinator. The new duties are in addition to the wide ranging and expansive list of tasks for the coordinator already embedded in Section 772.010 of the Government Code (allowing the coordinator to examine trade issues between the United States, Mexico, and Canada; act as ombudsman for government agencies in the Texas-Mexico border region; work with federal officials on transportation and border crossing issues; assist in funding issues related to financing of water and wastewater facilities; and explore the issue of certain electrical power sales from Texas to Mexico).

As was noted by a member during the discussion on the point of order, the proposed bill adds a multitude of new duties to the border commerce coordinator that are not in a single specific category, but are in a multitude of categories related to border commerce. (Issues related to the use of low-sulfur fuel in Texas and Mexican states along portions of highways carrying increased traffic related to the flow of commerce are only a portion of the proposed new changes, which also include issues related to the flow of commerce at ports of entry, including the movement of commercial vehicles; border truck inspections; mitigating congestion at ports of entry; working with groups to address the unique planning and capacity needs of the border region; and leading a border mayor task force to work on key trade, security, and transportation-related issues.)

Because the bill contains one subject—the multiple proposed new duties for the border commerce coordinator—neither Rule 8, Section 3 nor Rule 11, Section 2 of the House Rules is violated. The point of order is respectfully overruled.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the Committee on Criminal Jurisprudence:

Hunter on motion of Meyer.

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

Shaheen on motion of R. Anderson.

SB 1389 - (consideration continued)

SB 1389 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FAIRCLOTH: Representative Lucio, I appreciate what your bill is doing and what it says and certainly appreciate the economy and the engine that drives the Valley and helps the State of Texas. Reading through the bill, can you tell me what, or let me ask you this—it looks like the 76th Legislature, in 1999, had some language. Did you bring that language forward in this bill?

REPRESENTATIVE LUCIO: The purpose of this bill—session 1999, or any other session—there were various bills, pieces of legislation, that created different competing languages within that section of the code in terms of the responsibilities of the coordinator's position. So when action was being anticipated from the governor's office and they looked to the enabling legislation or the statute that governs their jurisdiction, there was some competing language. And so what we wanted to do is take all the various portions of the statute that exist and may be contradictory to one another and have a solidified, one direction part of the code that can be looked to by the governor's office when they need to take action.

FAIRCLOTH: Okay. Remind me again what the coordinator's title would be?

LUCIO: Border commerce coordinator.

FAIRCLOTH: Border commerce coordinator?

LUCIO: Yes, sir.

FAIRCLOTH: Do you anticipate that this individual would be representative of the border area or from somewhere across the state or out-of-state or—what would that look like?

LUCIO: That would be at the governor's discretion. The only representation that is requested in the bill is that there be a mayor's task force along the border to assist in providing input from how things are happening on the ground.

FAIRCLOTH: And I think that mayor's task force also calls for a quarterly meeting from across the border with officials from Mexico?

LUCIO: That's correct. You know, representative, growing up fifth generation born and raised in Brownsville, we have always had strong ties to our Mexican counterparts. And it's been critical for that relationship on a number of different issues. I think in my time in office some of that is lacking—not because of lack of interest, but just because of lack of organization. I think this initiative and others that are proposed by the legislature to coordinate with our Mexican counterparts are a positive thing for our state.

FAIRCLOTH: One concern I have looking at the language is that it's very, very broad. This coordinator has been described as an ombudsman. It's also been described as someone that looks at work task force needs, someone who looks at just an incredible array of issues. It seems like that person is going to have to be incredibly well versed in all of these issues in order to be able to accomplish that, or, it seems to me, that they might even be overloaded in that because the definitions in there would be so broad. Would you agree with that?

LUCIO: Well, I have faith that the governor's office will select someone with the background necessary to accomplish the goals of this position. The needs of the border are diverse and plentiful.

(Márquez in the chair)

REMARKS ORDERED PRINTED

Representative Faircloth moved to print remarks between Representative Lucio and Representative Faircloth.

The motion prevailed.

SB 1389 was passed to third reading by (Record 1232): 95 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, T.; Koop; Kuempel; Larson; Laubenberg; Longoria; Lozano; Lucio; Márquez(C); Martinez; Martinez Fischer; Miles; Miller, D.; Minjarez; Muñoz; Murphy; Naishtat; Oliveira; Paddie; Parker; Phillips; Pickett; Price; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Simmons; Smith; Stephenson; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Vo; Walle; Wu; Zerwas.

Nays — Anderson, R.; Bell; Burns; Burrows; Capriglione; Cyrier; Fallon; Frank; Huberty; Hughes; Klick; Krause; Landgraf; Metcalf; Meyer; Miller, R.; Murr; Paul; Peña; Phelan; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; Villalba; White, J.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Hunter; Moody; Otto; Shaheen; Simpson.

Absent — Burkett; Dukes; Keough; King, P.; King, S.; Leach; McClendon; Morrison; White, M.

STATEMENTS OF VOTE

When Record No. 1232 was taken, I was shown voting yes. I intended to vote no.

Bohac

When Record No. 1232 was taken, I was shown voting no. I intended to vote yes.

Burrows

When Record No. 1232 was taken, I was shown voting yes. I intended to vote no.

Button

When Record No. 1232 was taken, I was shown voting yes. I intended to vote no.

Fletcher

When Record No. 1232 was taken, I was in the house but away from my desk. I would have voted no.

Keough

When Record No. 1232 was taken, I was shown voting yes. I intended to vote no.

D. Miller

When Record No. 1232 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 1232 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1232 was taken, my vote failed to register. I would have voted no.

M. White

(Otto now present)

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

Representative S. Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 9 a.m. Friday, May 22.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 1 p.m. today, in 1W.14, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 1 p.m. today, 1W.14, for a formal meeting, to set a calendar.

POSTPONED BUSINESS

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

**SB 789 ON SECOND READING
(Geren, et al. - House Sponsors)**

SB 789, A bill to be entitled An Act relating to the authority of certain municipalities to provide sewer service to areas within the municipal boundaries without obtaining a certificate of public convenience and necessity.

SB 789 was read second time earlier today, an amendment was offered, and **SB 789** was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was adopted.

SB 789, as amended, was passed to third reading.

**GENERAL STATE CALENDAR
(consideration continued)**

**SB 1465 ON SECOND READING
(Phillips - House Sponsor)**

SB 1465, A bill to be entitled An Act relating to creating limited purpose disaster declaration authority for the governor.

Amendment No. 1

Representative Alonzo offered the following amendment to **SB 1465**:

Amend **SB 1465** (house committee printing) on page 1, between lines 14 and 15, by adding the following appropriately lettered subsection and relettering subsections of added Section 418.025, Government Code, and any cross references to those subsections accordingly:

() The governor may, under a declaration made under this section, authorize the division to establish and operate, subject to the availability of funds, a search and rescue task force in each field response region established by the division to assist in search, rescue, and recovery efforts before, during, and after a natural or man-made disaster.

Amendment No. 1 was adopted.

SB 1465, as amended, was passed to third reading.

**SB 1511 ON SECOND READING
(Collier - House Sponsor)**

SB 1511, A bill to be entitled An Act relating to the establishment and governance of certain regional transportation authorities.

Representative Collier moved to postpone consideration of **SB 1511** until 1 p.m. Friday, May 22.

The motion prevailed.

(Moody and Shaheen now present)

SB 130 ON SECOND READING
(Canales - House Sponsor)

SB 130, A bill to be entitled An Act relating to the eligibility of criminal defendants for an order of nondisclosure; authorizing a fee.

SB 130 was passed to third reading.

(Simpson now present)

POSTPONED BUSINESS

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

HCR 109
(by Paul, R. Miller, and G. Bonnen)

HCR 109, Urging Congress to encourage the Department of Defense to relocate the United States Africa Command to Ellington Field Joint Reserve Base in Houston.

HCR 109 was laid before the house on May 19 and was postponed until 12 p.m. today.

Representative Paul moved to postpone consideration of **HCR 109** until 10 a.m. Friday, May 22.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

HB 1925 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1925, A bill to be entitled An Act relating to the transfer of the Texas Farm and Ranch Lands Conservation Program to the Parks and Wildlife Department.

Representative Geren moved to concur in the senate amendments to **HB 1925**.

The motion to concur in the senate amendments to **HB 1925** prevailed by (Record 1233): 143 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; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; 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(C); Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Hunter.

Absent — Dukes; Farrar.

Senate Committee Substitute

CSHB 1925, A bill to be entitled An Act relating to the transfer of the Texas Farm and Ranch Lands Conservation Program to the Parks and Wildlife Department.

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

SECTION 1. Subchapter B, Chapter 183, Natural Resources Code, is transferred to Subtitle E, Title 5, Parks and Wildlife Code, redesignated as Chapter 84, Parks and Wildlife Code, and amended to read as follows:

CHAPTER 84 [~~SUBCHAPTER B~~]. TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM

Sec. 84.001 [~~183.051~~]. PURPOSE. The purpose of the program established under this chapter [~~subchapter~~] is to enable and facilitate the purchase and donation of agricultural conservation easements.

Sec. 84.002 [~~183.052~~]. DEFINITIONS. In this chapter [~~subchapter~~]:

(1) "Agricultural conservation easement" means a conservation easement in qualified land that is designed to accomplish one or more of the following additional purposes:

(A) conserving water quality or quantity;

(B) conserving native wildlife species through protection of their habitat;

(C) conserving rare or sensitive plant species; or

(D) conserving large tracts of qualified open-space land that are threatened with fragmentation or development.

(2) "Conservation easement" has the meaning assigned by Section 183.001, Natural Resources Code [~~"Commissioner" means the commissioner of the General Land Office~~].

(3) "Council" means the Texas Farm and Ranch Lands Conservation Council established under Section 84.011 [~~183.061~~].

(4) "Fund" means the Texas farm and ranch lands conservation fund established under Section 84.008 [~~183.058~~].

(5) "Holder" has the meaning assigned by Section 183.001, Natural Resources Code [~~"Land office" means the General Land Office~~].

(6) "Program" means the Texas farm and ranch lands conservation program established under this chapter [~~subchapter~~].

(7) "Purchase of agricultural conservation easement" means the purchase from a willing seller of an agricultural conservation easement.

(8) "Qualified easement holder" means a holder that is:

(A) a state agency, a county, or a municipality; or

(B) an organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code and that is organized for the purpose of preserving agriculture, open space, or natural resources.

(9) "Qualified land" means qualified open-space land, as that term is defined by Section 23.51, Tax Code.

Sec. 84.003 [~~183.053~~]. PROGRAM. The Texas farm and ranch lands conservation program is established as a program of the department [~~land office~~] for the purpose of administering the assistance to be provided by the fund for the purchase of agricultural conservation easements.

Sec. 84.004 [~~183.054~~]. TERMS OF AGRICULTURAL CONSERVATION EASEMENT. (a) An agricultural conservation easement under this chapter [~~subchapter~~] must be perpetual or for a term of 30 years.

(b) The owner of qualified land and a potential purchaser of an agricultural conservation easement should consider and negotiate easement terms, including the following considerations:

(1) whether the landowner will receive a lump sum or annual payments;

(2) whether the term of the easement shall be perpetual or for a term of 30 years;

(3) whether a term easement is renewable;

(4) whether the landowner retains limited development rights; and

(5) the purchase price of the easement.

(c) An agricultural conservation easement may not be assigned to or enforced by a third party without the express written consent of the landowner.

Sec. 84.005 [~~183.055~~]. TERMINATION OF EASEMENT. (a) Any time after an agricultural conservation easement is acquired with a grant awarded under this chapter [~~subchapter~~], the landowner may request that the council terminate the easement as provided by Subsection (b) on the ground that the landowner is unable to meet the conservation goals as described by Section 84.002(1) [~~183.052(1)~~]. The termination request must contain a verifiable statement of impossibility.

(b) On receipt of the request for termination, the council shall notify the qualified easement holder and conduct an inquiry. Not later than the 180th day after the date the council receives the request, the council shall notify the parties

of the decision to grant or deny the request for termination. Either party may appeal the decision in district court not later than the 45th day after the date of the notification.

Sec. 84.006 [~~183.056~~]. REPURCHASE BY LANDOWNER. (a) In this section:

(1) "Agricultural value" means the price as of the appraisal date a buyer willing, but not obligated, to buy would pay for a farm or ranch unit with land comparable in quality and composition to the subject property, but located in the nearest location where profitable farming or ranching is feasible.

(2) "Fair market value" means the price as of the appraisal date that a buyer willing, but not obligated, to buy would pay for the land at its best and most beneficial use under any obtainable development zoning category.

(b) If a request for termination of an agricultural conservation easement is granted under Section 84.005 [~~183.055~~], the director [~~commissioner~~] shall order an appraisal of the fair market value and the agricultural value of the property subject to the easement. The landowner shall bear the cost of the appraisal.

(c) Not later than the 180th day after the date of the appraisal under Subsection (b), the landowner must pay to the qualified easement holder an amount equal to the difference between the fair market value and the agricultural value. The qualified easement holder shall pay to the fund any amounts received under this subsection, not to exceed the amount paid by the fund for purchase of the easement.

(d) Not later than the 30th day after the date of payment by the landowner under Subsection (c), the qualified easement holder shall terminate the easement.

(e) If the request for termination is denied or if the landowner fails to make the payment required by Subsection (c) in the time required by that subsection, the landowner may not submit another request for termination of the easement before the fifth anniversary of the date of the last request.

Sec. 84.007 [~~183.057~~]. PROTECTED LAND; NOTICE OF TAKING. (a) A department or agency of this state, a county, a municipality, another political subdivision, or a public utility may not approve any program or project that requires the use or taking through eminent domain of private land encumbered by an agricultural conservation easement purchased under this chapter [~~subchapter~~] unless the governmental entity or public utility acting through its governing body or officers determines that:

(1) there is no feasible and prudent alternative to the use or taking of the land; and

(2) the program or project includes all reasonable planning to minimize harm to the land resulting from the use or taking.

(b) A determination required by Subsection (a) may be made only at a properly noticed public hearing.

(c) The governing body or officers of the governmental entity or public utility may consider clearly enunciated local preferences, and the provisions of this chapter [~~subchapter~~] do not constitute a mandatory prohibition against the use of the area if the determinations required by Subsection (a) are made.

(d) If, after making the determination required by Subsection (a), a department or agency of this state, a county, a municipality, another political subdivision, or a public utility acquires by eminent domain a fee simple interest in land encumbered by an agricultural conservation easement purchased under this chapter ~~[subchapter]~~:

- (1) the easement on the condemned property terminates; and
- (2) the entity exercising the power of eminent domain shall:
 - (A) pay for an appraisal of the fair market value, as that term is defined by Section 84.006 ~~[183.056]~~, of the property subject to condemnation;
 - (B) pay to the qualified easement holder an amount equal to the amount paid by the holder for the portion of the easement affecting the property to be condemned;
 - (C) pay to the landowner an amount equal to the fair market value of the condemned property less the amount paid to the qualified easement holder under Paragraph (B); and
 - (D) pay to the landowner and the qualified easement holder any additional damages to their interests in the remaining property, as determined by the special commissioners under Section 21.042, Property Code.

(e) If, after making the determination required by Subsection (a), a department or agency of this state, a county, a municipality, another political subdivision, or a public utility acquires by eminent domain an interest other than a fee simple interest in land encumbered by an agricultural conservation easement purchased under this chapter ~~[subchapter]~~:

- (1) the entity exercising the power of eminent domain shall pay for an appraisal of the fair market value, as that term is defined by Section 84.006 ~~[183.056]~~, of the property subject to condemnation; and
- (2) the special commissioners shall consider the fair market value as the value of the property for purposes of assessing damages under Section 21.042, Property Code.

(f) The qualified easement holder shall pay to the fund any amounts received under Subsections (d) and (e), not to exceed the amount paid by the fund for the purchase of the easement.

Sec. 84.008 ~~[183.058]~~. TEXAS FARM AND RANCH LANDS CONSERVATION FUND. (a) The Texas farm and ranch lands conservation fund is an account in the general revenue fund that may be appropriated only to the ~~department [land office]~~ to be used as provided by Subsection (b). The fund may not be used for grants to purchase or acquire any right or interest in property by eminent domain. The fund consists of:

- (1) money appropriated by the legislature to the fund;
- (2) public or private grants, gifts, donations, or contributions;
- (3) funds from any other source, including proceeds from the sale of bonds, state or federal mitigation funds, or funds from any local, state, or federal program;
- (4) proceeds of the sale of real property not required for the management of real property under Section 31.065(d), Natural Resources Code; and

(5) proceeds of the sale of real property under Section 31.066(d), Natural Resources Code.

(b) The fund may be used only:

(1) to award grants to qualified easement holders for the purchase of agricultural conservation easements;

(2) to pay transaction costs related to the purchase of agricultural conservation easements, which may include reimbursement of appraisal costs; and

(3) to pay associated administrative costs of the department [~~land office~~], not to exceed five percent of the money in the fund.

Sec. 84.009 [~~483.059~~]. ADMINISTRATION OF FUND. (a) The council may:

(1) adopt rules necessary to perform program duties under this chapter [~~subchapter~~];

(2) request, accept, and use gifts, loans, donations, aid, appropriations, guaranties, subsidies, grants, or contributions of any item of value for the furtherance of any purposes of this chapter [~~subchapter~~];

(3) establish, charge, and collect fees, charges, and penalties in connection with the programs, services, and activities provided for by this chapter [~~subchapter~~];

(4) make, enter into, and enforce contracts and agreements, and take other actions as may accomplish any of the purposes of this chapter [~~subchapter~~];

(5) seek ways to coordinate and leverage public and private sources of funding;

(6) adopt best practices and enforcement standards for the evaluation of easements purchased through grants from the fund;

(7) establish a protocol for the purchase of agricultural conservation easements and for the distribution of funds to approved applicants;

(8) administer grants awarded to successful applicants;

(9) ensure that agricultural conservation easements purchased under this chapter [~~subchapter~~] are not inconsistent with the preservation of open space and the conservation of wildlife habitat or water; and

(10) approve the termination of easements and take any other action necessary to further the goals of the program.

(b) To receive a grant from the fund under this chapter [~~subchapter~~], an applicant who is qualified to be an easement holder under this chapter [~~subchapter~~] must submit an application to the council. The application must:

(1) set out the parties' clear conservation goals consistent with the program;

(2) include a site-specific estimate-of-value appraisal by a licensed appraiser qualified to determine the market value of the easement; and

(3) include a memorandum of understanding signed by the landowner and the applicant indicating intent to sell an agricultural conservation easement and containing the terms of the contract for the sale of the easement.

(c) For the purposes of determining the amount of a grant under this chapter [~~subchapter~~], the value of an agricultural conservation easement shall be determined by a site-specific estimate-of-value appraisal performed by a licensed, qualified appraiser.

Sec. 84.010 [~~183.060~~]. CRITERIA FOR AWARDING GRANTS. The council shall:

(1) give priority to applications that protect agricultural lands that are susceptible to development, including subdivision and fragmentation; and

(2) adopt a scoring process to be used in evaluating applications that considers the following:

(A) [~~(1)~~] maintenance of landscape and watershed integrity to conserve water and natural resources;

(B) [~~(2)~~] protection of highly productive agricultural lands;

(C) [~~(3)~~] protection of habitats for native plant and animal species, including habitats for endangered, threatened, rare, or sensitive species;

(D) [~~(4)~~] susceptibility of the subject property to subdivision, fragmentation, or other development;

(E) [~~(5)~~] potential for leveraging state money allocated to the program with additional public or private money;

(F) [~~(6)~~] proximity of the subject property to other protected lands;

(G) [~~(7)~~] the term of the proposed easement, whether perpetual or for a term of 30 years; and

(H) [~~(8)~~] a resource management plan agreed to by both parties and approved by the council.

Sec. 84.011 [~~183.061~~]. TEXAS FARM AND RANCH LANDS CONSERVATION COUNCIL. (a) The Texas Farm and Ranch Lands Conservation Council is established to advise and assist the director [~~commissioner~~] with administration of the program and to select applicants to receive grants under this chapter [~~subchapter~~] using the criteria adopted by the council under Section 84.010 [~~183.060~~]. The council consists of 12 members as follows:

(1) six members appointed by the governor as follows:

(A) two members [~~one member~~] who each operate [~~operates~~] a family farm or ranch in this state;

(B) one member who is the designated representative of an agricultural banking or lending organization and who has significant experience lending for farms and ranches or lands encumbered by conservation easements;

(C) two members who are the designated representatives of a statewide agricultural organization in existence in this state for not less than 10 years; and

(D) one member who is a designated representative of a statewide nonprofit organization that represents land trusts operating in this state; and

(E) one member from a state institution of higher education who has significant experience with natural resources issues; and

(2) six [~~four~~] ex officio members as follows:

(A) the executive director of the State Soil and Water Conservation Board ~~[the commissioner]~~;

(B) the commissioner of agriculture or the commissioner's designee;

(C) the chair of the Texas Water Development Board, or the chair's designee ~~[presiding officer of the Parks and Wildlife Commission or the presiding officer's designee]~~; ~~[and]~~

(D) the state conservationist of the Natural Resources Conservation Service of the United States Department of Agriculture or a designee of that person, who serves as a nonvoting member;

(E) the presiding officer of the commission or the presiding officer's designee, who must be a member of the commission; and

(F) the executive director of the Texas A&M Institute of Renewable Natural Resources.

(b) Appointed members of the council serve staggered terms of six years, with two of the members' terms expiring February 1 of each odd-numbered year.

(c) Appointments to and removal from the council shall be made by the governor without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(d) The presiding officer of the commission or the presiding officer's ~~[commissioner or the commissioner's]~~ designee shall serve as the presiding officer of the council. The presiding officer of the commission may appoint, at that person's discretion, the executive director of the department or another member of the commission to serve as the presiding officer of the council. The presiding officer of the council ~~[and]~~ shall designate from among the members of the council an assistant presiding officer of the council to serve in that capacity at the will of the presiding officer of the council ~~[commissioner]~~. The council may choose from its appointed members other officers as the council considers necessary.

(e) A member of the council is not entitled to compensation for service on the council but is entitled to reimbursement of the necessary and reasonable travel expenses incurred by the member while conducting the business of the council, as provided for state employees by the General Appropriations Act.

(f) The council shall meet not less than once each year.

(g) A person may not be appointed as a council member if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving money under the program;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving money under the program; or

(3) uses or receives a substantial amount of tangible goods, services, or money under the program other than reimbursement authorized by law for travel expenses as described by Subsection (e).

(h) In this subsection, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest. A person may not be an appointed member of the council if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association for an occupation or profession with an interest in land conservation that is related to the occupation or profession; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association for an occupation or profession with an interest in land conservation that is related to that occupation or profession.

(i) A person may not be an appointed member of the council or act as the general counsel to the council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of an occupation or profession with an interest in land conservation that is related to that occupation or profession.

(j) It is a ground for removal from the council if a member:

(1) is ineligible for membership under this section;

(2) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(3) is absent from more than half of the regularly scheduled council meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the council.

(k) The validity of an action of the council is not affected by the fact that it is taken when a ground for removal of a participating council member exists.

(l) If the presiding officer of the council has knowledge that a potential ground for removal exists, the presiding officer of the council shall notify the director [~~commissioner~~] and the governor that a potential ground for removal exists.

(m) The presiding officer of the council or that person's [~~the presiding officer's~~] designee, with the assistance of staff of the department [~~land office~~], shall provide to members of the council information regarding a member's responsibilities under applicable laws relating to standards of conduct for state officers.

(n) A person who is appointed to and qualifies for office as a member of the council may not vote, deliberate, or be counted as a member in attendance at a meeting of the council until the person completes a training program that complies with this section. The training program must provide the person with information regarding:

(1) the legislation that created the council;

(2) the program to be administered under this chapter [~~subchapter~~];

(3) the role and functions of the council;

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

(5) the current budget for the council;

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

- (7) the requirements of:
- (A) the open meetings law, Chapter 551, Government Code;
 - (B) the public information law, Chapter 552, Government Code;
 - (C) the administrative procedure law, Chapter 2001, Government Code; and
 - (D) other laws relating to public officials, including conflict-of-interest laws; and
- (8) any applicable policies adopted by the council or the Texas Ethics Commission.

(o) A person appointed to the council is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the training program occurs before or after the person qualifies for office.

Sec. 84.012 [~~483.062~~]. EFFECT ON TAX APPRAISAL. An agricultural conservation easement under this chapter [~~subchapter~~] does not affect the eligibility of the property subject to the easement for appraisal for ad valorem tax purposes under Subchapter D, Chapter 23, Tax Code.

Sec. 84.013 [~~483.063~~]. REPORT TO TEXAS DEPARTMENT OF TRANSPORTATION. Not later than the 10th day after the date of a closing of a purchase of an easement under this chapter [~~subchapter~~], the department [~~land office~~] shall provide the Texas Department of Transportation a legal description of the property subject to the easement and shall include with the description the date the closing occurred.

SECTION 2. Section 31.065(d), Natural Resources Code, is amended to read as follows:

(d) If real property acquired by grant, gift, devise, or bequest is not held as part of the permanent school fund or possessed, administered, or used by a particular state agency, board, commission, department, or other particular state entity, the commissioner may manage that real property or sell or exchange the real property under terms and conditions the commissioner determines to be in the best interest of the state. Real property sold under this subsection must be sold in accordance with Section 31.158. Proceeds of the sale that are not required for the management of real property under this subsection shall be deposited in the Texas farm and ranch lands conservation fund established under Chapter 84, Parks and Wildlife Code [~~483~~]. Real property acquired under this subsection may be dedicated by the commissioner to any state agency, board, commission, or department, a political subdivision or other governmental entity of this state, or the federal government, for the benefit and use of the public in exchange for nonmonetary consideration, if the commissioner determines that the exchange is in the best interest of the state.

SECTION 3. Section 31.066(d), Natural Resources Code, is amended to read as follows:

(d) The commissioner may sell any title or interest acquired by the state under this section in accordance with Section 31.158. Proceeds of the sale shall be deposited in the Texas farm and ranch lands conservation fund established under Chapter 84, Parks and Wildlife Code [~~483~~].

SECTION 4. (a) Not later than November 1, 2015, the governor shall make the appointments described by Section 84.011, Parks and Wildlife Code, as amended by this Act.

(b) Not later than November 1, 2015, the General Land Office and the Parks and Wildlife Department shall enter into a memorandum of understanding relating to the transfer of the administration of the Texas Farm and Ranch Lands Conservation Program from the General Land Office to the Parks and Wildlife Department. The memorandum of understanding must include a timetable and specific steps and methods for the transfer on January 1, 2016, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, personnel, and unspent and unobligated appropriations and other funds relating to the administration of the Texas Farm and Ranch Lands Conservation Program from the General Land Office to the Parks and Wildlife Department.

(c) On January 1, 2016, the following are transferred to the Parks and Wildlife Department:

(1) all powers, duties, obligations, and liabilities of the General Land Office relating to the administration of the Texas Farm and Ranch Lands Conservation Program;

(2) all unobligated and unexpended funds appropriated to the General Land Office designated for the purpose of the administration of the Texas Farm and Ranch Lands Conservation Program;

(3) all equipment and property of the General Land Office used for the administration of the Texas Farm and Ranch Lands Conservation Program;

(4) all personnel, as described by the memorandum of understanding entered into under Subsection (b) of this section; and

(5) all files and other records of the General Land Office kept by the office regarding the Texas Farm and Ranch Lands Conservation Program.

(d) Before January 1, 2016, the General Land Office may agree with the Parks and Wildlife Department to transfer any property of the General Land Office to the Parks and Wildlife Department to implement the transfer required by this Act.

(e) In the period beginning on the effective date of this Act and ending on January 1, 2016, the General Land Office shall continue to perform functions and activities under Subchapter B, Chapter 183, Natural Resources Code, as if that subchapter had not been transferred, redesignated, and amended by this Act, and the former law is continued in effect for that purpose.

SECTION 5. 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.

**HB 2145 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2145, A bill to be entitled An Act relating to provisional authority for certain individual insurance license applicants to act as insurance agents; authorizing a fee; requiring an occupational provisional permit.

Representative Smithee moved to concur in the senate amendments to **HB 2145**.

The motion to concur in the senate amendments to **HB 2145** prevailed by (Record 1234): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; 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; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; 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.

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

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Hunter.

Absent — Dukes; McClendon.

Senate Committee Substitute

CSHB 2145, A bill to be entitled An Act relating to provisional authority for certain individual insurance license applicants to act as insurance agents; authorizing a fee; requiring an occupational provisional permit; adding provisions that may be subject to a criminal penalty.

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

SECTION 1. Chapter 4001, Insurance Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. PROVISIONAL PERMIT

Sec. 4001.351. APPLICABILITY. This subchapter applies only to an applicant for a license as an agent under:

- (1) Subchapters B and E, Chapter 4051; and
- (2) Subchapters B, D, and E, Chapter 4054.

Sec. 4001.352. AUTHORITY TO ISSUE PROVISIONAL PERMIT. The department may, in conjunction with a license application under Section 4001.102, issue a provisional permit to an applicant who is being considered for appointment as an agent by another agent, an insurer, or a health maintenance organization.

Sec. 4001.353. APPLICATION FOR AND ISSUANCE OF PROVISIONAL PERMIT. (a) The department may issue a provisional permit under this subchapter on receipt of:

(1) a written application for a provisional permit;

(2) a properly completed license application, nonrefundable fee, and each other item required for a license under this chapter and Subchapter B or E, Chapter 4051, or Subchapter B, D, or E, Chapter 4054, as applicable;

(3) the nonrefundable fee in an amount authorized by Subsection (c);

and

(4) a certificate signed by the appointing agent, insurer, or health maintenance organization stating that:

(A) the applicant completed the training, if any, and passed the examination required for the issuance of the license for which the application is submitted;

(B) the appointing agent, insurer, or health maintenance organization completed a background check on the applicant that shows that the applicant has not been convicted of:

(i) a felony; or

(ii) an act that requires the applicant to receive written consent under 18 U.S.C. Section 1033 to engage in the business of insurance;

(C) the applicant has not responded affirmatively to any question on the license application that indicates the applicant has a criminal conviction or has been involved in an administrative action that may disqualify the applicant from receiving a license; and

(D) the appointing agent, insurer, or health maintenance organization will supervise the work of the applicant.

(b) An applicant is not qualified to receive a provisional permit if the applicant has not taken and passed the examination required for the issuance of the permanent license for which the applicant applied under Section 4001.102.

(c) The nonrefundable fee described by Subsection (a) shall be set by the department in an amount that:

(1) is reasonable and necessary to implement this subchapter; and

(2) may not exceed the amount of the fee required for an application for a permanent license.

Sec. 4001.354. AUTHORITY TO ACT AS AGENT UNDER PROVISIONAL PERMIT. (a) An applicant may proceed to act as an agent if:

(1) a provisional permit is not received from the department before the eighth day after the date the application, nonrefundable fee, and other items required under Section 4001.353(a) are delivered or mailed to the department; and

(2) the applicant or appointing agent, insurer, or health maintenance organization has not been notified that the application for the permit is incomplete or is or may be denied.

(b) An applicant may act as an agent only for the appointing agent, insurer, or health maintenance organization except that an appointing insurer may include appointments for one or more affiliated insurers that are part of the same insurance holding company group.

Sec. 4001.355. TERM OF PROVISIONAL PERMIT. (a) Except as provided by Subsection (b), a provisional permit expires on the earlier of:

(1) the 90th day after the date the permit is issued; or

(2) the date a license is issued or the license application is denied.

(b) If the license, or a notice that the license is denied, is not received from the department on or before the 90th day after the date the application, nonrefundable fee, and other items required under Section 4001.353(a) are delivered or mailed to the department, the authority of the applicant to act as an agent under this subchapter automatically extends until the earlier of the date the license is issued or the license application is denied or the 90th day after the expiration of the 90-day period under Subsection (a).

Sec. 4001.356. NOTIFICATION REGARDING LICENSE. (a) The department may notify the applicant or appointing agent, insurer, or health maintenance organization that the license application is incomplete or is or may be denied at any time before the issuance or denial of a license.

(b) An applicant who receives a notice under Subsection (a) shall immediately cease acting as an agent under this subchapter. An appointing agent, insurer, or health maintenance organization that receives notice under Subsection (a) shall immediately notify the applicant of the notice.

(c) An applicant acting as an agent under this subchapter before receiving a notice under Subsection (a), if applicable, is not engaged in the unauthorized business of insurance and any transaction entered into by the applicant before receiving the notice, if applicable, is presumed lawful.

(d) A notification under this section applies only to a provisional permit, and the department shall continue to process an application for a license unless the license has been denied.

Sec. 4001.357. DENIAL OR REVOCATION OF LICENSE. If the applicant's license application is denied or the applicant's license is revoked, an applicant is subject to Section 4005.105 with respect to an application for a provisional permit under this subchapter.

Sec. 4001.358. COMPLIANCE WITH OTHER LAW. (a) A provisional permit holder who is acting under the authority of that permit is subject to all provisions of this code regulating the solicitation and sale of insurance that relate to the type of permanent license for which the provisional permit holder applied.

(b) A provisional permit holder that applied for a life and annuity license must comply with Chapter 1114 with respect to the replacement of life insurance policies and annuities.

(c) A person who holds a permanent license may not circumvent or attempt to circumvent the intent of this section by acting for or with a provisional permit holder.

Sec. 4001.359. SUPERVISORY RESPONSIBILITY. An appointing agent, insurer, or health maintenance organization that allows a permit holder to act as an agent under a provisional permit has supervisory responsibility over the permit holder.

SECTION 2. The change in law made by this Act applies only to an applicant who files a license application on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.

HB 2167 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2167, A bill to be entitled An Act relating to certain images captured by an unmanned aircraft.

Representative Smith moved to concur in the senate amendments to **HB 2167**.

The motion to concur in the senate amendments to **HB 2167** prevailed by (Record 1235): 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; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Isaac; 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(C); Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Nevárez; Reynolds; Sheets.

Absent, Excused, Committee Meeting — Hunter.

Absent — Dukes; McClendon; Schofield.

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

Amend **HB 2167** (senate committee printing) in SECTION 1 of the bill, in amended Section 423.002(a)(1), Government Code (page 1, lines 25-26), by striking "for purposes of professional or scholarly research and development" and substituting "for the purpose ~~[purposes]~~ of professional or scholarly research and development or for another academic purpose".

**SB 733 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Workman, the house granted the request of the senate for the appointment of a Conference Committee on **SB 733**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 733**: Workman, chair; Larson, Meyer, Israel, and Isaac.

**SB 1828 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Fletcher, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1828**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1828**: Fletcher, chair; Flynn, Koop, P. King, and E. Rodriguez.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the Committee on Local and Consent Calendars:

Capriglione on motion of Guillen.

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. 3).

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule and all necessary rules to allow the Committee on State Affairs to consider **SB 1968** at 8 a.m. tomorrow in JHR 140.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 8 a.m. tomorrow, JHR 140, for a public hearing, to consider **SB 1968**.

FIVE-DAY POSTING RULE SUSPENDED

Representative Herrero moved to suspend the five-day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 740, SB 779, SB 965, SB 1086, SB 1317, SB 1864, SB 1944,** and **SB 2019** upon adjournment today in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, upon adjournment today, E2.030, for a public hearing, to consider **SB 740, SB 779, SB 965, SB 1086, SB 1317, SB 1864, SB 1944, SB 2019,** and pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Aycock moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 33, SB 507, SB 811, SB 1004, SB 1222,** and **SB 1494** upon final adjournment/recess tomorrow in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, upon final adjournment/recess tomorrow, E2.036, for a public hearing, to consider **SB 33, SB 507, SB 811, SB 1004, SB 1222,** and **SB 1494**.

FIVE-DAY POSTING RULE SUSPENDED

Representative Button moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Economic and Small Business Development to consider **SB 632** at 9 a.m. tomorrow in E2.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Economic and Small Business Development, 9 a.m. tomorrow, E2.010, for a public hearing, to consider **SB 632**.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keffer requested permission for the Committee on Natural Resources to meet while the house is in session, at 10:10 a.m. tomorrow, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, 10:10 a.m. tomorrow, 1W.14, for a formal meeting, to consider pending business.

Judiciary and Civil Jurisprudence, upon adjournment today, Desk 24, for a formal meeting, to consider pending business.

Juvenile Justice and Family Issues, upon adjournment today, 3W.9, for a formal meeting, to consider **SB 108, SB 183, SB 390, SB 550, SB 950, SB 1174, SB 1406, SB 1630, SB 1707, SB 1726, SB 1727**, and pending business.

Elections, upon adjournment today, Desk 30, for a formal meeting, to consider **SB 1041** and pending business.

Homeland Security and Public Safety, upon adjournment today, Desk 26, for a formal meeting, to consider pending business.

Economic and Small Business Development, upon adjournment today, Desk 14, for a formal meeting, to consider pending business.

Agriculture and Livestock, upon adjournment today, Desk 28, for a formal meeting, to consider **SB 1408** and pending business.

Insurance, upon adjournment today, Desk 114, for a formal meeting, to consider **SB 1060** and pending business.

Environmental Regulation, upon adjournment today, 1W.14, for a formal meeting, to consider **SB 957** and pending business.

Higher Education, upon adjournment today, 1W.14, for a formal meeting, to consider **SB 778, SB 806, SB 1543, and SB 1624**.

Pensions, upon adjournment today, 1W.14, for a formal meeting, to consider pending business.

State Affairs, upon adjournment today, 3W.15, for a formal meeting, to consider **SB 575, SB 838, SB 1708, SB 1984, SB 2048, SJR 66**, and pending business.

**HR 2856 - ADOPTED
(by Metcalf)**

Representative Metcalf moved to suspend all necessary rules to take up and consider at this time **HR 2856**.

The motion prevailed.

The following resolution was laid before the house:

HR 2856, Commending the Leadership Montgomery County Class of 2015 for the launch of Keep US Fed Montgomery County.

HR 2856 was adopted.

ADJOURNMENT

Representative Geren moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 1:06 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

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 1025 to Judiciary and Civil Jurisprudence.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 22

HB 39, HB 225, HB 789, HB 941, HB 1180, HB 1246, HB 1546, HB 1945, HB 1964, HB 1993, HB 2152, HB 2154

Senate List No. 23

SB 31, SB 97, SB 140, SB 314, SB 381, SB 425, SB 570, SB 584, SB 627, SB 671, SB 695, SB 797, SB 810, SB 812, SB 814, SB 832, SB 839, SB 850, SB 909, SB 1059, SB 1116, SB 1128, SB 1407, SB 1507, SB 1879, SB 1929

Senate List No. 24

SB 66, SB 339, SB 359, SB 373, SB 455, SB 461, SB 498, SB 653, SB 686, SB 805, SB 912, SB 1697, SB 2034, SCR 13, SCR 32

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 20, 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 100 Zerwas SPONSOR: Seliger
 Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.
 (Committee Substitute/Amended)

HB 122 Pickett SPONSOR: Nichols
 Relating to the Texas Mobility Fund.

HB 671 Clardy SPONSOR: Nichols
 Relating to an intercollegiate athletics fee at Stephen F. Austin State University; authorizing imposition of a fee.

HB 1221 Lucio III SPONSOR: Estes
 Relating to seller's disclosures in connection with residential real property subject to groundwater regulation.
 (Committee Substitute/Amended)

HB 1422 Lozano SPONSOR: Zaffirini
 Relating to the restoration of expired eminent domain authority of certain rural rail transportation districts.

HB 1596 Guerra SPONSOR: Hinojosa
 Relating to the Hidalgo County Healthcare District; decreasing the possible maximum rate of a tax.

HB 2033 Raymond SPONSOR: Zaffirini
 Relating to authorizing counties to require the submission of digital maps in connection with the county plat approval process.
 (Committee Substitute)

HB 2536 Harless SPONSOR: Whitmire
 Relating to jurisdiction in an eminent domain proceeding in Harris County.

SB 1025 Seliger
 Relating to supplemental compensation paid to certain county judges.

SCR 48 Campbell
 Convening a joint memorial session to honor Texans killed while serving in the United States military and commemorating Memorial Day 2015.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 66 (24 Yeas, 7 Nays)

SB 359 (27 Yeas, 4 Nays)

SB 373 (30 Yeas, 1 Nay)

SB 805 (28 Yeas, 3 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 684

Senate Conferees: Taylor, Larry - Chair/Campbell/Creighton/Hancock/Whitmire

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 20, 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:
LOCAL AND UNCONTESTED CALENDAR

HB 5 Otto SPONSOR: Nelson
Relating to strategic fiscal reviews of state agencies and programs.
(Committee Substitute)

HB 104 White, James SPONSOR: Eltife
Relating to the practice of barbering and cosmetology at certain events.

HB 120 Flynn SPONSOR: Nelson
Relating to the purchase of food and beverages by the Texas Division of Emergency Management for certain division personnel.

HB 163 Larson SPONSOR: Perry
Relating to interstate cooperation to address regional water issues.
(Committee Substitute)

HB 197 Price SPONSOR: Nelson
Relating to requiring certain public institutions of higher education to post information regarding mental health resources on the institution's Internet website.
(Committee Substitute)

HB 219 White, James SPONSOR: Nichols
Relating to the designation of Farm-to-Market Road 1293 in Hardin County as the Game Warden Wesley W. Wagstaff Memorial Highway.

HB 239 Springer SPONSOR: Perry

Relating to storage of flammable liquids at retail service stations in unincorporated areas and certain municipalities.

HB 315 Raymond SPONSOR: Huffines
Relating to the issuance of "In God We Trust" specialty license plates.
(Committee Substitute)

HB 369 Villalba SPONSOR: Watson
Relating to designating May 24 as Lung Cancer Awareness Day.

HB 426 Howard SPONSOR: Schwertner
Relating to the acceptance of employment applications through the online system for listing state agency employment openings maintained by the Texas Workforce Commission.

HB 441 Gonzales, Larry SPONSOR: Schwertner
Relating to the use of a court order as an occupational license.

HB 482 Geren SPONSOR: Eltife
Relating to allowing the holder of a brewpub license to sell beer, ale, and malt liquor to certain wholesalers, distributors, and qualified persons outside the state.
(Committee Substitute)

HB 497 Wu SPONSOR: Uresti
Relating to the applicability of the law governing saltwater pipeline facilities located in the vicinity of public roads.

HB 598 Clardy SPONSOR: Nichols
Relating to the designation of a segment of State Highway 21 in Nacogdoches County as the Bob Luman Memorial Highway.

HB 663 King, Ken SPONSOR: Seliger
Relating to the designation of a portion of State Highway 207 in Armstrong County as the William Hamblen Memorial Highway.
(Committee Substitute)

HB 745 Bohac SPONSOR: Taylor, Van
Relating to the installation of solar-powered stop signs by a property owners' association.

HB 792 Clardy SPONSOR: Nichols
Relating to the issuance of specialty license plates for antique buses.
(Committee Substitute)

HB 797 Flynn SPONSOR: Hall
Relating to the Hunt Memorial Hospital District; authorizing the issuance of bonds.

HB 826 Giddings SPONSOR: Ellis
Relating to the provision of information relating to the modification of a child support order in certain suits affecting the parent-child relationship.

HB 875 Farias SPONSOR: Menéndez
Relating to the verification of the veteran status of inmates and prisoners.

HB 904 Smith SPONSOR: Huffman

Relating to the transfer of certain inmates to the Texas Department of Criminal Justice following pronouncement of the inmate's sentence.

HB 968 Hernandez SPONSOR: Garcia
Relating to civil liability of shareholders and members of certain legal entities that engage in the trafficking of persons.

HB 978 Price SPONSOR: Seliger
Relating to the designation of the Route 66 Historic Corridor.

HB 995 González, Mary SPONSOR: Rodríguez
Relating to the establishment of stormwater control and recapture planning authorities in certain counties.

HB 1022 Moody SPONSOR: Rodríguez
Relating to the eligibility for an exemption from ad valorem taxation of the residence homestead of certain persons with a life estate in the homestead property.

HB 1040 Paddie SPONSOR: Hancock
Relating to the liability of certain sports officials and organizations.

HB 1052 Parker SPONSOR: Schwertner
Relating to designating September as Hydrocephalus Awareness Month.

HB 1146 Kacal SPONSOR: Schwertner
Relating to persons who may operate a public water supply system.

HB 1187 Wray SPONSOR: Birdwell
Relating to the designation of a segment of U.S. Highway 287 in Midlothian as the Chris Kyle Memorial Highway.

HB 1235 King, Phil SPONSOR: Estes
Relating to the annexation of certain territory by the Wise County Water Control and Improvement District No. 1.

HB 1251 Alvarado SPONSOR: West
Relating to the transfer of compensation experience for purposes of the Texas Unemployment Compensation Act.
(Committee Substitute)

HB 1261 King, Susan SPONSOR: Uresti
Relating to the comptroller's report on the effect of certain tax provisions.

HB 1264 Wu SPONSOR: Huffman
Relating to the preservation of toxicological evidence collected in connection with certain intoxication offenses.

HB 1293 Alvarado SPONSOR: Huffman
Relating to the confidentiality of identifying information of victims of stalking; creating a criminal offense.

HB 1331 King, Phil SPONSOR: Fraser
Relating to the treatment and recycling for beneficial use of certain waste arising out of or incidental to the drilling for or production of oil or gas.

HB 1372 Isaac SPONSOR: Zaffirini

Relating to the creation of the Cotton Center Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 1415 Kuempel SPONSOR: Uresti
Relating to establishment or use of cemeteries in certain municipalities.

HB 1417 Elkins SPONSOR: Creighton
Relating to peace officer identification cards.

HB 1428 Raymond SPONSOR: Zaffirini
Relating to the administration of housing funds set aside for persons with disabilities through the homebuyer assistance program.

HB 1466 Bonnen, Dennis SPONSOR: Huffman
Relating to Parks and Wildlife Department procedures for the transfer of ownership of boats or outboard motors; providing penalties; creating a criminal offense.

HB 1500 Thompson, Senfronia SPONSOR: Rodríguez
Relating to certain temporary orders in a suit for modification of an order in a suit affecting the parent-child relationship.

HB 1560 Hernandez SPONSOR: Ellis
Relating to investment options for property recovered in a suit by a next friend or guardian ad litem on behalf of a minor or incapacitated person.

HB 1707 Stephenson SPONSOR: Huffman
Relating to the methods by which a political subdivision may submit contributions to the Texas Emergency Services Retirement System.

HB 1725 Stephenson SPONSOR: Huffman
Relating to the composition of local boards of the Texas Emergency Services Retirement System.

HB 1814 Farney SPONSOR: Taylor, Van
Relating to the online renewal of driver's licenses of certain active duty military personnel and relatives.

HB 1819 Miller, Doug SPONSOR: Fraser
Relating to the date for the election of directors of the Hill Country Underground Water Conservation District.

HB 1833 Pickett SPONSOR: Rodríguez
Relating to agreements of certain counties to acquire, construct, maintain, or operate a toll bridge.

HB 1902 Howard SPONSOR: Zaffirini
Relating to the regulation and use of graywater and alternative onsite water.
(Committee Substitute)

HB 1953 Bonnen, Dennis SPONSOR: Hinojosa
Relating to the deadline for counties and municipalities to provide notice of a proposed property tax rate.

HB 1963 Deshotel SPONSOR: Creighton

Relating to the designation of a portion of State Highway 87 as the Texas Game Warden Michael C. Pauling Memorial Highway.

HB 1992 Zerwas SPONSOR: Seliger
Relating to the granting of undergraduate course credit by advanced placement examination at public institutions of higher education.
(Committee Substitute)

HB 2038 Geren SPONSOR: Hancock
Relating to legal representation for certain emergency services districts.

HB 2050 Rodriguez, Eddie SPONSOR: Zaffirini
Relating to voter information provided by a voter registrar to the secretary of state.

HB 2052 Bohac SPONSOR: Seliger
Relating to loss damage waivers in connection with the rental of certain heavy equipment; providing penalties.

HB 2115 Phillips SPONSOR: Nichols
Relating to the initial inspection period for motor vehicles purchased by certain commercial fleet buyers.

HB 2179 Lucio III SPONSOR: Perry
Relating to hearings that concern the issuance of permits by a groundwater conservation district.

HB 2181 Faircloth SPONSOR: Taylor, Larry
Relating to designating the Interstate Highway 45 causeway to Galveston the George and Cynthia Mitchell Memorial Causeway.

HB 2189 Parker SPONSOR: Creighton
Relating to a developmentally disabled offender program established by the Texas Department of Criminal Justice.

HB 2207 Keffer SPONSOR: Eltife
Relating to the foreclosure sale of property subject to an oil or gas lease.

HB 2244 Zerwas SPONSOR: Creighton
Relating to the regulation of medical waste; adding and amending provisions subject to a criminal penalty.

HB 2261 Villalba SPONSOR: Hinojosa
Relating to the transfer or termination of certain timeshare interests.
(Committee Substitute)

HB 2293 Darby SPONSOR: West
Relating to the certification by the comptroller to the commissioner of education of the taxable value of property in each school district.

HB 2339 Smith SPONSOR: Eltife
Relating to consumption of alcoholic beverages in public entertainment facilities.

HB 2455 Burkett SPONSOR: Rodríguez
Relating to the establishment of a task force to promote uniformity in the collection and reporting of information relating to family violence, sexual assault, stalking, and human trafficking.

(Committee Substitute)

HB 2515 Muñoz, Jr. SPONSOR: Lucio
Relating to authority to establish, operate, and maintain a foreign trade zone at or adjacent to the Pharr port of entry.

HB 2519 Coleman SPONSOR: Watson
Relating to expenditures made by emergency services districts and the sale of district property.

HB 2552 Parker SPONSOR: Nelson
Relating to the powers and duties of the Canyon Falls Municipal Utility District No. 1 of Denton County; providing authority to issue bonds and impose a tax.

HB 2557 Zerwas SPONSOR: West
Relating to certain hospital districts and to certain corporations or organizations formed by those districts.

HB 2628 Clardy SPONSOR: Garcia
Relating to the development and alignment by the Texas Higher Education Coordinating Board of curricula for certain educational programs.

HB 2667 Ashby SPONSOR: Eltife
Relating to the abolishment of certain programs administered by the Texas Economic Development Bank.

HB 2735 Capriglione SPONSOR: Hancock
Relating to the sale of alcoholic beverages in certain areas annexed by a municipality.

HB 2767 Keffer SPONSOR: Perry
Relating to the powers, duties, and administration of groundwater conservation districts; amending provisions that authorize fees.

HB 2788 Springer SPONSOR: Perry
Relating to the authority of a retail public water utility to require an operator of a correctional facility to comply with water conservation measures.

HB 2853 Anderson, Rodney SPONSOR: West
Relating to the municipal sales and use tax for street maintenance.

HB 2900 Goldman SPONSOR: Creighton
Relating to compliance with federal voting system standards.

HB 3003 Thompson, Senfronia SPONSOR: Garcia
Relating to the appointment of counsel in certain suits affecting the parent-child relationship.

(Committee Substitute)

HB 3062 Clardy SPONSOR: West
Relating to the Jobs and Education for Texans Grant Program.

HB 3067 Coleman SPONSOR: Taylor, Larry
Relating to the amount that may be donated by contract by certain populous counties to crime stoppers or crime prevention organizations.

HB 3078 Darby SPONSOR: Seliger

Relating to the creation of an advisory committee to recommend a uniform pre-nursing curriculum for undergraduate professional nursing programs offered by public institutions of higher education.

(Committee Substitute)

HB 3211 King, Phil SPONSOR: Whitmire
Relating to training requirements for peace officers appointed to supervisory positions.

HB 3245 Crownover SPONSOR: Hancock
Relating to qualified nonprofit corporations acting for and on behalf of two or more cities.

HB 3337 Clardy SPONSOR: Nelson
Relating to training and education for state agency administrators and employees.

HB 3513 Springer SPONSOR: Perry
Relating to the Fisher County Hospital District.

HB 3536 Landgraf SPONSOR: Eltife
Relating to the appointment of the commissioners of certain financial regulatory agencies by the Finance Commission of Texas.

HB 3538 Smithee SPONSOR: West
Relating to the adoption of the Uniform Interstate Family Support Act of 2008.

HB 3545 Oliveira SPONSOR: Lucio
Relating to the establishment of an infrastructure improvement council by the Rio Grande Regional Water Authority; providing authority to impose a voluntary assessment.

(Committee Substitute)

HB 3555 Parker SPONSOR: Eltife
Relating to certain administrative procedures and enforcement authority relating to state banks, state trust companies, and bank holding companies.

HB 3680 Geren SPONSOR: Zaffirini
Relating to the confidentiality of certain information stored as part of the preparation of reports and personal financial statements required to be filed with the Texas Ethics Commission.

(Committee Substitute)

HB 3741 Smith SPONSOR: Eltife
Relating to standards for elevators, escalators, and related equipment; authorizing a fee.

HB 3868 Moody SPONSOR: Rodríguez
Relating to the designation of Westside Drive in El Paso County as the Don Juan de Onate Trail.

HB 4127 Metcalf SPONSOR: Creighton
Relating to the creation of the Foster Municipal Utility District No. 1 of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HCR 56 Geren SPONSOR: Hancock

Authorizing the lieutenant governor and speaker to appoint interim joint committees.

HCR 65 Naishtat SPONSOR: Lucio
Designating the western honey bee as the official State Pollinator of Texas.

HCR 69 White, James SPONSOR: Nichols
Designating the city of Jasper as the official Butterfly Capital of Texas.

HCR 70 Flynn SPONSOR: Taylor, Larry
Authorizing the State Preservation Board to approve and permit the construction of a monument at the state Capitol Complex, at a site outside the historic Capitol grounds, honoring veterans of the wars in Iraq and Afghanistan.

SB 1227 Seliger
Relating to payment of covered claims based on assignment.

SB 1908 Perry
Relating to the issuance of general obligation bonds by the Lynn County Hospital District.

SB 2072 Campbell
Relating to the creation of the Hays County Municipal Utility District No. 7; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 20, 2015 - 3

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 157 Larson SPONSOR: Eltife
Relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes.

HB 574 Bonnen, Greg SPONSOR: Campbell
Relating to the operation of certain managed care plans with respect to certain physicians and health care providers; amending provisions subject to a criminal penalty.

HB 706 Farrar SPONSOR: Huffman

Relating to the procedure for claiming an exemption from ad valorem taxation of property on which a solar or wind-powered energy device is installed or constructed.

HB 1598 Miller, Doug SPONSOR: Menéndez
Relating to the Texas military forces oath of affirmation.
(Amended)

HB 1736 Villalba SPONSOR: Fraser
Relating to building energy efficiency performance standards.
(Amended)

HB 1771 Raney SPONSOR: Kolkhorst
Relating to the donation of sick leave by state employees.

HB 1890 Elkins SPONSOR: West
Relating to the development and implementation of a statewide strategy for legacy system modernization.

HB 1919 Phillips SPONSOR: Estes
Relating to the applicability of certain provisions concerning invasive species.
(Amended)

HB 2230 Larson SPONSOR: Estes
Relating to the authority of the Texas Commission on Environmental Quality to authorize an injection well used for oil and gas waste disposal to be used for the disposal of nonhazardous brine produced by a desalination operation or nonhazardous drinking water treatment residuals.

HB 2507 Kacal SPONSOR: Seliger
Relating to a sales and use tax exemption for certain equipment used for digital audio broadcasting.

HB 2732 Metcalf SPONSOR: Zaffirini
Relating to recovery of covered unemployment compensation debt through participation in the federal Treasury Offset Program.

HCR 121 Wu SPONSOR: Kolkhorst
Congratulating Hennessey Performance in Sealy on setting a world speed record with its Venom GT.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 19

Defense and Veterans' Affairs - **SB 1304, SB 1305, SB 1474**

Government Transparency and Operation - **SB 1877**

Human Services - **SB 1496, SB 1580, SB 1641, SB 1881**

Licensing and Administrative Procedures - **SB 699**

Public Health - **SB 694, SB 1899**

Special Purpose Districts - **SB 2009**

State Affairs - **SB 1032**

Transportation - **SB 57, SB 58, SB 1467, SB 1918, SB 2055**

Ways and Means - **SB 833, SB 1468**

ENGROSSED

May 19 - HB 1459, HB 4158, HB 4178, HB 4179, HB 4196, HB 4204, HB 4206

ENROLLED

May 19 - HB 39, HB 225, HB 789, HB 941, HB 1180, HB 1246, HB 1546, HB 1945, HB 1964, HB 1993, HB 2152, HB 2154, HB 2476, HB 2813

